

**SENATE—Monday, September 16, 1991***(Legislative day of Tuesday, September 10, 1991)*

The Senate met at 12:30 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. As we prepare to pay reverence to the Supreme Judge of the world, the Senate will be led in prayer by the Senate Chaplain, Dr. Halverson.

**PRAYER**

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

Let us pray:

\*\*\* forgive us our trespasses as we forgive those who trespass against us \*\*\* if ye forgive not men their trespasses, neither will your Father forgive your trespasses.—Matthew 6:12,15.

Eternal God, our loving Heavenly Father, forgive us for the ease with which we abandon relationships. In our contemporary culture, especially in this city, relationships are disposable, like cartons and containers. (In our contemporary culture, we use people and love things, when we ought to love people and use things.) We develop relationships only for what we can get out of them and then abandon them. We do this with spouses, with children, with peers, colleagues, neighbors, and friends. We treat relationships as if they are meant to be exploited, after which they are of no further use to us. Forgive us, Lord. Help us to take reconciliation seriously, to deal with alienation in love and forgiveness, that broken relationships may be healed, restored, and dignified.

In His name who was incarnate forgiving love. Amen.

**RECOGNITION OF THE MAJORITY LEADER**

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

Mr. MITCHELL. Mr. President, am I correct in my understanding that the journal has been approved.

The PRESIDENT pro tempore. The majority leader is correct.

**SCHEDULE**

Mr. MITCHELL. Mr. President, following the time reserved for the two leaders there will be a period for the transaction of morning business not to extend beyond 1:30 p.m., with Senators permitted to speak therein. During that time, Senator WELLSTONE will be

recognized to address the Senate for up to 30 minutes. When morning business is completed at 1:30 p.m. today, the Senate will resume consideration of H.R. 2686, the Interior appropriations bill, with the Jeffords-Metzenbaum grazing fees amendment No. 1138 pending. Debate on that pending amendment as well as other amendments is expected to continue throughout the day.

At 6:30 p.m. today, under a prior agreement, the Senate will go into executive session to vote on the agreement with the Soviet Union on the maritime boundary. Upon conclusion of that vote, the Senate may then turn to the consideration of either H.R. 2426, the military construction appropriations bill, or H.R. 2942, the Transportation appropriations bill.

**RESERVATION OF LEADER TIME**

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and I reserve all of the time of the distinguished Republican leader.

The PRESIDENT pro tempore. The time of the two leaders is reserved by unanimous consent.

**MORNING BUSINESS**

The PRESIDENT pro tempore. Under the order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1:30 p.m. with Senators permitted to speak therein.

The Senator from Minnesota [Mr. WELLSTONE] is recognized for not to exceed 30 minutes.

Mr. WELLSTONE. Thank you, Mr. President.

**STATE SINGLE PAYER ENABLING AMENDMENT**

Mr. WELLSTONE. Mr. President, I rise today to discuss an amendment that I have developed to S. 1227, the health care reform bill introduced by the Democratic leadership.

My proposed amendment is called the State single payer enabling amendment. This amendment would enable and encourage States to move forward and experiment with alternative systems of health care other than those mandated by the Democratic leadership bill.

I am pleased to state this proposed amendment is endorsed by Senators SIMON and ADAMS, two of my colleagues on the Labor and Human Re-

sources Committee. We have all been working on a State single payer enabling amendment and I looked forward to working with them to move this idea forward.

Mr. President, I will describe the proposed amendment in more detail below and I ask unanimous consent that the text and summary of the proposed amendment be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. WELLSTONE. Mr. President, everywhere I travel in Minnesota and around the country, health care is the most pressing issue on the minds of people I meet. Everywhere I go, health care is what people want to talk to me about and it is what they want me to talk to them about. In small towns it is the issue; cafes, it is the issue; farms, it is the issue. At the Minnesota State Fair, day after day after day, it was the issue. In the cities, on street corners, in the neighborhoods, it is the issue.

Mr. President, it is clear to me that in the last 6 months there has been a dramatic change in what people in our country collectively are feeling and thinking and hoping for and angry about in our country, and there is no question in my mind that health care is a very, very central issue to peoples' lives. Increasingly the voices that are calling for reform here in the U.S. Congress represent every segment of our society.

The astronomical increases in health care costs bring us all together and a crisis which once affected the poor now affects all of us in our country.

Mr. President, I think it is interesting for someone who has always cared fiercely about this issue to look at the way in which the political dynamic is changing. So many people in our business communities, small businesses and larger businesses, are calling for major health care reform. And so many providers, the doctors and the nurses and the nurses' assistants are calling for health care reform.

Mr. President, this crisis increasingly unites us all. My basic starting principle is that every citizen in the United States deserves access to affordable, dignified, humane, and quality health care regardless of employment status, regardless of income regardless of age and regardless of current or prior health care condition. But increasingly, Mr. President, the economics of health care, the cost of health

care, and the unavailability of private health insurance has put this goal out of reach for many, and more and more Americans.

There is no doubt that the health care system is in a state of crisis, all spelled in capital letters, and that this is a national crisis demanding a national solution. Yet in Washington I hear so often from my colleagues, colleagues that I respect and that I work with every day, about the so-called political realities, that we really cannot push forward any major health care reforms in our country. But I do not hear this talk in towns, in cafes. It is the talk I hear in Washington about the political realities.

And the question, Mr. President, is this: Can we make universal health care a reality? That is the question that we ask right here in the U.S. Senate. And to answer that question, can we make it a reality, let us look at some other realities.

Our health care system is in a state of crisis. That is a reality. More than 34 million people in our country have no health insurance whatsoever. That is a reality. Double that number are underinsured. That is a reality. The number of underinsured and uninsured are growing daily. That is a reality. The United States of America, a country I love very much, is the only advanced economy in the world without a form of universal health care coverage. That is a reality; I think a disgraceful reality.

Families can be bankrupted by long-term illness at any time, and that is a fate that could befall any of us—a reality. The United States spends more on health care than any other country; 12 percent of our GNP—a reality.

Automobile manufacturers spend more money for health care coverage for workers per car than the cost of steel. That is a reality. A quarter of our health care bill, a \$750 billion bill, is spent on administration instead of caring for people who are in need; one-quarter of the health care dollar is spent on administration. That is a reality.

The number of health care administrators is rising three times as fast as the number of physicians or health care workers. That is a reality.

Mr. President, it is because of all these realities that health care reform must become a reality right here in the U.S. Senate.

The question is not whether we are going to have any health care reform. The question is no longer whether or not we are in crisis. The question is no longer whether or not there are problems. The question is what kind of reform will we have? What shape will it take?

In the Senate this year the debate over reform is centered to a large extent on S. 1227, the legislation introduced by the Democratic leadership,

Senators MITCHELL, KENNEDY, RIEGLE, and ROCKEFELLER. This legislation is an employer mandate, or pay-or-play proposal. And it is coupled with a new, expanded public health care program, to provide universal health care coverage for our citizens. The leadership bill also proposes to control spiraling health care expenditures by establishing a mechanism which would make recommendations on costs in different sectors of the health care economy.

I commend my colleagues, the sponsors of S. 1227, for their efforts to address one of the key imperatives of our day. And I share the goals of the sponsors of this legislation: Universal access to health care and cost containment. But I differ with them in some of the goals. And I want to lay out some of my critique and some of my proposals.

The leadership bill is an important bill but I think we need to do even more to control health care costs. The bill mandates the establishment of a health expenditure board as an independent agency of the executive branch and the bill gives this board a broad mandate to look at expenditures and to establish expenditure goals. But it has no power. It has no power to enforce these recommendations.

Given the crisis in health care costs I think it is essential that this board be given more enforcement power. I worry about cost containment. I worry about State governments that are being hit by these costs. I am worried about the ability of our businesses to continue to absorb these costs. And I am worried about the cost to our society of these increased health care costs.

More fundamentally, I am concerned about the way in which this legislation links health care coverage to employment status. My concern is that this could very well lead to a two-tier system, which is inefficient and inequitable. And I am also concerned that this employer-mandate may be putting too much of a burden on our businesses and our workers for the financing of health care.

Achieving universal health care coverage and some cost control through an employer mandate system may be an interim solution to our crisis. It may be an important step in the right direction. But I am convinced that the ultimate answer to our crisis of access and the crisis of cost is a single-payer system, a national health insurance program. It is the simplest. It is the most efficient. And it is the most equitable path to health care reform.

The concept is to streamline and simplify the administration and financing of health care and to preserve consumer choice in the delivery of health care. In other words, the Federal and State governments would finance the system. But the Government does not run the clinics. Government

does not run doctors' offices. Government does not run the hospitals. Services will be delivered through the same sources that we have today, the same sources: Private doctors and nurses; health maintenance organizations, HMO's, clinics, nursing homes and hospitals.

The goal is to make the system simpler. Everyone will be covered by the same system instead of this confusing and inefficient system we have today. And administrative costs will drop dramatically with a single payer. Capital costs will be budgeted at a regional or State level. And there will be some control over what has become a spiraling medical arms race.

Such a system can work and it does work. We only need to look to our neighbor in Canada. We need to study the Canadian example, borrowing from what works well there and not using what does not work. No one is saying we should adopt the Canadian system in the whole. But many are saying that we ought to take advantage of this system and study its successes and see what we can learn.

There are several features of what we have in the United States today that I would fight to the very end to preserve. I come from a State where managed care is very important. We need to preserve those HMO's. I spent time and visited with the Mayo Clinic in Rochester, MN, and no one needs to tell me about the importance of education and to continue to have these centers of excellence. I took part in a 2-day internship, spent time in hospitals, two major hospitals in Minnesota. Nobody needs to convince me about the importance of technologies that save lives and in the long run lead to less expense.

In large measure, I believe that the cost of a national health insurance program could be borne by the savings gained from the administrative efficiencies and other cost control measures. And these savings which come from single payer may be the way in which we finance long-term health care as well. In fact, a report introduced and published by the General Accounting Office in June pointed out that we can save an estimated \$67 billion a year if we move to single payer; \$67 billion a year.

The New England Journal of Medicine pointed out that we could save \$136 billion a year. I firmly believe that what is going to drive this debate is how we control these health care costs and how we make quality health care available to people. I firmly believe otherwise we will never be able to address this crisis of long-term care; that people toward the end of their lives should live in such fear of catastrophic expenses—that is wrong. For citizens, older Americans, not insured by private insurance—and our public system is woefully inadequate, and you only

receive public assistance when all of your resources, or just about all of your resources of depleted—and that is wrong.

I am convinced that only with a universal health care coverage program, single payer, with these huge savings in administration will we be able to have a serious, long-term health care program. As a matter of fact, I would argue that a single-payer system has the ability of bringing together the broadest coalition of citizens. I am talking about the vast majority of people in this country, united behind a universal health care coverage for our country.

The point is this. Health care reform is not a liberal issue. And it is not a conservative issue. It is not a Democratic issue. And it is not a Republican issue. It is not a business issue. And it is not a labor issue. It is an issue that unites the people in this country.

The Wall Street Journal pointed out this summer a poll that found that 69 percent of the Americans in our country support a Canadian style national health system; almost 70 percent of the people. We have to listen to voices of people. We have to make this reality. This is a national crisis that demands a national solution.

But if Washington is not ready to act decisively with a national single-payer bill, if we are not ready to act decisively and enact national health care reform, if there is gridlock here in Washington, then I think at the very minimum if we cannot be a part of the solution, we should not be part of the problem, and it is important that we encourage States to move forward with their own health care reform.

There are dynamic ideas and dynamic forces for change coming at the State level. That should not surprise anyone. We live in a grassroots political culture. And the States are closer to the crisis that people face. I have seen these forces in Minnesota and I have seen these forces in other States as well.

As an illustration of this activity in the States, I point to a survey by Citizens Action which summarizes single-payer legislation in 20 different States.

Mr. President, I ask unanimous consent that this summary be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. There being no objection, the Senator's request will be agreed to.

(See exhibit 2.)

Mr. WELLSTONE. We should tap into the ideas and creativity and commitment of those people working in the State level on health care reform. In the history of our country States have often served with distinction as the leaders and the laboratories for reform.

And so, Mr. President, it is in this spirit that I have developed an amendment to the leadership health care leg-

islation. My proposed amendment encourages individual States to set up single-payer systems on a statewide basis as model demonstration projects. The amendment specifies minimum requirements that States must meet to qualify for Federal financial incentives. But the States will be given maximum flexibility to design their own single payer systems.

Under this amendment, a public authority in each participating State would administer the single-payer plan or a public employee or a public authority would designate an intermediary agent to administer the plan. For States that qualify, the amendment encourages the development of a single-payer system with some grant money. It provides States that implement the single-payer system with Federal waivers for AmeriCare, for Medicare, for Medicaid, for ERISA—in other words, States that move forward with their single-payer systems will receive the same amount of Federal money. There is also a provision for matching Federal grants for the 10 demonstration States that implement single-payer plans.

Mr. President, I must acknowledge and thank all the people, particularly in my home State of Minnesota, who have given so generously of their time and who have helped me to develop the policy that is embodied in this proposed amendment.

I also want to pay tribute to Representative MARKEY. His work in the House of Representatives is essentially on what we built this amendment. His bill is called the State Health Reform Opportunity Act. It was introduced earlier in the House of Representatives by my friend from Massachusetts, and I thank him for his work. This proposed amendment is built upon his legislation.

I would encourage my colleagues to help improve and refine this proposed amendment. I think it is going to happen in the discussion and in the debate. I would urge my colleagues to give a lot of thought of this general concept of State-enabling legislation so that States can move forward with their own proposals if we have gridlock in Washington.

But I would conclude, Mr. President, by saying in as strong a way as I can, in the last analysis we must understand that this is a national crisis and it certainly requires a national solution. In no way, shape, or form should we put the burden on the States. I am talking about enabling legislation that allows States to move forward with their own proposals, backed by some Federal waivers and incentives, because I think that may be the way we move our country forward.

As I said earlier, this is a national crisis.

Too many people in this country have no health insurance, too many

people in this country have too little health insurance, and too many businesses in our country cannot afford to cover their employees with health insurance. Virtually no one in this country, no one in this country, including everybody in the gallery today, is immune from the crisis that could affect them if there is a catastrophic illness and expense in their own families. Too many individuals and too many businesses and the vast majority of people in our country are affected by our failure to move forward with serious national health care reform.

Roosevelt talked about it in 1935. That was over a half a century ago. But I will tell you something, Mr. President. There is no question in my mind that we could do much better, much better in a country which spends more on health care than any other country in the world and in a country which has the best medical services and the best research in the world, the tragedy being that it is not for all the citizens who live in our country. It is time for a fundamental change to address a fundamental problem. There really is no other choice but to enact major health care reform in the United States of America. This time of crisis requires no less.

Mr. President, I will finish by speaking in a very personal way to you, because you are someone, from the time I first came to the Senate, with whom I have had a chance to speak in a very informal and personal way. I want to do well for people in the State, and I think the way you do well for people is to try to understand what people are really thinking about, what they really care about, and you try to enact good public policy that will improve the lives of people. You try to enact public policy that will make a real difference.

I am convinced that the honor of speaking in this Chamber, the honor of being in the Senate—every single day I think about the honor of it—is to be here to do well for people. I did not say, Mr. President, that it would be easy. You have so much experience and you know how difficult it is to pass major legislation. I am just starting out in the Senate. But what I want to say in this Chamber today is that I think this is an important idea. I think this proposed amendment is an important amendment.

I really look forward to being a part of the discussion and the debate starting in my own committee, the Labor and Human Resources Committee, and the debate and discussion we will have on the floor.

This is what it is all about. This is why you put so much sweat and tears to a campaign to get elected, so you can come to Washington and develop legislation, and you work with your colleagues. So you never give up; you keep on pushing and you keep on pushing until you pass legislation that you

know will lead to the improvement of peoples lives. That is what I think this health care legislation is all about.

I thank the Chair. I yield the remainder of my time.

## EXHIBIT 1

STATE UNIVERSAL ACCESS LEGISLATION  
(Summary provided by Citizen Action,  
August 15, 1991)

## CALIFORNIA

SB 36, the California Right to Health Care Act, has been introduced by Senator Nick Petris. It would create a publicly financed state health plan to provide comprehensive benefits to every Californian. In April, SB 36 passed the Senate health committee and is now pending in the tax and revenues committee.

## COLORADO

HB 1251, the Universal Health Insurance Colorado Plan Act (UHICO), would create a single, publicly financed statewide health plan by January 1, 1991. The bill was assigned to the House Finance Committee where, on February 13, it was tabled by a narrow 6-5 vote. The UHICO coalition is currently considering revisions and the bill will be reintroduced in 1992.

## FLORIDA

HB 1 and SB 1212, the Florida Universal Health Access Plan would establish a single, publicly financed statewide program to provide coverage to all residents. The legislation, sponsored by Representative Gordon and Senator Weinstock, was passed by the House Health Services Subcommittee (7-3), the House Health Care Committee (14-4), the House Appropriations Committee (17-12), and the Senate Health and Rehabilitative Services Committee (7-0). The legislative session ended, however, before the legislation was considered by the Senate Finance and Taxation Committee or the full House or Senate. The bill will be reintroduced in the next legislative session.

## ILLINOIS

SB 300 and HB 300 (now HB 1217) was introduced by Senators Smith and Del Valle and Representatives Young and Scharowsky. The Universal Health Care Act would create a single, publicly-financed state health plan covering all Illinois residents and providing comprehensive, equitable benefits. On April 23, the House Insurance Committee voted 11-6 in favor of HB 300 but, because 12 positive votes were needed to advance the bill under committee rules, fell just one vote short. The legislation was attached as an amendment to HB 1217. During floor consideration on May 23, the bill received the support of the Speaker of the House and the chair of the Health Committee but failed on a 52-64 vote.

## INDIANA

HB 1898, the Indiana Universal Health Plan, was introduced by Representative Brown and was the subject of a hearing before the House Ways and Means Committee on February 26. HB 1898 would establish a statewide plan to cover all residents in Indiana and others who agree to pay appropriate charges.

## IOWA

The Iowa Universal Health Insurance Plan, sponsored by Representative Johnie Hammond, would establish a single, publicly financed and publicly accountable statewide health plan to cover all residents. The bill, House File 329, passed the House Human Resources Committee on March 18 by a vote of

12-6. It will be the focus of legislative hearings throughout the state this summer.

## KANSAS

SB 205, introduced by Senators Walker and Winter, would cover all Kansas residents and out-of-state residents employed in Kansas if they pay the requisite fees. Kansas would receive a basic set of health care benefits, with an emphasis on primary and preventive care, through a state-run program. They could purchase an additional package of approved benefits through the state program or from private insurers. The bill will undergo interim summer study in 1991. The Kansas legislature passed SB 403 this session, creating the Kansas Commission on the Future of Health Care to develop short-term and long-term strategies of the state.

## MAINE

LD 1272, the Universal Health Care bill, was introduced by House Speaker John Martin, Representative Charlene Rydell, and Senators Dale McCormick and Beverly Bustin. The bill would create a select committee to develop and, by July 1, 1993, implement a statewide, publicly financed health program which would be run by a publicly-accountable, non-profit agency. An amended version of the bill requiring a feasibility study to provide universal access passed both houses and was opposed by the governor, although further action may occur a special legislative session this year.

## MASSACHUSETTS

The Massachusetts Family Health Plan, HR 4145, introduced by Representative John McDonough, would establish the Health Resources Corporation to develop and implement a state health care plan. Under the plan, Massachusetts residents, (as well as out-of-state persons working or attending post-secondary educational facilities in the Commonwealth if they pay appropriate fees), would be able to select coverage through a state-run program or alternative plans which meet Corporation-established requirements. The bill is currently pending in committee.

## MICHIGAN

Michicare is being sponsored by Representative Perry Bullard. It would create a single-publicly-financed program to provide comprehensive benefits to all residents of Michigan and non-residents employed in the state who pay the requisite tax. The bill will be introduced this summer and is expected to be the focus of public hearings.

## MINNESOTA

The Minnesota Health Assurance Plan, sponsored by Representative Lee Greenfield and Senator Ron Dicklich, would be an established, phased program leading to implementation of a single, statewide program covering all Minnesotans by January 1, 1996. During a transition period, the bill would establish a number of insurance underwriting reforms. HF 393 is currently in committee and was the focus of an April 5 hearing before the Health Care Access Division of the Senate Health and Human Services Committee.

## MISSOURI

HB 28, the Missouri Universal Health Assurance Plan, was introduced by Representative Gael Chatfield. The bill would create a single, publicly financed state health plan covering all Missouri residents and, upon payment of appropriate surcharges, out-of-state residents who work in Missouri. In February, HB 28 passed the House Critical Decisions Committee by a 7-5 vote. It was debated in the House in April, where pro-

ponents successfully prevented a gutting of the bill by amendments. The bill lost on a final vote by 63-86.

## NEW YORK

An Act to Provide Health Care to All New Yorkers and to Control Health Care Costs will be introduced shortly and will be one of the proposals to be discussed in a June 4 legislative hearing. Under the NYHEALTH plan, all residents of New York would receive a full range of services through a single, publicly financed state program.

## OHIO

The Ohio Universal Health Insurance Plan, HB 175, was reintroduced this session by Representative Robert Hagan and 29 co-sponsors. The bill would establish a single, publicly financed state program to provide comprehensive benefits to all residents of Ohio. The legislation was the focus of a major lobby day in April by the wide-ranging coalition supporting the bill. It is currently being considered by a select committee, whose membership includes 4 HB 175 co-sponsors.

## OKLAHOMA

The Universal Health Care Act, offered as a substitute for HB 1578, would establish a Universal Health Care Board, is sponsored by Representative Angela Monson. The Board is required to develop a plan by January 1, 1993 to provide universal coverage of comprehensive benefits to all residents of Oklahoma. The Board would also establish the date for actual implementation. The bill passed the health committee but was sent back to committee after it failed to win passage in the full House. It will be reintroduced in the 1992 legislative session.

## OREGON

SB 790, sponsored by Representative Carl Hosticka and others, would create a universal, single-payer system to provide comprehensive, quality benefits to all Oregon residents beginning January 1, 1994. The bill is currently in committee and a Senate floor vote is anticipated this summer.

## VERMONT

S. 217, a bill creating the Vermont Health Care Program, sets a timetable and criteria for establishing a single-payer health care system covering all Vermont residents. The bipartisan bill, sponsored by Senators Cheryl Rivers and Tom McCauley, would establish a 7-member committee to develop and implement the plan. S. 217 will be one of the proposals considered by a Senate commission established to study the state's health care system and access problems this summer. The bill's sponsors intend to reintroduce the bill next year.

## WASHINGTON

The Washington Health Care Service Act of 1992 was introduced in April by Representative Dennis Braddock. Representative Braddock was the author of universal coverage legislation which passed the House during the last legislative session. The bill would require that all Washington residents be covered for basic health services through the state plan or a state-approved alternative by July 1, 1996. The bill will be one of the alternatives studied by a state commission this summer and may be considered during the next legislative session.

## WEST VIRGINIA

HB 2925, the West Virginia Universal Health Care Act, introduced by Delegate David Grubb, would cover all state residents under a single, publicly financed insurance program. Regional public hearings would be required to obtain consumer and provider

input into the development of the program, which would be implemented by July 1, 1993. HB 2925 is one of the proposals which will be considered by a state commission created by the passage of HB 2461 to study solutions to West Virginia's health care problems.

#### WISCONSIN

The Wisconsin Universal Health Plan, authored by Assembly Speaker Pro Tem David Clarenbach and Senator Russ Feingold, would create a single-payer, publicly financed program to cover all Wisconsin residents. The bill, which will be introduced officially within the next two months, already has three Senate and 17 Assembly co-sponsors.

#### AMENDMENT INTENDED TO BE PROPOSED BY MR. WELLSTONE

On page 340, between lines 3 and 4, insert the following new section:

#### SEC. 602. SINGLE-PAYER HEALTH CARE PLANS.

(1) **SHORT TITLE.**—This section may be cited as the "State Single-Payer Enabling Amendment".

(b) **DEFINITIONS.**—As used in this section:

(1) **FEDERAL HEALTH CARE PROGRAM.**—The term "Federal health care program" means—

(A) the AmeriCare program established under title XXI of the Social Security Act, as added by section 601 of this Act;

(B) the Medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(C) the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(D) the maternal and child health block grant program established under title V of the Social Security Act (42 U.S.C. 701 et seq.); or

(E) any other Federal health care program that the Secretary identifies as providing health care services to qualified recipients.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of Health and Human Services.

(3) **SINGLE-PAYER HEALTH CARE PLAN.**—The term "single-payer health care plan" means a plan described in subsection (c)(4) under which—

(A) all residents in the State are provided with health care insurance for basic benefits through a State-sponsored plan;

(B) one entity in each State reimburses all health care providers for the basic benefits covered by the State-sponsored plan; and

(C) the plan is funded through the use of tax revenues.

(4) **STATE.**—The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

(c) **DEVELOPMENT GRANTS.**—

(1) **IN GENERAL.**—The Secretary shall make development grants of not to exceed \$2,000,000 to each State submitting an application approved under paragraph (2) to assist the State in developing a health care planning process that—

(A) provides for the participation described in paragraph (3); and

(B) will result in development of a single-payer health care plan designed to accomplish the requirements specified in paragraph (4).

(2) **APPLICATION.**—To be eligible to receive a development grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may specify.

(3) **PARTICIPATION.**—Each State receiving a development grant under this subsection

shall provide for representative participation in the health care planning process that shall include—

(A) participation by—

(i) individual and business consumers of health care;

(ii) individual and institutional health care providers; and

(iii) representatives of State and local governments; and

(B) full opportunity for public comment, in writing and in public hearings.

(4) **REQUIREMENTS OF HEALTH CARE PLAN.**—The requirements of a single-payer health care plan of a State are as follows:

(A) **UNIVERSAL ACCESS.**—The plan shall guarantee access to services covered under the plan on uniform terms and conditions for all residents in the State, except that the preceding shall not be interpreted to preclude targeted programs to serve the special needs of special populations, or reduced cost-sharing requirements for low-income populations.

(B) **ELIMINATION OF DISPARITIES.**—The plan shall not permit disparities in health care access to services covered under the plan on the basis of age, gender, occupation, race, income, health status, and geographic location, except that the preceding shall not be interpreted to preclude targeted programs to serve the special needs of special populations, or reduced cost-sharing requirements for low-income populations.

(C) **CONSOLIDATION OF PROGRAMS.**—The plan shall, to the maximum extent practicable, provide for the consolidation of Federal, State, and local programs that provide health care services in the State. As part of the development and planning process, the State shall identify all such public programs that currently provide health care services in the State.

(D) **BENEFITS.**—The plan shall provide for access to medically necessary health care services, with a focus on primary and preventive care, including benefits at least as comprehensive as the benefits covered under section 2102 of the Social Security Act (as added by section 601 of this Act). The cost-sharing requirements of the State single-payer plan shall not exceed the cost-sharing requirements under title XXI of the Social Security Act (as added by section 601 of this Act).

(E) **COST CONTAINMENT.**—The plan shall provide for a cost containment program that will achieve the expenditure goals established for that State by the Federal Health Expenditure Board established under section 2761 of the Public Health Service Act (as added by section 411 of this Act).

(F) **REDUCTION IN ADMINISTRATIVE COSTS.**—The plan shall provide for a reduction in the rate of growth in health care costs by lowering administrative costs and eliminating unnecessary paperwork.

(G) **REIMBURSEMENT SYSTEMS.**—The plan shall include standardized reimbursement systems (including fee schedules, global budgets for hospital operating costs and separate capital budgets, and capitation for group practice arrangements) for institutional and individual providers.

(H) **FINANCING.**—The plan shall provide for progressive and equitable financing of health care costs.

(I) **ADMINISTRATION.**—

(1) **PUBLIC AUTHORITY.**—The plan shall be administered and operated on a nonprofit basis by a public authority appointed or designated by the government of the State.

(ii) **COMPOSITION.**—The public authority shall include representatives of—

(I) individual and business consumers of health care;

(II) individual and institutional health care providers; and

(III) State and local governments.

(J) **DESIGNATION OF INTERMEDIARY AGENT.**

(1) **IN GENERAL.**—Under the plan, the public authority of a State shall have the power to designate an agent to serve as an intermediary. Such agent shall carry out on behalf of the public authority any responsibility in connection with receipt or payment of accounts rendered for covered services.

(ii) **ASSESSMENT AND APPROVAL.**—It shall be a condition of the designation under clause (1) that all accounts are subject to assessment and approval by the public authority.

(K) **TRANSITION.**—The plan shall provide for full implementation and achievement of the requirements of this paragraph within a 6-year period, except that coverage shall be provided during the transition period for at least as great a portion of the population in the State as would occur without implementation of the State single-payer plan.

(5) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to make development grants under this subsection such sums as necessary for fiscal year 1992 and each subsequent fiscal year.

(d) **TRANSFER TO STATE OF FEDERAL HEALTH CARE EXPENDITURES FOR SERVICES COVERED UNDER THE STATE SINGLE-PAYER HEALTH CARE PLAN.**—

(1) **IN GENERAL.**—

(A) **PAYMENTS.**—Notwithstanding any other provision of law, if a State makes the demonstration described in paragraph (2), the Secretary shall provide that, instead of any payments made under Federal health care programs with respect to residents or providers of health care in the State for services for which payments may be made under the State single-payer health care plan, the total of such payments shall be transferred to the State to be used for implementation of the plan of the State.

(B) **BASIS.**—Such payments shall be made on such a periodic basis as approximates the periodic payments made under such programs.

(2) **DEMONSTRATION.**—In order to receive the payments described in paragraph (1), a State shall demonstrate to the satisfaction of the Secretary that—

(A) the State has enacted a law that establishes a single-payer health care plan;

(B) under the plan there would be no reduction in the quality of care or the number of individuals covered under the Federal health care programs within the State; and

(C) no Federal funds to be provided under this subsection would be used to replace State or local revenues that would otherwise be spent providing to qualified recipients services covered under the single-payer health care plan.

(3) **LIMITATION TO COVERED SERVICES.**—Paragraph (1) shall not affect payments under Federal health care programs within a State for services not covered under the single-payer health care plan.

(4) **CONSTRUCTION.**—This subsection supercedes any provision of law that otherwise entitles individuals or providers within a State to payment under Federal health care programs for health care services covered under the single-payer health care plan in the State.

(e) **DEMONSTRATION PROJECT IMPLEMENTATION GRANTS.**—

(1) **AUTHORITY.**—The Secretary shall award implementation grants to the first 10 States that enact laws that establish single-payer health care plans that meet the require-

ments of this section. The implementation grants shall be utilized to pay for the Federal share of the State single-payer health care plans. Such grants shall be available in each such State for a period of 6 consecutive years.

(2) FEDERAL SHARE.—The Federal share of the single-payer health care plans as described in paragraph (1) shall be an amount equal to 50 percent of the amount of the increase in total health care spending in the State that is attributed to activities undertaken to achieve the requirements described in subsection (c)(4).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 1992 and each subsequent fiscal year.

(f) RELATION TO OTHER LAWS.—

(1) ANTITRUST LAWS.—

(A) IN GENERAL.—Notwithstanding any provision of the antitrust laws, it shall not be considered a violation of the antitrust laws for a State, or a public authority described in subsection (c)(3)(E), to develop or implement a single-payer health care plan in accordance with this section.

(B) DEFINITION.—For purposes of this section, the term "antitrust laws" means—

(i) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890, commonly known as the "Sherman Act" (26 Stat. 209; chapter 647; 15 U.S.C. 1 et seq.);

(ii) the Federal Trade Commission Act, approved September 26, 1914 (38 Stat. 717; chapter 311; 15 U.S.C. 41 et seq.);

(iii) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, commonly known as the "Clayton Act" (38 Stat. 730; chapter 323; 15 U.S.C. 12 et seq.; 18 U.S.C. 402, 660, 3285, 3691; 29 U.S.C. 52, 53); and

(iv) any State antitrust laws that would prohibit the activities described in subparagraph (A).

(2) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—With respect to single-payer health care plans implemented in accordance with this section, the provisions of this section supersede any provision of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) and section 301, in the event of any conflict.

(3) HEALTHAMERICA ACT.—With respect to single-payer health care plans implemented in accordance with this section, the provisions of this section supersede any provision of the HealthAmerica Act in the event of any conflict.

#### EXHIBIT 2

#### STATE SINGLE-PAYER ENABLING AMENDMENT TO S. 1227, HEALTHAMERICA: AFFORDABLE HEALTH CARE FOR ALL AMERICANS

Purpose: To enable and encourage interested states to develop and implement statewide single-payer health care plans. The amendment specifies minimum requirements the states must meet to qualify for federal financial incentives, but the states are given a maximum amount of flexibility to design their own single-payer systems to serve as demonstration projects.

Definition of "single-payer": All residents of the state are provided with health care insurance for basic benefits through a state-sponsored plan; one entity in each state reimburses all health care providers for the basic benefits covered under the plan, and the plan is funded through tax revenues.

Requirements for states:

Participation: Full opportunity for public comment, in writing and in public hearings, in the health care planning process.

Universal access: To covered health care services.

Elimination of disparities: Based on age, gender, occupation, race, income, health status, and geographic location.

Consolidation of public health care programs: To the maximum extent practicable.

Benefits: Must be at least as comprehensive as the basic benefits mandated in S. 1227, the HealthAmerica Act. The cost-sharing requirements of the state plan shall not exceed the cost-sharing requirements under the HealthAmerica Act.

Cost Containment: The state shall provide for a cost containment program that contains costs, as least in part, by reducing administrative costs.

Reimbursement of providers: Standardized reimbursement systems, including fee schedules, global budgets for hospital operating costs and separate capital budgets, and capitation payments.

Financing by the state: Progressive and equitable financing of health care costs.

Administration of the state single-payer plan: On a nonprofit basis by a public authority or an intermediary agent designated by and accountable to the public authority. The public authority shall include representatives of individual and business consumers of health care, individual and institutional health care providers, and state and local governments.

Transition: The state may phase-in the single-payer system over a six-year period.

Incentives to states to develop and implement single-payer plans:

Transfer to state of Federal payments: Including federal payments for AmeriCare, Medicare, Medicaid.

Development and planning grants: Of up to \$2,000,000.

Implementation grants: To cover, for a six-year period, 50% of the amount of increase in total health care spending in the state attributed to achieving the requirements of this legislation. These implementation grants shall be awarded to the first 10 states to enact laws establishing single-payer plans that meet the requirements of this amendment.

Preemption of ERISA.

The PRESIDENT pro tempore. What is the will of the Senate?

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

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, is leader the time reserved?

The PRESIDING OFFICER. The Senator is correct.

The Republican leader is recognized.

Mr. DOLE. I thank the Chair.

(The remarks of Mr. DOLE pertaining to the introduction of S. 1711 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### THE DISMISSAL OF CHARGES AGAINST OLIVER NORTH

Mr. DOLE. Mr. President, it is no secret that I have been very critical of Mr. Walsh's investigation for some time, so, in fairness, I do want to congratulate him on making the right decision in dropping charges against Colonel North.

Unfortunately for Colonel North, this decision was made only after the years of harassment and millions of dollars of legal fees.

I think the next decision is obvious. It is time to close the doors on the investigation once and for all. For nearly 5 years, Mr. Walsh and his army of attorneys and investigators have run up a \$50 million bill, operating out of some of Washington, DC's most exclusive office space.

What have American taxpayers received for their \$50 million? A lot of press releases. A lot of rumor and innuendo. But little in terms of justice. Every conviction won by Mr. Walsh has been overturned, or is likely to be overturned.

So it seems to me that we will reach a point where the American people are going to say how many millions should we spend, how many attorneys do we need, and how much office space do we need, if we are going to finally catch somebody and convict somebody. I do not suggest that people should not be brought to justice, but we do have the Justice Department, full of lawyers and, again, costing the taxpayers a lot of money. It seems to me that this duplication has gone on long enough. If there is any evidence of any wrongdoing, Mr. Walsh can certainly turn it over to the Justice Department, and I believe we have outstanding men and women in the Justice Department who will make certain that everybody is treated fairly, as they should be, of course, in the American system of jurisprudence.

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. MURKOWSKI. 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. MURKOWSKI. Mr. President, I ask that I may be able to speak in morning business for 5 minutes.

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

#### THE UNITED STATES-SOVIET MARITIME BOUNDARY TREATY

Mr. MURKOWSKI. Mr. President, I rise in support of the new United States-Soviet Maritime Boundary Agreement, which is a treaty of the greatest importance to the United States, especially my State of Alaska.

I am pleased to report to you, Mr. President, that this agreement, which was approved overwhelmingly in committee, at long last resolves areas of dispute between ourselves and the Soviet Union over fishing rights and mineral exploration in the Arctic Ocean and the Bering Sea.

The United States-Soviet Maritime Boundary Agreement represents a very favorable outcome in terms of United States strategic and resource interests. It precisely defines the convention line which was drawn when we purchased Alaska from Imperial Russia in 1867.

Mr. President, in particular, this is the line that separates Siberia from Alaska near the area of the Bering Strait.

The treaty limits the United States and the Soviet Union's territorial sea, exclusive economic zones, or the EEZ's, as they are referred to, and the Continental Shelf jurisdiction when they would otherwise overlap.

As a result, it settles disputes which have in the past arisen concerning fishing rights and oil and gas explorations in this disputed area. Under the terms of the Maritime Boundary Treaty, the parties agreed that the 1867 convention line is the maritime—and I stress maritime—boundary between the United States and the Soviet Union.

It also clarifies how the 1867 line is to be defined, something that was left ambiguous in the convention because we and the Russians used different mapping techniques. Rope line and various other technologies were used and they meant different things to different people. This difference resulted in almost 21,000 square nautical miles in the Bering Sea being claimed by each nation as falling on its side of the 1867 line. The disputed area contains rich fishing grounds and may have tremendous potential for offshore oil and gas exploration. The new agreement divides the disputed area between the parties. The 1,600-mile maritime boundary it creates—the longest in the world—will definitively establish United States and Soviet territorial sea jurisdiction, as well as EEZ and Continental Shelf jurisdiction in the Bering Sea and Arctic Ocean. The treaty also establishes a precise maritime boundary in areas where our two countries' 12-mile territorial seas or 200-mile EEZ's overlap or are otherwise in dispute, and delimits the parties' Continental Shelf jurisdiction beyond their 200-mile EEZ's. Finally, by adopting an innovative special areas formula the treaty minimizes the size of the so-called doughnut hole in the Bering Sea that is beyond the fisheries jurisdiction of either party. In other words, that area of the North Pacific Bering Sea 200 miles from Alaska.

The bottom line is that this treaty places about 70 percent of the Bering Sea under U.S. jurisdiction and gives the United States an extra 13,200

square nautical miles—an area nearly equal in size to the combined area of New Hampshire and Vermont—as compared with the most favorable equidistant line.

I hope the Chair will not admonish the Senator from Alaska as he attempts to generalize the size areas we are talking about by using a formation of States. As the Presiding Officer knows, Alaska is almost three times as big as Texas. The interior of Alaska, of course, is an area that is substantially vast as well.

The entire Alaskan congressional delegation supports the Maritime Boundary Treaty, and I am equally pleased to note that it has the support of the State of Alaska. In fact, I have received a copy of a May 31 letter from Governor Hickel to the Foreign Relations Committee in which he states that:

I support the proposed U.S.-Soviet Maritime Boundary agreement and am satisfied that the agreement adequately addresses and protects the interests of the United States and Alaska.

I ask unanimous consent that Governor Hickel's letter be printed in the RECORD.

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

STATE OF ALASKA,  
Juneau, May 31, 1991.

Hon. JOSEPH R. BIDEN, Jr.,  
Chairman, Senate Subcommittee on European  
Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I support the proposed U.S.-Soviet Maritime Boundary agreement and am satisfied that the agreement adequately addresses and protects the interests of the United States and Alaska.

This treaty would resolve longstanding boundary disputes between the U.S. and the Soviet Union that have retarded fisheries management and mineral development. The treaty would allow oil development by U.S. companies in previously disputed areas, and would facilitate fisheries management and enforcement by clearly delineating extensive areas available to U.S. fishermen. Also, the treaty would extend U.S. jurisdiction to an additional 13,200 square nautical miles, thereby placing approximately 70% of the Bering Sea under U.S. control.

The final resolution of the current dispute would be further evidence of the evolving cooperation and goodwill between the U.S. and the Soviet Union. In turn, this spirit of cooperation will create increased trade, scientific and medical exchanges, and other types of economic and social interchange between U.S. and Soviet citizens.

It is my understanding that the treaty negotiations never encompassed the issue of ownership of Wrangel and other Bering Sea islands and that the proposed treaty does not address this question.

Thank you for considering my views.

With best regards.

Sincerely,

WALTER J. HICKEL,  
Governor.

Mr. MURKOWSKI. Mr. President, I would like to take a moment to address a peripheral issue—an issue which really has nothing to do with the

treaty before us today, but one which has nonetheless attached itself to it. This is the matter of the so-called Five Islands, or Wrangel Island, that island being the largest of the five. U.S. citizens were involved in the discovery or exploration of each of these islands located in the Chukchi and East Siberian seas. It is alleged that by ratifying the Maritime Boundary Treaty the United States would recognize Soviet claims to these islands. But such an allegation is mostly definitely not true. The treaty, as I emphasized a minute ago, is a maritime agreement, not an instrument that addressed the issue of sovereignty over territory. The five islands are not mentioned or alluded to in the treaty we are now considering, and a vote in favor of the treaty in no way prejudices potential future U.S. claims to these islands, whatever they may be.

It appears, Mr. President, that these islands, while founded by various sea captains, made no claim from the standpoint of filing the claim, and, as a consequence, there is no formal claim having been filed by the United States according to the information supplied to us by the State Department.

Mr. President, I have a particular sensitivity to one Wrangel Island, having lived in Wrangel, AK, from 1962 to 1966, and I can vouch that the Wrangel Island in southeast Alaska is not the Wrangel Island referred to in any dispute over the United States-Soviet boundary treaty.

In conclusion, I urge the Senate to ratify the United States-Soviet Maritime Boundary Agreement. It will resolve significant bilateral differences between us and the Soviet Union in the Bering Sea and will allow for the peaceful management of fisheries and mineral exploration in the area, and it will be most beneficial to the United States and my State of Alaska because it puts an area that was previously under questionable jurisdiction clearly under the jurisdiction of the United States. Therefore, we can enforce fisheries in those areas and, as a consequence, that will have a substantial beneficial effect to maintaining and managing those resources for future generations.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DOUG GEORGE

Mr. GORE. Mr. President, I rise to join my colleagues in saying a few words in memory of Doug George, a

member of the staff of the Senate Armed Services Committee who passed away last Friday.

Everyone in the Armed Services Committee knew that Doug George was seriously ill with cancer, and we also realized that his odds of surviving were not good. But his courage and grit were such that as we saw him in the course of business, that thought somehow was pushed aside. He was still a lucid and forceful voice, a profound expert, and a man of great intellectual integrity and courage, so much so that the announcement of his death came as a shock. He had not faded. He had persevered almost to the end, with such grace that he made us forget to think of him as anything else but our respected associate.

It is difficult to accept this loss. I have recollections of Doug during his work not only for this body, but years before, as a senior official at the CIA carrying heavy responsibilities for arms control verification. I can see him in those older days, armed with a cigar and a grin, trying to make sure that whatever else happened, no one who sought the truth from him would leave with anything less than that. Given the political sensitivity of the issues he dealt with, there were plenty of people in this town across a number of administrations who must have wished that Doug would bend the truth to accommodate the existing policy and fashion. But he did not, which marked him as a rare and valued associate.

Let me therefore join in expressing my respect for his memory and in extending my prayers and condolences to his wife.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 2686, which the clerk will report.

The legislative clerk read as follows: A bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Jeffords/Metzenbaum amendment No. 1138, to increase grazing fees assessed to ranchers on Forest Service and Bureau of Land Management Lands.

#### AMENDMENT NO. 1138

The PRESIDING OFFICER. The pending question is amendment No. 1138.

Mr. BYRD. Mr. President, the pending question is the grazing fees amendment. Most of those Senators who are interested in this amendment one way or another will come to the floor this afternoon and debate the amendment. I also hope that some agreement can be reached on the amendment before the evening hours begin as to a time for voting on or in relation to the amendment.

In order to expedite that hoped-for result, I also have to express the hope that Senators will come to the floor. I know this is a controversial amendment and there are several Senators who are very much opposed to it and others who support it. This would be a good opportunity now for them to air their views so that we might expedite final action on or in relation to the amendment.

I yield the floor.

Mr. NICKLES. Mr. President, I certainly concur with Chairman BYRD's comments and hope that colleagues would use this time available to discuss this amendment. It is a controversial amendment. We have Senators who have very strong feelings on both sides of the issue. I just hope that the proponents and opponents would use this time to debate this issue.

If other Senators have other amendments, if we have an interlude, I would ask the chairman, I expect he would be willing to wrestle with those and set this amendment aside and dispose of those amendments.

We have kind of a busy agenda. This is the Interior appropriations bill. The chairman has additional appropriations bills he would like to pass before the week is out. With no votes on Wednesday, we are going to try to get as much work done as possible. I would like to finish this bill today or tomorrow, if possible. If our colleagues have amendments, we hope they would bring them over and maybe we will be able to dispose of those, probably even without rollcall votes. I urge our colleagues, whether it be on the grazing fees amendment or other amendments, to bring those up as soon as possible.

Mr. BYRD. Will the Senator yield?

Mr. NICKLES. I am happy to yield.

Mr. BYRD. I thank the Senator for his suggestion that Senators who have other amendments might also stay around close to the floor, because if there are interludes, as the distinguished Senator has suggested, the Senator from Oklahoma [Mr. NICKLES] and I would be happy to take a look at their amendments and possibly we could dispose of some of those amendments this afternoon.

In the meantime, I also express the hope that the Senate can, during the evening hours today, take up the Transportation appropriations bill and/or the military construction appropriations bill and perhaps dispose of one or both of those bills.

Wednesday is a religious holiday. Several of our Jewish Members will be away from the Senate on Wednesday, but the Senate can proceed with business and postpone rollcalls until the next day. But in looking forward to Wednesday and the fact that there will not be any rollcall votes that day, I urge that we attempt to complete action on the Transportation appropriations bill and the military construction appropriations bill prior thereto, as well as the bill that is now pending before the Senate, the Interior appropriations bill. I thank the Senator for yielding.

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

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

#### ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order for not to exceed 5 minutes.

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

#### RESPONSE TO REMARKS OF ISRAELI CABINET MINISTER ZEEVI

Mr. BYRD. Mr. President, this morning a Reuters wire service story reported that an Israeli Cabinet Minister, Rehavam Zeevi, has accused President Bush of being a liar and an anti-Semite and has called for the peace conference to be delayed until the \$10 billion loan guarantee issue is resolved.

Mr. President, I am distressed that a member of the Israeli Cabinet would inflame an already difficult situation by charging the President of the United States with anti-Semitism. Mr. Zeevi's accusations are incomprehensible under any interpretation of the facts. Mr. Zeevi's accusations are untrue, and they are wrong. For asking that Congress delay consideration of the loan guarantees for 120 days, Mr. Bush has now been labeled an anti-Semite by a member of the Israeli Cabinet. This is a sad development.

It is a sad day, indeed, when the President of the United States cannot propose to Israel a different course of action—or express a difference of opinion—without being labeled anti-Semitic. Our long-standing, close, relations ought to be able to weather such differences of opinions without vicious name calling. We do not always agree; we need not always agree. But we must never give vent to our emotions in ways that are so inflammatory and that can do so much harm. One Amer-

ican lobbyist in favor of providing all the housing aid now has, according to the press, characterized the President's remarks about "powerful political forces" as "coming pretty close to the line of inciting anti-Semitism." No reasonable person could possibly make such a connection. I get the impression that such comments really reflect the belief that any critical expression about using political influence is somehow to be regarded as out-of-bounds. But no lobby group should be sacrosanct and above discussion or comment in our representative democracy.

Healthy debate and commentary are vital to our system. Intimidation and innuendo, on the other hand, are not healthy, proper, or tolerable.

The difference between healthy and poisonous commentary is like one between night and day and is easily recognizable. Unfounded charges of anti-Semitism, from whatever source, are inappropriate and counterproductive.

The Washington Post also reported this morning that 80 percent of Israelis favor their country's participation in a regional peace conference; 67 percent would favor freezing construction of settlements in the occupied territories in order to get peace negotiations going. It is obvious that Mr. Zeevi's opposition to convening a peace conference is not shared by the Israeli people.

I hope that this ugly incident will not impede the efforts of President Bush and Secretary Baker to finalize plans for the peace conference.

I deplore Mr. Zeevi's comments, and I welcome Defense Minister Arens' subsequent repudiation of those comments. I hope Mr. Arens' views are shared by the rest of the Israeli Cabinet.

Mr. President, I ask unanimous consent to have printed in the RECORD a news article from the Washington Times of today, Monday, September 16.

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

#### JEWIS IRKED BY BUSH'S POSITION ON ISRAEL

(By Ralph Z. Hallow)

Strong sentiments are raging in the American Jewish community in the wake of President Bush's stepped-up—and increasingly public—campaign to delay \$10 billion in U.S. loan guarantees to Israel.

Some Jewish leaders took offense at the president's highlighting of the intense pro-Israeli lobbying effort on Capitol Hill, while still others hoped to avoid a confrontation with Mr. Bush by working out a compromise that would ensure approval of the loan guarantees as quickly as possible.

"We take strong issue [with] what the president has said. But we still need to be looking for ways to move forward on the loan guarantees, and it doesn't serve anyone in the Jewish community to get into a fight with the administration," American Jewish Congress spokesman Mark Pelavin said Friday.

"The community's reaction is real anguish and concern that there not be a confronta-

tion with [Mr. Bush]. Both sides seem to have painted themselves into a corner," agreed Jewish Community Council Director Murray Tennenbaum.

Perhaps the most extreme view is that of Morris Amitay, treasurer of the pro-Israel Washington Political Action Committee and former executive director of the powerful American Israel Political Affairs Committee.

"What really disturbed our community was that the president talked about 'powerful political forces,' whom he called 'lobbyists,'" Mr. Amitay said. "But he was really referring to hundreds of Americans merely exercising their right to influence their government."

"That bothered a lot of people who felt that the president was coming pretty close to the line of inciting anti-Semitism," he said.

The use of the highly charged word "anti-Semitism" was a measure of the depth of feeling the confrontation between Mr. Bush and Israel's friends has elicited.

But other Jewish leaders, clearly eager to avoid a fight with the president, cast about for an acceptable way out. Some looked to Sen. Phil Gramm, Texas Republican and a friend of the president's who has met with both sides, to fashion a compromise.

"It would be helpful if someone with the credentials of Phil Gramm, who has been helpful to us in the past, were to try to find a path the two sides can walk together," said Mr. Tennenbaum.

A Gramm spokesman would say only that the senator has met with both sides.

Most Jewish leaders agreed that the meeting scheduled tomorrow between Secretary of State James A. Baker III and Prime Minister Yitzhak Shamir in Jerusalem might produce the mechanism to allow both sides "to get off the collision course they seem to be on."

A compromise that some of Israel's supporters began floating privately among members of Congress late last week envisions a veto-proof majority in each house passing a resolution instead of the loan package. The resolution would pledge Congress to enact the loan legislation in 120 days.

"If Israel's friends in Congress, the government in Jerusalem and the [Bush] administration are of one mind that this compromise is the way out [of confrontation], and it defuses the situation, then we would look favorably on it," said Dan Mariaschin, B'nai B'rith international affairs director. "But our preference is that the matter be dealt with now rather than later."

Although Mr. Bush said at his news conference Thursday that he would not unconditionally agree to support the loan guarantee to win delay, some Jewish leaders think he may signal acceptance without public endorsement.

"It would let the president, Israel's supporters in Congress and Shamir off the hook," said a Jewish activist who has been meeting with all sides but asked not to be identified.

An alternative may be for the Senate to pass an authorization for the \$10 billion, leaving it up to the president to say when and how the loan guarantee would actually go to Israel.

A third way would be for Congress to enact a partial bill, giving Israel only \$2 billion in guarantees next year, with the remainder to be decided on depending on what transpires at the peace talks.

The Israeli government insists it needs U.S. backing as quickly as possible so it can

secure loans to provide for the growing wave of Soviet Jews emigrating to Israel. The administration is fearful, however, that many of the new arrivals will be settled on the occupied West Bank, thus aggravating tensions between Arabs and Israelis on the eve of the hoped-for Middle East peace conference.

"Nobody disputes the fact the settlements are controversial and have to be negotiated, but why ask the Israelis to make a concession of that magnitude before they come to the table?" Mr. Tennenbaum asked.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Chair recognizes the Senator from Vermont [Mr. JEFFORDS].

#### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with consideration of the bill.

##### AMENDMENT NO. 1138

Mr. JEFFORDS. Mr. President, I am going to speak on my amendment. I certainly want to express my appreciation to the Senator from West Virginia for his courtesy, and to the Senator from Oklahoma, also, for allowing me to have this rather long gap between when I proposed the amendment until I had an opportunity to speak on it.

Also, Mr. President, this will be a novel moment for me, having been 14 years in the House and having not made any speech longer than 5 minutes there and only, I think, one other speech to fill time here, in the area of 20 minutes. Because I do not anticipate there is going to be a large number of Members of the Senate rallying behind me to talk on this amendment, I will be speaking for some length of time.

The Senator from Ohio [Mr. METZENBAUM] will be joining me at some time to assist me in this. But this is one of those issues, when you get involved, obviously you are picking on programs very dear to the hearts of citizens of certain States. It is difficult for us to take on the issue and say this is an important enough issue that, notwithstanding the problems it creates, we believe it is important enough to the country that we try to take care of what I consider very serious, actually unfair advantages that certain areas of the country have regarding beef production relative to other areas, at the taxpayers' expense. Basically, what I am looking for here is to try to establish equity among beef producers as well as equity to taxpayers because it is unfair to subsidize certain producers

when the people in the private enterprise system have to pay so much more for the right to graze.

So what I am going to try to establish as we go along is the fact that all we are trying to do is promote equity among beef producers. And, having been 14 years on the House Agriculture Committee, I am aware of these issues. But I am also very concerned that I don't do anything that would unfairly affect certain regions of the country, and that any impact we make is not one that is going to reduce the amount of grazing that is going to occur. But on the other hand, we need to take care of the cost of that program so that it is not a burden on our taxpayers.

What our amendment does is change the formula that determines the fee charged for grazing livestock on public rangelands. The fee would increase under our amendment. But I point out—at the beginning—what we will be doing is putting in a fee that will be one half in the final analysis of the fee which is presently in the bill before us, the Interior appropriations bill.

The House increased that fee rather dramatically. I just felt it was too high. The House fee level would result in a reduction in the amount of grazing. So we basically have half of what the House has attached to the Interior appropriations bill. In addition to that, at best, our fee next year is only 40 percent of the fair market value of the Federal forage.

Let me speak about that again. We are using terms like AUM and all of that. Let us get it down to a simple understanding. An AUM [animal unit month] is the amount of feed it would take to feed a cow and a calf or five adult sheep for 1 month. It is about 900 pounds of forage. So we are really going to be talking about AUM's. So, an AUM in Arizona is the same in Oregon or Washington or wherever. It is 900 pounds of feed.

Now if you want to think about it, on the private lands, an AUM is about a penny a pound. For the people we are talking about here, it is about two-thirds of a cent a pound, to give you some idea of the kind of range of benefit we are looking at here. The difference, of course, the fair market value now and the fees as a subsidy amounts to about only 2 percent of the livestock industry holding Federal grazing privileges.

In other words, producers that have that special fee represent only 2 percent of the beef industry in this country. And the others have to pay a lot more for these so-called AUM's, or forage.

The subsidy itself will total \$71 million—that is the Federal subsidy—this year, or \$2,627 for each permittee. The top 12 percent of the permittees—those with herds bigger than 500 head—will capture 48 percent of that subsidy, or about \$10,256 per producer.

I could show you who these permittees are. For instance, we have here one from the Union Oil Co. of California. So a large number of these AUM's go to the kinds of people and the kinds of corporations who don't need the subsidy. There is absolutely no way we could justify this kind of Federal subsidy for them.

Our amendment gradually moves the fee to fair market value, netting the Federal Government \$110 million in additional receipts over fiscal years 1992 through 1996. Fifty percent of these receipts, incidentally, will be plowed back into range improvements that benefit the permittee. So although we are increasing the amount of the permit fees, 50 percent is going to go right back into improving the rangeland upon which these permits are.

In addition to that, and I will bring this out again, another \$28.8 million over and above the \$110 million in additional Federal receipts will go back to the counties of origin for schools and roads.

So what we are doing here is, yes, we are increasing the fees to bring them up nearer to fair market value, but the money is going to be used to benefit permittees and people in their communities. The net increase that will go to our Treasury is substantial, some \$40 million that will help reduce the Federal deficit.

The permittees can afford to pay more for their privilege because grazing fees amount to only \$6.25 per cow. What does that mean? That means of all the cash expenses permittees have in raising a cow, only \$6.25 is for Federal forage, on the average. It is done usually at a time when the calf is just born and while the calf is building its structure. So this is less than 3 percent of the total cash cost on a per cow basis.

I want to make it clear that what we are doing here is not a substantial or very substantial part of the cow production costs.

The U.S. Forest Service and Bureau of Land Management administer public rangeland grazing. The agencies agree—this is very, very important—the agencies agree that under my amendment, the so-called Regula amendment in the House, no reduction in grazing will occur. In other words, we are not going to reduce the amount, because of the increase of the fee, of the number of cows that will be grazing on the land.

Mr. President, the debate on this amendment will be long, and I believe, arduous. It will end sometime tonight. I think the last time the Senate debated the grazing fee issue was in 1978, when it passed the Public Rangelands Improvement Act, [PRIA].

PRIA established the current formula on a 7-year trial basis. Congress instructed the Departments of the Interior [DOI] and Agriculture [USDA] to

study the formula and to report their findings to Congress by the end of the 1985 grazing season.

Before the Departments could issue the report the cattle industry convinced President Reagan to issue an Executive order in February 1986 extending use of the PRIA formula indefinitely. The report was dated February 1986, but was released 1 month later—after the Executive order. In other words, a study went on and recommendations were made to change this formula, to make it more equitable for all beef producers and taxpayers. But political pressure was applied and that study was set aside. An Executive order was issued to replace it and continue a formula I do not think anybody can defend now. And I do not know anyone that is involved in this issue that can defend the current formula, or does not know that there has to be changes.

The PRIA formula is seriously flawed. It produces grazing fees much lower than the true market value of the Federal forage. In fact, fee revenues do not even cover the costs of administering the grazing program.

Now why should we be allowing this to happen? I cannot answer. The House of Representatives recognized this. Last year, the House attached a grazing fee increase to the Interior appropriations bill, but the Senate deleted it in conference. It was dropped.

But in the conference committee the conferees said "You are right, we have to do something. This cannot go on." So the conference committee ordered as much as you can in an appropriations bill. Anyway, the appropriate authorizing committees hold hearings and provide a resolution to the issue."

Well, the Senate energy committee did not see fit to hold any hearings.

The House passed two grazing fee reform amendments earlier this summer. The first—known as the Synar amendment—is a part of the House version of the Interior appropriations measure we are considering right now. It passed by a 232-to-192 vote.

The second—known as the Regula amendment—was attached to the Bureau of Land Management reauthorization bill by an even larger margin of—this is my amendment right here—254 to 165.

Now it is time for the Senate to act.

The amendment Senator METZENBAUM and I are offering is similar to the Regula amendment. The fee for the 1991 grazing season, which runs from March through next February, is \$1.97 per animal unit month or AUM, as I mentioned.

An AUM is the amount of forage—about 900 pounds—that one adult cow with calf or five adult sheep require for 1 month. So a livestock operator who turns out a 500-head herd for 4 months would be billed for 2,000 AUM's [500×4=2,000] or \$3,940.

Let me go to my chart here first and show what this demonstrates. This is a comparison of my amendment. My amendment, which is in the white, is the "good guy amendment" right here. And this is what the House did, the Synar amendment.

This is the first year fee level, the second, third, fourth, and fifth year—fee levels, under each amendment.

We start off with a fee, \$2.63 next year, compared to the House bill, which has \$4.35 in it. In 1993, our amendment goes to \$3.50 per AUM. The Synar amendment goes to \$5.80. In the third year, 1994, our fee level is \$4.67, Synar: \$7.25. Then we go to \$5.09 and Synar goes to \$8.70. In 1996, the Synar fee stays at \$8.70; we go to \$5.13.

This makes some presumptions, of course, because the formulas have what is called a forage value index [FVI]. We have presumed a 1-point annual increase in the FVI. But the relative difference will be the same because the two amendments would move the same way.

I wish my colleagues would keep this in mind. In the final analysis, what you will be voting for if you vote for my amendment is you think that the House version of the bill has too extreme a fee increase. I think the Jeffords-Metzenbaum amendment is much more reasonable, and is one the Senate can support.

So you can go away feeling good. You will have helped ranchers out in the West by reducing what the House bill would impose and put them in a position to feel good about themselves and recognize that they will pay a fair share and contribute to reducing the deficit. Half of what they pay, as I pointed out, will improve the range in their own areas. In addition, they will be helping their school systems out.

As my colleagues can see, as I pointed out, this amendment also is 40 percent lower, on the average, than the fee levels under the Synar amendment. I might add that we do not allow any more than a 33-percent increase in our fee level from one year to the next.

Our amendment is designed to promote equity among the livestock producers and for the American taxpayer. I hope my colleagues will see that and study it because they are going to hear a lot of information and a lot of facts here.

I am not going to use any facts I cannot verify from people who work on these issues—BLM, Forest Service, or GAO.

Incidentally, I will point out again, GAO did a study and agreed the present formula is inherently designed to yield a low fee. We will get to that in a minute. I went to BLM, to the Forest Service, and asked is my amendment going to reduce grazing? And they said, no, it is not going to promote any loss of AUM's. There will be no decrease in grazing.

Twenty-seven thousand operators hold permits to graze their livestock on nearly 300 million acres of public rangelands in 16 Western States. The U.S. Forest Service and BLM administer these lands. These operators represent just 2 percent of the Nation's cattlemen. In the 11 States where most of this grazing occurs, Federal permittees are just 16 percent of the total number of producers. Over the past 10 years this fraction of the industry has seen its Federal forage costs decline 15 percent. This is according to GAO. The grazing fee was, for instance, \$2.31 in 1981; now it is \$1.97.

During this time, the amount of money that cattlemen have received for their cattle has increased. The amount private lessees have paid has increased very substantially over this period. So the other 98 percent of the industry, not fortunate enough to have these grazing privileges, have seen their forage costs increase.

Let me demonstrate with another chart here. I think it is much easier to see this.

Over this period of time, from 1975 to 1990, the green line indicates what has happened to private lease rates. They have gone from a little under \$6 to over \$8; in fact, this year, it's \$9.66 per AUM. This red line represents what has happened to the Federal grazing fees or public rangelands. You will notice that it has gone down. It has a little peak in 1980, but it has gone down.

The GAO found that the current formula is flawed because it has two factors that reflect ability to pay. According to the GAO, if you revise the formula—eliminate double counting and index the base value, the formula would produce a fee not too far from where our amendment is.

As my colleagues can see, the grazing fee has hovered around \$2, while the private lease rates climbed slowly but surely. The average private land lease rate in the West—just announced by USDA—is \$9.66.

Keep in mind a couple of things there. CBO estimates that Federal permittees spend about 16 cents per AUM each year, on the average, for improvements. That investment should be considered, but it is nowhere near the \$7 or \$8 difference between those two Federal fees and the private grazing land lease rate.

So, we are here taking a look at this just to show how bizarre and out of whack this system is. A moment ago I mentioned a permittee would spend about \$3,940 for 2,000 AUM's for public forage. His neighbor might spend \$19,320 for the same amount of public forage. That is a different of \$15,380 between the two producers. There is no way you can justify that.

Public and private land ranchers face the same market conditions, send their cattle to the same sale yards. So it's not surprising not all of the beef pro-

ducers are opposed to what I am trying to do. I know the Independent Cattlemen's Association of Texas supports me. They point out they go to the same sale yards, and they have this tremendous disadvantage over those who come in off the public grazing land.

Public land ranchers have seen their forage costs drop 15 percent over the past 10 years because, the GAO says, "low fees are an inherent result of the current formula's design." I talked about that a minute ago.

Private land ranchers have seen their forage costs increase 17 percent over the past 10 years because they compete for forage on an open market. That is not fair. It is that simple.

Now, before one of the opponents of this amendment jumps up, let me point out that private lease rates should be higher than the Federal grazing fees. We do not deny that. Private lands tend to have better forage conditions. Lessors may provide services the Federal Government as a landlord does not. So we are going to see some differences and they are justified. We do not argue that. We do not argue that.

Let us get something else straight. One amendment will not make grazing fees equal to private land lease rates, as I was just saying. Fees will stay substantially below the private land lease rates. Even our 1996 fee of \$5.13 is only 53 percent of the average lease rate this grazing season. We are still going to have a tremendous deal here.

What concerns me is that the forage costs for private land ranchers are going up. Forage costs for public land ranchers have been going down. That is not fair.

I mentioned at the outset that our amendment is designed to promote equity for the American taxpayer as well, and I think it is important for us who are not out in those areas, who are not beef producers or represent beef producers to take a look at the impact on the taxpayer.

Public rangeland forage is a resource all Americans own.

Now, I recognize that when you get into the Far West, without the use of the public lands, many cattle ranchers could not exist. So I do not have a problem with the fact that they get a private benefit from the public lands. I do not have a problem with that. But the question is, how much of an advantage should they have?

First is the equity issue—fairness to the non-Federal permit beef producer. But second and importantly for all of us who do not live in the region or who do have beef producers is the fairness to the American taxpayer.

For instance, the Federal Land Policy and Management Act of 1976 mandates that the Federal Government receive fair market value for its public land resources. At a minimum, we ought to cover the costs of the grazing program with fee revenues. Remember,

a lot of this money does not go to the cost of the grazing program. It goes to other places. Right now, though, we are getting neither. We are not getting enough to cover the grazing program.

Let me explain why. The 1986 USDA-DOI fee evaluation study reported that in 1983, the two land management agencies spent \$2.87 per AUM on managing livestock grazing.

I will put that in the RECORD at the end. This amount does not include range improvements. It reflects management costs only.

Let me give you that figure again—\$2.87 per AUM just to administer the program. You will note that that does not get you, with all the moneys collected, anywhere near covering the costs of that program.

Even if there were no inflation over the past 8 years, that total is still 90 cents higher than the current fee.

Here is the rub. Both agencies use 50 percent of their receipts for on-the-ground range improvements, which is fine. The Forest Service, by statute, returns 25 percent of its receipts to the States for distribution to the county of origin for schools and roads. Keep that in mind. What will happen is that some fee receipts accrue to the Treasury but most of the receipts go back to help those people in those areas that are paying the fee.

BLM, on the average, returns 17 to 18 percent of its receipts for distribution by the States to the county of origin. That is fine.

So the Treasury retains 25 percent of Forest Service receipts, or 49 cents per AUM at the current fee level, and about 32 percent of the BLM receipts, or 63 cents per AUM. Remember that 8 years ago it cost the agencies \$2.87 to administer each AUM of livestock grazing.

This fiscal year, Forest Service and BLM expenditures on livestock grazing will exceed grazing fee revenues by \$65 million.

The Congressional Budget Office, [CBO] estimates our fee formula will increase net Federal receipts by \$110 million over the fiscal years applicable here. By "net," I mean after the States receive their shares. And that is good for the American taxpayer.

Before I demonstrate how the current fee is below fair market value, I want to address the most serious issue of the debate: how our amendment affects small family permittees. As I mentioned earlier, that question disturbed me greatly, and I got the people in BLM and the people in the Forest Service to come in and meet with me and go over this amendment and address that question. The last thing I want to do is create a situation which is going to create serious hardship for large numbers of beef producers, or small numbers of beef producers for that matter.

Opponents of this amendment will, as they have in the past, characterize this

whole approach as "No Moo in '92." They will claim the ulterior motive is to price cattle off the public rangeland. There are people, quite candidly, who would like to see that done.

I do not go along with that. I do not believe that. Knowing the history of the West and how it was developed and all, we should not deny access to those lands to the ranchers who over the years have depended upon them because there are no private lands readily available.

Well, back to whether or not our amendment is going to create a loss of a substantial number of beef producers: There is absolutely no evidence that will occur. I might add, I find such characterization, in view of my own deep interests in farmers, personally offensive. No one has worked harder to protect the small family farmer and rancher than I have. I served many years on the House Agriculture Committee, worked on farm credit, and all of these issues to ensure that we enhance the ability of farmers in the United States to be able to stay in business.

Indeed, if there are "No moo in 92" forces out there, they should be lobbying against this amendment. They should be saying, "Hey, this is not going to do the job."

The evidence is you are not going to knock anybody off grazing. I am sorry, that is the truth. The Forest Service and BLM, no friends of any "cattle-free" movement, agree that this amendment will not reduce the amount of AUM's used—the amount of grazing that occurs.

Anyone who argues this amendment will lead to the demise of family ranchers is just plain wrong. There is an old saying, "Everyone is entitled to his own opinion but not his own facts."

Anyone who argues that this amendment will shut down the livestock industry is appealing to emotion because he does not have the facts, and I hope the debate today can stay on the facts and merits of this amendment. Let's not get off on an emotional argument.

I will tell you why this amendment will not have the cataclysmic effects some claim it will have. I will get into some facts and figures and certainly if anyone wants to argue about them, that is his or her option to do so, and I look forward to that.

The average Federal permittee relies on public rangeland forage for 23 percent of his herd's total feed requirements. The grazing fee, which amounts to about \$6.25 per cow—that is about four AUM's, a little less than that—represents a little less than 3 percent of the permittee's total cash cost.

If you are in business, and an input that amounts to less than 3 percent of your total cash cost goes up—in our amendment by 33 percent—you may not be happy about it but generally you can afford it.

All the evidence we have—there is plenty there, and this is another thing I checked on with the Forest Service and BLM people when they were before me, whether a higher fee will drive down grazing, not just in the first year but in the out years, too. They said no. If you are purchasing an input at a price below fair market to begin with, you can afford that kind of increase.

In 1982 and 1983, the Forest Service and BLM undertook a massive market value appraisal of public rangelands. The purpose of the appraisal was to determine the price livestock operators would pay for grazing use of public rangelands if it were offered for rent or lease on an open market.

Thirty professional appraisers took 17 months to complete the fieldwork, interviewing over 100,000 individuals—permittees, nonpermittees, farm management specialists, local bankers and loan officers, and others knowledgeable about livestock production in the West.

The Forest Service and BLM appraisers determined that the 1983 westwide market value of grazing on public rangelands—that is all the Western States—was \$5.99 per AUM. This is back in 1983, I remind you. The westwide average market value of grazing on public rangeland was \$5.99 per AUM.

(Mr. ROCKEFELLER assumed the chair.)

The appraisal factored in the differences in terms and conditions that presumably make public rangelands less desirable than other forage alternatives.

The Federal grazing fee at the time was \$1.39 per AUM, or just 23 percent of the fair market value. Even today, without indexing the \$5.99 to 1991, the current fee is \$4.02 below the fair market value on a per-AUM basis.

The difference, of course, represents a subsidy for the 2 percent of the industry that grazes its livestock on public rangeland.

One of the things that the appraisers discovered is that Federal permittees were subleasing their grazing privileges. This is a very important thing to note. What is a better way to determine the value of the lease? The best way to determine fair market value is to go out and sublease the privilege. What can you get for it?

In August 1986, two Colorado State University faculty members published a study analyzing the 1983 appraisal data of 1,000 sublease arrangements across the West. The authors revealed that Federal permittees who were paying a Federal fee of \$1.39 at the time, were subleasing their privileges to other operators for rates exceeding \$7, and pocketing the difference.

Now you will hear that Congress has taken steps to prohibit subleasing. But that misses the point. Subleasing points to the fact that there is a huge difference between the fair market

value and the fee level permittees are paying.

In 1981 the Forest Service and BLM contracted for an inventory and analysis of grazing fees charged by other Federal agencies such as the Fish and Wildlife Service, the Bureau of Reclamation, the Department of Defense, the Army Corps of Engineers, and State and local governments.

I think this is very critical, very, very important to take a look at. These are not private lands. These are public lands that are leased to beef producers. And you will remember that we are talking now about comparing what the present fee system for the Federal Government under BLM and Forest Service is.

Let us take a look at this chart that tells how much the State and local governments and other Federal agencies charge to allow them to be used for grazing. Again, these are State, local, and other Federal agency grazing fees. This is the total number of the States. Take a look at each State. I will give you a moment to do that as I talk.

For instance, in California, the Federal agencies and the State and local governments get \$9.21 per AUM. You go to other areas, some areas where it would be much less, New Mexico, for instance, is \$4.41; up to North Dakota, \$6.63; \$7.76 for South Dakota. All much, much higher than what the BLM and Forest Service leases even today are bringing into the Treasury. How can you possibly defend what is being charged now?

The study revealed, as I said, that the average is \$6.44. The BLM and the Forest Service—at the time when the average of these other leases here was \$6.44—charged \$1.86; or less than one-third of what these other public bodies were getting for their leases.

There is no evidence there is any difference in the kind of services provided, at least on the Federal land.

The appraisers who prepared the 1983 study noted that 600 competitive leases involving 9 million acres of Federal lands brought an average price of \$6.53 per AUM.

In each instance, the landowner, whether the Fish and Wildlife Service, the Army Corps of Engineers, or the Bureau of Reclamation, did not provide caretaker services for the livestock. Remember that, because that is one of the big arguments for those who say the fee should be so much lower for Forest Service and BLM lands because they do not provide services.

Here you clearly see the Government—whether other Federal agency, State, or local—does not provide services and yet receives \$6.53 per AUM.

Mr. President, I would like to take the next few minutes describing the current fee, why it is flawed, and how our amendment would fix it.

As mentioned earlier, Congress established the current fee formula when it

passed PRIA 13 years ago. The formula consists of a base value—\$1.23 per AUM. I would point out that the base value has never been updated by inflation. That base was derived from 1966 and is supposed to represent a fee level that would equalize total fee and nonfee costs for public and private land ranchers.

The theory was that if total costs were equal, the public lands ranchers would not be advantaged or disadvantaged relative to the private land competitor.

At any rate, under PRIA, the base value, \$1.23 per AUM, is modified by annual changes in three indices. The first index, forage value index, tracks changes in the average lease costs of private lands in the West. In other words, what percentage did they go up over last year?

The second index is the beef cattle price index, which tracks the fluctuations in prices livestock operators receive for their cattle. That is, of course, again, a percentage. If it goes up, obviously, then the fee should go up.

The third index is the prices paid index, which tracks changes in the prices that permittees pay for certain of their inputs. This is the one so troublesome.

The PPI reminds me just of other farm indices—all the figures we used to use for our farm products. They got so far out of skew that we threw them away for dairy and feed grain years ago. But PPI remains. GAO reported that PPI overstates what the actual production costs are. It really skews the formula.

In fact, I know we will be talking later about the industry itself, and certainly one of the great leaders of it, Dr. Frederick Obermiller, of Oregon State University, who has advised the industry on formula changes. He has admitted that the present formula is no longer accurate. He goes to an updated index with just the one index, forage value. We still have problems with that one. But at least it is a change in the right direction.

In June GAO issued its report stating that "low fees are an inherent result of the existing formula's design." That is GAO's interpretation.

The formula, according to GAO, double counts ranchers' ability to pay by including both the forage value index and the prices paid index. That is what I was talking about.

The latter is so skewed and wrong that it really has, for instance, given us a ridiculous result where you would think that the price of beef has been going down or all of the people in the industry would have gone broke years ago.

The PPI overstates livestock operation costs by excluding certain inputs and heavily weighting others, such as fuels, that are sensitive to inflation.

I already mentioned that the grazing fee is 15 percent lower now than it was in 1981. That is basically because of two factors. One, not indexing the rate. Two, more importantly, the costs that the producers are paying out are greatly overstated. As a result, although grazing lease rates generally have gone up in the private sector—by 17 percent—under this formula, for the producers who are Federal permittees, the fee has gone down by 15 percent.

The 1986 fee study and the GAO report both observe that the PRIA formula adds and subtracts the indices, rather than incorporating them into a ratio format. In other words, it is flawed from a mathematical perspective. By adding and subtracting the indices, it is possible for the formula to generate a negative value.

In other words, the Federal Government would have to pay ranchers to graze their livestock on public range lands. Obviously, that would be bad. Instead of "no moo in '92," we might have "no fee in '93." That is how bad the formula is.

Our amendment streamlines and updates the formula by replacing the current base value of \$1.23—which was arrived at 25 years ago—with new base value of \$4.89. The 1986 report indicated the fair market value of forage ought to be around \$4.89.

Then we index the new base with the forage value index, which is the change in the cost of private grazing land lease rates. Obviously, that is a good index for what we ought to be charging on public lands. If cattle prices go up, the value of the leases will go up. If cattle prices go down, the value of the leases will go down. FVI gives you an accurate picture of what is occurring in the free market system.

The new base value reflects the 1983 appraised value for public rangeland forage, as I stated. I mentioned a moment ago that the study revealed an average price of \$5.99 per AUM. What the appraisers did was break the west into 6 pricing areas, because forage conditions vary from area to area, as we can see on this chart.

We have taken the fair market value for the least expensive pricing area, area 5, which contains States like New Mexico, Arizona, most of Nevada, and southeastern California. The 1983 appraisal estimated the fair market value for pricing area 5, which includes those States, at \$4.68 per AUM in 1983. We have taken that value and indexed it to 1991 for the new base of \$4.89. That is how we got our figure.

Because we update the base value, we need to update the forage value index, too. To establish an updated base for the forage value index, we used the average price for 1989-91, set to be equal to 100. We start off with our base value, and with a new index.

We calculate annual changes in the forage value index on a rolling 3-year

average value. The use of a multiyear base reduces the risk of relying on a single atypical year. A rolling average reduces volatility.

The forage value index is sufficient proxy for market conditions. When prices are high, ranchers expand their herds and bid up the price of the forage; when low, the forage drops.

As I mentioned, our formula is similar to the Regula formula, which passed overwhelmingly in the House. It is also similar to the one that existed prior to 1978, in concept. By the way, a joint USDA-Department of Interior 1977 study endorsed the concept of this formula that we are presenting to you today.

Mr. President, I have one more chart, which depicts where we are on the grazing fee issue. This is a pretty lively one, and has a lot of material in it. Let me explain it, to show you all of the ways of looking at this issue. No matter how you get there, this current fee is nearly off the chart it's so low. In fact, the only thing that is close to it is the fee level under my amendment, in the first year.

This is a current fee right here, \$1.97. This is where we would start, next year, \$2.63. The next value is an interesting one. Keep this in mind. This is what the banks, the beef producers on the public lands, figure the additional value is of that permit. That is the one they will give you. You can borrow money on this. If you have a lease, you can borrow money, using the \$3 or more as a value of each AUM you have. You can use that as an asset. That includes the fee. It would be up here, if you put the fee on.

Anyway, this is our amendment on the final year; OK. This one here is an interesting one. Sometimes, because the fencing is not too good, and sometimes a cow roams around—this is a Forest Service trespass fee right now—if the Forest Service finds an "innocently interloping cow" wandering onto agency land, it charges \$6.08. If you have a permit and your cow wanders over there, you end up paying \$6.08.

Then the next one here, this is the average USFS sublease rate, from the study done by the University of Colorado 5 years ago. If you look at the average USFS sublease, these are the guys that have the permits, and then they say: Well, if we can make more money by subleasing our AUM's than we can by ranching them ourselves, we will sublease them.

That is the one I showed you, a lease from the Union Oil Co. in California, which has some of this—\$7.06. Pay \$1.97 and sublease it for \$7.06; not a bad deal. I wish I could find something like that.

BLM is even better. I do not know if that means better lands, but you can get \$7.75 for a sublease. This is years ago, not this year. Also, notice how close this is to the recent figure I gave

you as to private lands. The innocent trespass fee for the BLM—that is, your innocently interloping cow strays onto Federal lands—is \$9.19. Just as a footnote, if you do it deliberately—this is normal trespass law—it is \$27 per AUM, or treble damages.

Here we are. This is the present situation. There is nothing close to it except our amendment. So certainly, if you want evidence that we are being reasonable, of course, ours goes up to here. But still, we are well below all these other values.

How can you answer the question: Why are we charging this? It does not even pay the cost of the program. We are subsidizing something which is worth so much more than what we charge for it. Permittees can turn around and receive a 350-percent profit.

I tell you, at this time, I just cannot see how anyone can defend voting against increasing this fee. How do you go home to your taxpayers and say: Yes, they have a deal out there, but they are nice guys. We did not want to hurt them.

Not only that, when what you do—most of it—will be a transfer from the pocket of the ranchers, which will put them up into fair competition with others. The money will be used to take care of their land. Then additional funds will be used to help schools, roads, and the community. How in the world can you vote to say that we should not change this?

Mr. President, my friend from Ohio will have a good deal more to say about the merits of this amendment. I will yield to him in a moment if he is here. I know he is presently involved in two very critical nomination hearings, both very much in dispute. But I certainly expect him to be here sometime in the not too distant future. I tell you I finished earlier than I anticipated. He did not expect to be here this soon. I want to make sure everyone has available time because I know our leader on this bill, Senator BYRD, desires to finish this tonight.

I want to review again, just before I yield the floor, some of the important points I have tried to bring home to you. First, we are talking about 2 percent of the beef industry. We are not talking about a large percentage of it. We are talking about 2 percent that have near-permanent rights to this land. That is another thing I have not talked too much about. You should know how this land gets to a rancher.

If you live near Federal grazing land, you probably do not have enough land to really be in the ranching business. It is understandable you look to the Federal Government. That is appropriate and nothing wrong with it. Without it the West would not be the West we know and love. That is not the question. But when you do have one of these permits, it is in perpetuity. It is not theoretical. It is a 10-year lease.

You get very substantial rights on that. For example, if you do not want to graze 3 years, you still keep the permit. If you went to the bank, as I said earlier, they will recognize that you have this permit because tradition allows you to renew the permit, even give you a value for it, so you can capitalize that value.

These are wills, they are for life. In fact, many of Federal permittees have had them so long they really and sincerely believe that is their land, and they get upset if someone is going to raise the fees. It is so valuable they have an argument here when they do transfer it. It was transferred to them; they probably paid for that extra value in some form. So they will argue that you should not consider the fact that it is more valuable.

Second, I want to again remind you that we are proposing the formula which does not even get close to what fair market value ought to be for those grazing fees. We are only at 40 percent. I do not think that is unfair. I agree there is some basis to the argument Federal permittees provide services that the Government does not, services you get with private leases.

Again, I will point out, all the money here is not going to the Federal Government. It is going back to the areas where those leases are changed. Still, I am willing to say if we get a little more than what we are getting right now, I will be happy; it will help reduce the deficit and cover the cost of the program. In addition, it will help the grazing lands. I continue to have a problem that revenues from these leases do not cover the cost of the program.

Third, the current formula is inherently designed to produce low fees. If that is the policy you want, if you want to continue subsidizing Federal permittees at a time when we are cutting back on everything else, and you do believe they should have an advantage over the other 98 percent of the industry, then oppose this amendment. But I cannot go along with that. I do not believe that we should be allowing a fee, which is, admittedly, designed poorly, to keep the price down, to never even catch up. You have to at least correct the formula. As I mentioned before, Professor Obermiller is willing to say he recognizes you have to change the formula; it is a terrible one. It grossly misrepresents the real values here.

Fourth, the grazing fees—keep this in mind—amount to less than 3 percent of the average cash cost per cow. The Federal permittee, pays \$6.25 per cow to the Federal Government—and gets either \$400 or \$500 or \$600 for that cow. So, the increase affects a very small percentage of cash costs, 2.8 percent. You remember that I mentioned I met with the BLM and Forest Service and asked them at least two times this

question because I wanted to make sure we would not in any way be reducing the amount of grazing on Federal lands. I said: Will they have the ability to pay this increase? The answer was, yes, there is the ability to pay it even when it reaches the highest amount. If you take a look at the facts and figures, it is true. There is no evidence to support the position otherwise.

Fifth, permittees can afford to have the fee gradually inch closer to the formula. That is all we are doing, raising it gradually. If you changed it tomorrow, the evidence from BLM and the Forest Service is that it would be painful. We all have a tendency to spend every buck we get. Sure, you have to adjust and do things. As far as what they get and what they pay for raising that cow, they could afford it.

Sixth, the amendment will ensure equity to taxpayers. By raising the fee, our amendment will increase net Federal revenues from grazing fees by \$110 million over the next 5 years.

Seventh, our amendment is supported by taxpayer groups, including the National Taxpayers Union. The Council for Citizens Against Government Waste lists increasing the grazing fee to reflect the market value as one of its critical issues for the 102d Congress. I do not quite raise it to that level. Also, it was one of the items on the Grace Commission. Remember the Grace Commission? I do. I am sure many of you do. The Grace Commission recommended actions that we should take to restore equity and fairness and get rid of Government waste.

In addition, the environmental groups support the amendment because they feel this is important that all the money goes for multiple use of the lands. The Federal plan ought to be multiple use, and most of the money should go back for range improvements. They are also in favor of it because it reduces the deficit.

I know the opponents are lining up. My friends are still languishing somewhere, I am sure. These are the toughest amendments you can bring up. I hate to do it. I try not to pick on people whom I have tremendous confidence in their abilities. I understand they have to fight this. I hope that those who are not involved in this personally will take a look at these facts, recognize that if we in this Congress cannot do something as glaring as this just because it affects the States of some of our friends, how can we expect the public to have confidence in us to handle some of the tougher issues? Certainly I think that this is a test. It is a test as to whether or not you are willing, notwithstanding the fact it is a hard and emotionally difficult thing to have to face your fellow Senators, to address these tough issues. It will establish some credibility about our real willingness to tackle some of the problems we have with our Government of

not having an equitable situation or giving unfair advantages.

So I urge you to listen to all the debate, take a look at it, closely examine it, take a look at the figures I give you, nothing I cannot give you the document for. I have told you nothing which I have not had a chance to talk to the people who will be affected. If you do not want to see a single increase here, then you vote against me. But if you want to run middle road and say, hey guys, the House version is too high, Jeffords is 40 percent less—that is a pretty good deal, it should not make anybody too mad, and is certainly a lot better than the House version, then vote for my amendment. Otherwise, it is going to look like you do not want to change anything at all, you feel the current formula is fair and appropriate and should go on the way it is.

Mr. President, I yield the floor.

Mr. CONRAD. Mr. President, I rise in strong opposition to the proposed increase in grazing fees on public lands. Quite simply, this amendment will bankrupt hundreds of hard-working ranchers in my State of North Dakota, and thousands of farm families all across the Great Plains. It will deal a harsh blow to the already fragile farm economy. It will do a great deal of harm, without doing any good. This amendment may be well intentioned, but it will not accomplish its goals.

I am not overstating the case. I am not exaggerating. If we raise these grazing fees, thousands of farm families will be driven out of the ranching business, families that have worked their ranches for generations, who have been good and faithful stewards of their own land and of public land. We have heard that leasing public lands for grazing harms wildlife. If that is true, then why have big game populations increased so dramatically? Since 1960, the elk population has grown 782 percent. The antelope population has grown 112 percent.

I will tell you why. It is because the ranchers who lease public lands have built tens of thousands of watering sites, providing water in the arid West not only for livestock, but for millions of wild animals. They build these sites and maintain them at their own expense, and the public benefits.

We have heard a good deal of talk on this floor that there is a difference between the public grazing fees and what is being paid on private land. That is true. But that is comparing apples and oranges, Mr. President. On private land, fencing is provided, water is provided, roads are provided. With respect to public lands, the lessor provides the fencing, provides the water, and in many cases provides the roads. A dramatic difference.

Why should we deny these people their livelihood? Who will gain? Will the wildlife be better off? The answer to that is simply, "No." The wild ani-

mals will have less access to water. Will the consumer be better off? Again, the answer is, "No." The producers who can remain in business will pass the higher grazing fee costs on to the consumer, inevitably pushing up meat prices. Or, the deficit in U.S. meat production will be filled by imports from countries in Central and South America, where they are cutting down rain forests just to create grasslands.

Mr. President, what sense can this possibly make to have a policy that would encourage the cutting down of rain forests to create grasslands because we are not willing to use our natural grasslands to produce the meat that is necessary to feed this society?

We have heard this amendment will drive huge corporate ranchers off public lands. I do not know about that, Mr. President. I am not so sure. But I am certain that it will drive family farmers out of business in my State.

The ranchers who lease public lands in North Dakota run small family sized operations.

I cannot speak for other States. I can speak for my own. In North Dakota, we have just over 1 million acres of national grasslands managed by the Forest Service, and I now understand that the Senator has excepted those grasslands from this amendment. We appreciate that. But we know where this will go. We know that if this formula is established for other public lands, that soon it will apply to the national grasslands.

In addition we have 67,000 acres managed by BLM to which this amendment does apply. This land is leased to 630 ranchers in my State, Mr. President, who lease an average of 830 animal unit months. An animal unit month is the land necessary to sustain a cow and a calf for 1 month. Eight hundred and thirty AUM's allows the average holder of a lease in my State to run about 104 head of cattle for 8 months on public lands.

Let us repeat that, Mr. President. We have heard talk that this legislation is going to get the big corporate rancher. In my State, the average public lands lease is for 104 head of cattle. That is not a big corporate operation. That is a very small ranching operation, and they are experiencing extraordinarily difficult times. That is the reality.

I just spent the better part of a day going through the grasslands of a BLM area that would be affected by this amendment. I wish my colleagues could have been with me. I wish they could look into the faces of the people who are running animals on that land. I wish they could see their financial situation.

Mr. President, these people sent me their tax returns. They sent me their tax returns so that I could see what it is that they are making or, in some cases, not making. Mr. President, almost without exception in my State,

these ranchers are on the brink of going broke. That is the reality that we are dealing with.

One hundred and four head of cattle—that is not a corporate ranch. Most North Dakota ranchers must own or lease private land to have a large enough ranch to make a living for their families. Even the members of the McKenzie Grazing Association, the largest in North Dakota, run an average of just 140 cattle. These are family sized ranches—and not very big family ranches either.

Raising the grasslands fees to the levels suggested in this amendment will close the grasslands to these ranchers and put many of them out of business. Are we willing to bankrupt thousands of family ranchers to deny access to a handful of corporate ranchers? Is that really what we are about here?

Mr. President, I hope that any such amendment would be targeted. If you want to go after the corporate ranchers, that is fine. But goodness knows, leave these small family ranchers alone. They are having enough trouble. It simply does not make sense.

Let me provide some real-life examples, Mr. President, of what we are talking about with respect to this amendment. Melvin Leland leases 254 animal units. He has provided over \$30,000 in improvements, including an extensive watering system.

Again when we here talk of the difference between private lease rates and public lease rates. Let me remember that, on these public lands, the ranchers have made significant investments in water, in roads, in fencing, and in other improvements in order to have an operation. That is different than what private landowners provide.

The maintenance of watering facilities and fences on public lands costs Mr. Leland more than \$18,000 per year in supplies, depreciation of equipment and his own time and labor.

The Greenwood ranch in western North Dakota has invested \$54 per animal unit for water and fencing alone, not including equipment costs, labor, and the material needed for maintenance. Because the Greenwood ranch has invested so much in improving the public land, it could be leased for more than the current fee that applies on the Forest Service land, the national grasslands, of \$3.82 per animal unit month.

Certainly, now that the improvements have been made by the Greenwood family, the Forest Service could lease it for more to someone else. Would that be fair to the Greenwood family that, in good faith, made those improvements, made those investments? I think not, Mr. President, and lest anyone think Mr. Greenwood is getting rich on this lease, I would be happy to show them the Greenwood ranch cash-flow analysis which he sent me.

I would be happy to share it with any colleague.

Sufficient to say, he is netting only a fraction of the income of those who would put him out of business.

More eloquent than anything I can say are the words of the ranchers who have written to me concerning the grazing fee issue. They are proud people, and they do not like to admit they are living on the edge. But after 4 long years of drought, many are barely hanging on.

These ranchers do not live and work in isolation. The life of the small communities that supply and support agriculture is at stake as well. Allow me to quote another handwritten letter from Medora, ND, a family that runs 200 head on public lands.

Our family has lived on and operated this ranch for twenty-six years. . . . We depend on the National Grasslands to carry (us) through the summer grazing season and partly for winter use also. If the grazing fees are raised to the proposed \$8.70 per animal unit. \* \* \*

I want to acknowledge here the formula has been changed and the \$8.70 that they were referring to was the legislative proposal that passed the House, not the one we face here today, which is more in the range of \$5. Nonetheless, I think this will give my colleagues some sense of what we are dealing with.

\* \* \* our operation will phase out in a very short period of time. This then will reflect onto the bankers, the grocery store operator, the fuel supplier, the feed plant people, everyone on down the line that we do business with. We would have to move to town and take a job away from someone there or else go on county welfare causing higher taxes for the taxpayers. We feel we have been using these National Grasslands to help make a living for us and the local business places and we do take care of them by making range improvements. We would like to continue this type of lifestyle if we are allowed to.

This rancher attached a worksheet and his tax returns for the past few years. If the higher fee had been in effect for the 1990 grazing years, this family's net ranching income would have dropped from \$18,000 to \$10,600. Big corporate ranchers? Big bucks cattle operation? They are making \$18,000 now, on a fee of \$3.80, which is what we pay in the forest land.

If they were asked to go to the \$5, they will be slowly pushed out of business, I understand that \$5 is the level in this amendment, I also understand what will happen if this amendment passes, I know what will happen. They will be next in line for a sharp increase in fees.

If the fees had been in effect for the past 7 years, this rancher would have seen big annual losses, instead of small annual profits. In short for this rancher, raising the fees would make the difference between earning a living and losing his shirt.

It seems to me that this amendment is aimed solely at removing domestic animals from the Nation's grasslands. Those who support this amendment may not intend it, but it will also remove thousands of family ranchers from their homes and their lands. And I think that if the supporters could spend just a few weeks with one of these families, see how hard they work, and how small the reward for that work is, they would change their minds.

I believe we can continue to improve the management of our national grasslands without driving honest and hard-working ranchers out of business. I urge my colleagues to defeat this amendment.

Mr. President, let me just conclude by saying I do sincerely wish my colleagues could spend time with the ranchers of western North Dakota. They are the ones who are on the public lands, the BLM lands, that are affected by this amendment—the national grasslands would be next.

I wish they could just see the extraordinary economic struggle that these folks put up with every day of their lives. I believe if they could, this amendment would be defeated in a resounding fashion. I thank the Chair and yield the floor.

Mr. JEFFORDS. Will the Senator from North Dakota yield for a question?

Mr. CONRAD. I am pleased to yield to the Senator.

Mr. JEFFORDS. I am concerned with the issues he raised, and that is the reason we reduced ours, because there was evidence that the rate of the Synar, the one in the bill before us, would hurt farmers.

We have exempted grasslands. Looking at the census of 1983, with respect to North Dakota, it lists 18,548 producers at that time, but only 100 would be affected by this bill.

Is that accurate? This is what our evidence is, that only 100 of your farmers out of the whole State would be affected by my amendment. I appreciate knowing the answer to that.

Mr. CONRAD. I will be glad to do that. The Senator is right if the Senator accepts the notion that this would only apply to the BLM lands and would not be soon translated over into the national grasslands.

Let me just say right now, national grasslands are paying about double the AUM rate that the BLM land is paying. I think it is clear what would happen. This situation of differential rates would not last very long; one rate on one type of public lands and another rate on other public lands is not sustainable. Even if the current legislation directly affected the national grasslands, it would not be large numbers of people because we only have 630 lessors, including on the grasslands.

Let me say I do not care if only one rancher is affected. If you could spend

time with the folks I am representing, and I am speaking for, I think honestly you would come away and say: My God, we should not increase those people's rates a penny. They are on the brink now.

Mr. JEFFORDS. Will my colleague object to the rate that is being paid on the grasslands?

Mr. CONRAD. Would I object to a \$3.80 rent applying to the BLM land?

Mr. JEFFORDS. Yes.

Mr. CONRAD. I would not mind seeing an equalization for everyone. But I would roundly oppose going to \$5. And I must say before I would sign off on any increase in BLM land rents, I would want to see the specifics of who was affected. What would happen—I can tell my colleague right now—that, because my people are on Forest Service land paying \$3.80 instead of the \$1.90, there is real hardship.

I would say to my friend and colleague, I would like to see an equalization. But I think the equalization ought to occur at a level much less than \$3.80, that is what our folks are paying.

I must say, if you would come and see the people that I am talking about, the average income—average income, \$18,000. I used to be the tax commissioner and I know these ranchers are not making much, about \$18,000 per year on average.

These ranchers are in very tough financial condition. So I would say to my friend, I favor an equalization but it would be at a rate for below the \$3.80 that we are paying now.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I note other Senators are on the floor who want to speak. I yield myself 6 minutes at this point, if the Chair will advise me when I have used that time.

I want to say, for fellow Senators, this particular situation is not going to be resolved this evening. We believe it will be resolved tomorrow morning. Those of us who come from public domain States must have the opportunity to be heard. And we cannot do that without using up part of tomorrow morning.

Then we will propose a motion to table because we truly believe there is not a situation more suited to a motion to table than this situation.

Now let me proceed for a few moments to try to tell the Senate why.

First of all, we are talking about thousands of acres of public domain land, and because institutions like the GAO, who do not have a cattleman around, have done studies on this particular grazing of public domain. Today in an appropriations bill where there has not been one single solitary hearing about the livelihood of 31,000 Americans—31,000 ranchers with their families, so it is far more than 31,000—no hearings whatsoever in the U.S. Senate

in the Appropriations Committee. This amendment does not belong on this bill. This amendment belongs in a free-standing bill with full hearings and full debate since some want to change the grazing fee 15 or 20 percent.

Oh, let us charge the big cattlemen, rich corporate cattlemen a little more, maybe 20 cents more an acre. It may be nothing. If it happens to be the marginal rate to stay in business—and we do not know that. We do not know if going from \$1.95 to \$2.50 will be too much for the average cattleman because we have not had any hearings. So we come along and say it is time to raise the fee because of some people headed by some House Member who loves to make noise, loves to get press, loves to use the GAO. So now, we are busy on an appropriations bill putting hundreds and hundreds if not thousands of Americans out of jobs. Is it not interesting? Do you know what kind of jobs? I do not believe a single one is in a city.

And what do we worry most about jobs? What is happening to rural America? We see bills come through here allowing us to spend \$150 million and let the Agriculture Department excite people about living in rural America. Is that not magnificent? For an additional \$7.5 or \$8 million, which is the first-year collection under this amendment, we are just going to go about putting hundreds of cattlemen out of work. Then next week or next month we will run an economic development for rural America bill through the Senate and it will say let us give the Council of Governments this much, and the State that much. To do what? To build jobs right where we got rid of them because we do not know what we are doing.

Let me repeat the numbers, a little State like New Mexico, 1.5 million people, at least 9,000 cattle ranchers who use some public domain land to live on.

And are they big, fat cats as some are implying around here?

Incidentally, Mr. President and fellow Senators, if you are looking to get so-called fat cats, if any exist, you are less apt to get them by raising the fees than you are the little man, the man who is making \$18,000 or \$20,000 with 100 head of cattle. That is who you are going to get. You go after the big guy and he will add this, that, and the other and he will make it and add some more land and you will not get him.

What kind of people are we talking about in terms of these cattle ranchers who will be affected with this amendment without knowing what we are doing? We can have all the charts we want and it does not substitute for a good solid set of hearings about the economic significance of these kinds of fees to permittees on the public domain.

And yes, while we are at it, since there is so much inference about

environmentalism in this, we ought to have that in one of the hearings, too. And we ought to ask those who say—and there are some, Mr. President, who are really saying it is not the fees we want; it is the cattlemen we want. We want them off the public domain.

We ought to ask experts what the public domain, which is owned by the American people, would look like if you had no cattle grazing on it. There is nothing on it. The Federal Government would have to maintain it all. There is hardly any water on it. Most of the water is on private land. They would have to fence it all. I think one of our Senators has some information about how much it might cost just to fence what the ranchers are now fencing because they have possessory rights, and to keep their cattle in line, they pay for it.

Now, in our State—and nationally we believe that family operations are about like this—88 percent of the ranches are on public domain who make less than \$28,000. And we have no idea what that means in terms of family members, their own acreage or anything else.

So we are not talking about extremely wealthy people. We are talking about ranchers who have had two reasonably good years, thank God. That good year is based upon the price of cattle.

Let me go on with just a couple more thoughts. In the State of New Mexico, for size, 8,900 ranches in my State, about 72 percent are small, 21 percent medium, and 7 percent we would call large ranches. Small is defined as zero to 99 head; medium, 100 to 499; and large, 500 or more.

So for those who wonder, in a poor state like mine, that is where we are. There are no fat cats. There are no big ranchers making a killing on the Federal Government, but quite to the contrary.

Now, Mr. President, let me talk about where we are today. A couple of things we will show the Senate tomorrow. We will have a Congressional Budget Office analysis that will show what kind of damage you can do by passing an amendment on an appropriations bill.

And I note sitting here today is a fellow Congressman, Representative SKEEN, who tried his best in the House not to let this happen. But the Synar amendment was passed in the House, and I just alluded today to how that came into being when I talked about those who use these kinds of situations to make a lot of racket.

It turns out, an independent firm working for the Congress at large, the Congressional Budget Office, says if you wanted to make more money for the Federal Government, you just failed because you will collect less money under Synar than you will under the existing law.

Lo and behold, why do you think that is the indication? It has gone up manifold. Do you know why? Because it is their estimate of what the real action on the range will be, and they are saying cattlemen will go broke. They will leave the range and give it back to you, and fewer will be paying.

So it is not just Westerners who are saying you can change that fee and cause far more damage than you know about. The Congressional Budget Office will now have to score an amendment which will affect those who are trying to make a living in a competitive world. You better know what you are doing or you might be playing right into the hands of the few who want no cattlemen on the public range.

I hope there are few. I hope there are few in the Senate who think that the public domain should not be used by private users who manage it properly, pay for the upkeep, put the fences in and pay for the water so they can make a living in a manner that their ancestors made it. It is probably one of the remaining lifestyles that carries some significant values. And why do we want to destroy it when we do not even know what we are doing?

Now, tomorrow we will put some more evidence in the RECORD. For now I just want those who are not present to know this is a very serious issue for us. We do not think we ought to raise the fee.

Please understand, Mr. President, we have to go to conference with an appropriations bill from the House that has the Synar amendment in it. It is already higher than \$8 in the fifth year. We think we ought to go to conference with nothing from the Senate, sending a strong signal that we do not like to legislate on appropriations bills when it has to do with thousands and thousands of lives and lifestyles of American people; that we ought to wait and do it right.

I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I think the Senator from New Mexico, who talks with a great deal of passion about this subject, had a lot to say, and I want to footnote about trying to legislate on an appropriations bill.

There was a hearing held on grazing fees over in the House of Representatives. It was never voted on. In fact, if a vote was taken on the committee, both Interior and Agriculture, it would not have passed. This would not have seen the light of day had it been dealt with in this body we call Congress if it had to be voted on in committee. And that is where we do most of our work. The Chair knows—and I serve on several committees with him—that is where a majority of the problems are solved. But if we cannot get something through that process, then we cir-

cumvent that and we find the place to do it.

The subject that the Senator from North Dakota brought up, the grasslands, yes, their grazing fees are a little higher than those found on BLM. I do not have a lot of fancy graphs, but I do have about 25 years in the livestock marketing business in the West and understand what those people make as income and what it takes to produce it. There are also 40 percent more bankruptcies of those producers who rented in the grasslands in western North Dakota than there are those who run on BLM, and the fee is not that much higher.

(Mr. AKAKA assumed the chair.)

Mr. BURNS. So much for that. I do not think we could stand 40 percent more bankruptcies on those folks who depend on public lands for grazing their livestock.

Let us address a few things that come up that will be talked about today and tomorrow which will probably lay the basis of what this discussion is all about down.

It is not all about income to the Government. You want to take livestock off the range? Twenty percent of the available grazing on public lands was not used this year or last year. Why? Economically it did not work, I would imagine.

We do not have a program out there to bail the cowboy out. He has to buy a cow, hope she has a calf, and hope the calf is worth something when it comes to market the next fall, or a yearling the fall past that. There is no program to protect him.

It is like getting back to the old watermelon story. Maybe we are not very smart, but a couple fellows used to drive down in Mississippi and buy watermelons for 75 cents, haul them back to Montana and sell them for 74 cents. One looked at the other, says "we are not making any money." He said, "I know it. We have to get a bigger truck." It does not make a lot of sense. We do not make the investment unless we can realize something out of it.

The cattle business has not been all that shiny the last 2 or 3 years. We have gotten well, paid some bills.

You want to know about the grazing up there. The reason grazing fees and the value of the livestock do not react as fast is because it is put into the formula the next year.

I can tell you that we might have sold calves for a dollar last year, but I can remember in 1982 when we sold them for 45 cents a pound. That market goes up and down. When it slides off, there are a lot of people that take a pretty big chipping.

Let us take the argument that Texas cattlemen do not want to compete against the producer that runs on public lands. No. 1, Texas has no public lands; not one producer runs competition against cattlemen that runs on public lands. Texas does not have it.

It only effects 2 percent of the business. Is 98 percent going to worry about 2 percent in the field of competition? I do not think so.

And we can put it down on paper. OK, BLM says it takes so much to administer this land—\$2. And I will not dispute those figures, although I can. I can remember when I moved to Montana back in the early 1950's there were probably 35 people who worked for the BLM and there are over 600 today. I do not know what they do. I guess they stay out of each other's way. But they have a lot of country to do it in because we are 38 percent public lands in the State of Montana.

So the price is not too high when you figure on your water. And I think the Senator from Vermont brought it up very plainly. There are things we receive that we do not receive on public lands that we do when we rent private lands. There is also a difference in the country. If some of that range was so good, why was not it homesteaded and held onto in the first place? At the time that the Society of Range Management was established and we thought we had problems in our rangelands—and we did have some problems at the time of that establishment—we could not hardly run our ranges anymore because there was not any grazing out there, and there was not any wildlife either. There was no water. All the good land had been taken up. It was purchased and paid for. This was kind of left over.

But there were some abuses. There was an organization established that has probably done more to bring these ranges alive in the area of water conservation, and wise water use, and yes, carrying capacity on dry lands. And keep in mind, folks, we are talking about short grass country. We are not talking about the lush meadows of the Forest Service. I am talking about eastern Montana, in short grass country, where less than 14 inches of rain fall a year. In the last 7 years we have been in a drought.

Do you want to look at the value of forage? It is not very high when there is not any, when grass in the spring stools out that is only this tall.

So there, in your formulas, the value of that particular acre goes way down.

I am just talking from personal experience—what it takes to make it work in communities where the biggest share of the county is public lands, and you increase those fees and only 25 percent of it comes back in the form of PILT—payment in lieu of taxes—do not even compare to personal property taxes paid on one cow or one yearling or one calf in a year to the county government.

I am an old commissioner. I can tell you about that. PILT payments will not even touch it.

Of course, maybe you do not have to worry about that. Maybe it will come

back to the county. There will not be any ranchers, no kids, so we do not need the schools. I guess you can think about that. Move to town, get on the welfare rolls, and it costs us seven times more.

So we look at all of these things put together and we wonder why we get so excited about those of us who live in States where we have high acreage of public domain.

We could look at it from an ecological standpoint, from the environment, from wildlife, from soil conservation—all of it. Because when the Society of Range Management was established it was outside the Federal Government. It said we have to start putting a partnership together and we have to become land managers along with the Federal Government because, to be right honest with you, very few schools back in the early 1950's and the late 1940's even offered a degree in range management. But it was through their efforts. And now we have people who suddenly come out and tell us what it is worth. But they also tell us they want us off, not giving two generations of Americans any credit at all for improving this great resource that is renewable every year—that is if it rains. No credit. "We do not want you. We want you out of there. Get off the range."

I will guarantee you—let us talk about subleasing. It is against the law to sublease. It is against the law. They just do not do it. Those that have been caught lost their permits. It is against the law.

So with all of these points that have been made—and as this debate goes on I hope Senators and people around America will keep all of these things that we bring to mind that are basic and American: if those who are born of the soil take care of the soil, they will provide food and fiber for this Nation at a very, very low cost.

They are asking nothing, just to raise their families. They buy pickups made in Michigan. We do not manufacture one pickup in Montana. We have oil and gas, but it costs us as much there as it does in Kentucky or anyplace else.

Of all the services that are required in animal health, none of it is produced in the State of Montana. It is bought from some other State. So it impacts their economy. But mainly we will get up here and make great speeches with family, keeping families together, keep people working.

Yet, everything we do undermines that very value. So as this debate goes on, I will speak on a cooperative event that is happening in Montana in providing winter range for elk, and how those grasslands are managed, with grazing included in the whole formula.

That makes a lot of sense. For what happens in some of our scenic areas in the State of Montana, for instance, if a

ranch cannot be viable as a ranch and raise livestock—and part of this public land is necessary to keep it economically viable—the rancher has no other alternative than to what? Develop his ranch and sell 20-acre plots to the folks who want to come in and play cowboy 30 days out of the year.

Once these ranches are broken up into 20-acre plots, folks, habitat for wildlife and our water quality goes down and, yes, this animal called man impacts every other animal in the area, and the whole ecosystem.

You will hear people that can put it in a lot better words and make it probably a little more understandable, but we are talking about the basic industry of the State of Montana—agriculture. It impacts that, and especially the people. If it was so lucrative—if it is a bird's nest on the ground, we would have people standing in line ready to invest in a ranch, and you have to have a ranch in the area before you can lease at BLM.

That is not the case. That is just not the case, because the margin of profit is just not there. That is why they call us "not very smart." We will work for nothing.

If a guy inherited a million dollars and they said: "What are you going to do with it?" He would say: "Stay on the ranch until it is all gone." And he will. But he will have something he will feel very dear about: this land of not only public domain, not only America's, but also their own.

This is an opening argument, so to speak, but I think we ought to lay it out in terms everybody can understand. We are talking about people that have raised this question, who live 2,100 to 4,000 miles away from any public lands whatsoever, and especially in an arid, harsh land, which can be harsh; we are talking about a way of life. This definitely would impact it.

I will go into a little more later on, as the debate carries on, about how this partnership between the Society of Range Management, who understood the problem, works diligently to correct those problems, to increase the carrying capacity, not only for just cattle or sheep, but any split-hoofed animal, such as elk, deer, and a multitude of other wildlife that we enjoy.

You have to remember that all wildlife that enjoy public lands in the summertime spend winter on private lands. They would starve to death. That is all part of it, too. So usually these questions are raised by people who just absolutely do not understand what grass is, how important a part it plays to the lives of those of us who live in the West, and also to the ecosystem of this great country, of which all of us like to be called environmentalists.

Mr. President, we will have our drafts done later on, and until that time, I yield the floor.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. I ask unanimous consent that Floyd Deloney, a legislative aide from my office, be granted floor privileges during the pendency of H.R. 2686, the fiscal year 1992 Interior appropriations bill, including at the time of votes.

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

Mr. DECONCINI. Mr. President, I rise in strong opposition to the amendment of the Senator from Vermont. I have the greatest respect for the Senator, and we find ourselves often on the same side of certain issues.

This amendment, Mr. President, of my friend from Vermont, is devastating to the cattle industry in the State of Arizona, not to mention other Western States. It would raise the grazing fee over 200 percent by 1995. Imagine any business man or woman having to sustain an increase of 200 percent in part of their costs to produce. I do not know any business that could maintain that and stay in business. Indeed, that is exactly what would happen if this amendment is adopted and enacted into law.

This would literally wipe out rural Arizona, and I will explain that shortly to demonstrate why it is so devastating.

Most of the 3,700 Arizona ranchers who graze livestock on public lands operate small, family owned ranches. They depend on Federal grazing lands for their livelihood. These are not large corporations or meat-packing concerns that have a vast amount of acreage under lease in Arizona, because it does not work that way under our laws, or in practicality, in my State.

Under the amendment offered by the Senator from Ohio and the Senator from Vermont, if it is adopted, these operations will be forced to shut down due to the artificial increase in the operating costs.

They make a living, these ranchers, but they do not make a killing. Rarely is the price of beef of such a nature that these people are considered wealthy landowners or land tenants. To illustrate my point, I would like to point to a map of the State. We have asked for an easel, Mr. President. Maybe that will be coming.

To demonstrate the ownership of the State of Arizona—many Western States are similar to this—you see the various colors here indicating Indian reservations, which is the yellow land. You see how many we have in Arizona—20 altogether. You see the green lands for different parts, and other areas of State land indicated in the checkerboard here. The white is the only part of the State of Arizona that is owned by individuals, that is a tax base that is economically viable for use other than that part of the Federal lands are available for leasing.

This land is imperative to the well economic being of my State, the use of all these Federal lands—not the yellow land, the dark yellow Indian lands; some are used, but very little. But the rest of this, without it, we cannot survive, literally. The bottom line is that the constituents of these two Senators do not have this problem, as we do.

Let me just point out to you just one chart that we had drawn up. This is the State of Vermont, which gives you some kind of indication of what the land situation is in that State. There, they have 89.6 percent of their land which is privately owned, which means their farmers, their cattle growers, their dairy farmers own the land, and they are assessed taxes on it. But there is no fee to the Federal Government, other than what the local taxes and income tax on their profit is, if they have any.

In contrast, that State has all of 6 percent of Federal lands, and 4.4 percent of State lands. In Arizona, I point out that it is quite a different story. You will see the Federal lands, not counting Indian lands, which are in trust with the Federal Government as the trustee, amount to 44.5 percent of the State of Arizona—almost half of my State is Federal lands.

The Indian lands, which, as indicated, are held in trust for the native Americans by the Federal Government, amount to 25.4 percent.

That means almost 70 percent, or a little over 70 percent of the land in Arizona is controlled by the Federal Government. The State of Arizona has 13.1 percent of the land that they operate, and that land is set aside by our Constitution for school purposes, meaning that when it is sold or traded the profits must go to the education system, not for anything else, leaving a tax base and a fee simple transfer base of 17 percent for the State of Arizona.

I think a lot of people do not understand that, at least as I travel around the country. Even Members of this body, as I talked to them over the years that I have been here, have no understanding how the West came about being developed like this. Arizona is not an exception. You take Nevada and Utah—California, I believe, is 30-some percent federally owned. You wonder why a State like Vermont has only 4 percent Federal lands and a State like Arizona has, counting Indian lands, over 70 percent. It has to do with how we came into being as a State.

In 1912, when Arizona was granted statehood, 1 day after the State of New Mexico was granted statehood, there were less than 100,000 people in Arizona. Quite frankly, this body that voted to let Arizona in had no idea what to do with all the land out there. There was nobody there. So maybe at that time it was logical. Of course, I do not think so because I have to live with it on a day-to-day basis. But given the

fact that in 1912, a long time ago, it was logical, nobody is out there, so let us set aside this land for public domain for the use of everybody and to permit at that time those that were in Arizona to also use that land and, yes, pay a nominal fee. I do not know how many of you have been to Arizona. I think, of course, it is the most beautiful State in the Union. But much of my State is barren land. That is one of the beauties. We have all those wide open spaces and always have them primarily because we have land that cannot be developed. You do not see condominiums, hotels; the only thing you see on this land is what nature provides and some cattle, and that is why this is such a devastating amendment if it should be adopted.

The Jeffords-Metzenbaum amendment would have the effect of driving ranchers off Federal lands, and Arizona ranchers would literally be out of business. I think if anybody takes a moment, what are we talking about here is very little economic gain to the Federal Government and devastation for the free enterprise system. We in Arizona and in other Western States have to have a benevolent Federal Government, and not always is it benevolent. If it is not receptive to our needs, we might as well only have a State 17 percent of the size of Arizona. What Senator here would want to give up some 80 percent of their State? Nobody. So we have to deal with the here and now, and the here and now is that the Federal Government controls our destiny every day; it controls what we do in Arizona because of the makeup of the land that was granted to the States, to the Indians, and to the Federal Government, and that small amount that has been granted in 1912.

So I ask my colleagues to put themselves in our shoes. How would they feel if someone came along and proposed taking away some 80 percent of their State, just taking it away, just the use of it, not taking away fee title?

Those who support the amendment argue that because only 2 percent of the cattle in this country are grazed on public lands, we should raise the fees on these ranchers higher than economics truly warrant. That logic is similar to saying that because only 2 percent of the milk produced in this country comes from the State of the author of this amendment, we should eliminate dairy price supports. Nobody has offered that, but maybe somebody else will someday, particularly if we continue to do this kind of devastation to one part of our country. It does not make sense, I do not think, to do away with dairy supports for that reason. There may be other cost-savings reasons, but certainly not because 2 percent of the milk produced in this country comes from the State of Vermont.

For the information of my colleagues, 63 percent of the cattle pro-

duced in Arizona are grazed, at least part of the year, on public lands. So our cattle industry cannot survive. Livestock alone contributes almost three-quarters of a billion dollars annually to Arizona's economy. Again, if this amendment should become law, we are out of business. We lose three-quarters of a billion dollars.

There are other compelling reasons to block the amendment offered by my friend from Vermont. Practically speaking, the pattern of State lands interspersed with Federal lands in Arizona makes it difficult to separate the two ownerships from practical ranching.

Let me put this up. This may be a little difficult to see. The camera can focus in for anybody watching it. With the small checkerboard being the State land, the wide solid being the private land, of course, the cities of Phoenix and Tucson marked in black, you see you have to have cooperation with those who own the land next to you. Who owned the lands next to these ranchers? The State of Arizona does to a small extent, all of 13 percent, but Uncle Sam to the extent of 44.5 percent. So, how can you possibly have any economic benefit if you cannot deal and have some kind of relationship with the Federal Government?

The current grazing fee formula was established by bipartisan approval under the Carter administration and later extended under President Reagan by Executive order. This was not something that was cooked up in the back room with some kind of economic benefits going under the table or any such thing. It was in the public interest that these fees were set. It is my understanding that the Bush administration also supports the current formulation on these grazing fees. The current system of determining grazing fees is based on market conditions, and fluctuates, up and down, based on the changes in market variables. What can be fairer for the taxpayer who does own this land? All of us own this land. Our producers only have the right to use the surface, to put a few cows on that land, and the basis of our putting a few cows on that is on a formula based on market variables. Over the past years, Federal grazing fees have risen from \$1.35 per annual unit, known as AUM, to \$1.81 per AUM and have been as high as \$2.31 per AUM. So it goes up as the price of cattle and the economics go up, and, of course, the price comes down. As it goes up the taxpayer receives a little more benefit, but it does not put anybody out of business.

This amendment would artificially increase grazing fees nearly 200 percent and, as I said, who could sustain that in business today? Nobody could sustain a 200-percent increase. It is tough enough just when the market goes up and there is a justification to raise it 3, 4, 5 percent.

The amendment offered by my colleague from Vermont raises suspicions in my mind as to the reason it would be offered. I believe that the motivation is not to raise revenues but instead it is an effort to eliminate livestock from grazing on Western lands. I do not know and I cannot prove that, but I have a feeling there is more here than just raising a few dollars for the Federal Treasury because we are talking about not even a drop in the bucket or ocean by what would be raised by raising this amount of fees. I say this because the fiscal arguments used by the proponent of the amendment are simply not supported by the facts. A major argument for the amendment being offered by the Senators from Vermont and Ohio is that the current grazing fee is an unfair subsidy for public land ranchers. As evidence of this, the proponents of the amendment attempt to demonstrate that there is a disparity between the fees paid by ranchers who graze their herds on private range and those who graze on public lands. This rationalization is intellectually incorrect and bankrupt.

As many of my distinguished colleagues know, ranchers leasing on public lands are required to pay for and build improvements. They have to invest their money to build ponds, to do fencing, to build the trails. If they overgraze, they are subject to losing their lease. This does not come without somebody writing a check. The Federal Government does not pay for it. The rancher pays for it. On private lease land, these improvements are provided by the lessor, by the owner of the land, usually, and so that is not absorbed in the costs of the lessee.

Ranchers of public lands must also contend with higher cattle death rates due to predators as well as higher transportation costs. Combine these additional costs with the fact that on private land ranchers can graze virtually an unlimited number of cattle. If you have a lease with somebody, generally it does not restrict how many cattle you can put on it. Here it does. For every acre that is under lease from the Federal Government, there is a restriction on how many head of cattle or animals you can have on it.

On Federal land, the Government strictly limits the numbers. As a result the cost of grazing on Federal lands is comparable to the cost of grazing on private land. Mr. President, Federal grazing permit holders are not being unfairly subsidized.

The proponents of the amendment also argue that the costs of administering the grazing program are greater than the fees it generates. Again, blanket statements such as this are made without checking the facts. The BLM estimates that its cost to administer is \$1.66 per AUM. Thus the Government is making a profit of 31 cents per AUM. Proponents of the bill also contend

that livestock grazing is adversely impacting wildlife habitat.

Nothing could be further from the truth. I live it. I walk it. I see it. I do not just fly over it on American Airlines or on USAir when I am flying into Phoenix. I know Arizona. I was born there, walked part of it and driven over most of it.

While there is no question some public lands were overgrazed in the past, rangeland experts from a number of universities and Federal land agencies agree that the public rangelands are in better condition today than any time this century. And it is partly due to enforcement of the leases that are made. These are not giveaways. These are contractual leases that are entered into with the rancher and the Bureau of Land Management representing the Federal Government.

As evidence of this, one need only look at the soaring number of big game animals on public rangelands. Mr. President, according to the BLM, big game populations since 1960 have increased dramatically; 782 percent in fact for elk alone. One can give a great deal of credit to the ranches for this.

More than just cattle drink from those water ponds that are constructed by the ranchers for their cattle. There is no restriction. There is not a sign up there saying only Mr. Rancher's animals can come and drink here. No. Any animal can come and drink. So they are increasing. So we are actually giving something, in addition to the Federal Government, to us, to the people that own all of this blue land and own most of my State of Arizona.

As many of my colleagues know, in recent actions, the House has included language similar to the Jeffords-Metzenbaum amendment in the BLM reauthorization bill. This bill is the appropriate vehicle to consider this amendment. This issue deserves a full hearing before the appropriate authorizing committee in the Senate. I would suggest that it would be responsible public policy to consider the objectives of the Jeffords-Metzenbaum amendment during the debate on the BLM reauthorization.

Mr. President, I ask my colleagues to look at the equity of what one State or a group of States does to another. We all have interests to protect, I understand that. We all have interests that go beyond our own States and sometimes do spill over into other States, and we have seen that about waste management control and shipping solid waste from one State to another. This is not an issue of shipping solid waste from one State to another. This is an economic viability, this is the heart of rural Arizona and the West.

So I plead with my colleagues—when the appropriate time comes, I will make a motion to move to table, or somebody will, I believe—to vote to table this amendment that my friend

from Vermont took to the authorization committee. If he really believes that a public interest needs to be served here, that there should be hearings, that we should go back if he wants to as we did when President Carter's administration attempted to increase, and also as we did, and as President Reagan's administration discussed this, and we went through a public process and came up with a new formula.

I hope this is the way we would go rather than doing it on an appropriation bill, which is clearly legislating on appropriations.

Mr. CRAIG. Mr. President, I rise today to discuss with you and with our colleagues here in the Senate an amendment that has been offered by my colleague from Vermont as it relates to public land grazing fees in this Nation and to also join with my colleague from Arizona, who has just made some extremely valuable points as it relates to the economies of public land States like Arizona, Idaho, and Wyoming, the type of an economy and an inter-relationship that probably my colleague from Vermont does not begin to understand.

I say that not in a reflection of his studies and his efforts, but largely because he was not raised in a Western State and understands the uniqueness of the kinds of interrelationships between the local and State economies and the public land resources that make up those States and the decisions made in public policy historically in this country to reflect how this country would want its public resources to be managed and utilized to accommodate the economies of those States, but also to get a return for the American people from those resources, a return that the American people thought reasonable. That happened in our very early days. It has changed and moved over the years to accommodate public desire, but also to balance that with wise and judicious use of those resources.

I wish I could feel that my colleague from Vermont has presented the amendment in that context, in the good faith of demonstrating that there was a time for, a need for public policy change, because something was crying out that that need was necessary. But in all honesty, I do not believe that. I am disappointed that, at this point in time, there may be an effort at hand to create a schism between two segments of American agriculture that will not serve either of those two industries well—the public land grazing industry of American agriculture and the dairy industry.

For years I have worked, as others have worked, to make sure that, when competing forces within these industries got sidetracked, we tried to bring them back together and that in doing that it was important that American

agriculture stood together, was supportive of each other. And where it had its differences never did we try to surface those differences on this floor or in any major public forum. I wish that were the case today. I do not necessarily believe it is.

But aside from that, let me go on to debate the issues tied within this amendment. As they say, you have to be born in the West to understand the West. Not necessarily. You can read history. You can see what was intended by public policy historically. You see that those who stood on this floor before us recognized the importance of that balance of public resource that I talk about. It was reflective of those national interests and those local Western public land State interests.

It is not by chance that my grandfather grazed on public lands and was extremely desirous of the development of the Taylor Grazing Act, so that we could bring balance and management to our public lands. And I grew up listening to my father talk about grazing on public lands and its use and its balance.

I no longer do that. Neither I, nor does my immediate family, own or lease any public lands, so there is no personal interest in this today. But oftentimes we learn a good deal at the breakfast table of our family home, listening to our parents, or our grandparents.

I suspect one of the things I grew to appreciate was the unique balance that has occurred on our public lands in the West for well over 100 years, a balance that today my colleague from Arizona was very effective in recognizing. He was effective in recognizing the phenomenal increase in wildlife, in recognizing the wise management that improved natural habitat. And when you have better elk or deer numbers that says, when you have those numbers, there is more forage out there and a capability for those animals to sustain that livelihood. And wise management brought that about.

If we were to listen to the reports of some who have a different reason that the wise and judicial balanced management of our lands—I am speaking to a reason of single use—then you would believe our rangelands in the West are worse off today than they have ever been; that the management of the BLM, and the Forest Service under their plans and procedures, were not producing the kind of results we would need.

If that were the case, those public figures that speak to the increase of wildlife on the habitat of Western lands simply could not exist. Yet they do. And all of the fish and game management agencies of our States, and U.S. Fish and Wildlife Service, all agree with those numbers.

So why are we here today? We are here because one Senator has a dif-

ferent motive for doing certain things. And there are others I suspect who are now believing that a better way to manage our public lands is through a single use approach: We ought to lock this up; we ought not allow certain types of management practices and resource utilization efforts to go on.

We did that in 1963 with the Wilderness Act. We have done it through other kinds of public policies over the years. But we have always tried to keep a balance, and in so doing we felt it best served the Nation. But it also preserved and maintained livelihoods and economic viability for large public land States like my State of Idaho, like that of my colleague who just spoke, Arizona. All of those economies developed over the years by that interrelationship of being able to utilize the public land resource in conjunction with the private economies of those States. We have said it year after year, in public policy. We said it in 1978, after an exhaustive study of how we would manage those lands as it related to grazing.

Out of that study came what was known as the Public Range Improvement Act of 1978. Out of that act came a formula, known as the PRIMA formula, which is the one that currently is in use today. That balances costs of operation against private costs, all of those combination of things, and comes up with a method by which you arrive at an AUM, or an animal unit month, that the Forest Service and the BLM charge to the leaseholder for his or her animals.

Then again, in February 1986, Executive Order No. 12548, President Reagan largely agreed with the work that had been done by Congress and by its committees and by the agencies in 1978, in the establishment of that law.

That is what is being challenged here today. Is the work that was done in 1978 still valid? Or has the philosophy changed? Has the American public's attitude shifted away from a balanced use to a restricted single use? And, in so doing that, what have we accomplished, or what would we accomplish by this amendment?

I can say as many would suggest, you ought not legislate on an appropriations bill, Mr. President. Clearly one of the reasons for that, I think, is the technical nature of what we approach today in the amendment proposed by my colleague from Vermont, and what I am trying to explain.

We really ought not to be debating it here on the floor until after the fact, until after we have gone back and looked into the studies of 1978 and beyond to see whether they are still valid; whether our agencies are still managing in the way they should manage, consistent with the law.

There were no field hearings in the States; no work in the authorizing committees. Oh, yes, there is a politi-

cal drum beat out there today, spawned and promoted by certain interest groups who think differently than I do about resource management, and who have a different agenda about that management. And some Senators on this floor, believing it.

But, be that as it may, what is happening here—or I should suggest what is not happening—is a thoughtful, overall, extensive effort by the authorizing committee to review the processes at hand and what would result if these kinds of changes were made.

If this amendment were agreed to, if it were to become public law in this country, what would happen? I am going to try to address it in as fair and balanced a way as I might.

The debate should have gone on in the committees, I might suggest to my colleague, as the debate that will go on in the committees if we decide to change dairy policy in this country.

What will happen if we agree to the amendment of my colleague from Vermont? He might argue, what will happen is that the ceiling on the increase in grazing fees will be no more than 33½ percent annually. It could not rise any more than that. And that would protect, if you will, the grazer from a spiraling, astronomical increase, that would run that individual rancher off the land.

That does not sound too bad, if you were to allow that to happen. But anybody who has been in business, I suggest, would understand if you knew your costs of operation were going to go up 33 percent next year but you could not offset that with an increase in the price of the product you produced from that cost of operation, would that not in itself do you harm? In the dairy industry?

Mr. JEFFORDS. Is the Senator asking me a question?

Mr. CRAIG. Surely. I will yield to my colleague from Vermont.

Mr. JEFFORDS. Right now use of the AUM, it is less than 3 percent of the cost of raising the cow. So when my colleague says the cost of production goes up 33½ percent, my colleagues should be saying 3 percent of the cost of production goes up 33 percent. That is not a fair statement, the way my colleague made it. I hope my colleague would agree with me. It is not appropriate to say that this amendment is going to raise the cost of production by 33½ percent.

Mr. CRAIG. OK. Let me then change that because I think my colleague brings up a valid point, only to the extent as it relates to the number of AUM's, or the length of time of a AUM. Let me back off from that. That would not be appropriate to say.

The length of grazing months that a given operation would be involved in—

Do you graze cattle on public lands for 3 months? Or 6 months?

Well, it depends on the area of the country which you are in. It depends on a given range. It depends on the rainfall. It depends on the climate of the year, that exists over that given piece of public graze.

Let me suggest that in many instances it lasts for 6 months of the year and, I would suggest to my colleague from Vermont, that during that time the largest single cost of operation would be that grazing fee.

Mr. WALLOP. Will my friend from Idaho yield for minute?

Mr. CRAIG. I will be happy to yield.

Mr. WALLOP. Nothing yet has portrayed the lack of awareness of how this whole system works more than the interruption of the Senator from Vermont. If you are in Arizona it is a 12-month proposition, in which case it does raise it that much. If you are a permittee in the forest in Northern Wyoming, it may be 2 months. Then you come down and you go to the Bureau of Land Management, you might add the other 10 months there.

What it proves is that the Senator from Vermont does not have the faintest notion of how this system works, or how it affects people.

What my colleague said was absolutely true, in the case of a tiny proportion of the permittees who operate under these systems. But in the case of a much larger proportion of the permittees what the Senator from Idaho says is absolutely true. It is, again, the problem of somebody from New England making a blanket assumption of what happens to his idea of how the public lands ought to be managed.

Mr. CRAIG. I thank my colleague from Wyoming for adding to this colloquy and this debate because he is absolutely correct. Depending upon the climate, obviously, that you are ranching in, and the State in which you reside, it would vary.

I remember from my background that we grazed for approximately 5 months out of the year. And, as a cost of doing business, it was a substantial part of the overall cost. So it would vary. But I would have to believe that based on the figures you have given—

Mr. JEFFORDS. Will the Senator yield on that issue, because I want to let my colleague know where I am getting my figures from? Of course if they are wrong it is very difficult.

Mine come from the USDA Economic Research Service. I am reading from them here, where their conclusion is that grazing fees as a percent of cash costs is 2.8 percent, with the present permit fee. So that is what I am using.

I realize it may vary from State to State. I understand in Arizona it is going to be higher, and other States it is going to be more.

Mr. CRAIG. It could be higher.

Mr. JEFFORDS. The average AUM is around 3 or 4 months. I have to use the facts I am given, and I am sure they

vary in the Senator's State. But if USDA is wrong, then, of course, you have to take that up with them. But I just want to make sure this body knows all I can use, as a poor little farmer representative from the State of Vermont, who does not talk in terms of thousands, 2,000 and 3,000 acres, like you people do. It is a little bit difficult for me to understand. I have to rely on the figures USDA gives me. That is where they came from. If they are wrong, then I would apologize for them. But I have reason to believe they are not.

Mr. WALLOP. Will the Senator yield for another comment?

Mr. CRAIG. Yes, I will be happy to yield.

Mr. WALLOP. Again, I say this is precisely the problem with this amendment.

To base the livelihoods of our ranchers and farmers on a bureaucrat's idea of what constitutes profitability is not something I suggest to which the Senator from Vermont would entrust the livelihoods of his dairymen. The fact is that these figures all come out of a mishmash of things, but they do not relate to the individual experience of people.

The Senator mentioned USDA as the source of these figures. Lots of people in my State, probably most of the people in my State, graze both with the Department of the Interior and with the Department of Agriculture.

So these figures are irrelevant to making a livelihood. They may make a nice statistical statement, but they do not have anything to do with life and times on a real ranch, under real ranching circumstances. That is the problem that the Senators from the West are trying to point out to the Senator from New England, who comes from a State without a public land experience.

Mr. CRAIG. I thank my colleague from Wyoming for assisting me as it relates to those overall figures.

Let me suggest to the Senator from Vermont that in working on the Senate Agriculture Committee, one of the things I do and I have done consistently with him over the course of my short tenure here, some 8 months now, is to try to understand the uniqueness of agriculture's different faces. In struggling with this dairy problem that we have out there—and that relates to profitability of individual operations—I have taken the counsel and the advice of my colleague from Vermont as it relates to his dairy farmer, uniquely different from my dairy farmer. My dairy farmer is a different kind. Usually by age he is 20 or 30 years younger. The average herd size may be substantially different, much larger. All of those are different components. And you can take averages, if you wish, but averages do not always work very well. I think that my colleague from Vermont

probably understands his dairy farmer much better than I ever would because my dairy farmers are not like his. And as I have sought the Senator's advice and taken it, I would trust that maybe the Senator would listen for the next few minutes to some of the facts and figures I would like to talk about.

Mr. JEFFORDS. Sure.

Mr. CRAIG. Because I think they are substantially more relevant as it relates to the uniqueness of this kind of grazing in the West and how it works with a given farming-ranching operation that sometimes is not reflected in the figures, or if it is it is reflected in averages. The Senator and I both understand one thing very clearly. In fact, the Senator and I have talked about it—about the human tragedy, about the human drama that goes on when lack of policy or bad policy drives an economic unit out of place, destroys it. Dairy policy may be doing that in this country today.

Let me suggest to the Senator what he would be doing—and I say "he" because he is the author of this amendment—as it relates to family ranching operations in the West, not the big, expansive 2,000-cow operations because they are relatively few and far between. But let me talk to the Senator about the kind of rancher that exists in my State of Idaho and across the West that are so much in the majority as it relates to the Senator's amendment.

It is projected, based on analysis of a variety of interest groups, that if the Senator's amendment becomes law, in the first year you will drive 1,900 ranching families out of business—1,900 families out of business.

Mr. JEFFORDS. Is this Idaho or nationwide?

Mr. CRAIG. Nationwide.

That within 4 years two-thirds of western small ranching families, some 31,000 ranching families operating in America, of which only 88 percent—I should put it this way: 88 percent of them make less than \$28,000 a year, somewhere in about the category of the Senator's dairy farmers. In other words, not great big, massive, profitable businesses but a family-related business where father and son and father and mother and daughter work together, very typical of the dairy farms in Vermont, making \$28,000 a year on the average in a good year. Two-thirds of them will be out of business because of this amendment.

Now, when you talk about the human tragedy that is going on with the Senator's dairy industry, the Senator and I in a somewhat abstract way understand it but do not feel that we were the cause of it. We want to help it. We want to change it. We want to improve the dynamics of that economy so that it is better.

I will tell the Senator that if you pass this legislation, I personally believe the Senator will be the cause of

these kinds of families being disrupted and their lives being destroyed. And let me suggest that is devastating, where? In Idaho, in Montana, in Wyoming, in Arizona, in 16 Western States where there is substantial public grazing and where these very unique economies exist.

How do I arrive at those figures? Well the Senator talks about his indexes and new formulas and putting a cap that allows grazing fees to increase no greater than 33.3 percent—no greater than. But in reality what the Senator is proposing will ultimately in its cycling bring grazing fees to about a 380-percent increase based on the formula and analysis of the formula as it was first presented in the House and as different groups have had an opportunity to look at it and analyze it. When I suggest to the Senator that this type of economic dislocation will occur in the West, it is based on those kinds of facts. That is reality. That is the human tragedy.

Mr. JEFFORDS. Again, this is of great concern to me.

Mr. CRAIG. It should be.

Mr. JEFFORDS. What concerns me is the fact that BLM—and I had both BLM people and Forest Service people in. I asked them this question two or three times, as to what the impact would be. If the Senator is talking about SYNAR, I could agree with him.

Mr. CRAIG. I am not talking about SYNAR. I am talking about REGULA.

Mr. JEFFORDS. Which is only 40 percent of fair market value. They assured me, and we have a letter to that extent, written not to me but to Congressman REGULA, that there would be no decrease in the use of AUM's with my formula.

Now, I understand that some marginal producers obviously could go out and somebody would pick those AUM's up. But I am confused. When I asked that question and I got those responses, and I have that letter that was—

Mr. CRAIG. If I can stop the Senator at that point, I can understand why the Senator is confused, and the reason is the way the words were used.

Did the Senator ask them if current permittees, current operating ranchers, would still be operating—I am talking about the current family.

Mr. JEFFORDS. I understand.

Mr. CRAIG. Would they still be operating 4 or 5 years from now under these new prices? I will have to tell the Senator, in many instances probably not. What they did tell the Senator is there would not be a loss of AUM's.

Now, that is a whole lot of difference. Am I going to suggest that there will be under the current dairy policy fewer milking cows or fewer hundredweight of milk being produced in the Nation 5 years from now than today?

The answer is probably not. That is not the issue here. The Senator's con-

cern is the current operating farmer in Vermont, and will he and his family be operating 5 years from now if we do not change policy. The answer is probably they will not be because they are currently in great economic stress.

So you see, what we are talking about is fundamentally the same thing. Will these AUM's be filled at that number? In some instances, yes, they would. And yet today, under the current structuring of the AUM, a substantial number are not filled as of today.

Did the Senator ask them how many current available AUM's were not being filled today? Is there this great demand for public grazing? There is not.

I think my colleague from Arizona talked about that unique border boundary—adjacent, interrelated management type of thing that goes on with a ranching unit, the public lands around it, and the interdispersed lands; all of those kinds of things.

Let me ask to continue a few more moments.

Mr. JEFFORDS. Let me answer the question.

Mr. CRAIG. I will yield for a question.

Mr. JEFFORDS. They told us there were a substantial number of AUM's not being utilized at this time. I asked that question. The answer I got was that all those that are available are being used, and they have no problem in leasing them. There is a substantial number that are out there, but presently not available.

Mr. CRAIG. The figure is 20 percent. Mr. JEFFORDS. That is the figure I have. That does not indicate there would not be a demand for them if they were available, is my understanding. These are the facts. I am just here trying to learn.

Mr. CRAIG. Again you have to be awfully careful the way the words are being used, and the questions get asked and how they get answered. The reality is that 20 percent of the AUM's that are out there—and in many instances being offered—are not being filled today.

If that is the test of the Senator's legislation, let me suggest that his legislation has no strength. What is the test of his legislation, in my opinion, is will this serve to do a couple of things. Will it serve to return more money to the Treasury of this country, and therefore to be argued as a more fair approach toward the current resource allocation of our public lands?

Mr. JEFFORDS. The answer to that is yes.

Mr. CRAIG. That is what the Senator believes. I believe it will not, based on the fact that this is only a portion of the total cost, and does not effectively compare it with private grazing. But aside from that, I think what is most important and what is so tragic about the Senator's amendment is that the

very people he is trying to address, in a circular approach, the dairy industry of his State, based on the same kinds of human concerns that I have about this, are not being met; that he is going to disturb the lives and the economy of thousands of western ranching families, and not solve his own problems, the problems of his State's dairy industry, and the problem of our Nation's dairy industry.

For the life of me, I find that very, very difficult to understand why the Senator would approach it from this manner then. I think I know. But I will leave it at that.

Let me go ahead and talk some more about the kinds of impacts we are talking about. There is a popular word out there today. In fact, we are talking about a word called linkage. The Senator knows about linkage. The Senator knows about linkage in the context of an agricultural will economy. What happens when the dairy farmer in the local community goes down? Well, it means that he or she is no longer buying fuel at the local fuel distributor, the local co-op; no more tires, no more baling twine, no more new equipment. They are out of business. When they go out of business, small town America begins to die even more.

That is what the Senator and I fight to preserve. That is called linkage when that dairy farmer goes down, so the community around him goes down. When the western ranching family goes down, so the community around him goes down. But it goes beyond that.

If 400 percent—that is about where the formula of the Senator gets us, in a 3- to 5-year period. If there is a 400-percent increase in grazing fees and this Senator is anywhere near accurate in the dislocation, the human dislocation that he talks about, what are we going to do about this? What is the Senator and I going to do about these new figures? What happens when 16.4 percent of the farm credit loans in the Farm Credit Administration tied with public land ranchers in the State of Arizona goes down the tubes?

Are we going to have a farm credit system back here saying you have got to help us, got to bail us out? They might because in the State of Nevada, it is not 16.4 percent of the total loans of the production credit association or the Federal land bank. I will tell you it is 42.9 percent of their loans tied to public grazing ranchers. And in the State of Utah it is 16 percent.

What are we talking about there? In those instances we are talking collectively of almost 300 million dollars' worth of loans out. If I am anywhere near accurate, that two-thirds of current AUM usage by current permittee's will no longer be in existence by those permittee's. They will be out of business. They will then have to be addressing this shortfall.

That is what I think is linkage in the current context, linkage that the Sen-

ator and I, coming from current small agricultural States, probably know and should be able to speak about better than anyone else.

Mr. JEFFORDS. Will the Senator yield for another question? I am concerned about what he says.

Mr. CRAIG. I hope the Senator is.

Mr. JEFFORDS. Whether or not the Senator has seen the chart, the information we have again from USDA says that in the Senator's State that the average charge for AUM's by State, local, and other Federal agencies other than BLM and the Forest Service is \$6.20. Can the Senator tell me as to whether or not his State or his local governments are reducing their charges for AUM's in order to solve the problems that the Senator is dealing with?

Mr. CRAIG. Let me answer the question.

Mr. President, my colleague from Vermont places a very important question as it relates to the cost of AUM charged by the State land agency in my State. Again, let us go back to a little bit of western knowledge and western understanding.

You do not have large tracts of State land in my State, contiguous blocks of lands of thousands and thousands of acres. What you have are sections, individual sections spread amongst the Federal lands, the public land. In other words, State agencies do not have much cost of management.

Those State lands are also spread within private lands. In a ranch that I used to be a partner in there are several State sections in amongst our private, deeded lands. There were not any fences around them. If you rode out across them on a horse or in a Jeep, you would never see them or at least you would never know you were on them.

Why am I giving you this as a point and example? Because there is little management cost, because they are tied within; and because they hold us hostage to them, in essence, I am willing to pay substantially more to retain that 600-plus acres inside my private land than to let it go, and State land agencies know it, and they bid accordingly.

That is why we would pay more. If they stood alone and had to compete with BLM, the price would come down, and that is absolutely the case.

I am sorry the Senator is rubbing his chin. The reason is he probably has never been West. He has never sat in on public State land board meetings, as I have, and heard the debate, and listened to how they interrelate these lands and how they arrive at their formula, based on what they can get, because of the way the Federal Government formulates.

Mr. JEFFORDS. If I may, Mr. President. This mystifies me. You are talking about economic devastation, and you are talking about your State and

the local governments taking advantage of ranchers in your State because of the location of their particular lands, and getting a much higher price than the Federal lands.

I cannot believe that if you have that economic problem there, that your State would be taking this much higher fee from their own farmers. I do not understand. Maybe that is the West. I do not understand the west, if that is the case.

Mr. CRAIG. Mr. President, let me try to explain. When 64 percent of your State is Federal and 3 percent of it is State owned, and that 3 percent is spread amongst the 64 percent, maybe that helps you get a better understanding.

It is also because when this land got divvied up out there, when the Federal Government said to the States, "You can have those sections of land for financing schools and universities," guess what happened? The States went out and picked the very best. There was a higher value established from that moment of selection.

When you lease the broad sense of a BLM allotment or a Forest Service allotment that may involve hundreds of thousands of acres, and you and other ranchers are out there grazing in common, you take it all. You and I both know that if you are going to rent something, if you are going to lease something, you go out and look at it; you yourself assess a value to it, based on what you think you can get in return.

That is as good an explanation as I can give, because I think it is the right one; it is the truthful one; it is the one that history supports me on. It is the one that, if you would come West and ride over those lands with me, I can show you those State sections versus the Federal sections, and you can begin to get an understanding of the uniqueness of this relationship. I think, then, you would begin to recognize that the kind of an amendment you have, the very technical amendment that was studied for several years in the 1970's, and out of it came what appears to be a relatively complicated formula of all kinds of indexes, from market value to forage values, all of those got interplayed into what is known as the PRIA formula.

One thing I know for sure is that you would not be here on the floor of the Senate trying to legislate a very technical piece of legislation, until it was handed in the authorizing committee.

Like we both know, we are not going to try to craft a formula regarding the dairy industry that brings some kind of economic hardship and hurts the stability of that industry and bring it here to the floor. We are going to do that in the appropriate authorizing committee, because that is the way you do good public policy. You do not do that on the floor of this Senate.

Mr. JEFFORDS. If I may inquire, Mr. President, I do not disagree with what the Senator is saying. But what concerns me, again, is that for 13 years there has been no hearing, no action whatsoever in the Energy Committee.

Mr. REID. Parliamentary inquiry, Mr. President. Who has the floor?

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. CRAIG. Thank you, Mr. President. I am about to conclude. My colleague has responded to some of my comments. It was a response of frustration and I think one that deserves comment from me and others who would debate this issue on the floor today and tomorrow.

There are oftentimes issues that come before the House or the Senate that do not get heard because a majority of the Members of these bodies feel it is unnecessary to hear them, that the existing public policy serves the need. I think that was largely true since 1978 on.

It was in 1986, with an executive order during the Reagan administration, that this policy was extended forward. And we live with that executive order today, which retained the PRIA formula.

We have constantly reviewed dairy policy, rightfully or wrongfully so. Why? Because a majority of the body felt it was necessary. In all instances, it was not legislated here on the floor of the Senate. It was legislated in committee, and the work product of the collective minds of the authorizing committee was brought to the floor to be debated and voted upon.

The issue before us is important. The value of public graze in the West as it relates to the economies of the States involved is in many ways incalculable. I speak to that because I talk of that linkage within the economies of the local areas that is so darned important.

Only after that farmer or rancher has failed and gone out of business did we begin to realize that there are just a few less tires sold at the local tire shop, a few less gallons of fuel bought from the local distributor, a couple of layoffs occur on Main Street because those people no longer have those kinds of businesses, and that kind of economy, and that dollar that rolls so successfully down the main streets of America that we call our market system.

What my colleague from Vermont attempts to do today with this amendment, in my opinion—and in the opinion of a good many people—is to substantially alter the face of Western America and the economies of those States as we now know them, and the thousands of ranching families that will largely be dislocated by this, as turmoil exists and will be increased by this effort.

That is to speak to the human side of it. I will go on later, as others will, to

talk about the environmental side of it. And while there are many who would argue that this is an appropriate environmental move, I think my colleagues and I will be able to clearly demonstrate that it will be a fundamental change in the environment of our Western grazing lands, Western public lands, our Western habitat lands, whatever they wish to be called by those who call them. But it will significantly alter the environments and, in most instances, not in a positive way.

In my State of Idaho today, we have more elk, more deer, more antelope than ever in the history of the State. When Lewis and Clark came through my State, they recorded in their journals that they nearly starved to death. In a State with thousands of head of elk today, thousands of head of deer, antelope abundant, why would they have starved to death? Because the elk were not there, and the deer were not there.

Men helped them get there. By the stewardship of our lands, we have not only created a positive environment for man and his efforts, but for wildlife. And it is this kind of unique balance that, ever since the Taylor Grazing Act days forward to today, we in the West, along with this Congress, have attempted to maintain.

The amendment that has been presented by my colleague from Vermont does not speak to balance; it speaks to imbalance. It speaks to single-use management. It speaks to the kind of economic dislocation that will severely damage ranching families in the West, thousands of them, who rely on public land graze as a part of the blend of their operating unit for the purposes of maintaining their economy and, just by chance, supplying an abundance of red meat protein to the consuming people of our Nation.

I hope that both colleagues watching and those who will read the debate and those who will participate in it today and tomorrow recognize how really significant this is, and these kinds of changes do not deserve the treatment they are getting on the floor. This legislation has to go back to the authorizing committee, with hearings and studies. Understanding the kinds of dislocations that would occur if we are to make changes is fundamentally important as we work to address this kind of public policy. It is significant and I trust that my colleague from Vermont may now, with the little bit I have been able to offer, recognize some of the consequences of his potential actions here on the floor. The kind of loss that he wishes to address in his own State with the plight of his dairy industry, he, by his efforts, is now inflicting upon Western States, those that are dominantly public land-grazing States with the small farmer and

rancher family that this particular economy is tied to.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming [Mr. WALLOP].

Mr. WALLOP. Mr. President, I thank the Chair and thank my colleague from Idaho and, in fact, I thank my colleague from Vermont because I think that at last we are beginning to get to know how little of the consequences of this amendment he understands. I say that not by way of criticism but by way of suggesting there is lots yet to learn for the Senate and the Senator.

Mr. President, I am a rancher and I prefer to call myself that still over Senator. I think it probably is a more honorable profession. My family has been for a hundred years on our ranch in Wyoming. That is not long in New England's terms or Virginia's terms, but it is getting to be a long time in western terms.

I do not run on public lands, Mr. President, but I used to. And I do not run on public lands because it was not a good deal. And the issue that was raised, quite correctly, by the Senator from Vermont in questions to the Senator from Idaho as to what is happening, Are your States and private people gouging your ranchers merely because they happen to have land in between them? does not come close to talking about fact. I lease private property now to run livestock, and I pay a higher fee. I do not know where the Senator got the averages; that is not the kind of fee I pay that the Senator's chart shows for Wyoming. I pay a higher fee. But, Mr. President, my lessor fences it. My lessor maintains the reservoirs. My lessor keeps the public out from amongst my livestock. My lessor helps put out the salt, he manages my cattle. I am responsible for looking at their well-being from time to time. My lessor is responsible for looking at their well-being virtually on a daily basis. These are not the kinds of services provided by the Bureau of Land Management or the Forest Service, I say to my friend. These are quite the opposite in the private sector. And the Forest Service can, at the drop of a hat, change the rules, and does.

I have a letter here dated September 4 to the lessees, permittees on the Big Horn National Forest. It says: "Dear Permittee: I appreciate all the work you put in maintaining the range lot and improvements over the years"—proof positive, the obligation of the permittee and not of the Forest Service. "In the past, the Forest Service has supplied some of the materials for maintenance, but due to the tightening of our budget this practice will be curtailed. We may be able to provide some supplies, but each will need to be evaluated individually. Of course, we will

still provide some materials for new improvement," so on and so forth.

The point I am making is that that permittee contributes to a fund which obligates the Forest Service to pay the expenses, and they are telling him he will not. That is what the Land Improvement Fund is about, and that is what all these fees that they pay are supposed in part to cover, but they do not.

You have the process with a private lessor to negotiate terms and conditions upon which your livestock run, but the Forest Service can tell you what the terms and conditions of grazing will be even to the extent that, if you have private land which surrounds their public land, they will tell you what you can do with your private land as a condition of allowing your cattle onto their public land. Nobody in the private sector does that, and it is worth a lot of money not to have it happen to you.

Mr. President, I am a rancher who does not use public lands, though I did, for the very reason they are not good value. I was in a fortunate position to be able to step out from under that burden because of where my lands lay. Some of my friends in the business are not.

Mr. President, I want to make a couple other points here. This amendment is not just about the effect on ranchers, stockmen, sheep men. This is an amendment about the effect on our small towns in Wyoming, our small businessmen in Wyoming, our small businessmen in the West.

The people who supply the propane gas, the veterinary medicine, the balers, truckers, the bankers, the savings and loan operators, druggists. Yes, Mr. President, we have a very robust tourist business in Wyoming, but it is seasonal and its employees provide a drain on the amount of unemployment compensation and other kinds of things. It is fundamentally the livestock industry—the agricultural industry—which is the underpinning of the tax base of our State. Fundamentally the livelihoods of small towns are sustained by that. They are embellished by tourism. Many of the bills in Wyoming are paid by oil and gas. This Congress does its best to level assaults on that, but that is another issue. My town of Sheridan is just under 15,000 people, but it serves a market area of a little over 30,000 people. A substantial proportion of the area are ranchers who graze on the public land. Some grazing comes to us from Montana and from areas east as far as 70 miles from our little town. Toying with the livelihoods of those ranchers, my small bankers, schoolchildren, propane suppliers, medicine suppliers and the others, calls me to rise up just as the Senator from Vermont would, or any Senator on this floor would when the live-

lihoods of small towns, small-time America are threatened.

So the Senator from Vermont uses statistics provided by bureaucrats to say whether or not these people can conduct their lives and make a living on public lands—these are people who have never been in the private sector. And the bureaucrats can say that you can stand this rise in prices, which the Senator has said and he quoted his letter. There is now a new letter that addresses the Senator's information and it says this is so if one assumes that these AUM's would be easily transferable. They are not.

Over the course of this debate I will have maps which will edify the Senator from Vermont, the Senator from Ohio, and hopefully others in the Senate trying to use this vote as a cheap environmental way to get well with some groups that give ratings because they simply do not have the constituency affected by it, and that is the truth. But for the grasslands east of Wyoming, there are no public lands so no constituents are affected by it. The Sierra Club, Audubon Society, the National Taxpayers Association come along and others come along and say this is good for America. But, it is not good for the people who have to cut a living with Uncle Sam as a neighbor. Fifty percent of my State is owned by the Federal Government, it is much higher in Nevada, and somewhat lower in Montana. It depends on where you are, but the fact of it is that public employees do not know what it takes to live on your own with Uncle Sam as a neighbor. There are those who stand and sup at the public trough and cannot make that judgment from experience and they do not make that judgment from experience; they make it from tables such as the ones that have been provided for display in the Senate this afternoon.

It is not the fee that controls overgrazing. If there is overgrazing on these public lands, it is because these same bureaucrats who say that you can easily sustain this grazing are not managing well.

But I would say to the Senator, that the public lands are by and large well managed and not overgrazed. But the fact of it is, they are going to be overgrazed if the fees go up.

Now Americans do not trust their Government. I think that is proven by innumerable polls. And one of the reasons they do not trust their Government is because small groups, 31,000 ranchers, cannot believe that their Congress would act without thinking, without hearings, on the basis of a few tables and just go change it on the judgment of an expert from Vermont and his colleague from Ohio that says they will not be hurt. Well, they will be hurt. And it is not just the ranchers again that will be hurt, but it is the

people who live and populate our small towns.

Mr. President, when the Government of the United States began withholding land in the public lands States, its purpose was a viable broad-based economy. They did not want the lands to fall into a few hands so there would be one great timber operation, or one great ranching operation, or one great mining or oil operation. They wanted oil and gas and timber and recreation and livestock and grazing and all of those things to coexist. And they have.

Now, one by one, with amendments like this, you are starting to pick off those multiple uses, to satisfy the elitist demands of people who live in apartments in New York City and Washington, DC, who think that somehow or other there should be no commercial use on public land, lest they be changed. And the result is going to be that, whether it is the intention or not. I am not suggesting it is the Senator from Vermont's intention. I am suggesting it is the Senator from Vermont's result.

Mr. President, I said before this is a cheap vote for a lot of people, who get a nice little race which brings in a lot of contributions, and it does not affect or risk any constituent dissatisfaction because they do not exist in all the States east of Wyoming, Colorado, Montana, but for that little piece grasslands.

Now the Senator from Vermont has made the case that this would raise our PILT payment, payment in lieu of taxes.

Again, it is hard to argue this thing because it is not the truth. The truth of it is that the formula for PILT, we will get a slightly higher payment from the Government, from the Forest Service, to BLM and to the counties and school systems because of the increased taxes. But, guess what? The payments in lieu of taxes are offset directly, so all we get is the economic consequence of it. It is one of those lovely things that makes Americans wonder what their Government is all about; oh, you get this nice little percentage increase in your fees, so raising the fees is not going to be nearly as bad to your tax base as you thought, but while we are at it, there is a direct offset.

It hurts, my friends, for people in my State to sit around and think that people could make such glib comments and get away with them and have the public believe it, have it enter the public domain, have people say, well, see it is not going to hurt them after all. And what does it matter? It is not going to hurt them in their tax base and there are going to be a few less ranchers around, a few little people who have been in the country 75 years, 50 years.

My county was settled primarily by folks of my heritage, by Texans and Poles and Slovaks, who came to mine.

I have neighbors out in the country called Badger Creek with names like Koltiska or Gorzalka, brothers whose parents came to mine and who saved money from mining and who bought small ranches to begin to put themselves in the dream of Europeans to become land vested in their country, in America. Part of their vestment, so says the Internal Revenue Service of the United States, is their grazing allotment, which goes into their estate, a value upon which they have borrowed from banks for money.

That is why banks begin to fail when these allotments begin to lose, because they have to say to the Koltiska or Gorzalkas and other people of that extraction, you have to give us the money because the value of the land upon which you are operating, upon which money has been borrowed is not as high anymore because the Government wants you off because they have raised grazing fees and you cannot make a living off it. So pay us more. And they say, I cannot, and the banks begin to foreclose, and the towns begin to collapse.

That is what takes place. Make no mistake about it. Tomorrow or later this evening I will try to demonstrate to the Senate that the view that most people have of the public lands is totally irrelevant. They are not seas of Federal land managed by people who can go ride across them for days, drive across them for days and cannot see the end. In a State like Wyoming, they intermingles.

If you have a piece of Taylor grazing land that is more than 240 acres—it is really rare to have one big as a section. Guess what? They are surrounded up by the deeded land. Guess what else happened? I said it earlier. In being surrounded by the Federal land, the Federal Government comes along and says you may not graze on your own land any more than I say you can graze on it, lest some of your livestock sets foot on the Federal land.

And I will show you a place in Wyoming where the Union Pacific goes across and the old checkerboard came about. And the old checkerboard will show you every other section is private and public, and private and public, and private and public.

Now not one of those sections of and by itself is an annual, seasonal habitat for wildlife. Not one of them. Some will have a little shelter and some grass; some will have a little water and no shelter; some will have various combinations. But you cannot lease just a section, because there is no value in it. And besides, it is not fenced. And therein comes the rub. This is going to cost money, \$97 million just to fence the Rocks Springs Grazing District in my State.

What happens? A year ago, 2 years ago, maybe a couple more than that, a rancher named Taylor Lawrence put in

a drift fence of some 8 or 9 miles in the southwest part of Wyoming, and the Fish and Wildlife Service and Fish and Game of Wyoming, and the State of Wyoming, Bureau of Land Management all sued him though the fence was on his property. They said he was interfering with the migration of antelopes onto winter range. And they won, because the fence did in fact block access to some of what is critical winter habitat, some of which is owned by the BLM and some of which is privately owned.

Now what happens to the wildlife when you put a fence on every section, because somehow or other you are going to have to keep those people's private livestock off the public lands?

When you do that, there will be suits on the Federal Government, either to pay for the fencing or pay for the taking. Because something is going to happen to private property—which I understand according to some on the Judiciary Committee, is not important in America anymore—yet private property is one thing driving revolutions in the old Communist empires.

You do not have any idea of the consequences of this. Many of the private lands along the forest are the winter habitat of the wildlife that summer in the forest.

In my State of Wyoming in the Big Horn Mountains, an elk cannot winter over the winter months on the mountain. Nor can a deer. Ranchers provide the winter habitat.

How many of those people who lose their leases are going to be willing to try to provide habitat for the Government's wildlife when their own livelihood has been taken from them and they have to maximize the amount of grass they have left?

What is going to happen to traditional elk and deer migration patterns, antelope migration patterns, when these fences start to go in?

Whoever ends out having to pay for them, make no mistake they will have to be fenced, otherwise there is a taking. Ranchers are going to have to allow people to use their private property. I will have maps of the several different kinds of ranches in Wyoming to demonstrate this. But what I am saying is this amendment has not been thought out. This has been brought out. It has been trotted out in the House; a similar kind of thing by a man from Oklahoma. But it has not been thought out. The consequence of it has not even begun to be realized, even by those of us who are public land States representatives.

I yield the floor to the Senator.

Mr. JEFFORDS. The Senator has alluded to some information, and he was saying tomorrow he was going to get into it in more detail. I wonder if he would share with me the source of the figures on the cost of improvements? I am concerned because the figures we

get from a joint BLM-Forest Service study are 16 cents per AUM for improvements and Forest Service, 30 cents per AUM for management. Those figures seem to be very small and difficult to put in perspective with respect to what the fair market value is with private leases.

A lot of emphasis has been placed on the tremendous burden on permittees, on the management. I wonder where the Senator got his information? The Senator from Idaho told me his information on the economic impact came from the CONGRESSIONAL RECORD and debate in that. We are going to be able to find that if it is there. I wonder if you could share with me where the Senator's facts come from?

Mr. WALLOP. Once again you are relying on bureaucrats for the information what is and what is not. Bureaucrats are saying we are going to be able to take this land from the people who presently use it and transfer it to somebody else.

I am using standard fencing costs in Wyoming per mile. I have a figure in the middle of it, between the lowest and the highest. If you have to start fencing these lands off in order to protect the public's investment in the public lands, and to deny the former user access, these are fencing costs. You are going to have to fence the land off, I would say to my friend from Vermont. You have to fence them off or you have to do the worst of all possible things and tell somebody with private property that he or she may not use that property.

Mr. JEFFORDS. Are you referring to possible future improvements?

Mr. WALLOP. They will be mandated future improvements because the only way to keep these livestock off of public lands that are surrounded totally by private lands is to fence them. No other way.

We do a lot of things with livestock. But nobody has yet figured out how to train one not to set foot over an imaginary piece of ground. You just do not seem to understand, because the experience is not there, about these lands. Some are contiguous to public lands and some surround public land—in the southwest part of my State, all of which surround public lands. And what is going to happen? How are the antelope going to migrate through these fences? How are they going to do it?

How are the elk going to come down from the mountains through these fences, or the deer? Who is going to say to the rancher who has been denied an economic use that his Government taxed him on and has charged him for, that he must continue to shoulder the burden of wintering and harboring the State's wildlife? Who is going to do that?

Mr. JEFFORDS. I point out 50 percent of the money from this increase is going into the improvement of the lease land.

Mr. WALLOP. Mr. President, I again say this is just blatantly typical of the lack of understanding of what I am trying to say.

These lands commingle. They are not separate seas of private land and public land. They commingle.

Raise the fee to the point where the guy who is currently leasing them says: Look, my friend, I can no longer do this. It is beyond my ability to pay. These are not improvements. These are barriers to the use of those lands as they have been traditionally used. They are not improvements. They are obligations, either of the lessee, who you are going to charge \$97 million, or the Government who you are going to charge \$97 million. Or you are going to have to get in some kind of massive land trade where they block up exchanges of public lands for private lands so you can get these things into the kinds of seas that sit in the back of your mind as you run this equation through your head.

Mr. JEFFORDS. Let me ask the Senator this. You asked who is interested in my area? My taxpayers want to know why we, who receive less money from the Federal Government than we send down, should provide this kind of a subsidy to your ranchers to pay for the management and things which now our tax dollars are paying for when your area, those 16 States, receive \$11 billion more a year than goes to the Federal Government. So why should my taxpayers support this kind of thing?

Mr. WALLOP. I find it ironic that somebody who comes from a dairy State starts talking about subsidies. But let me suggest the fundamental thing is when the BLM testified in the House, they testified they were approximately making money. One of the problems with the Forest Service is that they have not figured out they are going to have to operate these lands with the same set of criteria and requirements with or without their grazers. The grazers pay for the improvements today, I say to my friend.

There is no subsidy here. I would again say that for any of us in agriculture who speak of trying to exist without some level of subsidy. The livestock industry is the least of it. The dairymen have it, as do the corn growers and the soybean growers. The public have to pay for wheat to be grown and then they have to buy it back and pay for it to be exported because we have raised it beyond the price of the market. But the fact of it is that when the BLM testified in the House Committee, that taking into account that they had certain sets of fixed obligations and maintenance, they were essentially making a little money. Not very much.

And I say again, the Senator is not talking about subsidizing some ranchers and some livestock men. The Sen-

ator is talking about the livelihoods of small towns and banks. They may not mean anything to people in Vermont. But they mean a lot to us.

The Secretary of Health and Human Services in his wisdom has now made a new rule that will mean we cannot have magnetic resonance imagers in the State of Wyoming because the only way we can afford them is to have some of them partly physician owned. So the Government at the drop of the hat, the same kind of thing the Senator is trying to do here, said you can go to Billings, or Denver, or Salt Lake City to be examined. We do not go to Billings, or Salt Lake City, or Denver to bank. And we cannot do it, those few of us who have a little private land and can manage to continue to survive. We need the breadth of economic vitality that multiple use offers. And, while your people are questioning you about this subsidy, ask them of the subsidy for the recreation industry that uses those same lands. Ask them what the recreation industry pays for the privilege of fishing, hunting, driving, backpacking. A pittance here and there for camping overnight; nothing else.

Subsidy in the public lands as an American subsidy goes all the way around. Those paying their way are the commodity users of the lands. Timber operations, livestock operations, the oil and gas operations. The rest of them do not pay. And nobody says to Americans that they should have to pay to set foot in their forests, nor ought they. So I am suggesting that we are toying with 31,000 people because they do not seem to count.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, I would first like to express my admiration and respect to my friend, the junior Senator from the State of Vermont, for the way in which he has presented this amendment.

I do not agree with the amendment. I strongly oppose the amendment. But I do believe the Senator from Vermont, knowing him the way I do, thinks his position is right. I hope in this day that we have been able to educate those Members of the Senate, including my friend from Vermont, how people do not understand the Western part of the United States, how, in fact, it would have been better had this legislation been presented to the authorizing committee where hearings could have been held, where evidence could have been taken, and that the matter could have reached the floor, if in fact it would have reached the floor, through the ordinary authorizing process. This is not the appropriate place to deal with a matter of this magnitude.

For those Members present who may not understand the grazing fee for-

mula, let me, Mr. President, provide a few brief facts to shed additional light on this complex matter. As we have been told by people who have appeared here before, PRIA, or the Public Rangelands Improvement Act, was passed in 1978, and is based on a set of three things: One, the price of beef; two, the cost of production; and three, the lease rate index, which is the difference between the cost of grazing on public and private lands. These issues have more to do with policy than appropriations, and therefore it should not be on this Interior appropriations bill.

It has been argued that grazing fees on public lands constitute a subsidy. Conveniently, this argument generally falls well short of a thorough examination of factors that go into grazing livestock on public lands.

Mr. President, I should like to take a short time this afternoon to talk about some things that have been raised during the debate and things that have been raised only indirectly during this debate. These are what we can call key talking points about grazing fees.

For example, Mr. President, over the past 4 years the grazing fee has been increased by almost 50 percent—to be exact, 46 percent. The grazing fee formula has changed because it was set up to change. But the formula does provide, under the bases that I just indicated, stability and predictability. That is what this important part of American industry, that is, the cattle industry, needs, stability and predictability. That is why in 1978 the formula was developed.

It is true that private rangeland rents are typically higher than public rangeland grazing fees. We acknowledge that. But we have not discussed here today in any detail the fact that private leases are self-sufficient units, where the owner typically provides fencing, water improvements, and roads.

On public lands, by contrast, Mr. President, almost nothing is provided. Instead, the public leaseholder must bear most of these costs, including larger management costs, higher death loss and poor animal performance due to the inherently wider open range environment.

Finally, ranchers leasing public lands also bear the increased costs of complying with today's range management guidelines—and we will talk about some of those, but they are significant.

Public land livestock grazing makes a significant contribution to rural economies in the West. Mr. President, consider 88 percent of the cattle produced in Idaho, 64 percent in Wyoming, and 63 percent in Arizona depend in part on public grazing lands. In Nevada, my State, 87 percent of the land is owned by the Federal Government. We cannot lease private lands. It is owned by the Federal Government—87 percent of it.

For this reason, the Director of the Bureau of Land Management maintains that significant increases in grazing fees would result in devastating impacts on Western States where the ranching areas have historically low base values.

Even if no livestock grazing were permitted, the Bureau of Land Management and the Forest Service would still bear the cost of basic legislative requirements such as monitoring, analysis, and management. In fact, if the practice of grazing lands ended tomorrow, the Bureau of Land Management estimates that its range management program budget would increase by as much as 50 percent.

I think it is of note, Mr. President, that in 1990 the Bureau of Land Management grazing fee receipts were about \$19 million, roughly two-thirds of the BLM's \$29 million budget. Those moneys would have to come from someplace.

I think it is also interesting that there are many, many scholars who talk about the ranges of this Nation being in the best condition they have been in during this century.

I have a magazine article here that we distributed, Mr. President, to all the Senators. We did that last year. It is interesting that in this magazine we supplied to the entire Senate—Range magazine, spring of 1991, on page 12 there is a picture from the State of Nevada. In fact, it is a picture within a picture. It shows some rangelands with grass that is knee high. But on the inset in this photograph, we have a picture taken in 1919 that shows devastation. It shows mud holes, it shows the exact same feature of land, without thick foliage on it; the other devastated because of overgrazing. This is how the rangelands have improved.

There is also a picture from the Santa Rosas, also in Nevada, that shows a hillside that is denuded, that has been overgrazed especially by sheep, and it shows there being nothing in this land. Whereas, in 1991, it shows beautiful, thick rangeland.

There are many other such examples that show the change of the rangelands based upon proper management. Rangelands have not gotten worse. They have gotten better.

It is like mowing a lawn or pruning. Controlled grazing promotes plant vigor and diversity, aerates soil and scatters seeds. Grazing itself, plus the brush clearing, and grazing operations also help prevent fires.

That, Mr. President, is fact, not fiction.

We know that by bringing on water and salt for livestock, and the other improvements that ranchers make, that the rancher invites a host of other animals, including, in fact, many predators.

On public lands, the cost of predation and disease are cyclically higher than

those on private lands. Wide open spaces are what we are talking about. The cost of lost livestock is very high. Then there are broken fences, wounded stock, trash, and the like. Unfortunately, often this comes from the public, which also shares this land. That is what multiple use means. And for the western rancher, this is all the cost of doing business.

Most of the ranchers who depend on Federal lands, we have been told time and time again, are small, family-run operations, and they are. Many make under \$28,000 and many make a lot less. For example, in South Dakota during the late 1980's, the bankruptcy rate among public land ranchers was over three times that of ranchers who use private lands. Struggling with the availability of land and sheer geography, the rancher is in no position to shop for land. He cannot very well haul his stock around looking for more affordable private pastures to rent.

Even if public grazing were ended tomorrow, the next day, next week, next month, next year, the agencies would still have to make substantial outlays to take care of these lands. You just cannot let them go.

In 1987, the Interior Assistant Secretary Griles testified that such basic activities as modern analysis management would require still 40 percent of BLM's range budget. What we have to understand in this debate, Mr. President, is that cattle contribute as much, for example, to Montana's economy as wheat does to the economy of Kansas, or oranges to the State of Florida.

But Montana is hardly the only Western State that depends on affordable public forage; 88 percent of Idaho's cattle depend on public forage. In States like Wyoming and Arizona, this figure is also high, better than 60 percent. In Nevada, it is also very high.

I have here some quotes from people who are talking about these range lands. These are direct quotes. I will give a couple of them. This is from Patricia Honeycutt, executive director of the Public Lands Restoration Task Force for the Izaak Walton League of America, a conservation group. Here is what she said:

There has never been a time when a conscientious cowboy (livestock herder) has been more valuable to the West. In his act of being environmentally conscientious with his livestock, he's helping bring back watershed, which leads to increase water resources. If this were left to natural forces alone, there are places in the West where the process could take a century or more. But where there's conscientious cowboy, we can cut that time to about a decade. I've seen it done.

A Georgia cattleman by the name of Bill Bullard said:

My first impression (on seeing a public range) was that if a rancher was paying anything to graze that land, he was paying too much.

The U.S. Forest Service:

Twenty percent of public grazing permits and allotments go unused by ranchers, in part because of the high cost associated with their use.

Finally, Cy Jameson, the Director of the Bureau of Land Management, says:

If ranchers are removed from public land, the cost to government of managing the range in their place could rise by as much as 50 percent.

I have also, Mr. President, a letter that I ask unanimous consent be made part of the RECORD. This letter is from Roger E. Porter, Assistant to the President of the United States.

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

THE WHITE HOUSE,  
Washington, April 2, 1991.

HON. MALCOLM WALLOP,  
Russell Senate Office Building, Washington,  
DC.

DEAR MALCOLM: Thank you for your thoughtful letter to Governor Sununu expressing your concerns about Federal grazing fee legislation.

As you are aware, the Bush Administration supports the current system based on the PRIA grazing fee formula established by the Public Rangelands Improvement Act of 1978. In his recent testimony before the House Interior and Insular Affairs Subcommittee on National Parks and Public Lands, Bureau of Land Management Director Cy Jamison stated unequivocally that "the present system is inherently more fair than the proposals in H.R. 481 and H.R. 944."

We believe there are compelling reasons to continue the current grazing fee system. The grazing fee formula acknowledges the contribution of Federal permittees to the maintenance of the public rangelands. And abandonment of the formula could significantly harm the economic base of many Western communities.

Thank you again for taking the time to express your views about the grazing fee issue. We appreciate your interest in working with the Administration to achieve a workable and effective grazing policy.

Warmest regards,

ROGER E. PORTER,  
Assistant to the President  
for Economic and Domestic Policy.

This is written to Senator MALCOLM WALLOP. It says:

As you are aware, the Bush Administration supports the current system based on the PRIA grazing fee formula established by the Public Rangelands Improvement Act of 1978. In his recent testimony before the House Interior and Insular Affairs Subcommittee on National Parks and Public Lands, Bureau of Land Management Director Cy Jamison stated unequivocally that "the present system is inherently more fair than the proposals in H.R. 481 and H.R. 944."

My friend from Vermont, in his opening statement this morning, said: See how much more fair we are than the House. Our cuts are only this high.

Well, this is like, someone reminded me, having a bully on the block, and he is telling you what a great guy he is because he only beats you up every other day, while the bully before him beat you up every day. The increases suggested by this amendment are outrageous, and are no better than the leg-

islation that Cy Jameson talked about, and that Roger Porter refers to in his letter.

Roger Porter, Assistant to the President, further states:

We believe there are compelling reasons to continue the current grazing fee system. The grazing fee formula acknowledges the contribution of Federal permittees to the maintenance of the public rangelands. And abandonment of the formula could significantly harm the economic base of many Western communities.

We have heard statements here today suggesting that perhaps the Senator from Vermont and the Senator from Ohio should take a trip to the West and spend a day or two, or a week, in effect watching what these cowboys do, what these ranchers have to put up with.

When I went home during the break, I had the opportunity to visit a couple of ranches. I did this after holding a number of town hall meetings throughout the rural part of Nevada. These ranchers that came to these town hall meetings are not people that would normally come to town hall meetings. This had to be a crisis, in their minds, for these cowboys, and sometimes their families, to come to these town hall meetings.

They came to these town hall meetings because they are frightened. They are frightened because they believe their way of life is going to be wiped out.

If this grazing fee formula is increased, not all of them will go broke, but it will wind up like the people from the grasslands. With this extraordinarily high grazing formula, about half of them will go broke. But they came to these town hall meetings, which was unusual for them, as I indicated. Some of them came mad. They were upset that the Government would try to take away their way of life. Some of them came sad, afraid.

So after I attended these town hall meetings, Mr. President, I went and spent a day on two ranches. One of them was the Glaser Ranch in Elko County, OH, the other occasion, I went up into the Marys River area to watch what the Federal Government is doing in conjunction with ranchers to increase, to improve, and to benefit that whole area; to bring up high terrain areas, to do a lot of good things that they could only do with the help of the ranchers.

The trip I took was extraordinary because I went with my friend, Norm Glaser, to his ranch. Here is a report in a newspaper of the trip that I took:

The Glaser ecology ranch tour viewed part of the Old United States Cavalry. They were there way before the turn of this century, the Fort Halleck preserve, a natural wetlands originating during the confluence of the Humboldt Creek. We also viewed irrigated, manmade wetlands made by ranchers, pond construction made by ranchers, meadow rehabilitation by ranchers, a bird island made possible by ranchers.

The rookery on the ranch is composed of hundreds of birds of various species, according to the game biologist that went with us from the Nevada Game and Wildlife.

In the middle of the hot summer, August, in this clump of trees, which is not often seen in the desert, there were hundreds and hundreds of birds during the day at this resting place of theirs.

Glaser explained the ranch conservation program of providing biodiversity in this construction of ponds along with shaping, grading, and seedbed preparation. Glaser stated the enhancement program has been accelerated and has become more sophisticated in recent years with the planting of trees, milo, and other grain.

In addition, Glaser explained that the program accomplishes three things: It provides a grass cover higher in protein and increased yields. Ranchers now work with the Government to get better grass. It is better for the environment and better for their cattle. It increases the efficiency of water distribution and utilization and smoother meadows, and prolongs the life of expensive haying equipment.

Although a restoration program has been in effect for many years in the Star Valley Conservation District, it has been reviewed affirmatively by the Army Corps of Engineers and Fish and Wildlife Service to see if it complies with section 404 of the Clean Water Act. It has a positive potential for improving conditions for migratory geese, wildlife, and domestic stock. The ecosystem has definitely been improved.

In this article is a picture of two sandhill cranes we saw that day looking at us. They are there because of level pasture. Norm Glaser said he had not seen many of these cranes lately, and he hoped the work he had done environmentally will bring back more of these birds.

Mr. President, I ask unanimous consent that a statement by Robert Wright and letters by Harvey and Susan Barnes that set out what they do on the ranches be printed in the RECORD.

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

**PUBLIC LANDS COUNCIL**

My name is Robert R. Wright, and I am a lifelong resident of northeastern Nevada. I have been involved in the livestock business all of my life. My ancestors were also livestock producers, and they settled in the area in 1872.

The ranch that we own is a family operation. Our son is part-owner, and will, hopefully, carry on the family ranch. My wife and

I have five grandchildren, and four of them help with the ranch work, when not in school. The ranch is a definite adhesive factor for our family.

One of my relatives was an organizer of the Taylor Grazing Act. He served on the committee that drew up the Act and the rules and regulations that followed. These people recognized that a coordinated system of grazing on public lands needed to be initiated. It would be interesting to have these people see the improved ranges that has resulted from their work. Unfortunately, none are alive today.

Congress was delegated the authority under the Taylor Grazing Act to set grazing fees each year. As soon as Congress convened in January it would set hearings to set fees by the billing date of March 1st. Of course, Congress rarely had the feed set by then. It was particularly difficult for the "permittees" to finalize their budgets on January 1st, not knowing what the grazing fee would be. The hearings were a hassle with the testimony being given by land-managing agencies, western congressmen and senators, livestock organizations from every western state and numerous "permittees". That is one of the desirable features of the grazing fee formula; eliminating the hearing process that was expensive and time consuming. "Permittees" can also finalize their budgets on January 1st, for they know what the grazing fee is to be. Don't do away with the grazing fee formula for it works in more ways than just setting the fee.

If the grazing fee is increased as being proposed in legislation, then "permittees" would have to decide if it was economical to produce food from the public lands. Many would just vacate, and parts of the West would become another "Grapes of Wrath".

The public land ranges that I am familiar with, have improved substantially since the enactment of the Taylor Grazing Act. There are more species of wildlife, and in greater numbers than ever before. Congress should adhere to the testimony of range researchers and university economists who are experts in their fields, rather than radical extremists and their emotionalism. The ranges today are in better condition than at any time in this century.

My family and I hope to carry on in the food producing business and particularly in the livestock part of it. It would be very disheartening to see over a hundred years of endeavor go for naught. The present grazing fee formula is not a subsidy and should be allowed to continue for it is in the best interest of everyone concerned.

**BARNES RANCHES**

Barnes Ranches is a Small Business family corporation established in 1968 to make it possible for us (Harvey and Susan Barnes) to acquire ownership in his parents' ranch. We now have 75% of the shares.

The ranch is located 40 miles south of Elko near the base of the Ruby Mts. Barnes' purchased it from the Ed Carville Estate in 1948. Hillery Barnes had been cattle foreman for 19 years for the Mary's River ranches north of

Elko and wished to settle on a smaller operation.

Ed Carville bought tracts of land from several people to form the present main ranch. His first acquisition was in 1878.

E. P. (known to all as Ted) Carville was a Governor and Senator of Nevada. He was a lawyer and handled the selling of the ranch for the heirs. The ranch had been leased for 28 years because the family's professions were elsewhere.

During the 1940's and 1950's fencing was the primary project on public lands by Barnes. The ranch did all the labor and also bought the materials. The BLM money at that time was used primarily for artificial revegetation. Following the fences which created allotments, came wells, troughs, pipelines from spring to better distribute and increase water supplies, which also had to be mainly supplied by the ranch. We invested between \$25,000 and \$35,000 in these Federal land projects—which compensate for fees not recognized by non-range users. Allotment management plans were made feasible by these expenditures and intensified grazing systems have been administered by the Forest Service and BLM.

In 1948 my parents were able to buy 640 A. of fenced Federal land and in 1962 they bought 760 Acres of land being used by the ranch. This land is the only owned grazing land encompassed in the ranch. The meadow lands supply the hay for winter feed and must be free of livestock during the growing and haying season. Livestock remain on the private land from November to April 15, during which time vaccinating, culling, winter feeding and valving occurs. From April 15 to June 1st livestock are on BLM ground. After that time half are on BLM and half on Forest land. The ranch is absolutely dependent upon the rights acquired on Federal lands.

Labor costs have been kept at a minimum. The family have had to be frugal and provide their ranch labor. Labor costs have been kept at a minimum.

A substantial grazing fee increase would have a devastating affect on our family operation. The profit margin on a well managed ranch is narrow even in prosperous years that we have recently enjoyed. To survive such a fee increase, the ranch would have to cut down on maintaining conservation practices and would have to curtail improvements and maintenance on federal lands. This would be the rule for western livestock operations. Our climate with short growing seasons limit any diversification opportunities for these livestock operations. By eliminating a productive segment of an areas economy, it creates a downward trend in other industries. Immediate effects may not be felt by the entire country, but I will guarantee an erosion from within will expand and in future years our nation will add a paragraph of destruction in our history.

Our son graduated from UNR this spring and wants to return to the ranch, and it is our hope that he may be able to continue the operation that has been in the family for 43 years.

**NORTHERN NEVADA RANCH, MEDIAN SIZE FAMILY RANCH**

[Analysis of effect of grazing fee increase]

	Number of AUM's	Cost per AUM paid	Net income	If cost of AUM is	Net income	If cost of AUM is	Net income	Difference what paid and \$5.09	Difference what paid and \$8.70
Sept. 30, 1990	2,902	1.81	\$4,909	\$5.09	(\$4,611)	\$8.70	(\$15,097)	\$9,519	\$19,995
Sept. 30, 1989	2,264	1.86	15,978	5.09	8,665	8.70	492	7,313	15,486
Sept. 30, 1988	2,256	1.54	2,157	5.09	(6,917)	8.70	(16,144)	9,074	18,301
Sept. 30, 1987	2,760	1.35	22,243	5.09	11,921	8.70	1,957	10,322	20,286

## NORTHERN NEVADA RANCH, MEDIAN SIZE FAMILY RANCH—Continued

[Analysis of effect of grazing fee increase]

	Number of AUM's	Cost per AUM paid	Net income	If cost of AUM is	Net income	If cost of AUM is	Net income	Difference what paid and \$5.09	Difference what paid and \$8.70
Sept. 30, 1986	3,030	1.01	(17,788)	5.09	(30,150)	8.70	(41,088)	12,362	23,300
Sept. 30, 1985	2,684	1.35	(898)	5.09	(10,936)	8.70	(20,625)	10,038	19,727
Sept. 30, 1984	2,357	1.37	(29,125)	5.09	(37,893)	8.70	(46,402)	8,768	17,777
Sept. 30, 1983	2,519	1.40	(2,993)	5.09	(12,288)	8.70	(21,382)	9,295	18,389
Sept. 30, 1982	2,267	1.86	15,053	5.09	7,731	8.70	(453)	7,322	15,508
Sept. 30, 1981	2,519	2.31	45,650	5.09	38,647	8.70	29,554	7,003	16,096
Total		1.59	55,185	5.09	(35,831)	8.70	(129,178)	91,016	184,363

Mr. REID. I would like to read one paragraph from Wright's letter which says:

One of my relatives was an organizer of the Taylor Grazing Act. He served on the committee that drew up the act and the rules and regulations that followed. These people recognized that a coordinated system of grazing on public lands needed to be initiated. It would be interesting to have these people see the improved ranges that has resulted from their work. Unfortunately, none are alive today.

I guess what we are saying here today is that we want understanding; we want people to appreciate what these cowboys go through, because it is not easy. We hear a lot of things kicked around about prices and whether it should be this much or that much. But what, in fact, we have here that we are trying to protect is a way of life that contributes to the economy of this country.

Mr. President, I have been to Elko County, and I was there recently. Once each year, they hold a cowboy poetry contest which has become world famous. They do not have enough rooms to take care of the people that come there once a year. These poems are written by cowboys in their bunkhouses or around a campfire. They can say in just a few words perhaps what we have been trying to say here all day. Let me read to you a poem written by Nyle Henderson, which is entitled, "How Many Cows?"

A fella from town stopped by the other day.  
The talk that we had sorta went this-a-way.  
He said, "I've got something that I'd like to ask you,

And if you know the answer, I'd like to know, too.

"I want to be a rancher and at prices today,  
How many cows would I need to make my livin' pay?

Would a thousand cows be better than just one or two?

Do you have any advice on what I should do?"

"Now that's a tough question I'll tell you for sure,

Not one that can be solved with any one cure.

Machinery's sky high and so is the land,  
And interest rates are more than anyone can stand.

"And there's imports and embargoes and all the like,

Remember now, as a rancher that you can't go on strike.

There's politicians, vegetarians and ecologists, too,

And a hundred government agencies telling' you what to do.

"There's the cost of fuel and fences and labor and seed,

And tools and tires and water and feed.  
There's always a horse needin' shod and veterinary bills,

I'll tellin' ya friends, ranchin' ain't all thrills!

"Startin' early in spring you'll be calvin' all night,

There's still feedin' to be done and the water's froze tight!

Insurance and utilities are always goin' up,  
And remember, that wife of yours is about ready to pup.

"The whole cost of operating hasn't yet reached a peak,

While the price of beef is just pretty darn weak.

So here is the answer to this little test,  
The man with the fewest is doin' the best.

"Only he's not makin' more, like you might guess,

The fact is, my friend, he's just losin' less!"

Well, I think that that is what it is all about here, Mr. President. This is not a situation where these ranchers, cowboys, are taking vast amounts of money, putting it in the bank and shipping it overseas. These are people that are barely surviving; yet, they contribute a great deal to our economy. What would rural Nevada be without ranching and mining? It has only been in the last few years that we have had mining. Mining has made a comeback, as we talked about Friday. Prior to mining, all rural Nevada had was ranching. That is how the schools were kept. That is how the roads were paved. That is how the cities were maintained. People would come to Elko, Battle Mountain, and buy a piece of farm equipment. That is how it kept going.

So it is really important to our way of life that these number of unseen expenses we have talked about are calculated and remembered by people in the Senate, because the costs are significant.

Mr. President, I see my friend from Alaska, who is such a protector of the public lands, and I want to leave time for him to speak. But I do want everyone that can hear my voice to understand that we cannot appreciate what these ranchers go through. It is not easy. But to them, it is their lives. It is their lives, and in these letters I have introduced which were made part of this RECORD, they talk about their children being on the land and their grandchildren and how they work the

land. That is what we are trying to do, protect a way of life.

So, if, in fact, there is something wrong with the grazing fee, let us change it by having hearings so that people from Nevada, Arizona, Idaho, and other Western States, can come and talk about what impact it would have on their lives. Do we want all the cattlemen to go out of business, or 50 percent of them?

I heard my friend from North Dakota talking here today, defending a way of life. He was asked a question, if an increase only applied to about 100 people in his State. Only 100, in a State like North Dakota, is a significant number of people. In fact, what we should be doing here today, instead of trying to increase the formula for these rangelands, is to be decreasing the fee for those in the grassland States, because, as I have indicated, half of them have gone bankrupt because of that increased formula.

I will close, Mr. President, recognizing, as I indicated, that others wish to speak. Ranchers and cowboys, consider themselves stewards of the land and in fact they are. These pictures I have talked about here today show the dramatic improvement in the rangelands. We have heard from the people that run Government agencies; the Forest Service, and the Bureau of Land Management, saying if we are going to maintain the lands even at the level they are now maintained and you get rid of the cowboys, the ranchers, consider that you are going to have to increase our budget significantly.

I yield the floor.

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

Mr. STEVENS. Mr. President, I certainly appreciate the very strong statement of the Senator from Nevada in defense of the ranchers and cowboys of the West.

## REFINED PRODUCT RESERVE

Mr. D'AMATO. Mr. President, I am pleased that our committee's Interior appropriation bill includes funding under strategic petroleum reserve to initiate a 3-year test of the refined petroleum product reserve [RPR] that we established in legislation passed last fall. The RPR should be an effective way to avoid great human suffering and economic loss in times of shortage

and high demand for refined products such as heating oil.

I am concerned, though, that the Department of Energy apparently still plans to make this test entirely at a facility on the gulf coast rather than in product-importing regions of the country. The authorizing legislation lists three criteria for citing RPR facilities. One of those criteria is proximity of RPR facilities to product-importing regions. A site on the gulf coast clearly doesn't qualify, and the law doesn't let DOE pick and choose the criteria it wants to apply. DOE is required to meet all the criteria in this law.

I note that the committee report on this appropriation in the other body contained language making this point. I expect that will change DOE's mind on locating RPR facilities. I hope the Interior appropriations conference will adopt language making clear to DOE that its present RPR plans do not comply with the law, and that it must implement the RPR in full compliance with all three criteria in the law.

Also, DOE's insistence that it would be too expensive to have more than one RPR facility makes this issue much more difficult than it needs to be. DOE must lease unused private storage for the RPR because the law says it can't build any facilities. So using smaller, multiple facilities in different regions is just a matter of accounting, not a cost problem. I hope the conferees will make this point to DOE. It would also be useful for them to mention that multiple facilities will better serve the purposes for which we authorized the RPR by putting stored product closer to the markets in several major product-importing regions: For example, the Upper Midwest and Hawaii as well as my own Northeast region.

#### WEATHERIZATION PROGRAM

Mr. LIEBERMAN. Mr. President, I rise to commend the chairman of the subcommittee, Senator BYRD, for putting together such a well balanced piece of legislation. This was particularly difficult this year since the budget compromise put real constraints on subcommittee spending.

I would like to make one comment on the subcommittee's funding for the Weatherization Program. The Senate bill cuts funding for this most important program by 11 percent. I would ask the distinguished chairman of the subcommittee to consider acceding to the House number, which increases funding by 1 percent.

I make this request with the greatest respect. The DOE Weatherization Program is alive today only because of the support of Chairman BYRD. That point must be clearly understood. Unfortunately, today States face declining resources for helping the poor with the essentials like keeping warm in the winter, while demand continues to increase.

Because of severe budget difficulties, Connecticut will no longer be able to meet past Weatherization Program amounts. And Connecticut is not unique. There has been a severe slowdown in all energy conservation activity for the poor.

Yet, at the same time, we are trying to make our Nation more energy efficient. The Weatherization Program is one of the most effective tools we have for helping the disadvantaged with their energy problems. It cuts energy costs by weatherizing housing units. The program has been shown to save approximately 20 percent of the average clients' usage or about \$240 each year. This amount exceeds the average fuel assistance payment. Cutting back on conservation wastes money.

In addition, weatherization is attracting tens of millions of dollars in matching energy investments from utilities and landlords. When we cut funding at the Federal level, we lose funding from the private sector as well.

Again, I appreciate the chairman's hard work in putting together this bill, but I ask that he consider acceding to House numbers in conference on the Weatherization Program.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Under the previous order, the Senate is scheduled to vote at 6:30.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that, upon the disposition of the Executive Calendar, treaty No. 10, and the return to legislative session, the Senate proceed to the consideration of H.R. 2426, the military construction appropriations bill; that the committee amendments be agreed to en bloc and considered original text for the purpose of further amendment; and that the bill be considered under the following time limitation: 30 minutes of debate on the bill equally divided and controlled in the usual form with no amendments in order to the bill other than the committee amendments and the three amendments listed below, the time for consideration of which to be included in the overall 30-minute time limitation on the bill. The amendments are an amendment by Senators SARBANES and MIKULSKI regarding a land transfer at Fort Meade, MD, to the Fish and Wildlife Service; an amendment by Senator DOLE regarding tornado relief money at McConnell Air Force Base; and an amendment by Senator GARN regarding

a land transfer at Fort Douglas; further, that upon the conclusion or yielding back of time, the Senate proceed to third reading and final passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. No objection.

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

#### ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, Members of the Senate therefore should be aware that following the vote which is about to occur on the treaty, the Senate will proceed to consideration of the military construction appropriations bill under the agreement just approved. It is not my intention, nor the intention of the distinguished Republican leader, nor the managers of the bill, to seek a rollcall vote on any of the amendments or on final passage of that bill. We cannot preclude that in advance, but if no Senator seeks a rollcall vote, in that event, the vote about to occur will be the last rollcall vote this evening.

If a Senator does intend to seek a rollcall vote on the military construction appropriations bill, it is obviously important, for the convenience of our colleagues, to express that indication now or as soon as possible so that Senators can be aware of the schedule.

Further, it is my intention, as I previously stated on many occasions, to proceed, upon the disposition of the military construction appropriations bill, to the Transportation appropriations bill. I hope that we can at least get that laid down tonight and complete action on that tomorrow, and then be in a position to return to the Interior appropriations bill and have a vote on the pending amendment or in relation to the pending amendment sometime during the day tomorrow.

Mr. President, I know of no Senator who would seek a rollcall vote. I am pleased to yield to the distinguished Republican manager at this time.

Mr. NICKLES. If the Senator will yield, I agree with the scenario the majority leader outlined. I hope though, before we leave tonight, that we could agree to a vote at some time certain on the Jeffords-Metzenbaum grazing amendment. I do not care what time it is. I would just like to have a time set down or else we would have another full day of debate.

Mr. MITCHELL. I hope we can do that. I see the distinguished Senator from Vermont on the floor and inquire through the Chair if the Senator from Vermont and if he could speak for his cosponsor of the amendment, the Senator from Ohio, would be prepared to agree to a vote on or in relation to the amendment at a time certain tomorrow?

Mr. JEFFORDS. Mr. President, in reply to the question, I have no objec-

tion whatsoever to setting a time certain. I do want to accommodate all of those who have a desire to speak against the amendment. I think many have been accommodated. I know there are one or two that will be here tomorrow, so there should be some more time. But I have no objection to a time certain, providing all the Members that want to speak are accommodated. And I say it is not a great line behind me on my side.

Mr. MITCHELL. Mr. President, might I suggest that the Senate could of course continue to debate this evening if any Senator wishes to address the matter. It is my hope that we can get to it and complete action on the Transportation appropriations bill during the day tomorrow and have a vote on or in relation to this amendment during the day tomorrow.

Mr. DOMENICI. Mr. President, I might say that anyone could move to table. Thus far, I have indicated that I intend to. There are a number of us who have already spoken.

We would like, rather than to jump back and forth from Transportation without us understanding where we are, we would like some time preceding a tabling or a vote on the amendment. I think maybe without asking Senators, since there are still five or six who have not spoken, we could just leave it tonight that in the morning, you, or the managers of the Interior bill will accommodate us with a reasonable request that some time during the day we will return to Interior for this amendment, at which time a vote on it or in relation to it will occur 1 hour thereafter, or 40 minutes.

Mr. MITCHELL. Certainly; what I suggest now is that we proceed to the vote, and during the time of that vote and during the time that the military construction appropriations bill is being considered for its disposition, I think we can work out an agreement that will be acceptable to all concerned.

Mr. SYMMS. If the Senator will yield, I think what the Senator from New Mexico is trying to say, for those of us who feel strongly about this amendment is until we see how the tabling motion comes out we cannot do anything on the Interior bill.

Mr. MITCHELL. Nobody has asked for that.

Mr. SYMMS. Just as long as we understand that.

Mr. MITCHELL. Nobody has asked for anything beyond that. The understanding is that at a time certain tomorrow there would be a vote on or in relation to the amendment which presumably would be on a tabling motion, and I have not asked anybody to do anything beyond that.

Mr. DOMENICI. Mr. President, if the leader will yield, I see the distinguished chairman of the full committee, who happens to Chair the Sub-

committee on Interior, on the floor. I want to say although he is not from a public lands State, he has been most accommodating. This Senator has no intention at this point but to reciprocate and be as accommodating as possible. He knows this is a very contentious issue, and I have told him that.

Mr. BYRD. Will the majority leader yield?

Mr. MITCHELL. I am pleased to yield to the distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, I wonder if we could proceed as the majority leader has suggested and during the vote see if we could work out a time that would be agreeable to all concerned on this amendment or on a tabling motion.

Mr. MITCHELL. Mr. President, before we vote, those Senators who have just come in should be aware, and I will repeat for their benefit, that we are going to take up the military construction appropriations bill immediately after this vote. It is not my intention to seek a rollcall vote on that. But should a Senator insist, then that could occur and we are going to proceed. We are going to finish that bill tonight. So Senators who depart immediately after this vote do so understanding that risk. I do not think it is a substantial one because neither side has received any notice of any Senators desiring to have a rollcall vote on that. But so there is not any misunderstanding, we are going to finish the military construction appropriations bill this evening, and I hope to start on the transportation bill and finish that tomorrow.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. MITCHELL. Yes.

Mr. STEVENS. Will there be any votes on the amendments themselves?

Mr. MITCHELL. I am advised that the committee has indicated willingness to accept the amendment. So there will not be any vote on those.

Mr. STEVENS. I thank the Chair.

Mr. MITCHELL. I thank my colleagues for their cooperation, and I yield the floor.

#### EXECUTIVE SESSION—AGREEMENT WITH THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE MARITIME BOUNDARY

The PRESIDING OFFICER. Under the previous order, the hour of 6:30 p.m. having arrived, the Senate will proceed into executive session to vote on Executive Calendar Order No. 10, 102d Congress, 1st session, Agreement with the Union of Soviet Socialist Republics on the Maritime Boundary.

The resolution of ratification will be read for the information of the Senate.

The resolution of ratification was read, as follows:

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement Between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, with Annex, signed at Washington, June 1, 1990.*

Mr. PELL. Mr. President, I am pleased to bring before the Senate today a treaty concerning our maritime boundary with the Soviet Union. This treaty was approved and favorably recommended to the Senate by the Foreign Relations Committee just before the August recess.

This maritime boundary agreement defines the maritime boundary between the United States and the Soviet Union off the coasts of Alaska and Siberia in the North Pacific Ocean, the Bering and Chukchi Seas, and the Arctic Ocean. It resolves conflicts concerning the sovereign rights and jurisdiction of the two countries with regard to territorial sea, exclusive economic zone, and Continental Shelf jurisdiction, thereby settling longstanding disputes over fishing rights and mineral resource development.

In the 1867 United States-Russia Convention Ceding Alaska, Russia ceded to the United States all territory and dominion up to the western limit specified in the convention, which became the maritime boundary for purposes of defining fisheries and oil and gas deposits in the seas between Alaska and Siberia.

Sometime in 1977, it became clear that the two countries were measuring the location of the 1867 line differently, resulting in a disagreement over some 21,000 square nautical miles in the Bering Sea, which each country claimed were on its own side of the 1867 line. Discussions about the boundary began in 1981, resulting in the agreement which is now before the Senate. It was submitted for advice and consent in September of last year.

The agreement reaffirms that the 1867 convention line is the maritime boundary between the two countries and agrees upon a common depiction of that line. The disputed area is divided, and territorial sea, exclusive economic zone, and Continental Shelf jurisdictions are established by a precise boundary.

This agreement, which represents a compromise between the two nations' competing claims, will serve this country's political and economic interests in several ways:

First, it will remove a significant potential source of political dispute between the two countries;

Second, it will settle disputes concerning jurisdiction over fish, seabed, and subsoil resources, enabling development of these valuable resources—especially fisheries and seabed resources—to go forward;

Third, it will place 70 percent of the Bering Sea under U.S. resource jurisdiction; and

Finally, it will end harassment of U.S. fishermen and companies in the maritime areas between Alaska and Siberia.

Mr. President, I am pleased to present this treaty to the Senate today and I urge that the Senate give its advice and consent to its ratification.

Mr. HELMS. Mr. President, the maritime boundary agreement between the United States and the Soviet Union has been a matter of concern to this Senator for a number of years.

I have had four major areas of concern:

First, I have sought to ensure that the agreement be in treaty form and be duly submitted to the Senate for its advice and consent as required by the Constitution.

Second, I have sought to protect the status of the DeLong Islands—Bennett, Henrietta, and Jeannette Islands—in the Arctic.

Third, I have sought to protect the status of Wrangel and Herald Islands in the Arctic. While several islands bear the name Wrangel or Wrangell, the island that I am referring to lies in the Chukchi Sea of the Arctic Ocean about 100 miles off the Siberian coast. The island is about 80 miles long and about 30 miles wide. A harbor in the southeastern part is in latitude 70°57' N. and longitude 178°10' W. The island is about 2,925 square miles in area.

Finally, I have sought to ensure that the proposed maritime boundary treaty would not foreclose the U.S. right under international law to pursue its claims to sovereignty over the five islands. I believe these four goals have been achieved.

The first concern has been resolved to my satisfaction through the submission of the U.S.-U.S.S.R. Maritime Boundary Agreement to the Senate in treaty form for its advice and consent.

The second concern has been resolved to my satisfaction through assurances given by the Legal Adviser of the Department of State, Edwin D. Williamson, to the Committee on Foreign Relations and to me personally and through my staff. The Legal Adviser has assured the committee that this maritime boundary agreement does not affect the status of the Arctic islands. Further, the Legal Adviser has stated that the United States has neither relinquished claims to these islands nor officially acquiesced to other claims over these islands. Referring specifically to the five American Arctic islands in his testimony before the committee, Mr. Williamson states as follows:

The agreement is a maritime boundary agreement. It does not recognize Soviet sovereignty over those islands.

The third concern has also been resolved to my satisfaction with respect to Wrangel Island, since the statement of the Legal Adviser of the Department of State that the maritime boundary

agreement does not affect the legal status of the five Arctic islands clearly includes Wrangel Island.

Therefore, the legal situation that obtains today with respect to these Arctic islands will remain exactly what it is today, namely, one of conflicting claims under international law. The guarantee of the Legal Adviser of the Department of State that the U.S.-U.S.S.R. Maritime Boundary Agreement itself does not take a position with respect to the conflicting claims of the United States and the Soviet Union with respect to these five islands.

This means that the question of ultimate ownership is not prejudiced by the treaty, and remains open for future decision. The legal adviser has assured me that the United States has never officially relinquished its claims to these islands nor officially acquiesced to Soviet claims to these islands. In my judgment, the U.S. claims are sound, and should be pursued vigorously.

Unfortunately, past experience has shown that the State Department frequently regards legitimate American interests as obstacles to accomplishment of its grandiose plans for an international order based upon the subordination of national sovereignty to a global governmental regime.

Since I doubt that the State Department will make use of the opportunity to press U.S. claims to the five islands—even though the right to do so is preserved—I intend to vote against the treaty.

#### BOUNDARIES AND THE SENATE

On September 26, 1990, the White House submitted the U.S.-U.S.S.R. Maritime Boundary Agreement to the Senate for its advice and consent. This action by the executive branch was the proper course of action and satisfied this Senator's concern that agreements affecting the boundaries of the United States—whether land boundaries or maritime boundaries—must be in treaty form and duly submitted to Congress and not merely in the form of an executive agreement.

I was concerned for a number of years that the executive branch would seek to use an executive agreement procedure rather than a treaty procedure for our maritime boundary with the U.S.S.R. Such a procedure would circumvent congressional review of the matter and would circumvent the advice and consent of the Senate. There is nothing more fundamental to national sovereignty and to national security than the question of boundaries. Our land boundaries with Canada and Mexico were established by treaty. All previous maritime boundary agreements between the United States and foreign nations were established by treaty. The issue of maritime boundaries has become important since World War II. Modern 20th century international law, owing to advances in

science and technology, has had to concern itself with issues such as Continental Shelf rights and exclusive economic zones out to 200 miles from shore. The Alaska Purchase and the discovery and claim of the Arctic islands being considered here occurred in the 19th century.

The convention line of 1867 for purposes of the Alaska Purchase was never a boundary line as understood by international law either at the time of the Alaska Purchase or under today's modern international law. The line was merely a line of demarcation to indicate what the United States had purchased from the imperial Russian Government; that is, everything east of the line. It by no means indicated the status of territories, such as the five islands under discussion, which was not claimed as part of imperial Russia in 1867.

Nor did it relate to territories undiscovered at the time. The DeLong Islands were not discovered until 1881. Wrangel Island was sighted by an American whaling vessel in 1867 but claimed for the United States in 1881. Herald Island was sighted by a British ship in 1849 but later fell under the penumbra of the United States claim to Wrangel Island.

The Department of State in its own publication entitled, "International Boundary Study, No. 14, October 1, 1965, United States-Russia Convention Line of 1867" specifically states as follows:

Furthermore, in keeping with the policy that the line does not constitute a boundary, the standard symbol for the representation of an international boundary should never be used.

During the course of my staff's review over the past decade of the maritime boundary negotiations information reached my office that the legal adviser's office in the Department of State was considering a procedure which would have alleged that the convention line of 1867 was indeed a boundary line. From this position the Department would then allege that all that was needed to arrive at a maritime boundary agreement with the U.S.S.R. was an executive agreement which would have technically described a variation of the convention line, the supposedly already existing boundary line.

The originally proposed procedure was averted because of congressional vigilance and action.

On December 18, 1985, I introduced Senate Resolution 279 relating to the transfer of U.S. territory in the Arctic Ocean. On January 25, 1989, I introduced Senate Resolution 20 relating to the preservation of U.S. territory in the Arctic Ocean. The purpose of these resolutions was to clarify the historical situation relating to these islands and to underscore the proper constitutional procedures relating to boundaries of the United States.

Fortunately, pressure from concerned Senators and Congressmen was sufficient to ensure that the executive branch follow the Constitution. On July 20, 1989, I submitted amendment No. 387 to the Foreign Relations Authorization Act. The amendment, which was agreed to, stated as follows:

It is the sense of the Senate that—

The Department of State shall submit to the Senate in treaty form for advice and consent all agreements with the Soviet Union which relate to boundaries of the United States.

The final language which appears in title X, section 1007 of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 is as follows:

It is the sense of the Congress that all international agreements pertaining to the international boundaries of the United States should be submitted to the Congress for such consideration as is appropriation pursuant to the respective constitutional responsibilities of the Senate and the House of Representatives.

For the record, it should be noted that opposition to the maritime boundary agreement has been registered in several resolutions passed by the Alaska State Legislature. For example, Alaskan Senate Joint Resolution No. 12 relating to the determination of the State's boundaries with the Soviet Union and Canada was approved by both houses of the Alaska State Legislature and signed into law by the Governor in 1988. Alaskan Senate Joint Resolution No. 61 requesting the Government of the United States to reassert jurisdiction over Wrangel Island, Herald Island, Henrietta Island, Jeannette Island, and Bennett Island was approved by the State senate in February 1988.

The U.S. Supreme Court has repeatedly noted that the treaty power does not authorize the Federal Government unilaterally to divest a state of its territory without its consent. (See, e.g., *DeGeofrey v. Riggs*, 133 U.S. 258, 33 L.Ed. 642, 645 (1890); *Fort Leavenworth R.R. Co. v. Lowe*, 114 U.S. 525, 541 (1885).)

On May 17, 1991, the committee received an official letter from the Alaska State Legislature signed by 47 Alaska State representatives and senators. The letter, an additional copy of which was forwarded to me by Alaska State Senator Paul A. Fisher, states, in part, as follows:

No Alaskan official has ever been invited to participate in the treaty negotiations, in spite of abiding Alaskan interests in fisheries, petroleum and other potential continental shelf resources and the consideration of navigation in the area. In the entire history of the treaty negotiations, Alaska has had no official voice. There is precedent. In 1842, at the behest of Secretary of State Daniel Webster, two commissioners from the State of Maine and three from Massachusetts participated in U.S. negotiations with England over a border disputed since the time of the Revolutionary War.

\* \* \* \* \*

It is our purpose to urgently recommend that the presently proposed treaty not be

ratified by the U.S. Senate, and that negotiations be continued to include appropriate Alaskan officials and current United States and Alaskan historic, territorial, and resource interests.

#### THE DELONG ISLANDS

The status of the five Arctic islands—the three islands in the DeLong group and the Wrangel and Herald group—which the United States had taken possession of during the last century also was of concern to this Senator.

The historical record is clear with respect to the history of the DeLong Islands. They were discovered in 1881 by an official U.S. expedition. They were immediately taken possession of in behalf of the United States in accordance with the accepted practices of the day. Numerous Senate and House documents as well as U.S. Government documents reveal this historical record.

The legal adviser of the Department of State, as noted earlier, has assured the Committee and this Senator that the U.S.-U.S.S.R. Maritime Boundary Agreement in no way affects the status of these three islands. That is to say, the United States by ratifying this treaty does not relinquish any claims to these islands nor does it acquiesce to any Soviet claims to these islands. This assurance by the Legal Adviser favorably resolves my concerns with respect to the status of these three islands.

The DeLong Islands were discovered and taken possession of in behalf of the United States during a congressionally authorized and financed expedition to discover the location of the North Pole. On March 18, 1878, the Congress approved an act in aid of a polar expedition designed by James Gordon Bennett, a citizen of the United States and widely known publisher of the New York Herald newspaper.

This act authorized the the Secretary of the Treasury to issue an American registry to the vessel *Jeannette* purchased in Great Britain in order that the ship could be used for the expedition. On February 27, 1879, Congress approved an act authorizing the Secretary of the Navy to accept and to take charge of the ship *Jeannette* for the use of a north polar expedition under the command of a U.S. naval officer.

Two congressional documents from the period, which include nautical charts, clearly reveal the historical record of the discovery of and the incorporation into U.S. territory of the three DeLong Islands. These documents are, House of Representatives, 47th Congress, 2d session, Executive Document No. 108, "Loss of the *Jeannette*"; and House of Representatives, 48th Congress, 1st session, Mis. Doc. No. 66, "*Jeannette Inquiry*."

These documents establish through testimony of members of the expedition and official documents of the ex-

pedition including the journals of Lt. Comdr. George W. DeLong (U.S.N.) commander of the Polar Expedition of 1879-81 the fact that the DeLong Islands were discovered and taken possession of in behalf of the United States by this congressionally authorized and funded expedition.

Subsequent official documents and nautical charts published by the U.S. Government clearly reveal the three islands as part of the territory of the United States. Examples of these documents include the U.S. Geological Survey document No. 187 entitled "Geographic Dictionary of Alaska" published in 1902 and printed in a second edition in 1906. It was written by Marcus Baker, the Secretary of the U.S. Geological Survey. Bennett, Henrietta, and Jeannette Islands are included in the book as part of the territory of Alaska.

In 1930, the U.S. Geological Survey published its bulletin No. 817 which was entitled "Boundaries, Areas, Geographic Centers and Altitudes of the United States and the Several States." This publication was written by Edward M. Douglas and was a revision and enlargement of the 1923 edition. The DeLong Islands are described as discovered by the DeLong polar expedition and claimed for the United States.

In 1986, the U.S. Naval Institute Press published a book entitled "Icebound, The Jeannette Expedition's Quest for the North Pole," by Leonard F. Guttridge. The book is an authoritative and exhaustive study of the expedition and documents the discovery of the DeLong Islands and the fact that they were taken possession of in behalf of the United States.

#### WRANGLER ISLAND

The status of Wrangel Island and nearby Herald Island which is associated with it has also been of concern. Herald Island was discovered in 1849 by Captain Kellett of the British ship *Herald* but in 1924 a group of Americans visited the island, found it unoccupied, and raised the American flag claiming the island in behalf of the United States. Information relating to both islands and to the American claim of Wrangel Island was published in Senate, 48th Congress, 1st session, Ex. Doc. No. 204, "Report of the Cruise of the U.S. Revenue Steamer Thomas Corwin in the Arctic Ocean 1881," by Capt. C.L. Hooper, U.S.R.M. commanding.

The logbook of Captain Hooper for August 12, 1881, off "Wrangel Land" states as follows:

Went on shore and took possession of in the name of the United States.

The Corwin voyage, including this passage from the logbook, has been documented in a study entitled "The Discovery of Wrangel Island," by Samuel L. Hooper published by the California Academy of Sciences as Occasional Paper No. XXIV, San Francisco, 1956. John Muir, the famous American natu-

ralist and founder of the Sierra Club, was a member of the Corwin voyage. In a memoir he wrote that "a notable addition was made to the national domain when Capt. Calvin L. Hooper landed on Wrangel Island and took formal possession in the name of the United States."

The U.S. Geological Survey documents cited above also include Wrangel Island and Herald Island as part of the territory of the United States.

The "Digest of International Law" by Green Haywood Hackworth, 1973 edition, in volume I, chapter IV, page 464 states as follows:

The United States has not relinquished its claim to Wrangel Island.

While the legal adviser stated that the U.S.-U.S.S.R. Maritime Agreement does not affect the status of these two islands, it must be noted that in order to implement the treaty provision relating to the northern Eastern Special Region a baseline must be used from Herald Island in order to depict this special region. Using such a method, Herald Island would apparently be considered to be Soviet territory. However, the status of Wrangel Island would not be affected nor would the status of the three DeLong Islands.

In my view, there can be no question that the DeLong Islands are a part of the territory of the United States. Even though Wrangel Island has been under Soviet occupation since 1924, the legal adviser to the Department of State as noted above has stated that the United States has never officially relinquished its claim to it and that this maritime boundary agreement does not do so.

Mr. ADAMS. Mr. President, I would like to congratulate the State Department, its Soviet counterpart and the Committee on Foreign Relations for their excellent work in completing the agreement being ratified by the Senate today.

The agreement divides the disputed maritime area along a 1,600-mile boundary between both countries. It clarifies the two countries' territorial seas, exclusive economic zones and Continental Shelf jurisdiction by establishing a precise boundary, where their jurisdictions would otherwise overlap. The disputed area contains rich fishery resources and, among other mineral resources, the potential of major oil and gas deposits. Under this agreement, both sides have reached a compromise based on their historical positions. Special areas will be under the exclusive control of each country.

I am particularly gratified about this agreement because it minimizes the size of the donut hole. The donut hole is an area of the Bering Sea where neither country can exercise its exclusive economic rights. As I stated a couple of years ago:

A predictable result of the displacement of the foreign fleet has been the effort by foreign fishermen to find a way to stay in business. Large numbers have turned their attention to the high seas region of the Bering Sea known as the donut hole. Since 1984, reported donut hole harvests by vessels from Japan, Korea, Poland, and China have increased. \* \* \* Other foreign vessels have resorted to illegal fishing, especially in waters near the donut hole region.

This agreement will not solve the problem entirely. As long as there is no international fishery management system to scientifically assess stocks and to account for and control the level of harvest in this area, the Bering Sea fishery will be at risk. We must renew our efforts internationally to put an end to the uncontrolled fishery in the donut hole. The shelter it provides fish pirates must be destroyed.

I strongly urge my colleagues to vote for the agreement.

Mr. STEVENS. Mr. President, I am here to speak about the issue that will come before the Senate at 6:30 p.m., the United States-Soviet Maritime Boundary Agreement.

That agreement is very important to my home State of Alaska. Its ratification will improve cooperation between the United States and the Soviet Union, but most importantly it will improve the relations between Alaska and our neighbors to the west, and improve the continued United States-Soviet efforts to control international fishing in the Bering Sea.

Under the agreement the Soviet Union will permanently transfer jurisdiction over three special areas to the United States. These areas, whose combined area covers 3,850 square nautical miles, are presently within the Soviet Union's 200-mile exclusive economic zone. Under the agreement these areas will now be on our side of the maritime boundary. In exchange, the United States will give the Soviet Union control over one small 300-square-nautical-mile special area that is within the U.S. exclusive economic zone, but which lies on the Soviet side of the boundary.

As a result, the United States will gain control over 12 times the amount of territory ceded to the Soviet Union. This unprecedented transfer of sovereign jurisdiction ensures control over areas that would otherwise become international waters, the expansion of which would be detrimental to our fisheries because of the economic and ecological threat caused by unregulated high seas fishing.

Such unregulated fishing is already occurring in an area of international waters in the middle of the Bering Sea. This area, known as the Doughnut, is 48,000 square nautical miles and does not lie within the 200-mile exclusive economic zone of either the Soviet Union or the United States. In order to reach the doughnut, fishing vessels must pass through waters which belong

to the United States or the Soviet Union. Our Coast Guard has apprehended numerous foreign vessels that have used the doughnut as a staging area to illegally fish in our waters and illegally raid our stocks.

Through these illegal raids, large amounts of pollock are taken each year, as well as an increasingly large incidental take of salmon, herring, cod, and other species. Foreign fishing fleets report taking 1.4 million metric tons of pollock from the doughnut annually—that is more than the amount of pollock taken annually inside the U.S. exclusive economic zone legally. It is simply too much for the North Pacific.

Recently United States and Japanese scientists have reported that the pollock stocks in the doughnut are collapsing. This collapse is so drastic that in my opinion the United States should close a productive fishing area inside our exclusive economic zone, the Bogosloff, in order to protect the long-term health of the pollock resources within our 200 mile zone.

I have been working to address this problem for some time. In 1988 the Senate unanimously approved Senate Resolution 396, a resolution I introduced which called upon the State Department to work with the Soviet Union to bring about a moratorium on fishing in the doughnut. Since that time, negotiations have been underway between our two countries to try and address the problem of unregulated fishing on the high seas.

In addition, I will be introducing legislation to prohibit any vessel that has access to either fishing or purchasing of fish within our 200-mile limit, which operates in the doughnut area, from having legal access to our zone.

This maritime boundary is supported by U.S. fishermen because it grants the United States jurisdiction over 13,200 square miles more than the amount of territory that the United States would have received using a line equidistant between the two competing boundary claims. The transfer of the three special areas from the Soviet Union to the United States will give our citizens significant new areas from which to harvest fish and will settle a longstanding dispute over what portion of the Bering Sea each of our nations control. This clearly defined boundary will prevent the continued harassment of United States boats by the Soviet Union. As some may recall, as recently as 1987 Soviet gunboats and planes were threatening United States fishing boats in the disputed areas.

In summary, the benefits to U.S. fishermen and the protection of the marine ecosystem that come from increased U.S. control of the Bering Sea make this boundary agreement worthy of Senate ratification.

## U.S.-U.S.S.R. MARITIME BOUNDARY AGREEMENT

Mr. BIDEN. Mr. President, the United States and the Soviet Union have entered a watershed period in their relationship. Following the dramatic events of last month, the two nations now have an opportunity to leave behind them the history of distrust and conflict that have characterized their relations for nearly half a century. There is now the real possibility of constructive cooperation, in our mutual benefit and to the benefit of the whole world.

Today the Senate is giving its approval to a measure that constitutes one small step down the path of cooperation. This measure—the United States-Soviet Maritime Boundary Agreement—represents the attempt of the two sides to resolve a significant dispute through negotiation, compromise, and a mutual pledge to abide by the solemn obligations of a bilateral treaty and international law.

The dispute this treaty would lay to rest concerns the sovereign rights and jurisdiction of the United States and the Soviet Union in the seas between Alaska and Siberia. The treaty would govern each country's right to manage fisheries and conduct oil and gas exploration and development in a vast maritime area.

The United States-Soviet Maritime Boundary Agreement was signed by Secretary of State Baker and Foreign Minister Shevardnadze on June 1, 1990, after 9 years of negotiation, and was submitted to the Senate for its advice and consent last September. The Foreign Relations Committee held a hearing on the treaty on June 19, and ordered it reported on June 27 with the recommendation that the Senate consent to its ratification.

The negotiations on this treaty addressed four issues:

First, the basis for defining the limits of each country's maritime jurisdiction, where under international law they would otherwise overlap;

Second, the method of depiction of the boundary line established by the 1867 Convention by which Russia ceded Alaska to the United States;

Third, the limit of each country's maritime jurisdiction in areas outside their 200-mile exclusive economic zones; and

Fourth, the question of jurisdiction over four areas that are within one country's 200-mile zone, but on the other country's side of the boundary line.

The agreement resolves these conflicts by:

First, declaring that the 1867 Convention Line is the maritime boundary between the United States and the Soviet Union;

Second, establishing a precise geographic depiction of the line; and

Third, providing for the transfer of jurisdiction and sovereign rights in four potential special areas.

The Maritime Boundary Agreement serves U.S. interests in several important ways. It will remove a significant potential source of political dispute between the United States and the Soviet Union. It settles disputes concerning jurisdiction over fishing and oil and gas resources, thus ending harassment of U.S. companies and fishermen in disputed areas and enabling resource development to proceed. And it places 70 percent of the resource-rich Bering Sea under U.S. jurisdiction.

I believe the agreement to be fully in the interest of the United States and its relations with the Soviet Union and I am very pleased that the Senate is expected to give its advice and consent to ratification of the treaty.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification on Treaty Document No. 101-22, 102d Congress, 1st session, agreement with the Union of Soviet Socialist Republics on the Maritime Boundary.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio [Mr. GLENN], the Senator from Iowa [Mr. HARKIN], the Senator from Nebraska [Mr. KERREY], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

Mr. DOLE. I announce that the Senator from Missouri [Mr. BOND], the Senator from Oregon [Mr. PACKWOOD], the Senator from California [Mr. SEYMOUR], and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

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

The yeas and nays resulted—yeas 86, nays 6, as follows:

[Rollcall Vote No. 192 Ex.]

## YEAS—86

Adams	Durenberger	Metzenbaum
Akaka	Exon	Mikulski
Baucus	Ford	Mitchell
Bentsen	Fowler	Moynihan
Biden	Garn	Murkowski
Bingaman	Gore	Nickles
Boren	Gorton	Nunn
Bradley	Graham	Pell
Breaux	Gramm	Pressler
Brown	Hatch	Pryor
Bryan	Hatfield	Reid
Bumpers	Heflin	Riegle
Burdick	Hollings	Robb
Burns	Inouye	Rockefeller
Byrd	Jeffords	Roth
Chafee	Johnston	Rudman
Coats	Kassebaum	Sanford
Cochran	Kasten	Sarbanes
Cohen	Kennedy	Sasser
Conrad	Kerry	Shelby
Cranston	Kohl	Simon
D'Amato	Lautenberg	Specter
Danforth	Leahy	Stevens
Daschle	Levin	Thurmond
DeConcini	Lieberman	Wallop
Dixon	Lott	Warner
Dodd	Lugar	Wellstone
Dole	Mack	Wofford
Domenici	McConnell	

## NAYS—6

Craig	Helm	Smith
Grassley	McCain	Symms

NOT VOTING—8

Bond	Kerrey	Simpson
Glenn	Packwood	Wirth
Harkin	Seymour	

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

## MILITARY CONSTRUCTION APPROPRIATIONS ACT, FISCAL YEAR 1992

The PRESIDING OFFICER. The clerk will report H.R. 2426.

The bill clerk read as follows:

A bill (H.R. 2426) making appropriations for military construction with the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes.

The Senate proceeded to consider the bill with amendments; as follows:

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

## H.R. 2426

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1992, for military construction functions administered by the Department of Defense, and for other purposes, namely:*

## MILITARY CONSTRUCTION, ARMY

## (INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, **[\$877,585,000]** *\$798,770,000*, to remain available until September 30, 1996: *Provided*, That of this amount, not to exceed **[\$118,915,000]** *\$102,000,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Army" under Public Law 101-148, \$39,000,000 is hereby rescinded.

## MILITARY CONSTRUCTION, NAVY

## (INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities,

and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, **[\$848,429,000]** \$878,211,000, to remain available until September 30, 1996: *Provided*, That of this amount, not to exceed **[\$79,700,000]** \$67,000,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Navy" under Public Law 100-447, \$10,972,000 is hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Navy" under Public Law 101-519, \$45,420,000 is hereby rescinded.

**MILITARY CONSTRUCTION, AIR FORCE**  
(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, **[\$1,129,420,000]** \$924,590,000, to remain available until September 30, 1996: *Provided*, That of this amount, not to exceed **[\$74,300,000]** \$62,000,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Air Force" under Public Law 100-447, \$16,900,000 is hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Air Force" under Public Law 101-148, \$63,900,000 is hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Air Force" under Public Law 101-519, \$13,600,000 is hereby rescinded.

**MILITARY CONSTRUCTION, DEFENSE AGENCIES**  
(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, **[\$745,990,000]** \$654,330,000, to remain available until September 30, 1996: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed **[\$85,489,000]** \$56,340,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

**NORTH ATLANTIC TREATY ORGANIZATION**  
INFRASTRUCTURE

For the United States share of the cost of North Atlantic Treaty Organization Infra-

structure programs for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction Acts and section 2806 of title 10, United States Code, **[\$158,800,000]** \$254,400,000 to remain available until expended: *Provided*, That none of the funds appropriated or otherwise available under the North Atlantic Treaty Organization Infrastructure Account in this or any other Act may be obligated for planning, design, or construction of military facilities or family housing to support the relocation of the 401st Tactical Fighter Wing to Crotona, Italy.

**MILITARY CONSTRUCTION, ARMY NATIONAL**  
GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[\$161,281,000]** \$233,274,000, to remain available until September 30, 1996.

**MILITARY CONSTRUCTION, AIR NATIONAL**  
GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[\$172,690,000]** \$231,506,000, to remain available until September 30, 1996.

**MILITARY CONSTRUCTION, ARMY RESERVE**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[\$94,860,000]** \$114,723,000, to remain available until September 30, 1996.

**MILITARY CONSTRUCTION, NAVAL RESERVE**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[\$20,900,000]** \$60,400,000, to remain available until September 30, 1996.

**MILITARY CONSTRUCTION, AIR FORCE RESERVE**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[\$20,800,000]** \$22,800,000, to remain available until September 30, 1996.

**FAMILY HOUSING, ARMY**

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, **[\$167,220,000]** \$141,950,000; for Operation and maintenance, and for debt payment, **[\$1,412,025,000]** \$1,367,025,000; in all **[\$1,579,245,000]** \$1,508,975,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1996.

**FAMILY HOUSING, NAVY AND MARINE CORPS**

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, **[\$182,440,000]** \$166,200,000; for Operation and maintenance, and for debt payment, **[\$725,700,000]** \$694,700,000; in all **[\$908,140,000]** \$860,900,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1996.

**FAMILY HOUSING, AIR FORCE**

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, **[\$161,583,000]** \$151,583,000; for Operation and maintenance, and for debt payment, **[\$924,400,000]** \$827,400,000; in all **[\$1,085,983,000]** \$978,983,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1996.

**FAMILY HOUSING, DEFENSE AGENCIES**

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, \$200,000; for Operation and maintenance, \$26,000,000; in all \$26,200,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1996.

**HOMEOWNERS ASSISTANCE FUND, DEFENSE**

For use in the Homeowners Assistance Fund established pursuant to section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754, as amended), \$84,000,000, to remain available until expended.

**BASE REALIGNMENT AND CLOSURE ACCOUNT,**  
PART I

For deposit into the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), **[\$658,600,000]** \$674,600,000, to remain available for obligation until September 30, 1995: *Provided*, That none of these funds may be obligated for base realignment and closure activities under Public Law 100-526 which would cause the Department's \$1,800,000,000 cost estimate for military construction and family housing related to the Base Realignment and Closure Program to be exceeded: *Provided further*, That not less than **[\$200,800,000]** \$241,800,000 of the funds appropriated herein shall be available solely for environmental restoration.

**BASE REALIGNMENT AND CLOSURE ACCOUNT,**  
PART II

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), **[\$100,000,000]** \$297,000,000, to remain available until expended: *Provided*, That of the funds appropriated herein such sums as may be required shall be available for environmental restoration.

## GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds herein appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than \$25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in this Act shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriation Acts.

SEC. 107. None of the funds appropriated in this Act for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in this Act may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in this Act may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in this Act may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan or in any NATO member country, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in this Act for military construction in the United States territories and possessions in the Pacific and on Kwajalein Island may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: *Provided*, That this section shall

not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 113. The Secretary of Defense is to inform the Committees on Appropriations and the Committees on Armed Services of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

## (TRANSFER OF FUNDS)

SEC. 114. Unexpended balances in the Military Family Housing Management Account established pursuant to section 2831 of title 10, United States Code, as well as any additional amounts which would otherwise be transferred to the Military Family Housing Management Account during fiscal year 1992, shall be transferred to the appropriations for Family Housing provided in this Act, as determined by the Secretary of Defense, based on the sources from which the funds were derived, and shall be available for the same purposes, and for the same time period, as the appropriation to which they have been transferred.

SEC. 115. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

## (TRANSFER OF FUNDS)

SEC. 116. Funds appropriated to the Department of Defense for construction in prior years are hereby made available for construction authorized for each such military department by the authorizations enacted into law during the first session of the One Hundred Second Congress.

SEC. 117. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with a report by February 15, 1992, containing details of the specific actions proposed to be taken by the Department of Defense during fiscal year 1992 to encourage other member nations of the North Atlantic Treaty Organization and Japan and Korea to assume a greater share of the common defense burden of such nations and the United States.

SEC. 118. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 119. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 120. Of the funds appropriated in this Act for Operations and maintenance of Family Housing, no more than \$15,000,000 may be obligated for contract cleaning of family housing units.

SEC. 121. None of the funds appropriated in this Act may be used for the design, construction, operation or maintenance of new family housing units in the Republic of Korea in connection with any increase in accompanied tours after June 6, 1988.

## (TRANSFER OF FUNDS)

SEC. 122. During the five year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred: *Provided*, That the next to the last proviso of section 121 of the Military Construction Appropriations Act, 1987, (Public Law 99-500; 100 Stat. 1783-294 and Public Law 99-591; 100 Stat. 3341-294) is hereby repealed.

SEC. 123. None of the funds appropriated in this Act for planning and design activities may be used to initiate design of the Pentagon Annex.

SEC. 124. None of the funds appropriated in this Act, except those necessary to exercise construction management provisions under section 2807 of title 10, United States Code, may be used for study, planning, design, or architect and engineer services related to the relocation of Yongsan Garrison, Korea.

SEC. 125. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 126. Section 402 of Public Law 102-27 (105 Stat. 155) is amended by inserting "(a)" preceding "In", by inserting "effective November 5, 1990" after "repealed", and by adding at the end thereof the following new subsection:

"(b) Effective November 5, 1990, chapter 113A of title 18, United States Code, is amended to read as if section 132 of Public Law 101-519 had not been enacted."

This Act may be cited as the "Military Construction Appropriations Act, 1992".

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

The PRESIDING OFFICER. The clerk will call the roll, and without objection, the time will be charged to each side equally.

The bill clerk proceeded to call the roll.

Mr. BYRD. 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. BYRD. Mr. President, I ask unanimous consent to proceed for 5 minutes without the time being charged.

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

Mr. BYRD. Unless we are ready to go on military construction, I would like to have some understanding—

The PRESIDING OFFICER. The Senate is not in order.

Mr. BYRD. Mr. President, I would like to get some understanding, if we

can at this time, as to how we are going to proceed, and when, and on what, because there is the grazing amendment that will be subject to a tabling motion, and there will be a tabling motion.

In view of the fact that Wednesday is going to be a religious holiday, we cannot have any rollcall votes that day, and I had agreed to putting over the grazing fee vote, so that there would be a vote today to accommodate Senator SIMPSON and, I believe, Senator WIRTH. I would like to have some understanding, if we can get it, as to how we proceed on tomorrow, or the rest of the day.

I hope that we can dispose of this grazing fee amendment tomorrow. But prior to that, I hope that we can dispose of the defense appropriations bill. Senator LAUTENBERG, the manager of the Appropriation Subcommittee on Transportation, came to me Wednesday and, subsequently, we decided we can take it up on Wednesday. If we can finish that bill tomorrow, then we could have a vote on the grazing fee and then put this bill, my bill, the Interior appropriations bill, over until Wednesday, and then we can continue on it, and any votes that are ordered, we can stack them until Thursday.

Mr. MITCHELL addressed the Chair. The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, in response to the inquiry of the distinguished chairman of the Appropriations Committee, I have stated previously on several occasions that we hope to complete action on the transportation appropriations bill and the military construction appropriations bill this week. To accommodate the interests of all of the Senators concerned, it was agreed that today would be a day for debate on the grazing amendment, but that there would not be a vote, and that not having the vote was to accommodate Senator SIMPSON and Senator WIRTH, both of whom have an interest and wanted to be here for that vote.

My understanding, initially, was that they would be prepared to vote at any time on Tuesday. I am now advised that there is a request for additional debate on the grazing amendment and, of course, any Senator has a right to speak at any time for as long as he or she wishes. I had previously inquired of the Senator from Vermont and the opponents of that amendment as to whether it would be possible to agree upon a time certain for a vote on a tabling motion tomorrow, preceded by a specified time for debate that would be agreeable to all concerned.

What I had hoped to propose—and I am now responding sooner than I had intended to, but in answer to the question of the Senator from West Virginia—is that if we could proceed to the transportation appropriations bill

and then set a time certain for the debate and vote on the grazing amendment, to occur either at that time or upon disposition of the transportation matter, whichever first occurs—that is, if we set it for a time in the late afternoon, but then the transportation bill finishes sooner, that we could perhaps move it up some or perhaps expand the time for debate to give opportunity for everyone to have their say. In that way, we can finish the grazing amendment and the transportation bill tomorrow, if that were agreeable to all Senators. If we got to the time certain and the transportation bill had not been completed, then it obviously would be set-aside to go forward and complete action on the grazing amendment.

Mr. WALLOP. Mr. President, if the majority leader will yield, I did not know quite where that puts the grazing amendment in play. It is clear that, among those who have not been here and debated it today, although there was a good debate, was the other co-sponsor of the bill, Senator METZENBAUM. I talked with Senator JEFFORDS, and although this seems like a lot of time, it seems that some could and would be yielded back. And it would be our suggestion that we start closing debate on that at the hour of 2 o'clock when the policy lunches are finished, and each side would have 1½ hours with the intention of yielding some back. As I understood it from a conversation with Senator JEFFORDS, that would be acceptable to him.

Mr. MITCHELL. I think that would put the vote at a time too late for some of the Senators who are required, for religious reasons, to participate in religious activities tomorrow. Might I suggest having the vote not later than 4 p.m., which, if we ended the caucuses at 2 and had debate from 2 to 4, if that time would be divided in such form as both sides could agree, then we could hopefully try to finish the Transportation bill in the morning, if that is possible. We can start at 9 and try to finish that bill. If we cannot, then we cannot, and we have to come back to it at a later time.

Mr. DOMENICI addressed the Chair.

Mr. BYRD. Mr. President, I have the floor.

Mr. DOMENICI. Might I offer an observation?

Mr. BYRD. Yes.

Mr. DOMENICI. The problem is—not from this Senator's standpoint, because I was privileged to find some time today. We did not waste any time, but I think, leaving me out, I think there are eight Senators that have requested to be heard in opposition to the amendment. I do not know how to do that. Maybe we can just stay the hour and get it in.

It seems not enough time for it.

Mr. MITCHELL. Mr. President, I would like to discuss this with all Sen-

ators at once. I now suggest the absence of a quorum.

Mr. BYRD. I do not yield for that purpose.

Mr. MITCHELL. I would like to make a suggestion which I think will accommodate this and expedite it.

Mr. BYRD. I would like to say one thing and then I will yield.

It seems to me I have been pretty magnanimous agreeing not to vote on the grazing fee tonight, and a vote can be forced on that at any time by a tabling motion. I do not want that on my bill. But because Senator SIMPSON wanted to vote on that amendment in particular I agreed to protect him. After I did that I found that Senator WIRTH also wanted some protection. I agreed to protect Senator SIMPSON, but this bill I have to manage in conference. It seems to me some consideration ought to be given to the manager who was magnanimous enough to avoid having a vote on the grazing fee to protect a Senator on that side of the aisle. I did not know anything about Senator WIRTH when I made that agreement.

I am not bound to wait on any tabling motion except on my commitment not to do it tonight. So, I think somebody better be helping us to work out some kind of agreement, else we go on that bill in the morning and I will move to table when Senator SIMPSON gets back here, and Senator METZENBAUM is entitled to speak as he was tied up all day. We have been on that amendment 5 hours today. I do not now see why we have to repeat all this debate after 5 hours on it today. We could have the vote tonight if I had not made the agreement not to vote because I could move to table. I do not have to wait on anybody else. I want to accommodate other Senators, and I tried to accommodate them, and have accommodated them.

So, may I ask the Republican leader why cannot we lay down the Transportation bill tonight? We could at least get some debate on it tonight and possibly some amendments. Senator SIMPSON does not care whether we have other votes or not, just that particular vote he is interested in.

Mr. DOLE. If the Senator will yield, I indicated earlier we have an objection to going to the Transportation bill tonight. That happens from time to time. I think it will be resolved by morning. But it has already been said publicly on the floor there would be objection to taking it up tonight. So I think we have been fair. There has been a good spirit of accommodation. We finished a very important bill last week and we are going to finish MiCon here, maybe it will be finished before we conclude this colloquy. But in any event we certainly want to accommodate everybody, and I do not know how many amendments there are on the Transportation bill or how long it will take. Maybe it will not take long.

Mr. BYRD. It will probably not take long on the amendments.

Mr. DOLE. But, is it necessary to wait until afternoon to vote on the grazing fee? Can we not have that debate in the morning?

Mr. BYRD. The problem is if we have it in the morning we will not finish the Transportation bill, as the distinguished majority leader pointed out. We hoped to finish that because of the religious holiday on Wednesday.

Senator LAUTENBERG has to leave.

I yield.

The PRESIDING OFFICER. The majority leader is recognized.

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

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

Mr. MITCHELL. Mr. President, it is obvious we are trying to accommodate several people with conflicting interests and conflicting schedules. So let me make a suggestion to all of the Senators here, that in order to permit the full debate that Senators want on the grazing amendment, the Senators from New Mexico and Wyoming indicated a number of Senators still want to speak on it, that we set that debate for Wednesday during which time we are not going to have any rollcall votes because of the religious holiday. There could be the 4 hours that the Senator wanted or perhaps even more, and then have the vote on that set for first thing on Thursday morning. Tomorrow we could take up Transportation and be able to spend the full day at it.

We now had 1 full day of debate on the grazing amendment. This would permit another full day of debate on the grazing amendment and would accommodate the schedules of all concerned and give everybody the time they want to debate this.

Several Senators have already spoken, and if the Senator indicates they want 4 or 5 hours we can do that on Wednesday, the one exception being we have to accommodate Senator METZENBAUM to permit him to speak in the morning because he will not be here on Wednesday, and he was not able to make it today. That way we could take care of all of the time and all of the Senators without slowing up the business of the Senate.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. MITCHELL. I yield to the distinguished chairman.

Mr. BYRD. That is agreeable to me. I would like to have the understanding, however, between ourselves and the two leaders that on Wednesday if other amendments to the Interior bill were

available to be called up that we could call them up, debate them, and perhaps set them over to Thursday. There is a rollcall vote added. I simply want an understanding that we not confine Wednesday to the grazing fee amendment.

Mr. MITCHELL. That was not my intention. My intention is to set aside a period of time for the grazing amendment and also permit other business to occur. If we are fortunate we might be able to conclude action on the entire measure by votes on Thursday morning.

Mr. NICKLES. If the majority leader will yield a moment, I think there is an interest on this side to try to conclude debate tomorrow. And I think the Senator's original proposal has great merit. And he was talking about having a vote no later than 4 o'clock tomorrow. I think that is in this Senator's interest and in the interest of the chairman of the Appropriations Committee. We would like to see this issue resolved and we could do a lot of other things. I think we could work that out.

I have a list of 3 hours of requests, but I also know many colleagues on this list who were asking for 30 or 20 minutes we could probably get down to 5 or 10 and still have that vote. If we can have 2 hours tomorrow, we should be able to finish this amendment and not waste all Wednesday on it.

Mr. DOMENICI. I agree. I believe Tuesday is better than Wednesday with the vote on Thursday.

We have another problem with that. We have to check with someone on the Wednesday and Thursday scenario. I think an hour each on each side, starting at 2 and finishing at 4, would be sufficient on our side. As we have been talking, and as the distinguished chairman of the committee said, a motion to table is in order any time, and if we lose the motion to table we do not know where the bill is going. It may be a long discussion, and it may be over with, and you may be in conference.

We want to be helpful. Some of us have to go to conference with the chairman. We do not want this amendment tagging along. We want to go there without it. We want to do our best. I believe if you propose 2 hours equally divided starting at 2, the vote on it, or about it, to occur thereafter, I think you would have no objection from what I can tell here on this side.

Mr. BYRD. Mr. President, will the Senator yield again?

Mr. MITCHELL. Yes, I certainly yield.

Mr. BYRD. I sense that Transportation is being held hostage to the grazing fee amendment. I would like to get the Transportation bill up tomorrow for reasons already stated. It is my intention to vote for the tabling motion at the moment. That is my intention. I think you are going to win. So

I hope I am incorrect in sensing that the Transportation bill is being held hostage because of this amendment.

If we do not get Transportation finished tomorrow, it will not get finished until Thursday and we do not get this bill—I say “this bill”—we do not get Interior finished Thursday anyhow, no matter which bill.

Mr. LAUTENBERG. Mr. President, will the majority leader yield for an observation?

Mr. MITCHELL. Yes, certainly.

Mr. LAUTENBERG. It would be at a fairly substantial personal inconvenience if we had any votes after 3 o'clock tomorrow.

This has been a long debate. Apparently, it is going to continue tomorrow. Why would it not be possible to have the debate cutoff tomorrow and have the vote taken at a time certain Thursday morning with no further debate?

The Transportation bill is ready, has been ready, to come up tonight if we can get a time certain for the debate on the Transportation bill. I would be pleased to enter into that kind of a time agreement and, let us say, have that start at 9:15, 9:30, and end at 2, if that would be acceptable to the leadership, and have a vote at that time.

I do not know of any controversial amendments. It is possible there would be and we would have to take them up in the order as they arise. But it would be a terrible personal inconvenience for me on this particular holiday to have any vote later than 3 o'clock. I have to get up to New Jersey. I hope my colleagues would understand that and would cooperate.

But the Transportation bill, if we can get a time certain, start the debate later on the grazing bill, and have that vote carry over until the next time the Senate assembles Thursday morning.

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### MILITARY CONSTRUCTION APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with consideration of the bill.

Mr. SASSER. Mr. President, the military construction appropriations bill that we are taking up this evening under a unanimous-consent agreement was reported out of the full Appropriations Committee last Thursday. Copies of the bill and report have been available for Senators to review for several

days. Because of the crush of Senate business, and for the sake of time, I will briefly summarize the work of the Military Construction Appropriations Subcommittee on this military construction bill.

The bill recommended by the full Committee on Appropriations is for \$8,414,000,000. This is under the President's budget request by \$149.3 million. It is under the 602(b) congressional budget allocation by \$150 million. It is below the House allowance by \$69.3 million.

So, Mr. President, a case can be made that this bill has been reduced somewhat.

We have brought before the Senate a bill which complies with the national priorities of moderating our defense expenditures in light of world events and diminished, I might say, greatly diminished national security threat.

I would also point out that the military construction investment accounts of this bill are 31 percent below the fiscal year 1985 level, adjusted for inflation. Albeit the 1985 level was the high watermark, it still is, I think, a convenient reference point.

So the trend is clearly in the right direction. We expect to see this trend continue for the next several years.

While we are cutting the military construction budget and carefully scrutinizing the Department's request, we are still able to provide the Nation's military and their families with adequate investments in a quality workplace and community facilities.

I would point out that many base closure and realignment decisions have not yet been made by the administration. There are still two authorized base closure commissions which will meet in 1993 and 1995.

Base closures overseas have now begun, but it is far from clear what our overseas base structure will be 5 or 10 years from now.

The administration and the Congress will most likely scrutinize the force structure currently planned for the future. Such a review is necessary in light of the certain crumbling of the Communist conventional threat, which has undergone an almost total diminishing in the past 2 or 3 years.

So many basic decisions regarding the future base and force structure of the Nation's military remains to be made in future years. It is important, therefore, that we continue to substantially moderate our new capital investments until we have a better idea what bases are to be kept open and which ones are to be closed.

I would say to my colleagues that this has been a difficult year to draft military construction appropriations. The subcommittee had a record amount of add-on requests, over \$1 billion.

As in previous years, the subcommittee has altered the priorities which the

administration has assumed in the budget request. The administration had sought large increases over current levels for overseas projects and for projects for the active services. We have made substantial reductions in these areas while we have restored many of the cuts which were sought by the administration for what we perceive here in the Congress to be the most cost-effective National Guard and Reserve units. I would point out that, because of budget constraints, we were unable to provide the Guard and Reserve with the level of resources that we feel are required for this important element of our force structure.

We have fully funded the authorized levels for the base closure account. Almost \$1 billion is contained in the bill for base closure activities.

If anyone ever thought closing military bases would be cheap, I think they now realize they are living in a dream world. The fact is that the Department of Defense has failed to adequately program sufficient funds to pay for the upfront costs of base closures. So increasingly we are going to see the cost of base closure activities crowding out valid investments which need to be made in the remaining base structure of the Nation's military.

Over time, Mr. President, base closures will save money—no question about it—primarily because of the attendant personnel reductions which will follow. But for the next several years, the base closure costs which are funded in this bill will continue to absorb a large percentage of available resources.

We have increased the base closure accounts funded in this bill by \$238 million.

Mr. President, we have increased the base closure accounts funded in this bill by \$238 million. These funds are specifically provided to allow for the acceleration of the environmental restoration of closed military bases. I believe that environmental restoration should be afforded a high priority in the base closure process.

Those Senators with bases being closed know very well the dire economic impact base closures will have in many locations. But if bases are to be closed, and we all know in our hearts that they must be, the Federal Government has a responsibility to assist those local communities which will be severely impacted by the loss of military personnel.

The committee believes that closed military bases should be made available for local community development where possible as quickly as possible. If the economic impact of base closures is to be minimized, bases must be made available for alternative uses as soon as possible. For this to occur, closed bases must be cleaned up and made environmentally sound. The committee has added funds to allow for the accel-

eration of environmental cleanup activities and we urge the Department to request adequate amounts in future years.

Before I yield the floor, Mr. President, I would like to take a few minutes to talk about the NATO Infrastructure Program.

The committee has provided \$254.4 million for NATO and for the NATO military construction program. This amount is \$95.6 million over the House allowance and is \$61.7 million over the fiscal year 1991 amount.

Mr. President, the provision of such a large amount for NATO during the dramatic changes occurring in Europe may seem to be out of sync with the times. But it is our opinion that that is not the case.

We have cut \$104.4 million from the request for NATO. However, even with this large cut, we are still agreeing to provide a quarter of a billion dollars for the NATO Infrastructure Program.

Mr. President, NATO has done a superb job of keeping the peace for 45 years. I believe that the existence of NATO has helped to bring about the monumental changes we are now witnessing in the former Eastern bloc. And there is no question in my mind, NATO should remain a viable though perhaps changed, institution.

The subcommittee has reviewed the future plans for the NATO Infrastructure Program and is satisfied that the funds we are providing can be validated to meet specific requirements.

The NATO Infrastructure Program is changing certainly. As force structures decline in Europe, in both the East and the West, facilities necessary to monitor and verify force reductions will be necessary. The NATO Infrastructure Program will play an important role in monitoring this force reduction program.

In addition, Mr. President, an increasing share of the NATO Infrastructure Program must be directed toward the construction of embarkation facilities inside the United States. As we draw down our forces based in Europe, we must improve our ability to project military power from the United States. NATO must help build embarkation sites for those Army, Navy and Air Force units inside the United States which will be designated to a future role in a European theater.

I have met with our NATO commander, Gen. Jack Galvin. He is, in my view, probably the most effective military leader on active duty today. Certainly one of the most effective. I have the highest regard for General Galvin's professional abilities. He has distinguished himself in the military service over many years. He has a difficult job before him. But these funds we are providing today should help provide General Galvin with the tools he needs to maintain the U.S. role in a changing NATO institution.

There is one issue on which I must regretfully and respectfully disagree with General Galvin, for whom I have the highest personal and professional regard, and with some of our leaders in the administration. That is the issue of building a new Air Force base in Italy.

There are no funds in this bill to continue with the construction of a new Air Force base at Crotone, Italy, for the 401st Tactical Fighter Wing. We have reduced the NATO infrastructure account by \$60 million, which would have been the U.S. share during fiscal year 1992.

It is my view, and the view of the Appropriations Committee, Crotone is an extravagance given the events which have taken place in the world and the diminished threats faced by NATO and the United States. The simple fact is that we do not need a new full service air base at Crotone to respond to military threats in Europe or in the Middle East or the Mediterranean region.

The 401st was deployed effectively in the Persian Gulf and did not need a Crotone base to get there. In fact, the first aircraft we sent to the region were from Langley Air Force Base in Virginia. And those aircraft arrived in Saudi Arabia in 14 hours from the time the order was given. So it is just not a likely scenario that we will ever deploy the 401st as a spearhead from Crotone or any other European base. We will first send aircraft based in the United States to deal with any future contingency just as we did in the gulf war.

So Crotone is not needed as a full time, full service Air Force base. We simply have other viable options to meet our legitimate security concerns in the area.

Mr. President, NATO has already committed more than \$150 million for Crotone base construction which is sufficient to build a bare bones base capable of supporting periodically deployed rotational aircraft.

If we need a presence in Italy, that should be the NATO presence. After several years of involvement in the Crotone issue, I think we can legitimately meet our commitment to NATO and to the Italians with such a barebones base. In all fairness, I will state that the administration has agreed to reduce certain elements of the cost of Crotone construction. But the administration still envisions a full-time base with 6,500 American personnel and dependents and 48 F-16 aircraft. The most recent plan provided the committee requires that the Treasury of the United States provide at least \$188.5 million as the U.S. share, and that does not count the potential expenditure of another \$80 to \$100 million for military housing.

Mr. President, while we are appropriating \$970 million to close bases here in the continental United States, it is difficult to justify opening an expensive new base in Italy.

Mr. President, I know this position is strongly opposed by the administration, but our Appropriations Committee simply does not agree with the Pentagon and State Department, which apparently believe we can accomplish a builddown by building up. Perhaps a case can be made for that, but I am not convinced.

Mr. President, that concludes my remarks. Before I yield, I thank our new ranking minority Member, the junior Senator from Texas [Mr. GRAMM]. He has been a very active member of the subcommittee. His counsel has been valuable, and I look forward to continuing to work with him in future years.

I also might take this opportunity to announce that the very able minority staff director of the subcommittee, Mr. Rick Pierce, has announced he is leaving the committee to move to Texas, so the Senate is losing a very valuable staff member. He served in good times and bad as majority or minority clerk of the subcommittee for 13 years. His expertise has been of value to both sides of the aisle. Rick Pierce will be missed on our Senate staff and we wish him the very best in his endeavors.

Mr. President, I see the distinguished ranking Member is on his feet. I yield to him at this time.

Mr. GRAMM. Mr. President, let me thank our chairman for his outstanding work on a very difficult bill. As we begin the process of beating swords into plowshares, I think this is a good start. It is a tough bill. It is a bill that recognizes that we are, first, beginning a massive builddown, second, that we incur costs in closing military bases and, third, that our basic mission and force projection needs have changed as we move troops back home. This is only the first of, I suspect, many bills that will be difficult to write. I think it is a good start. I congratulate the chairman for it.

Mr. President, I join our distinguished chairman in commending Rick Pierce, who has done an outstanding job. I have learned a lot from him. I have enjoyed working with him. I hope he is taking a lot of money to Texas with him to invest in our economy.

Finally, Mr. President, let me say that under the unanimous-consent request there are only three amendments in order. They are all acceptable. I support all of them. I yield the floor.

The PRESIDING OFFICER. May the Chair state there are 18 minutes and 33 seconds under the control of the Senator from Texas and 3 minutes and 44 seconds under the control of the Senator from Tennessee.

Mr. DOMENICI. Mr. President, I rise in support of the fiscal year 1992 military construction appropriations bill now pending before the Senate.

I commend the distinguished chairman and ranking member of the subcommittee, Senators SASSER and

GRAMM, for reporting a military construction appropriations bill that advances the modernization of the Nation's defense infrastructure and promotes the well-being of our military personnel.

Mr. President, the bill as reported by the Senate Appropriations Committee provides \$8.4 billion in budget authority and \$2.8 billion in new outlays for military construction and family housing activities in fiscal year 1992. When outlays from prior year budget authority are taken in account, the bill totals \$8.4 billion in budget authority and \$8.3 billion in outlays for these programs in fiscal year 1992. I congratulate the chairman and ranking member for reporting a bill that is under its section 602(b) allocation.

I would like to take a moment to recognize several important projects of interest to New Mexico. This bill provides \$110.7 million for military construction in New Mexico, \$72.6 million of the total is targeted to the relocation of the F-117 Stealth fighter to Holloman Air Force Base from Tonopah, NV. The second largest project for New Mexico is \$20 million for phase II construction of the large blast thermal simulator at the White Sands Missile Range. This appropriation will essentially complete construction of this project.

In closing, I would like to thank the subcommittee for its endorsement of military construction projects in New Mexico. I urge my colleagues to support the bill.

#### HEALTH NEEDS OF THE MILITARY

Mr. SANFORD. Mr. President, it has become quite evident that there is a compelling need to reassess the needs, mission, and structure of our military. The extreme budget constraints, the changing nature of the threat to our national security, and the ever pressing need for addressing our domestic problems are all vital factors compelling us to reshape this Nation's defense establishment into the 21st century.

It should be noted that after selected bases are closed, budgets are cut, and troop reductions are made, the United States will still maintain one of the largest military forces in the world. With that will come a continued need to provide for our military personnel, their dependents, and our military retirees. Congressional committees have acted with great deliberation in determining what the key elements are that will keep our defense infrastructure in prime condition. One of the most important parts of that infrastructure is the health care system of the military.

The chairman of the Appropriations Military Construction Subcommittee, Senator SASSER has acted with great foresight and great concern for our military with that subcommittee's most recent bill. He has taken into account all of the factors I mentioned earlier that are key components in re-

shaping our military. Included in this year's military construction budget are funds for construction of a new medical center at Fort Bragg that would replace Womack Army Hospital. The current facility will not be able to meet the future needs of the Fort Bragg area.

Fort Bragg itself is already one of the largest military installations in the world. Because of the Base Closure Commission recommendations, it will increase in size as troops from closed domestic bases are relocated there. The staff and services of Letterman Army Medical Center will be placed at Womack burdening an already heavily used facility. Also, thousands of troops relocated from Europe will also be stationed at Fort Bragg. Let us not forget that with these thousands of troops come thousands of dependents that are entitled to the care of the military medical system.

The new facility would be of mutual benefit to the civilian and military medical academic world. North Carolina has four outstanding medical teaching centers easily accessible from Fort Bragg. The University of North Carolina at Chapel Hill, Duke University in Durham, East Carolina in Greenville, and Wake Forest University in Winston-Salem will be able to contribute toward making Womack a first-rate military medical center and certainly one of the premiere medical centers in the Nation. Providing the best education and training for military medical professionals assists both in their recruitment and retention.

Mr. President, I would like to again commend the work of the Military Construction Subcommittee and its chairman. Projects like that of the Womack Army Medical Center are not just important to the local areas in which they are located, but important to the entire medical system of the military. Of the utmost importance, however, is how essential such facilities are to the men and women of our armed services, their families, and our military retirees. As the world changes and budgets get smaller, we must always put them first.

Mr. SASSER. Mr. President, I see the distinguished minority leader.

Mr. DOLE. My amendment is one of those that has been agreed to. I just wonder if I might offer it.

Mr. SASSER. Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes, 44 seconds.

Mr. SASSER. Mr. President, I ask unanimous consent we have an additional 10 minutes, or perhaps 15 minutes equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

## AMENDMENT NO. 1140

Mr. SASSER. Mr. President, the unanimous-consent agreement calls for three amendments to be in order.

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Tennessee, Mr. SASSER, for Mr. SARBANES (for himself and Ms. MIKULSKI) proposes an amendment numbered 1140.

Mr. SASSER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the bill insert the following:  
SEC. (a) Notwithstanding any other provision of law, the Secretary of the Army shall transfer, no later than September 30, 1992, and without reimbursement, to the Secretary of the Interior the real property, including improvements thereon, consisting of 500 acres located generally adjacent to 7,600 acres transferred by Section 126 of Public Law 101-519. The transferred property shall not include a landfill and a sewage pumping station that are associated with the operation of Fort Meade, Maryland.

(b) The Secretary of the Interior shall administer the property transferred pursuant to subsection (a) as a part of the Patuxent Wildlife Research Center and in a manner consistent with wildlife conservation purposes and shall provide for the continued use of the property by Federal agencies, including the Department of Defense, to the extent that such agencies are using it on the date of the enactment of this Act.

(c) The Secretary of the Interior may not convey, lease, transfer, declare excess or surplus, or otherwise dispose of any portion of the property transferred pursuant to subsection (a) unless approved by law. The Secretary of the Interior may enter into cooperative agreements and issue special use permits for historic uses of the 500 acres provided that they are consistent with all laws pertaining to wildlife refuges.

(d) The description of the property to be transferred under this section shall be determined by a survey satisfactory to the Director of the United States Fish and Wildlife Service within the Department of the Interior, after consultation with the Department of the Army.

Mr. SARBANES. Mr. President, on behalf of Senator MIKULSKI and myself, I am pleased to offer an amendment to transfer 500 acres at Fort George G. Meade to the Fish and Wildlife Service.

Under the provisions of this amendment, the acreage will be added to the Patuxent Wildlife Research Center. This will complete a process begun last year when Congress approved the transfer of 7,600 acres to the Patuxent Center.

Mr. President, this issue properly falls within the jurisdiction of the Armed Services Committee. I want to thank my colleague from Georgia, Senator NUNN, for allowing us to proceed today with this amendment that is of great importance to the State of Maryland.

It is my understanding that the Armed Services Conference Committee will discuss this issue during its subsequent proceedings.

Mr. President, my amendment is consistent with the provisions of the Johnston-Breaux amendment that was adopted during consideration of the authorization bill. During the last 2 years, the local community has united against development of this parcel. A Fort Meade Coordinating Council was formed with representatives of local elected officials, State officials, businesses, local citizens organizations, the National Security Agency, and other interested parties. As an ex-officio member of the council, I can tell you that the group voted unanimously to support a transfer to the Patuxent Center.

Today we have an opportunity to ensure that the community's wishes become a reality. I urge my colleagues to adopt this amendment.

I want to thank my good friend, the Senator from Tennessee, for his assistance on this issue. I appreciate his efforts and thank him for his cooperation in seeing this important land transfer enacted.

Ms. MIKULSKI. Mr. President, the amendment which Senator SARBANES and I are offering here tonight is a non-controversial one. Last year the Congress approved transfer of 7,600 acres of surplus property at the Fort Meade Army Base to the Fish and Wildlife Service to provide additional acreage to the Patuxent River Wildlife Center. This amendment transfers an additional 500 acres which were not included in last year's legislation.

The base closing process requires that the local community decide how to dispose of excess property, and that procedure has been carried out in this case. Approval of transfer should properly be included in the authorization bill, however, and I wish to acknowledge that including such a transfer in this appropriations bill is not the appropriate procedure. In view of the delay in the consideration of this year's authorization bill, though, the authorizing committee has agreed not to object in this particular case.

Mr. SASSER. Mr. President, the amendment by the Senators from Maryland simply provides for a land transfer at Fort Meade, MD. It is similar to language included in the Military Construction Act last year. It is an authorization issue. I understand the authors will be working to get this matter before the authorization conference. It is my understanding this amendment has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1140) was agreed to.

Mr. SASSER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I see the distinguished minority leader on the floor. I yield to him at this juncture.

AMENDMENT NO. 1141

(Purpose: Add funds for military construction, Air Force and Air Force family housing)

Mr. DOLE. Mr. President, I send an amendment to the desk on behalf of myself and Senator KASSEBAUM and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Kansas, Mr. DOLE, for himself and Mrs. KASSEBAUM, proposes an amendment numbered 1141.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 3, line 25, strike the number and insert in lieu thereof \$967,570,000.

On page 4, line 2, strike the number and insert in lieu thereof \$65,200,000.

On page 9, line 2, strike the number and insert in lieu thereof \$163,883,000.

On page 9, line 4, strike \$978,983,000 and insert in lieu thereof \$991,283,000.

Mr. DOLE. Mr. President, as our Nation knows well, in April of this year, storms and tornadoes ripped through the Midwest, causing devastation throughout a three-State area.

Nowhere was this destruction more severe than in Kansas. But with the help of the Federal Emergency Management Administration, and other Federal agencies, the people of Kansas, as is their heritage, pulled themselves out of the rubble of their homes and businesses, to rebuild and to start over again. I am proud to state that the efforts of the people of Kansas rapidly moving to completion. We in Congress must now provide the necessary funds to reestablish the Federal facilities that also were devastated by that storm. Accordingly, I submit for consideration a package for the rebuilding of the vital facilities for the families of McConnell Air Base.

McConnell Air Base, one of our Nation's major strategic air command bases located in Wichita, was badly damaged in the storm. Although the aircraft of our Nation's strategic traid were protected, the base itself was hit hard. The damage wrought from the storm has left thousands of Air Force families without schools for the children, a fully operating based hospital, and for many, homes.

This amendment will provide \$55.28 million to rebuild these vital necessities for McConnell; \$42.98 million of these funds will be allocated to rebuild

the hospital, schools and support facilities that were damaged or destroyed in the storm, and \$12.3 million will go to the construction of family housing. These construction projects will ensure that the families of those that protect this Nation will once again have the basic necessities of health, education and housing.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Tennessee.

Mr. SASSER. Mr. President, the amendment of the Senator from Kansas is, as he has stated, to provide funding requested by the administration for the urgent supplemental. Mr. President, because of the uncertainty of the supplemental and the clear need to clean up the damage, certainly it would be in order to accept this amendment.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1141) was agreed to.

Mr. SASSER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1142

Mr. GARN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. GARN] proposes an amendment numbered 1142.

Mr. GARN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place insert:

SEC. (a) The Secretary of the Army shall carry out such repairs and take such other preservation and maintenance actions as are necessary to ensure that all real property at Fort Douglas, Utah (including buildings and other improvements) that has been conveyed or is to be conveyed pursuant to section 130 of the Military Construction Appropriations Act, 1991, (Public Law 101-519; 104 Stat. 2248) is free from natural gas leaks and other safety-threatening defects. In carrying out this subsection, the Secretary shall conduct a natural gas survey of the property.

(b) In the case of property referred to in subsection (a) that is listed on the National Register of Historic Places, the Secretary—

(1) shall carry out a structural engineering survey of the property; and

(2) in addition to carrying out the repairs and taking the other actions required by subsection (a), shall repair and restore such property in a manner and to an extent specified by the Secretary of the Interior that is consistent with the historic preservation laws (including regulations) referred to in

section 130(c)(2) of the Military Construction Appropriations Act, 1991.

(c)(1) The Secretary of the Army, after consulting with the Governor of Utah regarding the condition of the property referred to in subsection (a), shall certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and preservation and maintenance actions required by subsection (a) have been completed.

(2) The Secretary of the Army and the Secretary of the Interior shall jointly certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and restoration of such property has been carried out in accordance with the requirements of subsection (b).

(d) The Secretary of the Army shall complete all actions required by this section not later than September 30, 1992.

Mr. GARN. Mr. President, this amendment would require the Department of the Army to fund neglected operations and maintenance functions at Fort Douglas, UT. Fort Douglas will be one of the first bases closed of those bases listed on the first base closure list passed by Congress in 1989. Last year, Congress passed a law to retain the Army Reserve activity at Fort Douglas and transfer approximately 55 acres of the 119-acre area of Fort Douglas property to the University of Utah. The transfer is scheduled to occur on November 5, 1991.

The legislation requires that in lieu of payment for the property, the University of Utah will relinquish its legal right to withdraw approximately 4,200 additional acres of land. Earlier acts granted the university the right to select thousands of acres of Federal land for the use of higher education.

I have been concerned that since the Congress passed legislation last fall, the Army has neglected repairs. This includes repairs which directly affect the health and safety of those who live and work at Fort Douglas.

For example, the Army has refused to conduct a natural gas survey to check for leaks. These checks are routinely done for maintenance purposes. Even though natural gas surveys are inexpensive and relatively easy to perform, the Army has refused to conduct one prior to the transfer. Also, the Army has refused to allow the University of Utah to pay for such a survey or to conduct one on the base.

Clearly, the Army has the attitude that if a problem is not found prior to the transfer of the property, the Army is not responsible for the cost. This could not be further from the truth. Ironically, the Army has decided to conduct a survey on the portion of the fort that will be retained for the Reserve Forces, after the surplus land is transferred to the University of Utah. This policy is totally inconsistent with the Army's position that maintenance problems related to the health and safety of the employees would be satisfactorily resolved.

Another concern this amendment addresses is the failure of the Army to

adequately maintain those buildings on Fort Douglas listed on the National Historical Registry. Recently, I learned that a structural engineering survey had been conducted on the historic chapel at Fort Douglas. This survey concluded that the chapel roof is at risk of collapsing. The Army currently has no plans to repair the facility prior to transferring the property. This approach is not consistent with our historical preservation acts.

This amendment would require the Army to carry out the necessary repairs within 1 year after the transfer of the land. I would appreciate the Senate's favorable consideration of the legislation. Senators SASSER and GRAMM have been helpful in resolving this problem, and I thank them for their assistance.

#### THE FORT DOUGLAS LAND EXCHANGE

Mr. GARN. Mr. President, I have offered an amendment to the military construction appropriations bill which would require the Department of the Army to fund neglected operations and maintenance functions at Fort Douglas, UT. I have been concerned that since the Congress passed legislation last fall, making a land exchange between Fort Douglas and the State of Utah effective November 5, 1991, the Army has failed to adequately maintain the property consistent with the protection of life and the safety of the individuals who use the fort.

For example, the Army has refused to conduct a natural gas survey to check for leaks prior to the transfer of the fort. Internal documents from the Army clearly indicate an attitude that if a life and safety problem is not found, prior to transferring the fort, the Army will have no obligation to pay for fixing the leaks. The Army has also refused to allow the University of Utah to conduct, or pay for, a natural gas survey to be completed. I find this policy to be totally inconsistent with the Army's position that maintenance problems related to the health and safety of the employees would be satisfactorily resolved.

Another concern this amendment addresses is the failure of the Army to adequately maintain those portions of Fort Douglas listed on the National Historical Registry. In August, I was informed that a structural engineering survey had been conducted on the historic chapel at Fort Douglas. This survey concluded that the chapel roof is at risk of collapsing. The Army had no plans of fixing the building. This is not consistent with our Nation's historic preservation laws.

Mr. SASSER. I understand the concern of the Senator from Utah about the condition of the property at Fort Douglas. This legislation may have been more appropriately addressed on the authorization bill, but I understand the issues involved came to the Senator's attention during the August re-

cess. Since the authorization bill had already passed, there was no opportunity to address this issue in the authorization bill. Therefore, I would have no problem in accepting the amendment as an amendment to the military construction appropriations bill.

Mr. NUNN. I am concerned that this issue was not handled on the National Defense Authorization Act for 1993, but understand that the Senator from Utah was not aware of the problems at the time the authorization bill was considered on the floor. I would like the authorization conference to deal with this issue. I would hope if the Fort Douglas language is addressed in the authorization conference that this amendment would be dropped from the appropriations bill. Is that approach agreeable to the Senator from Utah?

Mr. GARN. I would have no problem with dropping this amendment from the military construction appropriations bill during conference with the House of Representatives, if the conferees' on the Department of Defense Authorization Act adequately addresses the issues contained in the amendment in the authorization bill. I would like to thank the Senators from Georgia and Tennessee for their interest and assistance in ensuring that the land exchange between the Army and the State of Utah is successful.

Mr. SASSER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Utah.

The amendment (No. 1142) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, many of my colleagues have military bases in their States that are scheduled to be closed. This base closure process is going to be difficult, as communities try to adjust to the departure of military facilities they have lived with for decades. One of the great challenges at many of these facilities is cleaning up environmental contamination so that the communities can redevelop sites and protect their local economies. This is going to be an expensive and time-consuming process, but Congress has a special responsibility to these affected communities to make certain that the cleanup is completed expeditiously.

Last month the Senate approved a Defense authorization bill that added substantial funds for base closure cleanup, in accordance with new estimates provided by the services. I am very pleased to see that the military construction appropriations bill for fis-

cal year 1992 also provides higher funding levels, in accordance with new estimates by the Department of Defense regarding what cleanup funds will be needed in the coming year. In my own State, at Wurtsmith Air Force Base, a legacy of toxic contamination must be addressed so that the community can pursue alternative uses for the facility. At many other bases slated for closure around the country there are similar problems including unexploded ordnance that poses a direct threat and must be removed.

So, on behalf of my constituents and also for my colleagues, I want to thank the distinguished senior Senator from Tennessee, the chairman of the Appropriations Subcommittee on Military Construction for providing this important funding increase. I realize how difficult it is, under the current budget constraints, to find money above the administration's original budget request for this activity.

The updated figures for fiscal year 1992 cleanup were not provided by the Department of Defense until the Armed Services Committee requested them in July. A number of my colleagues from both sides of the aisle joined me in bringing this issue to the attention of the appropriators, and I am very gratified at their response in this bill.

I understand that Members of the House of Representatives have written to the chairman of the House Armed Services and House Appropriations Committees asking them to yield to the Senate funding figures for base closure cleanup—those House bills were written before the revised DOD figures were released. That's a pretty powerful indication that the Senate is on the right track.

We will face this issue of base closures and environmental cleanup for many years—it's important to do the job swiftly and to do the job right. This bill does that, and I encourage my colleagues to support the base closure provisions.

#### HIGH COST OF CONTRACTORS

Mr. PRYOR. Mr. President, I rise today to place into the RECORD a few pages from a report by the General Accounting Office on the high cost of contractors. I asked the GAO to do this report to try to get a clear answer to the question of whether using contractors saves money.

The GAO findings challenge the philosophy that using contractors is always a cost-effective way to get the government's work done. Plain and simple, it costs more to use contractors. In fact, the GAO found that it cost 25 percent more to use contractors.

The Department of Energy spends about \$500 million a year on support service contracts. These are the type of contracts that generate the stories of contractors writing congressional testimony, holding administrative hear-

ings and performing much of the basic work of government. Now, besides these abuses, we find out today that we are not even saving money with these contractors.

The only troubling thing to me is that while this is the first comprehensive agency-wide report of its type, the GAO is essentially merely confirming what was apparent all along. When I held a hearing on the DOE's use of contractors in 1989, I heard testimony from a high-ranking DOE official that it cost from 20 to 25 percent more to use contractors. Why didn't that testimony, based on an internal DOE study, get the attention of DOE and OMB officials? What will it take to convince the policy makers in the administration that to have cost-effective government, we are going to have to close the open money sack that has been used to fund excessively costly contracts for the past 10 years.

Finally, since DOE spends \$500 million on support service contracts we are wasting about \$100 million a year. I compliment the GAO, and I am hopeful that this report of such unnecessary waste will serve as a catalyst for some long overdue changes in the way our Federal Government spends its money.

I also wish to place in the RECORD a short article from the New York Times entitled "Congressional Study Challenges Federal Use of Private Contractors."

Mr. President, I ask unanimous consent to print in the RECORD the GAO report and the article to which I have referred.

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

U.S. GENERAL ACCOUNTING OFFICE,  
Washington, DC, August 16, 1991.

Hon. DAVID H. PRYOR,  
Chairman, Subcommittee on Federal Services,  
Post Office, and Civil Service, U.S. Senate

DEAR MR. CHAIRMAN: This letter responds to your request that we review the Department of Energy's (DOE) support service contracting practices. These contracts provide staff for a wide variety of services related to DOE's management, administrative, and technical activities. Specifically, you asked us to (1) discuss the overall cost and use of these contracts, (2) examine the adequacy of controls to ensure that DOE's support service contracts are cost-effective, and (3) evaluate whether work performed on selected support service contracts could be performed less expensively by federal personnel. To address these concerns, we, among other things, reviewed 75 DOE support service contracts and completed 12 cost comparisons at four DOE locations.

#### RESULTS IN BRIEF

In fiscal year 1990, DOE obligated \$522 million on support service contracts, a 56-percent increase from fiscal year 1986. Support service contracts are appropriate for, among other things, fulfilling specialized needs or needs of a short-term or intermittent nature. However, most of the contracts we reviewed at DOE were not justified on these bases. Instead, most were awarded because DOE lacked sufficient resources to perform the work.

According to the Office of Management and Budget (OMB), the government's policy is to conduct its operations in a cost-effective manner. Although cost comparisons are an essential control in deciding the most cost-effective way to meet the government's need for services, OMB's guidance on support service contracting does not uniformly require agencies to compare contract and in-house performance costs to determine which is cost-effective. For example, OMB guidance does not call for cost comparisons when contracting for services needed to fulfill new agency requirements or when federal performance is not considered feasible.

Few of the DOE contracts for support services we reviewed were awarded on the basis of comparisons between federal and contract costs. DOE officials said that they did not compare costs since they could not get additional staff to perform the work in-house because of personnel ceilings.

Some DOE support service contracts cost substantially more than would using additional federal employees for the same work. Eleven of the 12 support service activities for which we conducted cost comparisons were, on average, 25 percent more costly. Fiscal year 1990 contract costs for these activities totaled \$5 million more than the estimated cost of federal performance. Because we judgmentally selected activities for the cost comparisons, the findings cannot be projected to the universe of DOE's support service contracts.

OMB officials acknowledged that agencies had little opportunity to increase their staffing levels during the 1980s. However, recent actions indicate that OMB now may be willing to consider requests for additional staff if the requests adequately justify cost savings. OMB officials cite their approval to convert 13 DOE support service contracts to in-house performance as evidence of OMB's change in attitude.

OMB has also advised DOE that it will consider additional DOE staff positions in fiscal year 1993 if DOE can demonstrate that converting contracts would result in substantial cost savings. DOE plans to identify possible conversions as part of its fiscal year 1993 budget submission, but some DOE officials question whether OMB's position regarding ceilings has really changed. For example, DOE officials stated that OMB has not officially changed its policy or provided guidance on what type of cost comparison would be needed to justify contract conversions.

#### BACKGROUND

To address a long-standing concern about the extent of government competition with private enterprise, the Bureau of the Budget, in 1955, promulgated a government policy that federal agencies should not carry on a commercial activity to provide services that could be obtained through ordinary business channels. Every administration since 1955 has endorsed the general policy of relying on the private sector to provide commercial services required to support the government's operation. Inherent governmental functions—those ultimately related to the public interest—are to be performed by federal employees.

In addition, recent administrations have used personnel ceilings to limit the number of federal employees as a means of reducing federal spending and of encouraging agencies to rely on the private sector to meet the government's need for goods and services. Between 1980 and 1990, for example, ceilings imposed by OMB, which replace the Bureau of the Budget, reduced DOE's staffing levels from 21,208 to 17,000 full-time positions, with

a low of 16,103 in fiscal year 1989.<sup>1</sup> For fiscal year 1991, OMB increased DOE's ceiling to 17,965. In requests for staff during the 1980-91 period, DOE asserted that its need for staff exceeded the ceiling levels established by OMB.

#### DOE USES SUPPORT SERVICE CONTRACTS EXTENSIVELY

To meet the need for additional staff, DOE contracts extensively with private firms and companies for support in planning, managing, and carrying out its work. Between fiscal years 1986 and 1990, DOE's support service contracting grew by 56 percent, from \$334 million to \$522 million. According to DOE's data system on procurement acquisitions, DOE had 498 active support service contracts during fiscal year 1990. Although DOE does not track the number of persons hired under these contracts, in 1989 DOE estimated that it had received the equivalent of about 8,600 staff from support service contractors during fiscal year 1988. During the same period, DOE employed 16,258 federal staff.

According to DOE officials, support service contractors are an integral part of DOE's day-to-day operations and are needed for, among other things, fulfilling specialized needs or needs of a short-term or intermittent nature. However, most of the contracts we reviewed were not justified on these bases. Instead, we found that most of the contracts were awarded because DOE lacked sufficient resources to perform the work.

Support service contractors and DOE employees frequently perform similar activities. In fact, many of the contracts we reviewed added staff to activities already being performed by DOE employees. For example, during fiscal year 1990, DOE contracted for

Engineers to review the quality of DOE's operations at one field location;

Auditors to supplement DOE's Inspector General staff;

A clerk for data entry at a DOE support office;

Staff to support personnel surveys and assessments of staffing needs for DOE headquarters; and

Personnel for project planning, scientific and technical support, operation of a computer center, and acquisition and financial services at one of DOE's energy technology centers.

Many of the activities we reviewed had been performed by contractors over prolonged periods of time. Although DOE's guidelines for managing support service contracts limit the duration of each contract to 5 years, the guidelines do not limit how long an activity can be performed under successive support service contracts. Consequently, we identified certain activities that had been performed by contractors since 1977, the year DOE was created. Furthermore, according to DOE personnel, some of these activities had been previously performed under contract for DOE's predecessor agencies. On average, the activities covered by the 75 contracts we reviewed had been contracted out for about 7 years, and almost all of the activities were expected to continue under contract in the future. For example:

One DOE operations office hired contractors in 1985 to help monitor the transportation of nuclear materials, such as the nuclear weapons. Cognizant DOE personnel told us they expected that contractors would continue performing this activity for as long as

<sup>1</sup> According to OMB, the ceiling decrease resulted, in large part, from reductions in the Economic Regulatory Agency following the abolition of petroleum allocation and price controls.

DOE had materials to move. DOE hired a contractor to operate a new facility for training guards employed at DOE facilities. Begun in 1984, this activity is expected to continue under contract indefinitely.

DOE headquarters began using contractors to estimate the cost of construction projects before 1980 and, according to agency officials, will continue to do so as long as DOE has construction projects.

DOE contracted for automated data processing services to support its headquarters operations at least 15 years ago and expects to continue this activity under contract indefinitely.

The size of DOE's support services also varies considerably. For example, one contract provides a part-time weatherization grant inspector at \$22,600 a year, while another supplies approximately 620 people for automated data processing and telecommunications at an annual cost of \$32 million.

#### COST COMPARISON REQUIREMENTS

According to OMB policy, government activities are to be conducted in a cost-effective manner. With respect to support services, the policy is principally embodied in OMB Circular A-76, which emphasizes cost comparison procedures for determining when it is more economical to contract for services currently performed by federal employees.

Circular A-76 states that one of the overall objectives of government is to achieve economy and enhance productivity in its operations. To help achieve this objective, the circular specifies cost comparison procedures for determining whether commercial activities, such as engineering and janitorial services, can be more economically performed by contractors or federal employees.

The supplement to the circular requires cost comparisons in three instances. First, agencies must periodically compare the cost of activities currently performed by federal employees with the cost of performing the work under contracts. If private sector costs are found to be lower by at least 10 percent for personnel-related costs, the agency should switch to private contractors. Second, if an agency expects the expansion of an existing federal activity will increase the cost of performing the activity by 30 percent or more, it must conduct a cost comparison. Third, an agency must compare costs when, as a result of having monitored the contracts for continued cost-effectiveness, it determines that contract costs have become unreasonable or that performance has become unsatisfactory. In this situation, an agency must also determine that (1) in-house performance is feasible and (2) recompetition with other commercial sources would not result in reasonable prices.

Despite its emphasis on cost-effectiveness, the circular does not uniformly require cost comparisons in deciding whether to contract out. For example, cost comparisons are not required in contracting for services needed to fulfill new agency requirements. Unless contract prices are viewed as unreasonable, OMB's circular states that services normally will be obtained through contracts—without any assessment regarding the comparable cost of performing the work in-house. Further, an agency need not consider the cost of in-house performance when a federal work force is not considered "feasible." The circular neither defines the term nor specifies circumstances that make federal performance infeasible. However, an OMB official said this would include peak and valley work loads and cases where the government cannot pay enough to recruit federal employees.

In addition, OMB Circular A-120 provides guidance on contracting for advisory and assistance support services that support or improve agency policy development, decision-making, management, administration, and the operation of management systems. The circular does not require agencies to conduct cost comparisons.

Finally, DOE Order 4200.3B establishes DOE's policy and procedures for awarding and managing the agency's support service contracts. Like Circular A-76, DOE's order stresses the need for cost-effectiveness in DOE's operations. For example, the order states that DOE shall not enter into or maintain a support service contract when the service (1) is more economically available at DOE or (2) may be provided through other means at a substantial savings in cost to the government. Except by reference to Circular A-76, the order does not require cost comparisons or establish other controls that could be used in assessing whether DOE's support service contracts are cost-effective. For example, the order does not define what is meant by unreasonable in Circular A-76 or require DOE managers to conduct comparisons when in-house performance is thought to be less expensive. Further, although the order requires requesting offices to specifically address in-house resources as an alternative to contractor performance in written contract justifications, the order does not require the requesting office to conduct cost comparisons between the alternatives.

#### DOE SELDOM COMPARED COSTS TO ENSURE COST-EFFECTIVENESS

Although cost comparisons are an essential control in deciding the most cost-effective way to meet the government's need for services, few of the DOE contracts we reviewed were awarded on the basis of comparisons between the cost of using federal employees and private contractors. Specifically, we found that DOE conducted cost comparisons on only 3 of the activities covered by the 75 support service contracts we reviewed. Each of these comparisons was initially performed as part of DOE's review of existing in-house operations under OMB Circular A-76 to determine if they should be contracted out. Furthermore, DOE personnel believed that 23 of the 75 activities could be more economically performed in-house, a factor that could be construed as meeting the test of unreasonable cost under Circular A-76. However, DOE did not conduct any cost comparisons for 21 of the 23 activities.

According to DOE headquarters and field officials, the principal reason for not conducting cost comparisons was the lack of sufficient federal staff because of personnel ceilings. Officials told us that ceilings had essentially rendered the issue of cost comparisons irrelevant since, in their view, OMB would not have considered increasing DOE's staffing ceiling to allow the work to be performed in-house.

#### USING CONTRACTORS COST SUBSTANTIALLY MORE THAN USING FEDERAL WORKERS IN SOME CASES

DOE's use of support service contracts cost more than federal employees would have cost for 11 of the 12 contracts for which we conducted cost comparisons.<sup>2</sup> Ten of these

contracts were also identified by DOE officials as ones that could be performed less expensively in-house.

Specifically, we estimated that DOE spent at least \$5 million more, or 25.4 percent, in fiscal year 1990 than it would have spent if 11 of the 12 activities we reviewed had been conducted in-house. The increased contractor costs for the services ranged from more than 3 percent to about 73 percent higher than if they had been performed by federal employees. We estimated that the twelfth activity cost \$113,750, or 9 percent, less by contract than if it had been done in-house. We discussed our cost comparison methodology with DOE and OMB staff, who generally agreed with the procedures we used. However, because we selected the contracts judgmentally, our results cannot be projected to the universe of DOE support service contracts. The results of our cost comparisons are provided in appendix II.<sup>3</sup>

Moreover, we believe our estimates may substantially understate the amount of savings available through in-house performance for the activities that we reviewed. While we based our estimate of federal costs on the guidance in Circular A-76, we modified several steps to simplify and, thus, reduce the time required to make the comparison. Overall, these modifications overstate the cost of in-house federal performance. For example, we did not attempt to determine the most efficient and effective organization that was capable of accomplishing the work requirements.

#### OMB POSITION ABOUT PERSONNEL CEILINGS MAY BE CHANGING

Recent actions indicate that OMB's position about personnel ceilings may be changing. As part of its 1992 budget request to OMB, DOE proposed converting 13 support service contracts to in-house performance. The proposals were based on cost comparisons developed by DOE's Office of the Inspector General and the Western Area Power Administration to justify increases in their staffing levels. Collectively, the units estimated that in-house performance would save about \$7.3 million annually on the 13 contracts.<sup>4</sup> As a result of the comparisons, OMB approved conversion of 164 contractor staff to in-house performance.

OMB officials said that during the 1980s OMB had a clear policy of reducing federal employment and of aggressively studying federal positions to determine whether they should be contracted out. They said, however, that OMB is now willing to consider requests for additional staff if the requests adequately justify cost savings. While OMB has not issued a formal policy reflecting the change in its position, OMB officials cited the DOE conversions as evidence of OMB's change in attitude. Further, for fiscal year 1993, OMB has advised DOE that it would be willing to provide additional staff positions if DOE can demonstrate that converting contracts to federal staff would be cost-effective. On the basis of discussions with OMB,

approval for the number of federal positions that would be needed.

<sup>2</sup>During our review, DOE's Office of the Inspector General was also conducting cost comparisons for seven randomly selected support service contracts at DOE headquarters. This report is expected to be issued in September 1991.

<sup>3</sup>One of the units identified another eight contracts that could be performed less expensively by federal employees. However, according to DOE personnel, they did not propose converting the contracts because they wanted to make a strong case to OMB and these eight contracts involved less dollar savings.

<sup>2</sup>A recent GAO report, *Nuclear Safety: Potential Security Weaknesses at Los Alamos and Other DOE Facilities* (GAO/RCED-91-12, Oct. 11, 1990) found that DOE could save about \$15 million annually in labor and benefit costs if guard services at nine DOE facilities were performed by DOE employees. DOE had not updated or conducted periodic cost comparisons, in part, because of the difficulty in obtaining OMB's

DOE has requested its units to identify conversions in connection with its fiscal year 1993 budget preparation.

In spite of these recent actions, some concerns about converting support service contracts still remain. For example, OMB officials said that if it approves contract conversions, DOE may not reduce contract spending by a corresponding amount. Instead, DOE could leave the contracts in place or use the additional money on other contracts. In contrast, DOE officials said they are concerned that OMB will not approve sufficient staff to accommodate both the Department's expanding need for staff and the contract conversions. For example, although OMB approved contract conversions involving 105 positions for the Western Area Power Administration, DOE officials noted that OMB decreased the administration's personnel ceiling by 83 positions overall. This decrease, according to OMB officials, was for reasons unrelated to the conversions. Thus, the administration realized a net increase of only 22 positions. As a result, DOE officials said one option under serious consideration is to contract out for the difference in staffing, thus reducing the level of projected savings. DOE officials also questioned why OMB had not officially changed its policy or provided guidance on what type of cost comparisons would be needed to justify contract conversions.

#### CONCLUSIONS

DOE rarely considered the cost of in-house performance in awarding the support service contracts we reviewed. In 1990, inadequate attention to cost-effectiveness cost the government at least \$5 million more than was necessary to perform 11 of the 12 DOE activities for which we conducted cost comparisons. DOE officials said that they did not compare costs since they could not get additional staff to perform the work in-house because of personnel ceilings.

We recognize that there are a variety of reasons for using support service contractors, including an inability to recruit specialized skills and the need for flexibility in accomplishing tasks of an intermittent nature. However, even when other reasons exist, we believe cost comparisons are an essential management tool in deciding whether to contract out. As we found in conducting our cost comparisons, such comparisons need not be burdensome.

OMB acknowledges that agencies had little opportunity to increase their staffing levels during the 1980s. Recent actions indicate that OMB now may be willing to consider requests for additional staff if the requests adequately justify cost savings. However, given the long-standing practices of DOE and OMB, some uncertainty remains as to (1) whether DOE units will be motivated to carry out cost comparisons, (2) whether DOE will request additional staff for converting support service contracts, and (3) how OMB will respond to these requests. Although one solution to this situation would be for the Congress to establish reporting requirements for overseeing DOE's and OMB's actions in this area, we are not recommending congressional action at this time. Instead, we believe DOE and OMB should be given the opportunity to resolve these problems independently. However, a recommendation along these lines could be forthcoming if subsequent work determines that DOE and OMB have not taken action to ensure that cost is adequately considered in DOE's support service contracting decisions.

#### RECOMMENDATION TO THE SECRETARY OF ENERGY

To ensure that DOE's support service activities are conducted in a cost-effective manner, we recommend that the Secretary of Energy

Require DOE units to conduct cost comparisons before awarding or renewing support service contracts and regularly review existing contracts to ensure that they are cost-effective and

Use the results of cost comparisons to support requests for additional staff from OMB for converting any contracts determined to be less expensively performed in-house, except where other reasons exist for continuing the work under contract, and if conversions are approved by OMB, DOE should reduce its support service contracting budget by a corresponding amount.

#### RECOMMENDATION TO THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

To ensure that DOE understands OMB's position about converting costly support service contracts, we recommend that OMB issue guidance documenting the position and any additional information that would be needed to justify conversions, such as information about the type of cost comparisons DOE should perform.

We performed our work at DOE headquarters, its operations offices in Richland, Washington, and Albuquerque, New Mexico, and its Morgantown Energy Technology Center in West Virginia between June 1990 and May 1991. Our work was performed in accordance with generally accepted government auditing standards. Appendix I provides detailed information about our objectives, scope, and methodology.

As requested, we did not obtain official agency comments on a draft of this report. However, we discussed the facts with DOE and OMB officials and incorporated their comments where appropriate. As agreed with your office, we plan no further distribution of this report until 30 days from the date of this letter. At that time we will send copies to the Secretary of Energy; the Director, Office of Management and Budget; and other interested parties. We will also make copies available to others upon request.

#### [From the New York Times, Sept. 16, 1991] CONGRESSIONAL STUDY CHALLENGES FEDERAL USE OF PRIVATE CONTRACTORS

WASHINGTON, Sept. 15.—The Federal Government could often save money by using its own employees rather than private contractors for certain work but sometimes lacks the personnel to do so, a report by an investigative arm of Congress said today.

The study by the General Accounting Office, which examined 75 support service contracts assigned by the Department of Energy, offers the first broad challenge to the practice of the Reagan and Bush Administrations of limiting employment as a way to reduce spending.

Senator David Pryor, the Arkansas Democrat who requested the study as chairman of the Senate Governmental Affairs Subcommittee on Federal Services, said: "Time and time again over the past 20 years we have heard from the executive branch that using private contractors saves money. This report makes it clear that, at least in some cases, this is a myth."

#### A LACK OF PERSONNEL

The accounting office's report said the Energy Department contracts were intended to fulfill "specialized needs or needs of a short-term or intermittent nature." But the study

found that most of the department's \$522 million in support service contracts in the fiscal year 1990 were not justified on those grounds, but were signed because the agency "lacked sufficient resources" to properly perform the activities.

In 1980, before the Reagan Administration began cutting the Federal staff, the department had 21,208 employees. But the staff was reduced to 16,103 by 1989. Outside contracts increased by 56 percent from 1986 to 1990.

Since then the White House budget office has authorized the department to increase its staff to 17,965. Phil Keif, a spokesman for the department, said the staff had been increasing in recent years because of a new demand for cleanups of weapon plants and hazardous waste sites. Yet officials at both the department and the accounting office said more personnel were needed.

The department had compared costs for only 3 of the 75 contracts reviewed by the accounting office. The office's researchers, who conducted their own cost comparisons for 12 of the activities, found that 11 of the 12 would have been cheaper by 25.4 percent, or a total of \$5 million, had the department used its own employees.

Mr. Keif said the department did not have enough staff members to perform the analyses or to carry out the activities. But he said department officials agreed with the report's findings and the need for cost analyses. He said it was developing a method of analysis to carry out those studies.

The Reagan Administration began replacing Federal workers with private contractors in the belief that private industry was more efficient.

Although the White House budget office's policy in the 1980's was to reduce the number of Federal employees, the report said there were indications this policy was changing. The researchers said officials of the office had told them that they might be willing to hire more people if they could justify cost savings. Budget office officials had no comment on the report.

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2426, the military construction appropriations bill and has found that the bill is under its 602(b) budget authority allocation by \$0.2 billion in budget authority and \$0.1 billion in outlays.

The Military Appropriations Subcommittee faced a daunting task this year as it attempted to assign the proper priorities to our military construction programs in light of the fiscal and international realities. I would like to express my appreciation to Senator PHIL GRAMM, the distinguished ranking member, for his assistance in bringing this bill to the floor today.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the military construction appropriations bill and I ask unanimous consent that it be printed in the RECORD.

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 2426—  
MILITARY CONSTRUCTION SUBCOMMITTEE—SPENDING  
TOTALS

[Senate Reported; in billions]

Bill summary	Budget authority	Outlays
H.R. 2426:		
New BA and outlays .....	\$8.4	\$2.8
Enacted to date .....	0	5.5
Adjustment to conform mandatory programs to resolution assumptions .....	0	0
Scorekeeping adjustments .....	0	0
Bill total .....	8.4	8.3
Senate 602(b) allocation .....	8.6	8.5

SENATE BUDGET COMMITTEE SCORING OF H.R. 2426—  
MILITARY CONSTRUCTION SUBCOMMITTEE—SPENDING  
TOTALS—Continued

[Senate Reported; in billions]

Bill summary	Budget authority	Outlays
Total difference .....	-.2	-.1
Discretionary:		
Domestic:		
Senate 602(b) .....	0	0
Difference .....	0	0
International:		
Senate 602(b) .....	0	0
Difference .....	0	0
Defense .....	8.4	8.3
Senate 602(b) .....	8.6	8.5

SENATE BUDGET COMMITTEE SCORING OF H.R. 2426—  
MILITARY CONSTRUCTION SUBCOMMITTEE—SPENDING  
TOTALS—Continued

[Senate Reported; in billions]

Bill summary	Budget authority	Outlays
Difference .....	-.2	-.1
Total discretionary spending .....	8.4	8.3
Mandatory spending .....	0	0
Mandatory allocation .....	0	0
Difference .....	0	0
Discretionary total above (+) or below (-):		
President's request .....	-.1	-.1
Senate-passed bill .....	NA	NA
House-passed bill .....	-.1	-.1

MILITARY CONSTRUCTION—1992 APPROPRIATIONS

[In thousands of dollars]

	President's request		House-passed		Senate-reported		Senate-passed		Conference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
<b>Discretionary spending:</b>										
Domestic:										
New spending in bill .....	0	0	0	0	0	0				
Outlays prior .....	0	0	0	0	0	0				
Supplementals (PL 102-27) .....	0	0	0	0	0	0				
Scorekeeping/mandatory adjustments .....	0	0	0	0	0	0				
Subtotal .....	0	0	0	0	0	0				
602(b) allocation .....	NA	NA	0	0	0	0				
Bill above/below (+/-) allocation .....	NA	NA	0	0	0	0				
International:										
New Spending in bill .....	0	0	0	0	0	0				
Outlays prior .....	0	0	0	0	0	0				
Supplementals (PL 102-27) .....	0	0	0	0	0	0				
Scorekeeping/mandatory adjustments .....	0	0	0	0	0	0				
Subtotal .....	0	0	0	0	0	0				
602(b) allocation .....	NA	NA	0	0	0	0				
Bill above/below (+/-) allocation .....	NA	NA	0	0	0	0				
Defense:										
New spending in bill .....	8,563,030	2,979,068	8,483,006	2,955,146	8,413,745	2,846,160				
Outlays prior .....	0	5,502,377	0	5,502,377	0	5,502,377				
Supplementals (PL 102-27) .....	0	0	0	0	0	0				
Scorekeeping/mandatory adjustments .....	0	0	0	0	0	0				
Subtotal .....	8,563,030	8,481,445	8,483,006	8,457,523	8,413,745	8,348,537				
602(b) allocation .....	NA	NA	8,564,000	8,482,000	8,564,000	8,482,000				
Bill above/below (+/-) allocation .....	NA	NA	-80,994	-24,477	-150,255	-133,463				
<b>Total Discretionary:</b>										
New spending in bill .....	8,563,030	2,979,068	8,483,006	2,955,146	8,413,745	2,846,160				
Outlays prior .....	0	5,502,377	0	5,502,377	0	5,502,377				
Supplementals (PL 102-27) .....	0	0	0	0	0	0				
Scorekeeping/mandatory adjustments .....	0	0	0	0	0	0				
Subtotal .....	8,563,030	8,481,445	8,483,006	8,456,523	8,413,745	8,348,537				
<b>Mandatory spending:</b>										
New spending in bill .....	0	0	0	0	0	0				
Permanent appropriations .....	0	0	0	0	0	0				
Outlays prior .....	0	0	0	0	0	0				
Subtotal, mandatory .....	0	0	0	0	0	0				
Resolution scoring adjustment .....	0	0	0	0	0	0				
Adjusted mandatory total .....	0	0	0	0	0	0				
<b>Bill total:</b>										
Discretionary .....	8,563,030	8,481,445	8,483,006	8,456,523	8,413,745	8,348,537				
Adjusted mandatory .....	0	0	0	0	0	0				
Subtotal .....	8,563,030	8,481,445	8,483,006	8,456,523	8,413,745	8,348,537				
602(b) allocation .....	NA	NA	8,564,000	8,482,000	8,564,000	8,482,000				
Bill above/below (+/-) allocation .....	NA	NA	-80,994	-24,477	-150,255	-133,463				
<b>Discretionary total compared to:</b>										
President's request .....	NA	NA	-80,024	-23,922	-149,285	-132,908				
House-passed .....	80,024	23,922	NA	NA	-69,261	-108,986				
Senate-passed .....	149,285	132,908	69,261	108,986	NA	NA				

Mr. SASSER. Mr. President, that concludes the amendments in order under the unanimous-consent request. There being no further debate on this bill, I am prepared to yield all my time if the distinguished ranking member is prepared to yield back his time.

Mr. GARN. I am happy to yield back.  
Mr. SASSER. I yield back our time.  
The PRESIDING OFFICER. All time is yielded back.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 2426), as amended, was passed.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

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

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I move that the Senate insist on its amendments to the bill, H.R. 2426, and request a conference with the House, and that the Chair be authorized to appoint the conferees.

The motion was agreed to, and the Presiding Officer (Mr. LAUTENBERG) appointed Mr. SASSER, Mr. INOUE, Mr. REID, Mr. FOWLER, Mr. BYRD, Mr. GRAMM of Texas, Mr. GARN, Mr. STE-

VENNS, and Mr. HATFIELD conferees on the part of the Senate.

Mr. SASSER. Mr. President, I thank the Chair. I suggest the absence of a quorum.

Mr. BYRD. Mr. President, if the Senator will withhold—

Mr. SASSER. I withhold.

Mr. BYRD. Mr. President, the distinguished subcommittee chairman, Mr. SASSER, and the distinguished ranking member, Mr. GRAMM, are to be commended for their skillful and expeditious handling of the fiscal year 1992 military construction appropriations bill. Both Senator SASSER and Senator GRAMM are extremely knowledgeable in all areas of the bill, and they make the difficult seem to be easy. Their splendid efforts brought to the floor a good bill that is within the subcommittee's 602(b) allocation.

I also compliment the loyal, hard-working staff of the subcommittee for their fine work in the preparation of the bill.

I add my thanks to both the manager and the ranking member for the expeditious handling, and for their good work in bringing this bill to the floor and for the expeditious action on the floor.

Mr. SASSER. Mr. President, I thank the chairman, the distinguished chairman of the full committee, for his kind and generous remarks here this evening. It is characteristic of the chairman that he would stay here until this late hour to watch the adoption of one of the appropriations bills that emanates from his committee, to see that it is done with precision, to see that we do it in an expeditious manner, and I am very pleased always to join with him in moving these bills out of the Appropriations Committee and through the full Senate.

I thank him for his kind remarks, and for his generous assistance over the years, and over this year in particular with the military construction appropriations bill.

Mr. BYRD. Mr. President, I thank the distinguished Senator. My feeling for the expertise, skill, cooperation, and effectiveness of the Senator from Tennessee goes beyond the action on just this bill. I have been in the Senate quite a long time now. I was the 1,579th Senator out of the 1,799 who have served in the U.S. Senate since 1789, and I must say that this young Senator from the State of Tennessee—I say he is young because I was once upon a time as young as he is—has certainly grown in my estimation over these years, based on my observations. I have watched him as chairman of the Budget Committee, I have seen him take the difficult positions, I have seen him win, and I have seen him lose. I have seen him lose sometimes when he was right.

He is to be commended. He does not say a lot on this floor, but when he speaks, others listen. I admire his char-

acter and certainly he has inspired me to believe that there is a lot of quality in this Senator from Tennessee.

So I thank him again not only for his work on this bill, but more particularly on his meticulous work, his firmness, and the high degree of dignity and skill which has marked all of his work as I have watched him through these many years.

Mr. President, I yield the floor.

Mr. SASSER. Mr. President, before suggesting the absence of a quorum, I once again want to express my thanks for the kind remarks directed to this Senator by the distinguished President pro tempore of the U.S. Senate.

I might say that our distinguished chairman of the Appropriations Committee and President pro tempore of the U.S. Senate, ROBERT C. BYRD, by example, has demonstrated to younger Senators coming into this body and to this Senator, who is no longer as young as I was a few years ago, and is no longer as young as I would wish to be, has demonstrated by his example that service in this body is an honor, really, and that each one of us must earn anew almost every day. And he has been an example to me and to many others. I look forward to many, many years of continued service with the distinguished senior Senator from West Virginia.

#### UNANIMOUS CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, following consultation with all of the interested Senators, I believe that I have a proposal that will resolve the issue which we earlier were discussing.

Therefore, I ask unanimous consent that at 12:30 p.m. tomorrow, Tuesday, September 17, the Senate resume consideration of the Interior appropriations bill, and that from 12:30 p.m. until 2:15 p.m., there be debate only upon the Jeffords-Metzenbaum grazing fee amendment, equally divided and controlled in the usual form; and that at 2:15 p.m., there be a vote on or in relation to that amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators, then, we will complete action on the military construction appropriations bill this evening, and I thank the distinguished chairman and ranking member who have agreed to make that possible.

We will then come into session at 9 a.m., with a period for morning business of 30 minutes. At 9:30 a.m., I or my designee will seek consent to proceed to the Transportation appropriations bill. We have already been apprised that objection will be made to any re-

quest to go to it this evening. It is my hope that we can work that out and get that consent in the morning.

We would then be on the transportation bill from 9:30 until 12:30, to make such progress as we can, and if at all possible even finish the bill.

At 12:30, the respective party caucuses will occur as scheduled. But during that period of time, instead of the Senate recessing, as is ordinarily the case, the Senate will stay in session for purposes of debate only on the grazing fee amendment.

There will be a vote at 2:15 on or in relation to the amendment. It is my understanding that a motion to table will be made, and that a vote will occur on that.

The agreement does not preclude further debate if the amendment is not tabled, of course. As we well understand, if the amendment is tabled, that is dispositive of the issue. If it is not tabled, there could be further debate for an unlimited period, or until such time as limitation is imposed on the amendment.

At 2:30, following that vote, if we have not completed Transportation, then we will return to that bill. And it would be my hope that we could complete action on that bill tomorrow afternoon.

Later tomorrow and Wednesday, the Senate will be back on the Interior appropriations bill, with the hope that other amendments will be presented. And then we can complete action on that bill early Thursday morning.

Mr. President, I will be pleased to yield to the distinguished Republican leader.

Mr. DOLE. I just wanted to indicate we hope to be able to go to the Transportation bill at 9:30 a.m., and I will advise the majority leader and the chairman of the committee, Senator LAUTENBERG.

Mr. MITCHELL. I thank my colleagues.

Mr. BYRD. Mr. President, if the distinguished majority leader will yield, I want to compliment him and thank him on this approach he has worked out. I think it is very agreeable, very reasonable, and I go home tonight with a lighter burden, feeling that the end of the tunnel may be in sight on both these appropriations bills at some point in time.

Mr. MITCHELL. I thank my colleague.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## MORNING BUSINESS

Mr. SASSER. Mr. President, I ask unanimous consent that there be a period for morning business for up to 7 minutes, with Senators permitted to speak therein.

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

## THE U.S.S. "CAIRO" AT THE VICKSBURG NATIONAL MILITARY PARK

Mr. LOTT. Mr. President, the distinguished chairman and ranking member of the Senate Appropriations Committee, I rise today to offer my comments and express support for the Interior appropriations bill, H.R. 2686. This measure makes funding possible for the Department of the Interior and a number of related agencies. What is also significant about this bill is that it makes historic preservation possible all across this great country of ours.

When I was home in Mississippi over the August recess, I had the opportunity to visit and tour the Vicksburg National Military Park, the site of an important battle in the War Between the States. The park site, as many of my colleagues know, is a tribute to the courage, valor, and sacrifice of all the soldiers who fought in the war.

Each State participating in the war was given the right to identify locations where their troops fought. They were further given the right to erect markers to commemorate their service. Twenty-eight States supplied the 140,000 Confederate and Union troops that struggled for control of Vicksburg in 1863. Twenty-six monuments in the Vicksburg National Military Park pay tribute to the States whose brave soldiers were a part of this historic battle shaping our country.

A chaplain during the war, Abram Joseph Ryan, once stated, "A land without ruins is a land without memories—and a land without memories is a land without history." How fortunate we here in the United States are, for we have a rich history and we preserve and protect it. Vicksburg National Military Park is a part of our history and we must preserve and protect it.

This national military park is also home to the U.S.S. *Cairo*, a Union gunboat that was built in 1861 to aid the Union Navy's effort to seize the Mississippi River from Confederate control. The U.S.S. *Cairo* was the lightest and fastest of the Union Navy's seven city-class gunboats.

In December 1862, while escorting a flotilla up the Yazoo River, two mines exploded beneath the starboard bow causing the U.S.S. *Cairo* to sink in less than 12 minutes. There the boat lay until 1964 when it was raised from the mud of the Yazoo River where it had been entombed for the past 102 years.

The U.S.S. *Cairo* is currently a popular open-air exhibit in the Vicksburg

National Military Park. It attracts tourists from all around the world. But now, the historic fabric of the gunboat is deteriorating day by day at an accelerating rate due to its exposure to damaging environmental elements such as humidity, temperature fluctuations, birds, insects, and rodents.

This historic war gunboat, which attracts tourists from around the country and the world, needs to be protected by a climate-controlled environmental shelter. This bill provides for a cost assessment to be made of the damage to the gunboat, and a following report made to the distinguished chairman and ranking member of the Senate Appropriations Committee. An environmental shelter suitable to protect the U.S.S. *Cairo* is desperately needed. British author and critic, John Ruskin, said, "Our duty is to preserve what the past has had to say for itself." I agree with that philosophy for that is an important mission, protecting our country's rich heritage.

At this time I would like to share with my colleagues a letter I recently received from the National Trust for Historic Preservation and an article from the *Historic Preservation News*. The article chronicles one of the first cases prosecuted in the South under the Archaeological Resources Protection Act. The case involved two men who were found guilty of looting the Vicksburg National Military Park in Mississippi after they vandalized the battlefield by excavating Civil War ammunition. Mr. President, I request that this letter and accompanying article be entered in the CONGRESSIONAL RECORD along with my statement on the U.S.S. *Cairo*.

I ask today that my colleagues on both sides of the aisle give their support to this Interior appropriations bill. It gives all of our States an opportunity to enjoy and cherish our Nation's military parks, and other historic treasures. Most importantly, it helps preserve a significant part of our Nation's history.

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

## STATES REPRESENTED IN VICKSBURG NATIONAL MILITARY PARK MONUMENTS

Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Texas, West Virginia, Wisconsin, Florida, Maryland, North Carolina, South Carolina, Virginia.

## NATIONAL TRUST FOR HISTORIC PRESERVATION.

September 3, 1991.

HON. TRENT LOTT,

United States Senate, Washington, DC.

DEAR SENATOR LOTT: Enclosed is a copy of the most recent issue of the National Trust's newspaper, *Historic Preservation News*. I thought you might be interested in the story on page 17, featuring one of the first cases

prosecuted in the South under the Archaeological Resources Protection Act which involved two Baton Rouge, Louisiana men prosecuted for looting the Vicksburg National Military Park in Mississippi after they vandalized the battlefield by excavating Civil War ammunition.

The National Trust is dedicated to saving such sites and landmarks, and to demonstrating the benefits of preserving our nation's heritage. I hope you will share this information with all your constituents as part of the continuing process of educating the American people about their past.

Sincerely,

JACK WALTER,  
President.

[From the *Historic Preservation News*,  
September 1991]

In one of the first cases prosecuted in the South under a federal archaeological protection act, two Baton Rouge, La., men were each fined \$5,000, barred from all federal and state Civil War parks, and ordered to complete at least 200 hours of community service after pleading guilty to vandalizing Vicksburg, Miss., National Military Park. A \$12,000 Jeep also was seized in connection with the violations. In May the men entered guilty pleas to violations of the 1979 Archaeological Resource Protection Act, which protects archaeological resources and sites on public land. According to Joseph Holloman, assistant state attorney for the southern Mississippi district, the men vandalized the battlefield by excavating Civil War ammunition. Holloman says that this case, which is the first to be prosecuted under the act in Mississippi, will have national impact. "If we don't have effective deterrents and people don't fear what's going to happen to them, [such incidents] will be repeated," he says.

## JEFFORDS-METZENBAUM AMENDMENT TO RAISE GRAZING FEES

Mr. DASCHLE. Mr. President, I rise today to express my strong opposition to the Jeffords-Metzenbaum amendment to increase grazing fees on Federal land. I believe it is an ill-conceived proposal that would do almost nothing to benefit the range or increase Federal revenues, but would do much to drive many farmers further into oblivion.

As my colleagues know, the House of Representatives has passed two provisions to raise the fee. The first, which was added to the Interior spending bill, would increase the fee from the current level of \$1.97 per animal unit month to \$4.35 next year and then \$8.70 by fiscal year 1995. The animal unit month, or AUM, is the amount of forage required to feed one cow and a calf, or five sheep, for one month.

Another effort to alter the grazing fee formula has been included in the House version of the Bureau of Land Management Reauthorization bill. The provision would slow down the increase to no more than 33 percent from 1 year to the next up to a level of \$5.17 per AUM. Some provisions I have seen don't even have this cap.

The net effect of either provision, and I understand that the amendment being offered today is the latter provi-

sion, the net effect would be a 250- to 400-percent increase in the grazing fees. This would have had a devastating impact on many areas of South Dakota.

Proponents of raising the grazing fee claim that the Federal fee is far below what is charged on private lands, and that raising the fee is necessary to prevent range damage on public lands. This logic is flawed for two reasons: First, private lands are often far more productive grazing lands than public lands, and many of the amenities that are often found on private land, such as fences and watering holes, don't exist on public land. Therefore, private lands usually deserve a higher grazing fee. Second, poor range conditions, where they exist, are not the result of a rancher paying too little in fees. More likely, they are the result of poor management by the Federal officials responsible for the land.

There seems to be a common misperception that Western farmers and ranchers are getting rich off taxpayer giveaways. This attitude reflects a complete lack of understanding of how hard people work, and how protecting and improving the range—not destroying it—is in the rancher's best interest. And anybody who thinks your typical rancher is wealthy has not spent much time in ranch country lately.

There is also the issue of what such a dramatic rise in the grazing fee would do to the livestock industry. If the grazing fee goes to \$5.17, or \$8.70, or above, the small- and medium-size rancher will simply not be able to afford to use public lands. He or she will either have to find other areas to graze, or sell off part, or all, of their herd. And who will benefit? The corporate rancher who can afford higher fees, and who wants to further consolidate control of the industry. And who would manage the range better—a family rancher who has lived in a given area all his or her life, or some corporation in Chicago or New York whose only concern is the bottom line on a financial statement?

I recently conducted a series of meetings in rural South Dakota regarding the proposed grazing fee increase. There is not unanimity that the fee should stay at \$1.97 forever. People who graze on Forest Service lands pay more than this already. Many people acknowledge that an adjustment in the BLM fee may be appropriate. But there is overwhelming consensus that an arbitrary and several-fold increase in the fee is punitive and unfair.

If an adjustment in the grazing fee is necessary, so be it. But any proposal to increase the fee should be drafted by the relevant congressional committees with some consideration to the long-term impacts of raising the fee, both on the health of the range and on those who make their living off it. Moreover, whatever is done in committee should

be done with the goal of providing a long-term solution, and a solution that is based on fairness, not on mere ideology.

The grazing fee proposals advocated by the House and advanced today go beyond proper range management or increasing revenues to the Government. Their goal is to pure and simple—to get people off the range, and should they pass, this will be the result. There should be no mistake about this.

At a time when the family rancher is struggling to stay afloat, the Jeffords-Metzenbaum would simply be one more nail in the coffin for many. I cannot support that, and I hope that my colleagues will not either.

#### TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,375th day that Terry Anderson has been held captive in Lebanon.

#### MESSAGES FROM THE HOUSE

At 6:19 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 868. An act to amend title 19, United States Code, and title 38, United States Code, to improve the educational assistance benefits for members of the reserve components of the Armed Forces who served on active duty during the Persian Gulf War, to improve and clarify the eligibility of certain veterans for employment and training assistance, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3291. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1860. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "U.S. Department of Agriculture: Revitalizing Structure, Systems, and Strategies"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1861. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, notification of the intention of the President of the United States to exempt military personnel accounts from sequester, if a sequester is necessary; pursu-

ant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

EC-1862. A communication from the Chief of the Special Actions Branch, Congressional Inquiry Division, United States Army, transmitting, pursuant to law, a report on the conversion of the Commercial Activities program at Fort McClellan, Alabama, to performance by contract; to the Committee on Armed Services.

EC-1863. A communication from the Director of the Office of Dependents Schools, Department of Defense, transmitting, pursuant to law, the Annual Test Report for school year 1990-91 for the overseas dependents' schools administered by the Department of Defense; to the Committee on Armed Services.

EC-1864. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend chapter 61 of title 10, United States Code, to provide disability coverage for persons granted excess leave under section 502 of title 37, United States Code; to the Committee on Armed Services.

EC-1865. A communication from the President of the United States, transmitting, pursuant to law, a report on the exercise of export control authority; to the Committee on Banking, Housing and Urban Affairs.

EC-1866. A communication from the Secretary of the U.S. Department of Housing and Urban Development, transmitting, pursuant to law, a report on the matter of increased maximum loan amounts for property improvement loans; to the Committee on Banking, Housing, and Urban Affairs.

EC-1867. A communication from the First Vice President and Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-1868. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, a report with respect to an investigation to determine an estimate of the total discovered crude oil and natural gas reserves and undiscovered crude oil and natural gas resources of the OCS; to the Committee on Energy and Natural Resources.

EC-1869. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1870. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1871. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1872. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Serv-

ice, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1873. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1874. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1875. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1876. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1877. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1878. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1879. A communication from the Acting Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1880. A communication from the Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to authorize modification of the boundaries of the Alaska Maritime National Wildlife Refuge; to the Committee on Energy and Natural Resources.

EC-1881. A communication from the Acting Assistant Secretary of Energy (Fossil Energy), transmitting, pursuant to law, a report of the Strategic Petroleum Reserve Annual Site Environmental Report for Calendar Year 1990; to the Committee on Energy and Natural Resources.

EC-1882. A communication from the Acting General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation to eliminate the General Services Administration's statutory responsibilities concerning the repair and improvement of the United States Mint at Philadelphia, Pennsylvania; to the Committee on Environment and Public Works.

EC-1883. A communication from the Administrator, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report regarding the final regulation to fold hospital capital payments into the Medicare prospective payment system; to the Committee on Finance.

S. 1717. A bill to amend the Native American Programs Act of 1974; to the Select Committee on Indian Affairs.

Mr. GRAMM (for himself, Mr. GRAHAM, Mr. COCHRAN, Mr. JOHNSTON, Mr. LOTT, and Mr. MACK):

S.J. Res. 194. A joint resolution to designate 1992 as the "Year of the Gulf of Mexico"; to the Committee on the Judiciary.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1583. A bill to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations and to improve pipeline safety, and for other purposes (Rept. No. 102-152).

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

Mr. DOLE (for himself, Mr. BOREN, Mr. BURNS, Mr. COCHRAN, Mr. D'AMATO, Mr. HEFLIN, Mrs. KASSEBAUM, Mr. KASTEN, Mr. LUGAR, Mr. MCCAIN, Mr. MURKOWSKI, Mr. ROTH, Mr. SEYMOUR, Mr. SHELBY, Mr. SIMPSON, Mr. STEVENS, Mr. THURMOND, and Mr. WARNER):

S. 1711. A bill to establish a Glass Ceiling Commission and an annual award for promoting a more diverse skilled work force at the management and decisionmaking levels in business, and for other purposes; to the Committee on Labor and Human Resources.

Mr. BROWN:

S. 1712. A bill to provide an annuity to certain surviving spouses and dependent children of Reserve members of the Armed Forces who died between September 21, 1972, and September 30, 1978; to the Committee on Armed Services.

Mr. GRASSLEY:

S. 1713. A bill to suspend until January 1, 1993, the duty on Fomesafen; to the Committee on Finance.

Mr. LUGAR:

S. 1714. A bill to enhance the ability of the United States to provide support to emerging democracies in their transition to agricultural economies based upon free enterprise elements; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRAMM (for himself, Mr. JOHNSTON, Mr. COCHRAN, Mr. LOTT, and Mr. MACK):

S. 1715. A bill to ensure the protection of the Gulf of Mexico by establishing in the Environmental Protection Agency a Gulf of Mexico Program Office; to the Committee on Environment and Public Works.

Mr. KOHL:

S. 1716. A bill to amend section 1102 of title 11, United States Code, to permit governmental units to participate as members of committees of creditors and of equity security holders on chapter 11 proceedings; to the Committee on the Judiciary.

Mr. INOUE (for himself, Mr. MCCAIN, Mr. SIMON, Mr. WELLSTONE, Mr. MURKOWSKI, Mr. REID, Mr. BURDICK, Mr. DECONCINI, and Mr. AKAKA):

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE (for himself, Mr. BOREN, Mr. BURNS, Mr. COCHRAN, Mr. D'AMATO, Mr. HEFLIN, Mrs. KASSEBAUM, Mr. KASTEN, Mr. LUGAR, Mr. MCCAIN, Mr. MURKOWSKI, Mr. ROTH, Mr. SEYMOUR, Mr. SHELBY, Mr. SIMPSON, Mr. STEVENS, Mr. THURMOND, and Mr. WARNER):

S. 1711. A bill to establish a Glass Ceiling Commission and an annual award for promoting a more diverse skilled work force at the management and decisionmaking levels in business, and for other purposes; to the Committee on Labor and Human Resources.

#### GLASS CEILING ACT OF 1991

Mr. DOLE. Mr. President, last month the Department of Labor released its report on the glass ceiling confirming what many of us have suspected all along—the existence of invisible, artificial barriers blocking women and minorities from advancing up the corporate ladder to management and executive level positions.

I have carefully reviewed this report and consider it an important and historic first step in building a much-needed and long-overdue record on this issue. I congratulate the Secretary of Labor—and for that matter her predecessor—on this report and look forward to working with her on this issue down the road.

#### EQUAL ACCESS AND EQUAL OPPORTUNITY

For this Senator, the issue boils down to ensuring equal access and equal opportunity. These principles are fundamental to the establishment of this great Nation and the cornerstone of what other nations and other people consider unique to the United States—namely, the possibility for everyone to go as far as their talents and hard work will take them.

But as this report indicates, the American dream may not be as easy for some to pursue as for others. Indeed, while women and minorities make up over half the workforce, studies indicate that they hold less than 5 percent of senior management positions in big corporations—representing only a 2-percent increase since 1979.

While there is no right or correct number, and my opposition to any notion of quotas could not be stronger, you do not have to be a brain surgeon to deduce that something is wrong out there.

## TIME TO MOVE GLASS CEILING LEGISLATION

Mr. President, in February, along with a number of my Republican colleagues, I introduced the Women's Equal Opportunity Act of 1991, which was referred to the Judiciary Committee.

Unfortunately, no hearings or other action has been scheduled on this important legislation which addresses such critical issues as sexual harassment in the workplace, street and domestic violence against women, and employment opportunities for those seeking access to management jobs and apprenticeship programs.

While I consider every piece of this comprehensive package to merit careful consideration and urge all of my colleagues to lend their support to its passage, today I am reintroducing that subtitle of the Women's Equal Opportunity Act dealing with the glass ceiling with the hope that this particular legislation can be moved on an expedited basis.

I am pleased to note that Senators KASSEBAUM, BOREN, HEFLIN, and SHELBY have joined the original cosponsors of the Women's Equal Opportunity Act as cosponsors of the Glass Ceiling Act.

## GLASS CEILING ACT OF 1991

The legislation I am now reintroducing is both consistent with and builds upon the important work begun by the Department of Labor.

## GLASS CEILING COMMISSION

It establishes the Glass Ceiling Commission which is provided with the resources and powers to fully examine those practices and policies in corporate America which impede the advancement of women and minorities.

That is where the word "glass ceiling" comes from. You get up so far, you bump up against this glass ceiling, and you cannot go any higher if you are a woman or a member of the minority group.

## REPORT

This legislation also specifically charges the Commission with preparing a report for the President and Congress due 15 months after enactment, examining the reasons behind the existence of the glass ceiling and making recommendations with respect to policies which would eliminate any impediments to the advancement of women and minorities.

## NATIONAL AWARD

Finally, Mr. President, this legislation provides for the establishment of the national award for diversity and excellence in American executive management to be made by the President on an annual basis to a business which has made substantial efforts to promote opportunities for women and minorities to advance to top levels.

## SHATTER THE GLASS CEILING

Mr. President, whatever the reasons behind the glass ceiling, it is time we stopped throwing rhetorical rocks and

hit the glass ceiling with enough force that it is shattered.

It is my firm belief, and my firm commitment, that by raising the national awareness of the existence of the glass ceiling from the assemblyline to the boardroom, by studying and better understanding why the glass ceiling exists, and what holds it up, and finally by having recommendations in hand as to how corporate America can break that ceiling, we will have ensured that everyone has access to the same employment opportunities.

Mr. President, I ask unanimous consent that the full text of the Glass Ceiling Act of 1991 be printed in the RECORD.

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

S. 1711

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Glass Ceiling Act of 1991".

## SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) despite a dramatically growing presence in the workplace, women and minorities remain underrepresented in management and decisionmaking positions in business;

(2) artificial barriers exist to the advancement of women and minorities in the workplace;

(3) United States corporations are increasingly relying on women and minorities to meet employment requirements and are increasingly aware of the advantages derived from a diverse work force;

(4) the "Glass Ceiling Initiative" undertaken by the Department of Labor, including the release of the report entitled "Report on the Glass Ceiling Initiative", has been instrumental in raising public awareness of—

(A) the underrepresentation of women and minorities at the management and decisionmaking levels in the United States work force;

(B) the underrepresentation of women and minorities in line functions in the United States work force;

(C) the lack of access for qualified women and minorities to credential-building developmental opportunities; and

(D) the desirability of eliminating artificial barriers to the advancement of women and minorities to such levels;

(5) the establishment of a commission to examine issues raised by the Glass Ceiling Initiative would help—

(A) focus greater attention on the importance of eliminating artificial barriers to the advancement of women and minorities to management and decisionmaking positions in business; and

(B) promote work force diversity;

(6) a comprehensive study that includes analysis of the manner in which management and decisionmaking positions are filled, the developmental and skill-enhancing practices used to foster the necessary qualifications for advancement, and the compensation programs and reward structures utilized in the corporate sector would assist in the establishment of practices and policies promoting opportunities for, and eliminating artificial barriers to, the advancement of women and minorities to management and decisionmaking positions;

(7) a national award recognizing employers whose practices and policies promote opportunities for, and eliminate artificial barriers to, the advancement of women and minorities will foster the advancement of women and minorities into higher level positions by—

(A) helping to encourage United States companies to modify practices and policies to promote opportunities for, and eliminate artificial barriers to, the upward mobility of women and minorities; and

(B) providing specific guidance for other United States employers that wish to learn how to revise practices and policies to improve the access and employment opportunities of women and minorities; and

(8) employment quotas based on race, sex, national origin, religious belief, or disability—

(A) are antithetical to the historical commitment of the Nation to the principle of equality of opportunity; and

(B) do not serve any legitimate business or social purpose.

(b) PURPOSE.—The purpose of this Act is to establish—

(1) a Glass Ceiling Commission to study—

(A) the manner in which business fills management and decisionmaking positions;

(B) the developmental and skill-enhancing practices used to foster the necessary qualifications for advancement into such positions; and

(C) the compensation programs and reward structures currently utilized in the workplace; and

(2) an annual award for excellence in promoting a more diverse skilled work force at the management and decisionmaking levels in business.

## SEC. 3. ESTABLISHMENT OF GLASS CEILING COMMISSION.

(a) IN GENERAL.—There is established a Glass Ceiling Commission (referred to in this Act as the "Commission"), to conduct a study and prepare recommendations concerning—

(1) eliminating artificial barriers to the advancement of women and minorities; and

(2) increasing the opportunities and developmental experiences of women and minorities to foster advancement of women and minorities to management and decisionmaking positions in business.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 17 members, including—

(A) five individuals appointed by the President;

(B) three individuals appointed jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate;

(C) one individual appointed by the Majority Leader of the House of Representatives;

(D) one individual appointed by the Minority Leader of the House of Representatives;

(E) one individual appointed by the Majority Leader of the Senate;

(F) one individual appointed by the Minority Leader of the Senate;

(G) two Members of the House of Representatives appointed jointly by the Majority Leader and the Minority Leader of the House of Representatives;

(H) two Members of the Senate appointed jointly by the Majority Leader and the Minority Leader of the Senate; and

(I) the Secretary of Labor.

(2) CONSIDERATIONS.—In making appointments under subparagraphs (A) and (B) of paragraph (1), the appointing authority shall consider the background of the individuals, including whether the individuals—

(A) are members of organizations representing women and minorities, and other related interest groups;

(B) hold management or decisionmaking positions in corporations or other business entities; and

(C) possess academic expertise or other recognized ability regarding employment issues.

(c) **CHAIRPERSON.**—The Secretary of Labor shall serve as the Chairperson of the Commission.

(d) **TERM OF OFFICE.**—Members shall be appointed for the life of the Commission.

(e) **VACANCIES.**—Any vacancy occurring in the membership of the Commission shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(f) **MEETINGS.**—

(1) **MEETINGS PRIOR TO COMPLETION OF REPORT.**—The Commission shall meet not fewer than five times in connection with and pending the completion of the report described in section 4(b). The Commission shall hold additional meetings if the Chairperson or a majority of the members of the Commission request the additional meetings in writing.

(2) **MEETINGS AFTER COMPLETION OF REPORT.**—The Commission shall meet once each year after the completion of the report described in section 4(b). The Commission shall hold additional meetings if the Chairperson or a majority of the members of the Commission request the additional meetings in writing.

(g) **QUORUM.**—A majority of the Commission shall constitute a quorum for the transaction of business.

(h) **COMPENSATION AND EXPENSES.**—

(1) **COMPENSATION.**—Each member of the Commission who is not an employee of the Federal Government shall receive compensation at the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Commission, including attendance at meetings and conferences of the Commission, and travel to conduct the duties of the Commission.

(2) **TRAVEL EXPENSES.**—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(3) **EMPLOYMENT STATUS.**—A member of the Commission, who is not otherwise an employee of the Federal Government, shall not be deemed to be an employee of the Federal Government except for the purposes of—

(A) the tort claims provisions of chapter 171 of title 28, United States Code; and

(B) subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work injuries.

**SEC. 4. RESEARCH ON ADVANCEMENT OF WOMEN AND MINORITIES TO MANAGEMENT AND DECISIONMAKING POSITIONS IN BUSINESS.**

(a) **ADVANCEMENT STUDY.**—The Commission shall conduct a study of opportunities for, and artificial barriers to, the advancement of women and minorities to management and decisionmaking positions in business. In conducting the study, the Commission shall—

(1) examine the preparedness of women and minorities to advance to management and decisionmaking positions in business;

(2) examine the opportunities for women and minorities to advance to management and decisionmaking positions in business;

(3) conduct basic research into the practices, policies, and manner in which management and decisionmaking positions in business are filled;

(4) conduct comparative research of businesses and industries in which women and minorities are promoted to management and decisionmaking positions, and businesses and industries in which women and minorities are not promoted to management and decisionmaking positions;

(5) compile a synthesis of available research on programs and practices that have successfully led to the advancement of women and minorities to management and decisionmaking positions in business, including training programs, rotational assignments, developmental programs, reward programs, employee benefit structures, and family leave policies; and

(6) examine any other issues and information relating to the advancement of women and minorities to management and decisionmaking positions in business.

(b) **REPORT.**—Not later than 15 months after the date of the enactment of this Act, the Commission shall prepare and submit to the President and the appropriate committees of Congress a written report containing—

(1) the findings and conclusions of the Commission resulting from the study conducted under subsection (a); and

(2) recommendations based on the findings and conclusions described in paragraph (1) relating to the promotion of opportunities for, and elimination of artificial barriers to, the advancement of women and minorities to management and decisionmaking positions in business, including recommendations for—

(A) policies and practices to fill vacancies at the management and decisionmaking levels;

(B) developmental practices and procedures to ensure that women and minorities have access to opportunities to gain the exposure, skills, and expertise necessary to assume management and decisionmaking positions; and

(C) compensation programs and reward structures utilized to reward and retain key employees.

(c) **ADDITIONAL STUDY.**—The Commission may conduct such additional study of the advancement of women and minorities to management and decisionmaking positions in business as a majority of the members of the Commission determines to be necessary.

**SEC. 5. ESTABLISHMENT OF THE NATIONAL AWARD FOR DIVERSITY AND EXCELLENCE IN AMERICAN EXECUTIVE MANAGEMENT.**

(a) **IN GENERAL.**—There is established the National Award for Diversity and Excellence in American Executive Management, which shall be evidenced by a medal bearing the inscription "National Award for Diversity and Excellence in American Executive Management". The medal shall be of such design and materials, and bear such additional inscriptions, as the Commission may prescribe.

(b) **CRITERIA FOR QUALIFICATION.**—To qualify to receive an award under this section a business shall—

(1) submit a written application to the Commission, at such time, in such manner, and containing such information as the Commission may require, including at a minimum information that demonstrates that the business has made substantial effort to promote the opportunities and developmen-

tal experiences of women and minorities to foster advancement to management and decisionmaking positions within the business, including the elimination of artificial barriers to the advancement of women and minorities, and deserves special recognition as a consequence; and

(2) meet such additional requirements and specifications as the Commission determines to be appropriate.

(c) **MAKING AND PRESENTATION OF AWARD.**—

(1) **AWARD.**—After receiving recommendations from the Commission, the President or the designated representative of the President shall annually present the award described in subsection (a) to businesses that meet the qualifications described in subsection (b).

(2) **PRESENTATION.**—The President or the designated representative of the President shall present the award with such ceremonies as the President or the designated representative of the President may determine to be appropriate.

(3) **PUBLICITY.**—A business that receives an award under this section may publicize the receipt of the award and use the award in its advertising, if the business agrees to help other United States businesses improve with respect to the promotion of opportunities and developmental experiences of women and minorities to foster the advancement of women and minorities to management and decisionmaking positions.

**SEC. 6. POWERS OF THE COMMISSION.**

(a) **IN GENERAL.**—The Commission is authorized to—

(1) hold such hearings and sit and act at such times;

(2) take such testimony;

(3) have such printing and binding done;

(4) enter into such contracts and other arrangements;

(5) make such expenditures; and

(6) take such other actions;

as the Commission may determine to be necessary to carry out the duties of the Commission.

(b) **OATHS.**—Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(c) **OBTAINING INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from any Federal agency such information as the Commission may require to carry out its duties.

(d) **VOLUNTARY SERVICE.**—Notwithstanding section 1342 of title 31, United States Code, the Chairperson of the Commission may accept for the Commission voluntary services provided by a member of the Commission.

(e) **GIFTS AND DONATIONS.**—The Commission may accept, use, and dispose of gifts or donations of property in order to carry out the duties of the Commission.

(f) **USE OF MAIL.**—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies.

**SEC. 7. CONFIDENTIALITY OF INFORMATION.**

(a) **INDIVIDUAL BUSINESS INFORMATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), and notwithstanding section 552 of title 5, United States Code, in carrying out the duties of the Commission, including the duties described in sections 4 and 5, the Commission shall maintain the confidentiality of all information that concerns—

(A) the employment practices and procedures of individual businesses; or

(B) individual employees of the businesses.

(2) **CONSENT.**—The content of any information described in paragraph (1) may be disclosed with the prior written consent of the

business or employee, as the case may be, with respect to which the information is maintained.

(b) **AGGREGATE INFORMATION.**—In carrying out the duties of the Commission, the Commission may disclose—

(1) information about the aggregate employment practices or procedures of a class or group of businesses; and

(2) information about the aggregate characteristics of employees of the businesses, and related aggregate information about the employees.

#### SEC. 8. STAFF AND CONSULTANTS.

##### (a) STAFF.—

(1) **APPOINTMENT AND COMPENSATION.**—The Commission may appoint and determine the compensation of such staff as the Commission determines to be necessary to carry out the duties of the Commission.

(2) **LIMITATIONS.**—The rate of compensation for each staff member shall not exceed the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code for each day the staff member is engaged in the performance of duties for the Commission. The Commission may otherwise appoint and determine the compensation of staff without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, that relate to classification and General Schedule pay rates.

(b) **EXPERTS AND CONSULTANTS.**—The Chairperson of the Commission may obtain such temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code, as the Commission determines to be necessary to carry out the duties of the Commission.

(c) **DETAIL OF FEDERAL EMPLOYEES.**—On the request of the Chairperson of the Commission, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(d) **TECHNICAL ASSISTANCE.**—On the request of the Chairperson of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

#### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this Act. The sums shall remain available until expended, without fiscal year limitation.

#### SEC. 10. TERMINATION.

(a) **COMMISSION.**—Notwithstanding section 15 of the Federal Advisory Committee Act (5 U.S.C. App.), the Commission shall terminate 4 years after the date of the enactment of this Act.

(b) **AWARD.**—The authority to make awards under section 5 shall terminate 4 years after the date of the enactment of this Act.

**Mr. McCAIN.** Mr. President, I strongly support and am pleased to cosponsor the Glass Ceiling Act of 1991, introduced today by my esteemed colleague, Senator DOLE. Equality of opportunity for women and others has become a tenet of American law. However, it has become increasingly clear that, al-

though equal opportunity and civil rights laws have allowed many to step on the workplace floor, a glass ceiling has stopped career advancement for minorities and women.

It is time to shatter the glass ceiling. American workers should be judged on merit, plain and simple. Mr. President, I can say it no more succinctly.

For too long we have stymied the growth and potential of many of our best and finest workers. For this shortsightedness, our Nation has suffered. I am proud that we are now trying to rectify this situation.

U.S. Department of Labor Secretary Martin stated that out of nine Fortune 500 firms studied by the Department last year, women comprised 37 percent of the work force but less than 5 percent of senior management. These figures cannot be justified.

Mr. President, I believe that it is important to recognize the existence of the glass ceiling and to shatter it. Further, I believe it is especially timely that this bill be introduced now.

The Glass Ceiling Act correctly focuses our attention on equality of opportunity and individual merit. It seems that lately our discussions on civil rights issues have turned to quotas and numbers and away from individual ability. Americans do not want quotas. They are inherently punitive in nature, serve to balkanize our society, and discourage excellence. By shattering the glass ceiling we achieve many of the goals of the 1964 Civil Rights Act and its call for colorblindness without any of the ominous quota language that has been circulated in the Congress in the past.

I applaud the Department of Labor for its efforts in this area and encourage the Department to move forward. When we ignore segments of our society such as women and other minority groups, we ignore potential business, increased tax revenues, and the brilliance these individuals can offer us all. As I have said in the past, we will all benefit by breaking this invisible barrier.

**Mr. President,** let us truly make opportunity, through all strata of society and business, equal. This bill is a good start in that direction, and I urge my colleagues to support it.

**Mr. SEYMOUR.** Mr. President, I am pleased to join with the distinguished Republican leader, Senator DOLE, and 16 of my distinguished colleagues to introduce the Glass Ceiling Act of 1991. While I am already an original cosponsor of S. 472, the Women's Equal Opportunity Act of 1991, the legislation being introduced today reaffirms my commitment, and makes clear my feelings concerning the advancement of women and minorities to upper level management positions in business.

We as a nation have long advocated the belief that Americans should have the opportunity to rise to the level

that desire and talent will take them. Upholding this tradition has not been without struggle. A Civil War, four constitutional amendments, hundreds of State and Federal laws, and millions of determined Americans have torn down walls of hate and arbitrary discrimination. They stand as monuments of achievement, chapters of history to remind us that it has been a winning struggle, but one that still must be fought.

After generations of progress, there still exist numerous artificial barriers and variables that are systematically preventing talented women and minorities from climbing to the top rung of the corporate ladders in this country. Many of these barriers are of such a subtle nature that they are labeled "glass ceilings", practices that are invisible on the surface but real in their effect. Victims of the glass ceiling can see the executive suite, but they just can't get there.

In 1989, the Department of Labor, under the leadership of Elizabeth Dole, decided to throw a symbolic rock at corporate America, to see if a glass ceiling existed, and if so, how thick and effective was it as a barrier to advancement.

Sure enough, in a recently published report, the Department of Labor's rock struck glass. The report confirms that changing demographics have resulted in a growing number of women and minorities contributing to corporate America. Together, they represent approximately half of all jobs in the Nation's 1,000 largest corporations. However, they represent less than 10 percent of executive level positions. Other studies also have concluded that minorities and women have made modest gains in admission to the corporate penthouse over the past decade: from less than 3 percent in 1979, to less than 5 percent today.

More importantly, the Department of Labor has identified the primary ingredients of the glass ceiling. Based on its pilot study, the Department concluded that certain formal and informal practices of corporate culture—long believed to be effective in finding the best and the brightest minds—are working to systematically keep minorities and women in the back of the corporate bus. The "good ol' boy" network of employee referrals is one such practice found to have discriminatory results, as well as reliance on executive headquarters that fail to recruit talented minorities and women.

And, in some instances, advancement was stalled simply because corporations fail to give skilled minorities and women the opportunity to demonstrate their talents, making it difficult for these individuals to move up the corporate ladder.

**Mr. President,** how can any society struggling for supremacy in a growing global marketplace work to stifle op-

portunity for over half of its work force?

Surely, we don't mean to compete in a global economy with one hand tied behind our back?

Well, that is most certainly what we've been doing, and it will continue to happen unless we become more conscious of the talent that is tied down by the time-worn practices within our corporate culture.

Keeping America at less than its full strength is not a burden suffered by minorities and women. All Americans bear this burden of lost potential, of lost opportunity.

Today, by introducing the Glass Ceiling Act, we intend to break free from our self-imposed barriers to opportunity, and play the corporate market with both hands in operation.

The central element of the legislation we introduce today is the establishment of a glass ceiling commission. The commission would be charged with assisting the Labor Department and corporate America in a concentrated effort to shatter the glass ceiling once and for all. There is a time-honored saying that those who live in glass houses should not throw stones. Well, it'll be the motto of this commission that those who work under a glass ceiling should throw many stones.

The glass ceiling commission is meant to be a partner with business in dismantling discriminatory barriers, to serve as an adviser, rather than an adversary. After all, it is in the best interests of American business—it's in the best interest of all Americans—to take a close look at job advancement policies, and expand access for talented women and minorities. Business could only gain by expanding opportunity and diversifying its work force.

Finally, this legislation establishes an annual award for businesses that have excelled in promoting greater opportunities for all talented employees. Of course, the real rewards for such achievement will be seen on the balance sheet in the form of greater productivity and presence in the global marketplace.

In short, smashing the glass ceiling is not just good government, or even good public relations. It's good business.

In closing, Mr. President, I want to commend the Secretary of Labor, Lynn Martin, as well as her predecessor, Elizabeth Dole, for their determined efforts to take aim at the glass ceiling. By passing this legislation, we can further their achievements. But more importantly, we can draft another successful chapter in our continuing struggle to achieve a simple goal: equal opportunity for all Americans.

Mr. ROTH. Mr. President, today I am pleased to join with the distinguished minority leader in offering legislation to promote equal opportunity for women in the work force.

I commend Senator DOLE for taking the lead in seeking to smash the glass ceiling that prevents highly qualified women from achieving management positions. This is not just an issue of fairness to hard-working women seeking parity in the work force, though that is surely an important goal of the legislation. I believe this bill is about national survival as it involves taking a critical step forward in helping our economy become more competitive. Since women make up over half of our work force, it is imperative that they have access to the same opportunities as men to develop their maximum potential and increase our Nation's productivity.

A recent pilot project conducted by the Labor Department which investigated the glass ceiling in nine Fortune 500 companies revealed that while increasing numbers of minorities and women have made significant gains in entering the work force, slots for minorities and women in mid- and senior-level management positions remain scarce. Clearly, something must be done to change the way institutions develop and promote women and minorities to prevent them from having to tread water when they have the desire and ability to swim.

Following through on an initiative of former Labor Secretary Elizabeth Dole, this legislation establishes a glass ceiling commission to conduct a study on the advance and promotion of women and minorities to senior management and decisionmaking positions in the private sector. The commission envisioned in this legislation will help us to gain the knowledge and receive the necessary recommendations to encourage corporate strategies that eliminate the artificial barriers that have prevented women and minorities from forging ahead in their careers. In addition, the legislation will bring recognition to businesses which bring a progressive approach to their employment practices by establishing an annual national award for excellence in the advance of women and minorities in business.

I encourage my colleagues to seriously consider this bill. We cannot afford to stand by and allow the talents of individuals to go by the wayside due to entrenched practices of the past. Our strength as a nation depends greatly on the extent to which we provide individuals equal opportunities to achieve excellence regardless of their race or gender.

Again, I commend Senator DOLE for his leadership on this issue and urge all of my colleagues to support this effort to provide the equal employment opportunities for a significant part of our work force to succeed.

By Mr. BROWN:

S. 1712. A bill to provide an annuity to certain surviving spouses and de-

pendent children of Reserve members of the Armed Forces who died between September 21, 1972, and September 30, 1978; to the Committee on Armed Services.

ANNUITY FOR CERTAIN SURVIVING SPOUSES OF MILITARY RESERVISTS

Mr. BROWN. Mr. President, today, I am introducing legislation to rectify inequities in the military survivor benefit plan [SBP] affecting widows of deceased military reservists.

More than 5,550 reservists who served our country for 20 years or more died between 1972 and 1978 without receiving a penny of the annuities their service had earned. Due to a quirk in the law, none of their surviving spouses received these benefits either.

Many Reserve members, who honorably served our country in combat during World War II, were called to active duty to fight again during the Korean War. These reservists made family and career sacrifices to serve our country a minimum of 20 years. Frequently, they served as long as 30 and almost 40 years.

A 1972 law allowed reservists to join the Reserve Components Survivor Benefit Plan. However, if these reservists died after attaining service eligibility, but before reaching age 60, their spouses could not receive any portion of the reservists' annuities. The law was changed in 1978 to correct this inequity, but it only applied to reservists who died after 1978. Therefore, eligible reservists who died during the first 6 years the program was in effect—1972-1978—and their survivors were left out.

My acquaintance with the plight of the forgotten widows of military reserve members has been through Mrs. Mary A. Barry, widow of Capt. Jeremiah J. Barry, U.S. Naval Reserve.

Captain Barry served a total of 30 years in the Navy on active and reserve duty, from 1943 to 1973. During World War II, Captain Barry was assigned to an aircraft carrier in the Pacific and fought in the Battle of Midway. After the war, he returned home and started his own business, only to be recalled to fight in Korea. In his absence, the business failed, and all of his family's savings were lost. Captain Barry served a total of 7 years on active duty in both wars. During this time, he received five Silver Stars and two Bronze Stars, among other citations.

After the Korean War, Captain Barry volunteered to remain in the Naval Reserves. He became commanding officer in the Air Intelligence Squadron in Chicago, IL, traveling at his own expense between his Reserve duty assignment and his home in Denver, CO. Through the years, he carried out his service duty in addition to his full-time positions as a statistician at McDonald-Douglas Aircraft and Martin-Marietta.

Capital Barry died in 1976, at the age of 56. He was survived by his wife and

their three college-aged children. Captain Barry had met all of the requirements for survivor benefits for his family. His family received none of them, though, because of Captain Barry's death before age 60.

This bill would allow those "forgotten widows" of eligible Reserve service members or retirees who died during this period to receive a portion of the annuity. It applies to reservists who completed all requirements for retirement except living to age 60, who died during the 6-year period between September 21, 1972, and September 30, 1978.

In his Second Inaugural Address, Abraham Lincoln said, "Let us strive to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan." Let us not forget to care for survivors of the veterans who served this great Nation.

By Mr. LUGAR:

S. 1714. A bill to enhance the ability of the United States to provide support to emerging democracies in their transition to agricultural economies based upon free enterprise elements; to the Committee on Agriculture, Nutrition, and Forestry.

SUPPORT FOR EMERGING DEMOCRACIES ACT

• Mr. LUGAR. Mr. President, today, I am introducing legislation that will make available to the peoples of the Soviet Union the unsurpassed expertise of American farmers and agribusinessmen. This bill creates a new system of fellowships that will permit American farmers and others in the agricultural sector to go to the former Soviet Union and work side by side with their counterparts to improve transportation systems, teach modern farming practices, instill market principles into food markets, and otherwise assist Russia and the other republics to make a long-term transition to democratic capitalism.

I propose this bill because we need additional legislative authority in order not only to help the Soviet people through the coming winter but to make certain that subsequent winters do not bring waste and want.

If the Soviet republics are to build a working, sustainable democracy, an improved agricultural sector is absolutely necessary. There has been much discussion about food aid and credit, and appropriately so. Indeed, the legislation I introduce today will lift a congressional cap on the amount of commodities that can be employed in an important agricultural development program. But the more significant part of this bill is the authority it provides to induce farmers and other private individuals to share their own experience and knowledge in a variety of areas—from farming to food distribution; from rail transportation to commodity trading.

I believe this new fellowship program will prove instrumental in encouraging

the development of free markets and free institutions throughout the former Soviet Union. A necessary complement to the fellowship program is a second part of the bill, which lifts current legislative caps on the amount of Government-owned commodities that can be used in the Food for Progress Program in 1992. Unless the caps are lifted, the current program restrictions would permit us to assist Soviet enterprise in the coming year in only a very limited way.

Food for Progress allows U.S. commodities to be distributed within recipient countries, with the local-currency proceeds then used to develop the economies of these countries—in ways that mirror the needs of the struggling Soviet economy, and that will complement the expertise of the American farmers and agribusinessmen who participate in the Fellowship Program created in the first part of the bill.

Mr. President, events are moving rapidly throughout Eastern Europe and the Soviet republics. Passage of this legislation is urgently needed. I urge my colleagues to support it. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

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

S. 1714

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Support for Emerging Democracies Act of 1991".

SEC. 2. SHARING OF UNITED STATES AGRICULTURAL EXPERTISE.

Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1522 note) is amended—

(1) in paragraph (d)(2) by adding the following new subparagraph:

"(C) by providing necessary subsistence expenses in emerging democracies and necessary transportation expenses of United States' farmers and other individuals knowledgeable in agricultural and agribusiness matters to assist in transferring their knowledge and expertise to entities in emerging democracies."; and

(2) in paragraph (d)(9) by striking "\$5,000,000" and inserting "\$10,000,000".

SEC. 3. FOOD FOR PROGRESS.

The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended—

(1) in paragraph (f)(4) by inserting "in each of the fiscal years 1993 through 1995" after "this title"; and

(2) in subsection (g) by striking "1986 through 1995" and inserting "1993 through 1995".

By Mr. KOHL:

S. 1716. A bill to amend section 1102 of title 11, United States Code, to permit governmental units to participate as members of committees of creditors and of equity security holders in chapter 11 proceedings; to the Committee on the Judiciary.

BANKRUPTCY EQUITY ACT

• Mr. KOHL. Mr. President, I rise to introduce legislation that is long overdue: The Bankruptcy Equity Act of 1991. This bill makes governmental units, such as public employee pension funds, eligible to be appointed by U.S. bankruptcy trustees to serve on creditor and equity holders committees.

Under present bankruptcy law, the U.S. trustee appoints committees of unsecured claim holders in chapter 11 reorganization cases. Ordinarily, the creditor and equity holders committees are composed of persons or institutions holding the seven largest claims of the kind represented by that committee. So, for example, an equity security holders' committee would be composed of those persons holding the seven largest amounts of equity securities. These committees have a broad range of powers to ensure their interests are protected during organization.

However, under the current Bankruptcy Code, virtually all governmental units are precluded from participating as voting members of these committees. Governmental units were evidently excluded on the mistaken assumption that they would always be creditors holding tax claims, which are accorded priority status of bankruptcy distributions.

This has not proven to be the case. Many governmental units, including state pension and retirement funds, do not receive priority status yet are not permitted to serve on creditor or equity holders committees. The unique interests of retirement funds, as long-term investors, are not represented by other creditor and equity holder committee members, who may have different goals or shorter investment horizons. Governmental units, and the public, are thus put at an unintended fiscal disadvantage.

Mr. President, this is not an academic issue. For example, the State of Wisconsin Investment Board [SWIB] manages a \$22 billion retirement fund for over 360,000 public employees. SWIB, like all large institutional investors, occasionally finds itself involved in a bankruptcy. However, because SWIB is a State agency, it is at a severe disadvantage. Even when it was the largest outside shareholder in a bankrupt company, it was denied a voting position on the equity holders committee. The economic impact of its disenfranchisement may be borne not only by public employees, but also by the taxpayers of Wisconsin who are ultimately liable for the underlying pension obligations.

The legislation I introduce today would allow SWIB and similar governmental units—those which do not currently receive priority status—to serve on these committees, as long as they meet all other appropriate criteria. It would not give governmental units any special treatment; instead it would

simply lift an unintended burden they presently shoulder.

Mr. President, I and many of my colleagues have expressed concerns over the events in Bridgeport, CT, which this June became the first municipality ever to file for chapter 9 bankruptcy. I want to assure them that the legislation I am introducing today does not effect this complex and troubling issue.

Mr. President, I urge my colleagues to support this legislation, and ask unanimous consent that the bill be printed in the RECORD.

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

S. 1716

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PARTICIPATION BY GOVERNMENTAL UNITS IN COMMITTEES IN CHAPTER 11 PROCEEDINGS.**

(a) AMENDMENT OF BANKRUPTCY CODE.—Section 1102(b) of title 11, United States Code, is amended by adding at the end thereof the following new paragraph:

“(3) A governmental unit that holds a claim or interest other than or in addition to a claim described in section 507(a)(7) shall be deemed to be a person eligible to be appointed to a committee of creditors or committee of equity security holders under this section.”.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall be effective with respect to reorganization proceedings that are pending on and after the date of enactment of this Act.

(c) TECHNICAL AMENDMENT.—Section 101(41) of title 11, United States Code, is amended by striking “unit,” and all that follows through the period and inserting a semicolon.●

By Mr. INOUE (for himself, Mr. MCCAIN, Mr. SIMON, Mr. WELLSTONE, Mr. MURKOWSKI, Mr. REID, Mr. BURDICK, Mr. DECONCINI, and Mr. AKAKA):

S. 1717. A bill to amend the Native American Programs Act of 1974; to the Select Committee on Indian Affairs.

NATIVE AMERICAN PROGRAMS ACT OF 1974  
AMENDMENTS ACT

● Mr. INOUE. Mr. President, I rise today to introduce a bill to reauthorize and amend the Native American Programs Act of 1974. In introducing this bill, I thank my co-sponsors, Senator MCCAIN, the vice-chairman of the Select Committee on Indian Affairs, and Senators SIMON, WELLSTONE, MURKOWSKI, REID, BURDICK, DECONCINI, and AKAKA, all of whom are members of the Select Committee.

The Native American Programs Act is administered by the Administration of Native Americans in the Department of Health and Human Services. It is a small agency within that Department, and its budget is not large, but each year nearly 150 tribal governments and Native American organizations rely upon its programs for the opportunity to initiate projects that will move Native Americans increasingly toward self-sufficiency.

There are now nearly 2 million Native Americans, about half of whom are citizens of or participants in over 550 tribal governments or Native American organizations. Although many American Indians hold important positions in business, the professions, and government, most American Indians live where economic opportunities are limited and where unemployment levels are very high. By all indicators of social and economic wellbeing, Indians and Alaska Natives are among the lowest ranking of any group in America.

Effecting sustained improvements in these social and economic circumstances, by responding to initiatives of tribal governments and other Native American organizations, is the goal of the Native American Programs Act. Among other things, the bill I introduce today reauthorizes the act through 1996. Matching grants will continue to be awarded on a competitive basis to tribal governments and other native American organizations to strengthen tribal governments and community control over resources; to foster stable, diversified local economies and to reduce dependency; and to support access to and coordination of programs to advance the well-being of native communities.

Mr. President, this is a governmental program that is finding substantial success in achieving its goals. There was abundant testimony of its successes in April of this year when the Select Committee on Indian Affairs conducted an oversight hearing on the reauthorization of the program. At the hearing, the committee also received recommendations for changes in the basic legislation, and, in large measure, these have been incorporated in the bill.

Mr. President, I ask unanimous consent that the text of the bill and a section by section analysis be printed in the RECORD.

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

S. 1717

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Native American Programs Act of 1974 Amendments Act”.

**SEC. 2. AMENDMENTS.**

The Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.) is amended as follows:

(1) immediately after section 803A, insert the following new section:

“ESTABLISHMENT OF ADMINISTRATION FOR NATIVE AMERICANS

“SEC. 803B. (a) There is established in the Office of the Secretary the Administration for Native Americans (hereafter in this title referred to as the ‘Administration’), which shall be headed by a Commissioner of the Administration for Native Americans (hereafter in this title referred to as the ‘Commissioner’). The Administration shall be the

agency for carrying out the provisions of this title. There shall be a direct reporting relationship between the Commissioner and the Secretary.

“(b) The Commissioner shall be appointed by the President, by and with the advice and consent of the Senate.

“(c) The Commissioner shall—

“(1) provide for financial assistance, loan funds, technical assistance, training, research and demonstration projects, and other activities described in this title;

“(2) serve as the effective and visible advocate in behalf of Native Americans within the Department, and with other departments and agencies of the Federal Government regarding all Federal policies affecting Native Americans;

“(3) with the assistance of the Intra-Departmental Council on Native American Affairs established by subsection (d)(1), coordinate activities within the Department leading to the development of policies, programs, and budgets, and their administration affecting Native Americans, and provide quarterly reports and recommendations to the Secretary; and

“(4) collect and disseminate information related to the social and economic conditions of Native Americans, and assist the Secretary in preparing a biennial report to the Congress about such conditions.

“(d)(1) There is established in the Office of the Secretary the Intra-Departmental Council on Native American Affairs, which shall be headed by the Commissioner. The Director of the Indian Health Service shall serve as vice chairperson of the Council.

“(2) The membership of the Council shall be the heads of principal operating divisions within the Department and such persons in the Office of the Secretary as the Secretary may designate.

“(3) In addition to the duties defined in this section, the Council shall, within 180 days following the date of the enactment of the Native American Programs Act of 1974 Amendments Act, prepare a plan to allow tribal governments and other eligible Native American organizations to consolidate grants administered by the Department of Health and Human Services and to designate a single office to oversee and audit the grants, and to recommend such plan to the Secretary for implementation. Notwithstanding any other provision of law, the Secretary, in order to accomplish the purpose of this section, shall have the authority to waive any statutory requirement, regulation, policy, or procedure promulgated by the department.

“(e) ADMINISTRATION.—The Secretary shall assure that adequate staff and administrative support is provided to carry out the purposes of the Act. In determining the staffing levels of the Administration, the Secretary shall consider among other factors the unmet needs of the Native American population, the need to provide adequate oversight and technical assistance to grantees, the need to carry out the purposes of the Intra-Departmental Council on Native American Affairs, the additional reporting requirements established, and the staffing levels previously maintained in support of this program.”;

(2) in section 803, delete “Secretary” each place it appears therein and insert in lieu thereof “Commissioner”, and in the first sentence thereof, delete “Indian organizations” and insert in lieu thereof “Indian and Alaska Native organizations”;

(3) in section 803A, delete “agency or organization to which a grant is awarded under

subsection (a)(1) of this section" each place it appears therein and insert in lieu thereof "Office";

(4) in section 803A, delete "agency or organization" each place it appears therein and insert in lieu thereof "Office";

(5)(A) in section 803A, delete "Secretary" each place it appears therein and insert in lieu thereof "Commissioner";

(B) in section 803A(a)(1), delete "one agency of the State of Hawaii, or to one community-based Native Hawaiian organization" and insert in lieu thereof "the Office of Hawaiian Affairs of the State of Hawaii (hereafter in this section referred to as the "Office")";

(6) in section 803A(a)(1), delete "5-year";

(7) in section 803A(a)(1)(A), delete "agency or Native Hawaiian organization" and insert in lieu thereof "Office";

(8) in section 803A(a)(2), insert the following immediately before the period at the end thereof: "and a requirement that the grantee contribute to the revolving loan fund an amount of non-Federal funds equal to the amount of such grant";

(9) section 803A(b)(6) is repealed;

(10) in section 803A(f)(1), delete "and 1990 the aggregate amount \$3,000,000" and insert in lieu thereof "1990, 1991, 1992, 1993, and 1994 the aggregate amount \$5,000,000";

(11) section 803A(f)(3) is repealed;

(12) section 803A(g) is amended to read as follows:

"(g)(1) The Commissioner, in consultation with the Office, shall submit a report to the President pro tempore of the Senate and the Speaker of the House of Representatives not later than January 1 following the end of each fiscal year, regarding the administration of this section in such fiscal year.

"(2) Such report shall include the views and recommendations of the Commissioner with respect to the revolving loan fund established under subsection (a)(1) and with respect to loans made from such fund, and shall—

"(A) describe the effectiveness of the operation of such fund in improving the economic and social self-sufficiency of Native Hawaiians;

"(B) specify the number of loans made in such fiscal year;

"(C) specify the number of loans outstanding as of the end of such fiscal year; and

"(D) specify the number of borrowers who fall in such fiscal year to repay loans in accordance with the agreements under which such loans are required to be repaid.";

(13) amend section 804 to read as follows:

#### "TECHNICAL ASSISTANCE AND TRAINING

"SEC. 804. The Commissioner shall provide, directly or through other arrangements (1) technical assistance to the public and provide agencies in planning, developing, conducting, and administering projects under this title, (2) short-term in-service training for specialized or other personnel which is needed in connection with projects receiving financial assistance under this title, and (3) upon denial of a grant application, technical assistance to a potential grantee in revising a grant proposal.";

(14) in section 805, delete "Secretary" each place it appears therein and insert in lieu thereof "Commissioner";

(15) Immediately after section 805, insert the following new section:

#### "ANNUAL REPORT

"SEC. 805A. The Secretary shall prepare an annual report to the President pro tempore of the Senate and the Speaker of the House of Representatives on the social and economic

conditions of Native Americans who are within the scope of this title, together with such recommendations to the Congress as are appropriate, and such report shall accompany the President's budget at such time as it is transmitted to the Congress.";

(16) in section 806, delete "Secretary" each place it appears therein and insert in lieu thereof "Commissioner";

(17) in section 807, delete "Secretary" each place it appears therein and insert in lieu thereof "Commissioner";

(18) in section 808, delete "Secretary" each place it appears therein and insert in lieu thereof "Commissioner";

(19) in section 809, delete "Secretary" and insert in lieu thereof "Commissioner";

(20) in section 810, delete "Secretary" and insert in lieu thereof "Commissioner", designate the existing text as subsection (a), and add at the end thereof the following new subsection:

"(b) An organization whose application is rejected on the grounds that it is an ineligible organization or that activities it proposes are ineligible for funding may appeal to the Commissioner for a review of such determinations, but must do so within 30 days of receipt of notification of such ineligibility. On appeal, if the Commissioner finds that an organization is eligible or that its proposed activities are eligible, such eligibility shall not be effective until the next cycle of grant proposals are considered by the Administration.";

(21) in section 811, delete "Secretary" each place it appears therein and insert in lieu thereof "Commissioner";

(22) immediately after section 812, insert the following:

#### "STAFF

"SEC. 812A. Professional staff employed by the Administration shall be required to have knowledge of social and economic conditions characteristic of the intended beneficiaries of this title. Consistent with this requirement, the Commissioner is authorized to extend employment preference to Native Americans.";

(23) section 813 is amended to read as follows:

#### "ADMINISTRATION

"SEC. 813. Nothing in this title shall be construed to prohibit interagency funding agreements made between the Administration and other agencies of the Federal Government for the development and implementation of specific grants or projects.";

(24) in section 816(a), delete "and 1991" and insert in lieu thereof "1991, 1992, 1993, 1994, 1995, and 1996";

(25) in subsections (a) and (b) of section 816, delete "and 803A" and insert in lieu thereof a comma and "803A, 804, subsection (e) of this section, and such other programs as are identified by the Congress for specific funding";

(26) in section 816(c)(1), delete "and 1991" and insert in lieu thereof "1991, 1992, 1993, 1994, 1995, and 1996"; and

(27) section 816 is amended by adding at the end thereof the following new subsection:

"(e) For fiscal year 1992, there are authorized to be appropriated such sums as may be necessary for the purpose of continuing the development of a detailed plan, including the conduct of contributory research demonstration projects, for the establishment of a National Center for Native American Studies and Indian Policy Development. Such plan shall be delivered to the Congress no later than 90 days after the convening of the Second Session of the One Hundred Second Congress.";

#### SECTION-BY-SECTION ANALYSIS OF A BILL TO REAUTHORIZE AND AMEND THE NATIVE AMERICAN PROGRAMS ACT OF 1974

Section 1. Short Title. This Act may be cited as the "Native American Program Act of 1974 Amendments Act."

#### Section 2. Amendments

##### ESTABLISHMENT OF ADMINISTRATION FOR NATIVE AMERICANS

New Sec. 803B (a) establishes in the Office of the Secretary of Health and Human Services the Administration for Native Americans to be headed by a Commissioner; (b) requires appointment by the President and approval by the Senate; (c) defines the duties of the Commissioner to include administration of grant programs, coordination of departmental activities affecting Native Americans, service as their active and visible advocate within the Department, and compilation of information for the Secretary's annual report on social conditions of Native Americans.

Subsection (d) of this new section establishes within the Secretary's Office the Intra-Departmental Council on Native American Affairs, made up of the heads of principal operating divisions within the Department. In addition to duties described above, the Council, of which the Commissioner would be chairman and the Director of the Indian Health Service would be co-chairman, would, within 6 months of enactment of this Act, develop a plan to allow tribal governments to consolidate grants from the Department to allow oversight by a single office and to recommend such plan to the Secretary.

Subsection (e) of this new section requires that the Secretary assure that adequate staff and administrative support is provided to the Administration to meet responsibilities described in this legislation.

Subparagraph (2) amends section 803(a) to clarify that Alaska Native organizations in urban or rural nonreservation areas, as well as Indian organizations, are eligible for financial assistance.

##### NATIVE HAWAIIAN REVOLVING LOAN FUND

Sec. 803A of the Native American Programs Act is amended by identifying the Office of Hawaiian Affairs of the State of Hawaii as the revolving loan fund recipient, by ending the prohibition against loans after a 5-year period, by authorizing the Native Hawaiian revolving Loan Fund through 1994 and requiring matching contributions from the Office of Hawaiian Affairs. These amendments also repeal requirements of the 1987 amendments that would have required certain funds to be deposited in the Treasury and the Secretary to deliver certain reports in 1989 and 1991, and prescribe new requirements for annual reports to the Congress from the Commissioner with respect to the loan fund.

##### TECHNICAL ASSISTANCE AND TRAINING

Section 804 of the 1974 Act is amended by requiring the Commissioner to provide technical assistance to potential applicants for funding and to applicants initially denied awards, and to provide short term training for persons carrying out funded projects.

##### ANNUAL REPORT

Section 805A requires the Secretary of Health and Human Services to report annually to the Congress on the social and economic conditions of Native Americans and to make recommendations as appropriate.

##### APPEALS

Subsection (b) in section 810 provides for Secretarial review of a Commissioner's find-

ing that an organization or proposed activity is ineligible for funding.

## STAFF

Section 812A authorizes the Commissioner to extend employment preference to Native Americans, based upon the requirement that staff of the Administration have a knowledge of social and economic conditions among Native Americans.

## ADMINISTRATION

Section 813 is amended, repealing existing delegation of authority and restrictions on such delegation in Section 813 of the current act, preserving only the language that allows interagency agreements and making conforming changes in that paragraph.

## APPROPRIATIONS

Section 816(a) is amended, extending the authorization of "such sums as may be necessary" for the social and economic development grant program through 1996.

Sections 816 (a) and (b) are amended to exempt costs of technical assistance, funding for the establishment of a National Center for Native American Studies and Policy Development, and such other programs as are identified by the Congress for specific funding from the requirement that 90 percent of the funds appropriated be made as grants for social and economic development grants.

Section 816(c) is amended, extending the authorization of \$500,000 for the purpose of providing financial assistance to other Native American Pacific Islanders through 1996.

Section 816(e) authorizes such sums as may be necessary for the purpose of continuing the development of a plan, including contributory research demonstration projects, for establishment of a National Center for Native American Studies and Indian Policy Development and requires the delivery of the plan to the Congress 90 days after the second session of the 102d Congress convenes.\*

## ADDITIONAL COSPONSORS

S. 24

At the request of Mr. MOYNIHAN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 24, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of educational assistance provided to employees.

S. 26

At the request of Mr. MOYNIHAN, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 26, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain transportation furnished by an employer, and for other purposes.

S. 98

At the request of Mr. PRESSLER, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 98, a bill to amend the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989.

S. 284

At the request of Mr. LIEBERMAN, the names of the Senator from Tennessee [Mr. GORE], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 284, a bill to amend the Internal Revenue Code of 1986 with re-

spect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 318

At the request of Mr. PACKWOOD, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 318, a bill to amend the Internal Revenue Code of 1986 to provide for employees of small employers a private retirement incentive matched by employers, and for other purposes.

S. 493

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 567

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 567, a bill to amend title II of the Social Security Act to provide for a gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such workers' benefits accordingly, and for other purposes.

S. 843

At the request of Mr. BREAUX, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 843, a bill to amend title 46, United States Code, to repeal the requirement that the Secretary of Transportation collect a fee or charge for recreational vessels.

S. 995

At the request of Mr. GORE, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 995, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for working families by providing a refundable credit in lieu of the deduction for personal exemptions for children and by increasing the earned income credit, and for other purposes.

S. 1010

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 1010, a bill to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants.

S. 1139

At the request of Mr. DOLE, his name was added as a cosponsor of S. 1139, a bill to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

S. 1146

At the request of Ms. MIKULSKI, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1146, a bill to establish a national advanced technician training program, utilizing the resources of the Nation's two-year associate-degree-granting colleges to expand the pool of skilled technicians in strategic advanced-technology fields, to increase the productivity of the Nation's industries, and to improve the competitiveness of the United States in international trade, and for other purposes.

S. 1179

At the request of Mr. JOHNSTON, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1179, a bill to stimulate the production of geologic-map information in the United States through the cooperation of Federal, State, and academic participants.

S. 1381

At the request of Mr. GRAHAM, the names of the Senator from Rhode Island [Mr. PELL], and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 1381, a bill to amend chapter 71 of title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with disability compensation.

S. 1420

At the request of Mr. COCHRAN, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Wyoming [Mr. SIMPSON], the Senator from Mississippi [Mr. LOTT], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 1420, a bill to amend the Community Reinvestment Act of 1977 to reduce onerous record-keeping and reporting requirements for regulated financial institutions, and for other purposes.

S. 1423

At the request of Mr. DODD, the names of the Senator from Hawaii [Mr. INOUE], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1424

At the request of Mr. CONRAD, the names of the Senator from South Dakota [Mr. PRESSLER], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 1424, a bill to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a mobile health care clinic program for furnishing health care to veterans located in rural areas of the United States.

S. 1426

At the request of Mr. BUMPERS, the name of the Senator from Vermont

[Mr. LEAHY] was added as a cosponsor of S. 1426, a bill to authorize the Small Business Administration to conduct a demonstration program to enhance the economic opportunities of startup, newly established, and growing small business concerns by providing loans and technical assistance through intermediaries.

S. 1451

At the request of Mr. BIDEN, the names of the Senator from New York [Mr. D'AMATO], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 1451, a bill to provide for the minting of coins in commemoration of Benjamin Franklin and to enact a fire service bill of rights.

S. 1503

At the request of Mr. NUNN, the names of the Senator from Hawaii [Mr. AKAKA], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 1503, a bill to amend the Higher Education Act of 1965 to provide more stringent requirements for the Robert T. Stafford Student Loan Program, and for other purposes.

S. 1572

At the request of Mr. BREAUX, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1572, a bill to amend title XVIII of the Social Security Act to eliminate the requirement that extended care services be provided not later than 30 days after a period of hospitalization of not fewer than 3 consecutive days in order to be covered under part A of the medicare program, and to expand home health services under such program.

SENATE JOINT RESOLUTION 131

At the request of Mr. LUGAR, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of Senate Joint Resolution 131, a joint resolution designating October 1991 as "National Down Syndrome Awareness Month".

SENATE JOINT RESOLUTION 188

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of Senate Joint Resolution 188, a joint resolution designating November 1991, as "National Red Ribbon Month".

SENATE RESOLUTION 166

At the request of Mr. COATS, the names of the Senator from Utah [Mr. GARN], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Resolution 166, a resolution expressing the sense of the Senate that, in light of current economic conditions, the Federal excise taxes on gasoline and diesel fuel should not be increased.

SENATE RESOLUTION 178

At the request of Mr. KENNEDY, the names of the Senator from Illinois [Mr. SIMON], the Senator from New York [Mr. D'AMATO], the Senator from Massachusetts [Mr. KERRY], the Senator

from New York [Mr. MOYNIHAN], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Resolution 178, a resolution expressing the sense of the Senate on Chinese political prisoners and Chinese prisons.

At the request of Mr. LUGAR, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Resolution 178, supra.

## AMENDMENTS SUBMITTED

## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

## DIXON (AND SIMON) AMENDMENT NO. 1139

(Ordered to lie on the table.)

Mr. DIXON (for himself and Mr. SIMON) submitted an amendment intended to be proposed by him to the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, as follows:

On page 68, immediately after line 5, insert the following:

None of the funds available in this Act shall be used for timber sale preparation using clearcutting or other forms of even-aged management in hardwood stands in the Shawnee National Forest, Illinois: *Provided*, That, with respect to the hardwood timber of the Shawnee National Forest, Illinois, none of the funds in this Act shall be used to administer timber sales that involve clearcutting or other forms of even-aged management, including any such timber sales under contracts entered into prior to fiscal year 1992: *Provided further*, That the Forest Service shall conduct a below cost timber sales test on the Shawnee National Forest, Illinois, in fiscal year 1992.

## MILITARY CONSTRUCTION APPROPRIATIONS ACT, FISCAL YEAR 1992

## SARBANES (AND MIKULSKI) AMENDMENT NO. 1140

Mr. SASSER (for Mr. SARBANES, for himself and Ms. MIKULSKI) proposed an amendment to the bill (H.R. 2426) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes, as follows:

At the end of the bill insert the following: SEC. . (a) Notwithstanding any other provision of law, the Secretary of the Army shall transfer, no later than September 30, 1992, and without reimbursement, to the Secretary of the Interior the real property, including improvements thereon, consisting of 500 acres located generally adjacent to 7,600 acres transferred by Section 126 of Public

Law 101-519. The transferred property shall not include a landfill and a sewage pumping station that are associated with the operation of Fort Meade, Maryland.

(b) The Secretary of the Interior shall administer the property transferred pursuant to subsection (a) as a part of the Patuxent Wildlife Research Center and in a manner consistent with wildlife conservation purposes and shall provide for the continued use of the property by Federal agencies, including the Department of Defense, to the extent that such agencies are using it on the date of the enactment of this Act.

(c) The Secretary of the Interior may not convey, lease, transfer, declare excess or surplus, or otherwise dispose of any portion of the property transferred pursuant to subsection (a) unless approved by law. The Secretary of the Interior may enter into cooperative agreements and issue special use permits for historic uses of the 500 acres provided that they are consistent with all laws pertaining to wildlife refuges.

(d) The description of the property to be transferred under this section shall be determined by a survey satisfactory to the Director of the United States Fish and Wildlife Service within the Department of the Interior, after consultation with the Department of the Army.

## DOLE (AND KASSEBAUM) AMENDMENT NO. 1141

Mr. DOLE (for himself and Mrs. KASSEBAUM) proposed an amendment to the bill H.R. 2426, supra, as follows:

On page 3, line 25, strike the number and insert in lieu thereof "\$967,570,000".

On page 4, line 2, strike the number and insert in lieu thereof "\$65,200,000".

On page 9, line 2, strike the number and insert in lieu thereof "\$163,883,000".

On page 9, line 4, strike \$978,983,000 and insert in lieu thereof "\$991,283,000".

## GARN AMENDMENT NO. 1142

Mr. GARN proposed an amendment to the bill H.R. 2426, supra, as follows:

At the appropriate place insert: SEC. . (a) The Secretary of the Army shall carry out such repairs and take such other preservation and maintenance actions as are necessary to ensure that all real property at Fort Douglas, Utah (including buildings and other improvements) that has been conveyed or is to be conveyed pursuant to section 130 of the Military Construction Appropriations Act, 1991 (Public Law 101-519; 104 Stat. 2248) is free from natural gas leaks and other safety-threatening defects. In carrying out this subsection, the Secretary shall conduct a natural gas survey of the property.

(b) In the case of property referred to in subsection (a) that is listed on the National Register of Historic Places, the Secretary—

(1) shall carry out a structural engineering survey of the property; and

(2) in addition to carrying out the repairs and taking the other actions required by subsection (a), shall repair and restore such property in a manner and to an extent specified by the Secretary of the Interior that is consistent with the historic preservation laws (including regulations) referred to in section 130(c)(2) of the Military Construction Appropriations Act, 1991.

(c)(1) The Secretary of the Army, after consulting with the Governor of Utah regarding the condition of the property re-

ferred to in subsection (a), shall certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and preservation and maintenance actions required by subsection (a) have been completed.

(2) The Secretary of the Army and the Secretary of the Interior shall jointly certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and restoration of such property has been carried out in accordance with the requirements of subsection (b).

(d) The Secretary of the Army shall complete all actions required by this section not later than September 30, 1992.

#### DISTRICT OF COLUMBIA APPROPRIATIONS ACT, FISCAL YEAR 1992

##### ADAMS (AND INOUE) AMENDMENT NO. 1143

Mr. SASSER (for Mr. ADAMS, for himself and Mr. INOUE) proposed an amendment to the bill (H.R. 3291) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes, as follows:

On page 3 at line 16, strike "\$9,500,000" and insert "\$9,250,000".

On page 13 at line 20, strike "\$875,033,000" and insert "\$874,783,000".

On page 4 after line 11 insert:

GEORGE WASHINGTON UNIVERSITY MEDICAL CENTER

For the construction and renovation of the George Washington University Medical Center, \$250,000, pursuant to Trauma Care Systems Planning and Development Act of 1990 (Public Law 101-590; 104 Stat. 2929), together with \$16,750,000 to become available October 1, 1992, \$16,500,000 to become available October 1, 1993, and \$16,500,000 to become available October 1, 1994: *Provided*, That any funds appropriated under this head pursuant to section 6(e) of the Trauma Care System and Development Act of 1990 shall not be in excess of the amount allocated under section 602(b) of the Congressional Budget Act of 1974, as amended, to the Subcommittees on the District of Columbia of the Committees on Appropriations of the Senate and House of Representatives required to provide for the Federal Payment, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, (87 Stat. 774, Public Law 93-395, as amended) and the Federal Contribution to retirement funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122, as amended).

#### NOTICES OF HEARINGS

##### COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee has changed the date for the full committee markup of S. 1426, the Small Business Economic Enhancement Act of 1991. The markup will be held on Tuesday, September 24,

1991, at 9:30 a.m., in room 428A of the Russell Senate Office Building. For further information, please call John Ball or Patty Forbes of the Small Business Committee staff at 224-5175.

#### AUTHORITY FOR COMMITTEES TO MEET

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. SASSER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Monday, September 16, 1991, at 9 a.m. to hold a confirmation hearing on Robert M. Gates to be Director of Central Intelligence.

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

##### COMMITTEE OF FINANCE

Mr. SASSER. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy, of the Committee of Finance be authorized to meet during the session of the Senate on September 16, 1991, at 10 a.m. to hold a hearing on child support enforcement.

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

##### COMMITTEE ON THE JUDICIARY

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, September 16 at 9:30 a.m. to hold a hearing on the nomination of Judge Clarence Thomas.

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

#### ADDITIONAL STATEMENTS

##### INTERNATIONAL WEEK OF PEACE

Mr. AKAKA. Mr. President, I rise today to recognize the International Week of Peace. From September 15 to September 21, 1991, the Performing and Fine Artists for World Peace will host, in Hawaii, the first International Week of Peace.

The goal of the International Week of Peace is to broaden our perception of what peace signifies. Peace is more than freedom from war; it is being in harmony with each other; it is understanding the diversity of cultures and ideas, and it is recognizing that we all share the same precious environment.

The Performing and Fine Artists for World Peace are dedicated individuals working to "bring the concept of peace to the grassroots level." Their belief is simple: One person can make a difference, in the community and in the world.

The late Senator Spark Matsunaga devoted his life's efforts to the impassioned pursuit of world peace. His relentless perseverance resulted in the foundation of the U.S. Institute of

Peace, a preeminent organization whose goal is to further international understanding and cooperation. Spark must be pleased to see the fervor with which so many citizens of the world are continuing his legacy.

President Nixon once said, "It is not enough to be for peace. The point is, what can we do about it." We can and should contribute by getting involved, making the difference. Let us take the first step during this international Week of Peace to reinvigorate our commitment to work toward greater consonance among ourselves, because only then can we productively work toward greater international accord.

Mr. President, tomorrow, September 17, 1991, will be International Day of Peace. I ask my colleagues to take a moment of silence to honor the travails and sacrifices of all those who have given so much of themselves so that the world may one day be a place of full and enduring peace. ●

#### TRIBUTE TO SOUTHEASTERN KENTUCKY

Mr. McCONNELL. Mr. President, as we delve into the busy fall season and the yearend crunch to pass appropriations bills and other measures, I would like to recount an extraordinary experience shared by me and my staff.

For several years, we have held annual staff retreats in Washington, bringing our Kentucky-based staff up here for a weekend of meetings. These sessions give all of us in the office an opportunity to exchange ideas and set priorities so that we can better serve our constituents.

This year we took a different tack. My D.C. staff rode on a bus 600 miles to Corbin, KY. Down Interstate 81 through Virginia to Knoxville and up Interstate 75, the drive itself was an adventure—highlighted by a harrowing shortcut on Highway 421 where tour buses are rare. Their final destination, Cumberland Falls State Park in McCreary and Whitley Counties, exemplifies the rugged beauty of eastern Kentucky. Upon arrival, all passengers agreed the drive was worth it.

Anyone who has been to southeastern Kentucky will know the trip was its own reward. As a traveler's guide noted: "In a time when we are too often weary from the hurry and stress of our days, Kentucky is a land where we can still escape to the peace of the great outdoors."

We had a busy series of business meetings that focused on constituent services, legislative priorities, projects, and correspondence. Nevertheless, we managed to visit the Big South Fork National River and Recreation Area and take a journey on the Big South Fork Scenic Railway from Blue Heron, formerly a coal company town, 6 miles up through a gorge.

We also saw beautiful Laurel Lake, located in the midst of the Daniel

Boone National Forest. Laurel Lake is a mecca for water sports enthusiasts, campers, and hikers. It is also good therapy for anyone working on Capitol Hill.

While the raw natural beauty of southeastern Kentucky is extraordinary and beyond description, it is the residents of the area who are its greatest resource and were the highlight of our visit. The warm friendliness of these Kentuckians is legendary. Their courage and tenacity through often rough times has been fodder for many documentaries. Yet, to truly appreciate the hospitality and courage of the region, one has to go there.

Upon hearing that we would be in the area, a number of talented musicians put together a wonderful presentation of their impressive musical skills. It was an unexpected treat that was one of the most heartwarming experiences any of us have ever had. The performances were a tribute to the immense talent within this region that is a source of great pride and enriches us all.

It is my great pleasure to extend our warmest regards and appreciation to these people who gave us the most generous gift—an unforgettable hour sharing their talent. These performers are Stephen Lowe, a pianist currently attending Corbin High School; Valerie Graham, an excellent singer and student at North Laurel Junior High School; JoAnne Thomas, an impressive soloist and native of Leslie County; Edith Ely, a member of the Patriot Trio and resident of Corbin; Brenda Daniel, a member of the Patriot Trio and teacher at Corbin High School; and the Corbin High Dance Team.

I would like to pay special tribute to the Corbin High Dance Team and its directors, Judy Jackson and Betty Surmont. In 1990, the team placed ninth nationally. Truly astounding is the fact that these young women have achieved national prominence after only 3 years of existence as a team and simultaneously maintaining a 3.5-grade point average.

Finally, my deep gratitude to Janie Catron and Jann Nelson for their hard work in making the trip a success.

While we completed our agenda of meetings and memos, perhaps the most significant benefits of the trip were intangible. The people of this region captivated us with their generosity and kindness. The natural beauty of the vast wilderness, mountains, rivers, and lakes, humbled and inspired us.

Mr. President, it was with regret that we left Kentucky but it is with great pride and determination that we return to our Nation's Capitol to work for the Commonwealth and its uncommon people.●

#### JAPAN-AMERICA STUDENT CONFERENCE

●Mr. ADAMS. Mr. President, this summer marked the 57th anniversary of an exceptional cross-cultural program, the Japan-America Student Conference. Each summer, 40 university students from Japan and 40 from the United States receive an intensive introduction to the values and behaviors of another culture and engage in a stimulating exchange of ideas. Over the past half century, the conference has proven to be an extraordinary program of cultural understanding, and today I salute the founders, participants, and sponsors who have insured both the survival and excellence of this program.

Many features distinguish the conference from the exchange programs which have proliferated in recent years, but two attributes in particular merit special attention. The first unique quality has to do with the origin and operation of the program.

The conference was conceived and completely planned by a group of Japanese university students distressed at the deteriorating relations between the two countries. An initial mission of four student emissaries visited American college campuses in early 1934, starting with the University of Washington. They encountered similar enthusiasm on the part of American students, 77 of whom returned the visit to Japan to begin the first conference. Though their efforts at peacemaking failed, they had begun a project that continued through 1940 and resumed activities in 1947. Though some years the conference was not held, it is now continuing on a regular basis and this year marks the 43d conference.

Although fiscal realities have compelled the students to turn over some program activities and the fundraising to the nonprofit JASC, Inc. organization, the students still completely plan and stage the actual conference. Such resourcefulness and independent initiatives are not only gratifying, they are an important reminder that our young people can indeed identify a problem and tackle it with an energy and freshness too often lacking in those with more experience.

Yet another noble feature of the conference is its content. Unlike most exchange programs which emphasize lessons in cultural understanding and language fluency, the conference goes further by engaging the participants in intense discussions of the critical, often controversial, issues of the day. The students do acquire an overview of the other culture, but of greater importance they must confront what may be significantly different viewpoints and thinking processes. The clash of ideas occurring in an arena of radically different cultures that can result from such a conference can lead to a level of understanding that is essential for

international cooperation. The conference builds leaders for tomorrow, and from this particular experience, these leaders gain a knowledge and skill in intercultural communication which will eventually prove beneficial to the people of both nations. The roster of those from past conferences who have gone on to make significant contributions in fields of international relations, academia, and business is impressive indeed.

Throughout its nearly 60 years of existence, the Japan-America Student Conference has operated with a modest budget and a low profile, yet it is often the quiet, unassuming program which effects the significant advances for human relations.

I am proud of the role the State of Washington has played in this drama: It was at the University of Washington that the student emissaries from Japan first encountered American students. The response was so enthusiastic that the visitors were encouraged to take their invitation to other universities in the United States. Since that date, the University of Washington has been host to the entire delegation on two occasions and frequently is the site for the predeparture orientation for the American delegation going to Japan. Student participation from Washington universities has always been strong—at least one a year for the past decade. This year three participants are from universities in Washington State, and the chairman of the American delegation is a native of Seattle.

In July of this year, 40 American young people from universities throughout the country met in Seattle for a 3-day orientation program. From there, they went to Japan to join 40 Japanese university students for the 43d conference. I commend the Japan-America Student Conference and those who are responsible for its continuance and encourage them in their efforts toward promoting international tolerance and understanding.●

#### AMENDMENT NO. 1136

●Mr. GORTON. Mr. President, I rise today to briefly discuss my amendment to the Interior appropriations bill which was accepted by Mr. BYRD, the distinguished chairman of the Appropriations Committee. This amendment, cosponsored by Senator ADAMS, provides full funding for the purchase of a beautiful, scenic, and ecologically important piece of land called McGlynn Island. This land lies at the confluence of the North Fork of Skagit River and the Swinomish Channel in Washington State.

This property is adjacent to the Swinomish Tribe's reservation but is privately owned. The land provides a critical link between the Skagit Bay Wildlife Refuge and the Padilla Bay National Estuarine Sanctuary. By pur-

chasing this land and saving it permanently from future development, the land will remain prime breeding, roosting, and nesting ground for various species including bald eagles.

Beyond providing a wildlife sanctuary, the land also supports a unique mix of mature madrona and Douglas fir forests. The land provides an undisturbed examples of native grassland type of heritage quality rarely found in other areas of the State.

I thank the Interior Appropriations Committee, and my distinguished colleague and chairman of the committee, Mr. BYRD, for accepting my amendment. Also, I urge the committee to retain full funding for the purchase of the property in conference. ●

#### TRIBUTE TO ELIZABETHTOWN

● Mr. MCCONNELL. Mr. President, I would like to make a few comments about Elizabethtown, a small, but highly frequented town in central Kentucky.

Distinctive from many other small towns in Kentucky, Elizabethtown is traversed by tourists as well as travelers. Due to this continual flow of people through the town, Elizabethtown has become known as the hub city of Kentucky. It is said by residents that while traveling Kentucky, "either you go through Elizabethtown, or you take the long way."

Many residents, including the mayor, are not originally from Elizabethtown, yet they are exceedingly proud of what they now call their town. These people chose to live there, so when they say how proud they are of their city, it means something. However, not everyone born in Hardin County has remained. For instance, Abraham Lincoln was born in a small part of the county, but later moved away. Nevertheless, Elizabethtown has always been a temporary stopping point for people. Both James Buchanan and Spiro Agnew made Elizabethtown their home during their stays at Fort Knox.

Although Elizabethtown has grown into a small metropolitan area, the residents do not seem to mind. "I used to know everyone in town," said resident Edith Dupin, "and now I don't, but I speak to everybody anyway." This is just a small example of how welcome change is in this town.

Why do people take pride in being from Elizabethtown? Because they are able to enjoy the comforts of a small town without feeling that they have lost touch with the rest of the world. They truly do enjoy being the hub of Kentucky.

Mr. President, I would like to insert the following Elizabethtown article from the Louisville Courier-Journal into the RECORD.

The article follows:

[From the Louisville Courier Journal, Sept. 9, 1991]

ELIZABETHTOWN: OPEN THE MAP AND THROW A DART—GOOD CHANCE YOU'LL HIT PLACE CALLED "HUB CITY"

(By Beverly Bartlett)

Chances are, you know the place.

You bought gas there on your way to or from Louisville. Or you had a hamburger there on your way to Paducah. Maybe you stopped to fill the cooler with ice on your way to Mammoth Cave or Nashville. Or had the oil checked on your way to Lexington. You spent the night there—local people hope—while visiting a son or a daughter at Fort Knox.

If you have ever traversed Kentucky, the chances are good you either went through Elizabethtown or took the long way.

Hub city they call it. The Heartland of the state.

"You can open the Kentucky map and close your eyes and throw a dart and I guarantee you're going to hit Elizabethtown," said Nancy Hubbard, executive director of the Elizabethtown Visitors and Information Center.

That would not necessarily win you any dart tournaments. The state's geographic bullseye lies somewhere in Marion County. But chances are, you've never been to Marion County. It's relatively hard to get to, unlike Elizabethtown, which sets at the intersection of Interstate 65 and the Western Kentucky and Blue Grass parkways.

And it's convenient in more ways than one. This is a town of 18,167 with three McDonalds and two Hardees—not to mention a Wendy's, a Long John Silver's, a Burger King, a Captain D's, a Taco Bell and a . . . well, you get the picture.

There are more than 1,000 hotel rooms in the city that is commonly known as E-town. And this is not one of those Kentucky towns fretting about the mixed blessings of the arrival of a Wal-Mart. It has a Wal-Mart and a Kmart, a Rose's and a Lowe's—and the people talk instead about the mixed blessings of a 51-store, 404,000-square-foot indoor mall.

Listen to how casually people here embrace change.

"I used to know everyone in town," said Edith Dupin, executive vice president of the Elizabethtown/Hardin County Chamber of Commerce. "And now I don't, but I speak to everybody anyway."

"I just think it's a little metropolitan area, really," said Joel Cyganiewicz, the former coach of a local swim club who helped lure the 1991 Masters Long Course Championships and its 750 participants to Elizabethtown this year—despite competition from big cities. "I think it's a very upbeat community in a lot of ways."

This is not the kind of pride born in some small towns, those whose residents never left because they love it, but love it just because it's always been home.

Consider Cyganiewicz, the mayor, the county judge-executive and the industrial foundation president—a former mayor for whom the community center is named: None of them was born in Elizabethtown. So when they say that they're proud of this city, or that they love it, it means something. They chose to come here. They chose to stay.

Not everyone has done so. Plenty of people, by choice or otherwise, have left Hardin County. Abraham Lincoln, who was born in a part of Hardin County that has since become LaRue County, was neither the first nor the last. They city claims to have been a temporary stopping point for many important and famous people, from James Buchanan,

15th president of the United States, to Spiro T. Agnew, the vice president who resigned under Richard Nixon. He was one of thousands who made the area their home during a stint at Fort Knox.

And anyone who takes the free summer walking tour through downtown on a Thursday evening meets several other people who've passed through.

Local volunteers play Jenny Lind, a famous singer of the 1800s who spent a night in Elizabethtown in 1851; Sarah Bush Johnston, the second wife of Lincoln's father and therefore possibly the most famous stepmother in history; Phillip Arnold, who got rich and infamous in the mid-1800s selling interest in a diamond mine that did not exist; Carrie Nation, the fiery temperance worker who was struck in the head with a chair, twice, by a local tavern owner (she proudly proclaimed it the first time she had ever shed blood for her cause); and Gen. George A. Custer, who was once stationed in Elizabethtown with a battalion of the 7th Cavalry.

True to Elizabethtown's habit of doing small-town things in a big-city way, the characters are all convincingly acted by volunteers, who for the most part even look like the characters they're playing. Custer has long, curly blond hair. Nation has a stocky build and a stern mouth and comes around a corner bleeding to tell of her assault.

But those taking the walking tour do not meet Custer's wife, Elizabeth, who once wrote a letter describing the town as "the stillest, dullest place. No sound but the Sheriff in the Court House calling 'Hear ye' three times as each case comes up. The most active inhabitant of the place is a pig."

The pig wouldn't be top dog anymore.

Elizabethtown is nothing if not an active place. Dixie Avenue, which links the city to Radcliff and then moves on through southwestern Jefferson county, is such a busy place that former Mayor and industrial foundation President J. R. Pritchard describes it as the "narrowest four-lane highway" in the state.

And the bright lights and big signs of the Dixie, as it's affectionately called, are challenged by the similar development around the interstate and parkway interchanges. And there is this constant movement in other circles as well.

The county is building an \$11 million, five-story addition to Hardin Memorial Hospital, which will include a radiation oncology center, a larger emergency room and outpatient surgery facilities.

The Elizabethtown Industrial Foundation is building its first shell building to help attract new industry, a take it first undertook when it was founded in 1956—about when the Kentucky Turnpike opened.

That road, which eventually evolved into Interstate 65 and now has six lanes to Louisville, was derided by former Gov. A. B. "Happy" Chandler as a "toll road to start nowhere and end nowhere." It drained parts of the business community as people breezed up to Louisville in less than an hour to shop.

But the new roads have also meant that people from Hodgenville and Bardstown and Leitchfield and Munfordville can breeze into Elizabethtown to shop. Or to work. Or to eat. More than many Kentucky communities its size, Elizabethtown does have a metropolitan kind of feel.

This is where people from several counties come to study at Elizabethtown Community College, or to be treated at Hardin Memorial Hospital or to shop at the Towne Mall. "We are truly a regional area," said Jim Roberts, president of the chamber and owner of Omni Personnel.

And Elizabethtown does not shy away from promoting the communities around it. Although the country ranks fifth in tourism receipts—due largely to the hotels on the interstate—a recent Elizabethtown promotion on the side of a tractor-trailer truck listed only one Elizabethtown attraction among the four tourist spots mentioned.

Abraham Lincoln's birthplace in Hodgenville and Fort Knox's Patton Museum and Gold Vault Depository were listed along with the Coca-Cola Museum, which is in Elizabethtown and is billed as the largest privately owned collection of Coca-Cola memorabilia.

And within the county, community leaders are working together more than ever through the formation of a 2010 Committee that includes Mayor Pat Durbin, County Judge-Executive Glenn Dalton and the mayors of three other Hardin County towns.

The committee means the group carries more weight when asking the state for funds for projects, and the monthly meetings encourage cooperation, Dalton and Durbin said.

"Instead of pulling apart, we're pulling together," Dalton said.

Fort Knox contributes to the urban nature. Many soldiers live in Hardin County; Though their presence is most widely felt in Radcliff, which in the 1990 census surpassed Elizabethtown as the largest city in the County, Army camouflage is no rare sight in Elizabethtown. It also has a large contingent of retired military officers, Pritchard is among them.

Fort Knox "has given us a flavor of being a little more urban because we have had exposure to cultures all over the world," Durbin said.

But the tie to Fort Knox also means the local economy is tied to world events and the whim of the Pentagon. City leaders are scrambling to replace Electronic Data Systems, an employer of 110 that was lost about a year ago when the military decided to stop contracting that work out locally.

And the city rides a roller coaster of emotions as the military strives to restructure itself. The number of civilian employees at the post has been drastically cut in the past few years, but parts of the post stand to grow as units from Europe and closed posts in other parts of the country are redeployed locally.

And the city seems ready to ride out the changes, if the "Editor's Hotline" is any indication. The local daily paper, The News-Enterprise, prints the comments readers leave on an answering machine. This "hotline" frequently includes comments from people concerned about changes at Fort Knox, but also about the perils and pleasures of being a dry county or the annoyances of cruising teen-agers, or whether or not it's a sin for women to cut their hair.

No one thing, it seems, preoccupies the minds of residents. It is not purely a farming community or completely an industrial community. It is not a military community, like Radcliff, or a largely tourism-based town like Bardstown.

"I think we're a blend," Durbin said. "That's what makes us unique. We're not into one particular niche."

Population: Elizabethtown, 18,167; Hardin County, 89,240.

Per capita income: (Hardin County, 1988) \$12,193, \$637 below the state average.

Media: Newspapers—The News-Enterprise (daily except Saturday); Hardin County Independent (weekly), Radio—WASE-FM (105.5), light rock and oldies; WIEL-AM (1400),

oldies; WKMO-FM (106), country; WQYE-FM (100.1) adult contemporary. Out-of-town cable-television offerings—About 40 channels are available, News programs from Louisville, Lexington, Campbellsville, Bowling Green, Chicago and Atlanta are included.

Big employers: Crucible Materials Corp. and Crucible Magnetics Division, 596; AP Technoglass, 560; Gates Rubber Co., 521.

Jobs: (Hardin County, 1989) Total employment, 24,000. Manufacturing, 4,761; wholesale/retail, 7,423; services, 4,115; government, 4,130; contract construction, 1,283.

Transportation: Air: Addington Field, four miles west of Elizabethtown, airport charter service, but no regular airline schedule. Rail: CSX Transportation and the Paducah and Louisville Railway provide mainline service. The nearest piggyback facilities are in Louisville, 44 miles away. Truck: Thirty-five common carriers serve the city, which has three local terminals.

Topography: Rolling knobs and forests.

Education: Public schools: The Elizabethtown Independent system, with about 1,900 students and the Hardin County system, with about 12,300. Private schools: Elizabethtown Montessori Child Care Center; 90 students; St. James Elementary, 200. Colleges: Elizabethtown Community College, with more than 3,300 students, is a two-year college. The city is also within 45 miles of St. Catharine College in Springfield, Campbellsville College in Campbellsville, and Bellamine College, Jefferson Community College, Spalding University and the University of Louisville, all in Louisville. Eight colleges also offer extension courses at Fort Knox. Vocational school: Elizabethtown State Vocational-Technical School, 797 students.

#### FAMOUS FACTS AND FIGURES

A 1974 Courier-Journal article suggested there was something a little old-fashioned about Elizabethtown parking because "you can still park on the square for a nickel an hour." Well, there's nothing quaint about the parking these days: The digital meters charge 25 cents per half hour.

The U.S. Constitution and the Declaration of Independence were put in the Fort Knox Bullion Depository in Hardin County for safekeeping during World War II.

John LaRue Helm, who served two short terms as governor of Kentucky, was instrumental in shaping Elizabethtown's future. (As lieutenant governor, Helm assumed the last year of Gov. John J. Crittenden's term when Crittenden was appointed U.S. attorney general in 1850. Helm was elected to a second term in 1867, but he died after only five days in office.) Between terms, while practicing law in Elizabethtown, Helm ensured that the L&N Railroad would come through the city by offering to pay the taxes of every resident in the Meeting Creek precinct if they'd approve the \$300,000 bond issue, according to a history by H.A. Sommers published in 1921. The bond issue passed, and Helm paid the people's taxes each year until his death.

Severns Valley Baptist Church was established in 1781 and claims to be the oldest evangelical church west of the Allegheny Mountains, it has about 3,500 members.

Few country inns are likely to have a past as varied as that of Bethlehem Academy Inn just south of Elizabethtown. The childhood home of Gov. John Helm, it was built in 1818; it became a Catholic girls' school about 12 years later. Owner Mike Dooley says it was a stop on the underground railroad. •

#### THE 1991 CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWRY

• Mr. ADAMS. Mr. President, today I rise to speak once again on behalf of the Congressional Call to Conscience Vigil for Soviet Jews. It is truly unfortunate that we must mark another year with these statements to call attention to the continued difficulties faced by Soviet Jews who wish to emigrate.

Since 1978, Members of the House and Senate have spoken out to remind our colleagues and our constituents of the thousands of Soviet Jews waiting to leave the Soviet Union. In the last year over 200,000 Jews have emigrated from the Soviet Union, and while the rate is increasing, there are still hundreds of thousands of Jews waiting to get out. Hundreds of families, for one reason or another, are still listed as refuseniks and we must work to draw attention to their cases and encourage a more liberalized emigration policy.

In spite of the unprecedented events of the past month in the Soviet Union, we must not forget that thousands of refuseniks are still unable to emigrate freely, anti-Semitism is on the rise, and the future of the Soviet Union raises serious questions about future emigration policies. Over the last few weeks the nationalist movements of the Ukrainian, Moldavian, and Central Asian Republics have spawned a rash of anti-Semitic incidents. Unfortunately, it does not look like these developments will reverse themselves in the near future.

I would like to bring to the attention of my colleagues the case of Alla Iosifovna Makavoz of Kharkov in the Ukraine. Mrs. Makavoz is the mother of Seattle resident David Makavoz and the grandmother to he and his wife Marina's two small children. David and Marina Makavoz were allowed to emigrate to the United States in 1989 and Mrs. Makavoz has not seen her children or her grandchildren in more than a year and a half. Mrs. Makavoz is suffering from breast cancer. After complications with her first cancer operation, Mrs. Makavoz is desperate to be reunited with her family in the United States and to receive the advanced treatment she needs as a result of complications related to the poor care she received with her first cancer operation in the Soviet Union. Mrs. Makavoz needs to receive a Soviet exit visa and expedited entrance into the United States immediately, so that she may receive this much needed treatment. On July 3, 1991, she received refugee status. To date, Mrs. Makavoz has still not been allowed to emigrate, despite her desperate circumstances.

Though thousands have been able to leave the Soviet Union, hundreds more remain on the refusenik list and thousands more are not even allowed to apply for emigration because of their

supposed security value to the Soviet Union. Although the Soviet legislature had codified this new emigration policy, in light of the events of the last month, the new Soviet Government must continue these important steps. The full implementation of the Soviet emigration bill is scheduled for 1993. It is my sincere hope that further steps are taken under the new spirit of democracy in the Soviet Union to allow those who wish to emigrate, like Mrs. Makavoz, to do so, and to do so immediately.●

#### INDIVIDUALS WITH DISABILITIES EDUCATION ACT

● Mr. ADAMS. Mr. President, today the legislation reauthorizing part H of the Individuals With Disabilities Education Act will reach the desk of President Bush. I strongly urge him to sign this legislation into law as it is one of the most important pieces of legislation for infants and toddlers with disabilities and at risk of developmental delay.

I am proud to have been an original cosponsor of the bill to reauthorize part H of the Individuals With Disabilities Education Act Amendments and to be a supporter of the committee bill passed by the Senate last Friday. By passing this legislation, the Congress showed its commitment to education for all Americans and for early intervention for young children so that all of our Nation's children will begin school ready to learn.

The Senate and House both recommended a 50-percent increase in appropriations for part H. It is time we funded these programs sufficiently to ensure that these programs can be delivered to children and their families. I know my State of Washington is well on the way in meeting the health and education needs of these young children.

Comprehensive, coordinated early intervention with toddlers and infants with disabilities is very critical. The additional services and the improvement in the continuity of services between part H and part B in this bill are significant. For example, the legislation requires a smooth transition for infants and toddlers to preschool. It also assures services to Native American children with disabilities and creates a program for tribal child-find and referral. I am pleased that we have included the dependents of military families in Department of Defense schools in this bill. No child should be excluded from the health and education services he or she requires on the basis of residence on a reservation or because their parents are members of the Armed Forces.

Another new provision provides for training of personnel. In order to give the appropriate services and help to more young children, we must ensure

that there are sufficient numbers of well-trained personnel. Quality services depend upon the training and quality of the persons who deliver them.

Infants and toddlers with disabilities should not be exempt from considerations of improved education and health. Early intervention is the key for many children's futures, especially their educational progress. I urge the President to show his commitment to these children and their families by signing this legislation immediately.●

#### DISTRICT OF COLUMBIA APPROPRIATIONS—H.R. 3291

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3291, the District of Columbia appropriations bill, just received from the House.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislation clerk read as follows:

A bill (H.R. 3291) making appropriations for the government of the District of Columbia and other activities chargeable in whole or part against, the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ADAMS. Mr. President, once again we are called upon to reconsider the District of Columbia appropriations bill because of a President veto. Certainly, the President has the authority and the right to veto any bill with which he disagrees. However, in a few minutes I will argue that in this instance he should have refrained for other public policy reasons. Before addressing the veto I want to explain what's in this bill.

Mr. President, this bill is the same as the conference report the Senate agreed to on August 2 of this year with three exceptions. First, the bill modifies section 114 to conform to the President's objections as stated in his August 17 Memorandum of Disapproval. In addition there is a number correction in the public schools portion of the bill; and a provision in title II which deems that title to be enacted as of September 30, 1991.

Mr. President, the bill includes \$699,850 million in budget authority in fiscal year 1992, this amount is the same as in the original Senate bill. It is within our 602(b) allocation, and includes a Federal payment, \$630.5 million, which was the amount contained in both bills and the amount authorized in a bill signed by the President on August 17. I will briefly summarize the other highlights of the bill.

Mr. President, the House has included, \$500,000 to continue the breast

and cervical cancer screening program for poor women as originally recommended by the Senate. This program will provide cancer screening for women who have no insurance and do not qualify for Medicare. This is the second year of this program which will serve approximately 5,000 women per year.

The bill also includes an additional \$1 million for the highest priority programs at D.C. General Hospital in 1992 and will provide another \$8.5 million in 1993. The hospital will use these funds to carry out priority programs, such as a program to immunize poor school age children against various childhood diseases, and to begin a program to address the rising incidence of pediatric HIV cases.

In the original bill the Senate had included \$10 million to establish a trauma care fund. The conference agreement does not include this provision. In leaving this provision out of this bill, we are not expressing the view that this is an unnecessary element in the city's health care system, but rather acknowledging that the District Council has pending before it bill 9-193, the District of Columbia Health Insurance and Health Care Coverage Act of 1991. The Council bill includes a provision establishing an uncompensated care trust fund similar to the one proposed by this amendment. The conferees have encouraged early action on this portion of the legislation and will carefully follow its progress.

For the D.C. public schools the bill includes \$2,125 million for renovation of athletic and recreational facilities and other maintenance improvements. This will help them with a \$150 million backlog in repairs to school buildings.

The bill also included \$330,000 in the school's budget to operate the Options Program of the National Learning Center during next school year and through the summer. This program is an intensive dropout prevention program for youths 12 to 15 years of age who are at least 2 years behind grade level. A recent report on this program shows that in one semester the kids increased their reading level by more than one grade level, and increased their math scores by 1.6 grade levels.

Mr. President, also included by the conferees is \$250,000 for a Parents as Teachers program which encourages parental involvement as the most important component of a child's education.

The Senator from Missouri [Mr. BOND] provided the leadership to have this provision included in the original Senate bill and now in the new bill. It is a very worthwhile program and we look forward to receiving a report on its operation during next years' hearings.

Mr. President, the bill contains a directive to keep fire Engine Company No. 3 open during fiscal year 1992 as

originally recommended by the Senate. We had wanted to keep it open and provided some funds to cover a portion of the additional operating costs. At conference on the original bill the House agreed to keep the engine company open, but refused to provide any funds for that purpose and the new bill contains that requirement. The budget had proposed closing this station house, thus removing nearby fire and ambulance protection. We are aware of the Mayor's plans to improve the ambulance service, and certainly support any effort to improve that vital service. The conferees have included language in our statement of managers stating that support.

Mr. President, 2 years ago the Congress included funds authorized to hire 700 additional police officers. We did so because we were concerned not only about the violence on the streets but equally about the number of retirements that will be taking place in the Metropolitan Police Department in the next few years. The committee has been getting reports of the onboard strength of the department during fiscal year and we are concerned that those reports show that the department is 141 police officers below the level it was at the beginning of the year. The committee hopes that the city administration will take steps to ensure that the department has an adequate number of officers to patrol the streets, without undue reliance on overtime and inexperienced officers.

Mr. President, I stated at the outset of my remarks that I would have something more to say about abortion, and I do. The President has once again vetoed the D.C. appropriations bill objecting to language allowing District citizens to decide how their local tax dollars will be spent on abortion. The Congress has long held that this decision is appropriately left to the local legislature, just as is done with every other jurisdiction in the United States. I have expressed the hope that in the future the President would permit the District's citizens the same rights as enjoyed by all other citizens of the United States. This pleading has had no effect.

Mr. President, I intend to continue pressing for this right for District women and to implore the President to seek the counsel of his own heart.

Mr. President, that concludes my summary of the major provisions in the bill. I should add, Mr. President, that while this is a new bill we expect the District government to comply with all of the requests and directives contained in the statement of the managers on the conference report on H.R. 2699, and in the Senate and the other body's reports on that bill.

Mr. President, I want to thank my colleagues on the subcommittee for their assistance and support during the year. To our ranking member, the Sen-

ator from Missouri, I want to say that I have enjoyed working with him this year. Both he and the Senator from Oregon [Mr. HATFIELD], the distinguished ranking member of the Appropriations Committee have aided us in achieving the necessary resources to make this a historic bill.

Finally, Mr. President, I want to express my appreciation for the support we have received from the distinguished chairman of the Appropriations Committee, Senator BYRD.

The PRESIDING OFFICER. Are there any amendments to the bill?

AMENDMENT NO. 1143

Mr. SASSER. Mr. President, on behalf of Senators ADAMS and INOUE, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER], for Mr. ADAMS, (for himself and Mr. INOUE), proposes an amendment numbered 1143.

Mr. SASSER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 3 at line 16, strike "\$9,500,000" and insert "\$9,250,000".

On page 13 at line 20, strike "\$875,033,000" and insert "\$874,783,000".

On page 4 after line 11 insert:

GEORGE WASHINGTON UNIVERSITY MEDICAL CENTER

For the construction and renovation of the George Washington University Medical Center, \$250,000, pursuant to Trauma Care Systems Planning and Development Act of 1990 (Public Law 101-590; 104 Stat. 2929), together with \$16,750,000 to become available October 1, 1992, \$16,000,000 to become available October 1, 1993 and \$16,500,000 to become available October 1, 1994: *Provided*, That any funds appropriated under this head pursuant to section 6(e) of the Trauma Care System and Development Act of 1990 shall not be in excess of the amount allocated under section 602(b) of the Congressional Budget Act of 1974, as amended, to the Subcommittees on the District of Columbia of the Committees on Appropriations of the Senate and House of Representatives required to provide for the Federal Payment, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, (87 Stat. 774, Public Law 93-395, as amended) and the Federal Contribution to retirement funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122, as amended).

Mr. INOUE. Mr. President, the Senate bill included a provision that allowed for the renovation and modernization of the George Washington University Medical Center. That amendment was returned in true disagreement because our colleagues from the other side could not accept any part of the amendment. They rejected that amendment on the original bill, and it is not included in the House passed version of this bill.

Mr. President, this is a worthwhile and needed project, even the opponents will agree with that. The question is how should it be funded. The other side was concerned that it could deplete the amount available for the Federal payment in future years. As a practical matter that would never be allowed to happen. In order to assure that this is the case we have redrafted the amendment to expressly state that the amounts for the medical center in the future must be in excess of amounts required for the Federal payment and amounts required for payments to the retirement funds.

Mr. ADAMS. I thank my colleague, the Senator from Hawaii [Mr. INOUE] for his efforts on behalf of this project, and for his willingness to allow us to proceed with the first bill. In return I committed to revive that provision on this second bill.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No 1143) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I know of no other amendments that will be offered on the D.C. appropriations bill. So at this juncture we yield back all time on behalf of the chairman.

Mr. GARN. We yield back our time.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

So the bill (H.R. 3291), as amended, was passed.

Mr. SASSER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS

Mr. SASSER. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1106.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1106) to amend the Individuals with Disabilities Education Act to strengthen such act, and for other purposes.

(The amendment of the House is printed in the RECORD of September 11, 1991 beginning at page 22622.)

• Mr. HARKIN. Mr. President, I rise today in support of S. 1106, the Individuals With Disabilities Education Act Amendments of 1991, as amended by the other body.

I am pleased to inform my colleagues that the House has accepted the entire Senate bill with the addition of minor changes and amendments. These changes contribute to a strong bill which will expand and greatly enhance opportunities for infants and toddlers with disabilities to receive high quality, family-centered, community-based early intervention services.

Last year, when we passed the Americans With Disabilities Act, I dedicated that legislation to the next generation of children with disabilities and their parents. At that time I said:

With the passage of the ADA, we as a society make a pledge that every child with a disability will have the opportunity to maximize his or her potential to live proud, productive, and prosperous lives in the mainstream of our society.

But without appropriate early intervention, preschool, and special education services provided under IDEA this promise will not be realized for many newborn infants and older children with disabilities. Part H, which we are reauthorizing today, and which has been called "the most important children's disability legislation of the decade," provides these services while maintaining a focus on the family.

At our subcommittee hearing, Dr. Richard Nelson, president of the Association for Maternal and Child Health, and professor of pediatrics and director of specialized child health services at the University of Iowa, testified that:

Part H represents a critical national initiative for our Nation's youngest citizens. The legislation has the potential to be a template for all future health and human services legislation requiring the concerted efforts of multiple federal programs to address the needs of a population. We commend the subcommittee's commitment to these most vulnerable children and families.

I agree with this assessment, and I am delighted that today we will be able to complete this important step.

Mr. President, I would like to explain to my colleagues, the principle substantive additions made by the House to the Senate bill. First, the House amendment clarifies and improves the procedures ensuring that eligible Native American infants and toddlers with disabilities and their families receive early intervention services under part H, and that eligible Native American children and youth with disabilities receive a free appropriate public education and related services under part B of IDEA. These changes also are designed to facilitate collaboration between the Departments of Education, Interior, and Health and Human Services and the relevant agencies of State

government in providing these services. Related changes promote effective policy formulation and services planning and delivery, and encourage parental participation.

Second, the House amendment provides new authority under section 623 of IDEA to establish statewide, inter-agency, multidisciplinary coordinated systems for the identification, tracking, and referral to appropriate services for all categories of children who are biologically and/or environmentally at risk of having developmental delays. These grants are intended to assist States to create data systems for linkage and tracking of information, coordinate child-find activities, document needs and barriers, coordinate activities and agencies, and define appropriate delivery systems.

Third, the House amendment authorizes up to five personnel training grants, to States or entities under section 631, to support the formation of consortia or partnerships of public and private entities for the purpose of providing opportunities for career advancement and/or competency-based training in special education, early intervention and related services for current workers in agencies which provide services to infants, toddlers, children, and youth with disabilities. Funds could also support related programmatic and research activities, and could be used to identify relevant personnel policies and benefit programs, to facilitate the ability of workers to take advantage of higher education opportunities.

In addition to the three principle substantive additions, the House amendment clarifies the rights under section 6 of Public Law 81-874, impact aid, of children with disabilities to receive a free appropriate public education consistent with the provisions of part B of IDEA and the rights of infants and toddlers with disabilities and their families to receive early intervention services consistent with part H of IDEA.

First, the amendment ensures that for the purposes of providing a comparable education, by academic year 1992-93, all substantive rights, protections, and procedural safeguards—including due process procedures—that are generally available to children with disabilities, ages 3 to 5 inclusive, in a State shall also be available to those children, ages 3 to 5 inclusive, of members of the Armed Forces on active duty, and of federally employed civilian personnel residing on Federal property—eligible dependent children.

Second, the amendment ensures that for the purposes of providing a comparable education, by academic year 1992-93, all substantive rights, protections, and procedural safeguards—including due process procedures—that are generally available to infants and toddlers with disabilities and their

families in a State shall also be available to eligible dependent infants and toddlers with disabilities and their families. It is the intent of Congress that the Department of Defense, as the agent charged with operating the section 6 schools, retain flexibility to determine which entity will serve as the lead agency and which entities will provide the early intervention services.

Third, the amendment clarifies the meaning of "comparable" for children with disabilities 6 years of age and older. The amendment specifies that not only do the substantive rights and protections apply—currently recognized by the Department of Defense in its regulations—but the procedural protections, including the due process procedures, also apply. This amendment is necessary because current Department of Defense regulations do not make the due process procedures available to children with disabilities age 6 and older. The applicability of the procedural protections—including the due process procedures—shall be effective on the date of enactment of the Individuals With Disabilities Education Act Amendments of 1991.

Furthermore, a statutory construction provision specifies that rights available to infants, toddlers, and children with disabilities on the day prior to enactment are not diminished by enactment of this bill.

These and other technical changes represent valuable additions to S. 1106 and will ensure that the States and the armed services will develop the seamless web of services and programs envisioned under part H and part B of IDEA. However, as we take another step today toward meeting the educational needs of persons with disabilities, I must note areas of continuing concern which need to be addressed before we return to the next reauthorization of the Individuals With Disabilities Education Act.

Since passage of S. 1106 on June 24, 1991, a report has been published by the Carolina Policy Studies Program concerning the progress of the States in developing a definition for the term "developmentally delayed." This is a vital issue for the implementation of early intervention services programs in that it can be used to define the size and composition of eligible populations. The impact of such variable definitions may be reflected in the finding that, at the end of 1989, there were 30-fold differences among the States in the percent of infants and toddlers receiving early intervention services, ranging from 0.23 to 7.11 percent of the birth through 2 years population.

The report notes that, while policy-makers are making progress in the development of eligibility policy, there continues to be enormous variability between States when eligibility criteria are compared. This appears to be

true in all three eligibility categories, that is, children who:

First, are experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures \* \* \* ,

Second, have a diagnosed physical or mental condition which has a high probability of resulting in developmental delay \* \* \* , or

Third, are at risk of having substantial developmental delays if early intervention services are not provided.

Questions of how best to determine the degree or extent of disability in a given child, or how delayed that child must be to be eligible, are difficult and often controversial issues. While States need flexibility in making such determinations in order to deal effectively with local and regional realities, these complexities seem inadequate to account for the extraordinary differences among even similar States.

In providing the States discretion in defining the eligible population, Congress clearly intended that there should be limits which should not be exceeded. House Report 99-860 noted that:

In providing this discretion to the States, the committee wishes to emphasize that it is not our intent to permit a State to totally ignore or establish standards of measurement or other definitional provisions that preclude addressing any one of the five developmental areas included in the definition.

Sound eligibility policy must be based on current and comprehensive knowledge, must utilize technically sound methods, and must create sensitive and specific mechanisms for identifying the population, including children who were exposed prenatally to hazardous amounts of alcohol and other dangerous substances. The Carolina Policy Studies Program report concludes that the "States' eligibility policy in general often fails to meet these criteria."

These are important issues for the Secretary to consider as the Early Intervention Services Program under part H moves into its full implementation phases over the next 3 years. IDEA directs the Secretary to approve applications, conduct monitoring visits, and provide technical support for the States and this bill establishes a Federal Interagency Coordinating Council with broad expertise and access to all relevant resources of the Government. I would expect the Secretary to use these authorities and resources to assist the States to examine the eligibility issue and, if possible, to reach consensus on appropriate standards and best practices which can be applied more uniformly.

In another recent report, the Carolina Policy Studies Program reviewed the progress the States are making in the implementation of part H. The review revealed that the areas of least progress to date include: Assignment of

financial responsibility, timely reimbursement, interagency agreements, administration and monitoring of the system, and comprehensive personnel development. While I believe the changes which have been made in IDEA under this bill will contribute substantially to future progress in these areas, it is clear that the Department, with the assistance of the Federal Interagency Coordinating Council, will be a vital participant in facilitating the resolution of some of these problems. Of particular note was the finding that the use of Medicaid funds has been problematic for many States. The study noted that the Health Care Financing Administration [HCFA] has been particularly slow in approving changes in the Medicaid State plans. Furthermore, the authors report, "HCFA staff from different regions provide different and sometimes conflicting answers."

These do not appear to be isolated findings. In a recent report on Medicaid's Early and Periodic Screening, Diagnosis, and Treatment [EPSDT] benefit, Fox Health Policy Consultants found that most States are only just beginning to take effective steps to implement the provisions mandated under the Omnibus Budget Reconciliation Act of 1989 [OBRA '89]. They noted:

The unevenness that we found in States' implementation of the EPSDT expanded benefit mandate appears to indicate that not all Medicaid-enrolled children are gaining access to a broader package of medically-necessary diagnostic and treatment services \* \* \* . Perhaps what has been made most clear from our survey is the degree of confusion about certain aspects of the new statutory requirements. Many States are eager for definitive guidance on key implementation issues. \* \* \*

I expect that the Secretaries of the Departments of Health and Human Services and of Education will pursue prompt and reasonable solutions to these problems. This is clearly one area where the FICC must contribute substantially, as Congress has intended.

Likewise, concerns have been expressed that part H coordinators and related program personnel charged with statewide systems change may not have sufficient rank, visibility, authority, or autonomy to carry out their assigned roles, and that more needs to be done to promote public awareness of part H and its relationship to other programs which focus on the development of community-based service systems. These are other areas in which the FICC might effectively provide technical assistance and recommendations to the Department to facilitate State interagency coordination efforts. I expect that the Department will provide sufficient resources to the FICC to carry out such assignments. I urge the agencies represented on the FICC to encourage their counterparts in the States to assist the State Interagency Coordinating Council and part H coor-

dinators to effect early and meaningful systems changes.

Another area of concern which has been repeatedly brought to my attention over the past weeks relates to the need for trained personnel. Though the current changes in IDEA should help address this need, I want to emphasize that the need for such personnel is a particular problem in rural areas. I expect that the Department will take specific and focused steps to ensure that this priority is explicitly identified among its training program offerings.

Mr. President, I also wish to take this opportunity to offer further clarifications on two points in this bill. First, section 14 of this bill includes clarifications to section 677 of the act, including the provision that limited the service coordinator—formerly the case manager—to a person from the profession most immediately relevant to the infant's or toddler's or family's needs. Under the amendment, the service coordinator could also be a person who is otherwise qualified to carry out all applicable responsibilities under part H. The House amendment in no way modifies the Senate bill in this regard, and thus the Senate report language explaining this provision is controlling. In the Senate report, we stated that:

The committee recognizes that parents are also the coordinators of their own child's affairs and that in some instances these responsibilities may be life-long. These responsibilities include determining when and what early intervention services their child should receive, consistent with State child abuse and neglect laws. Therefore, in some circumstances, a parent may elect to serve in the capacity of "service coordinator" for purposes of part H and elect not to use the "service coordination" services available under part H.

The committee expects that in making the decision to reject these service coordination services, the parents receive adequate information about the family's right to the service and the full range of the functions that a service coordinator may perform under part H. Parents may want to assume certain responsibilities while retaining a service coordinator provided by the system to provide other aspects of the service. As explained previously in the report, parent training centers are encouraged to provide training to parents to better enable them to carry out their parental roles and responsibilities in this regard.

Second, section 18 of this bill modifies section 682 of the act pertaining to the composition, roles, and responsibilities of the State Interagency Coordinating Council. Congress intends that the responsibilities of, and allowable expenditures by, the Council include: Conducting hearings and forums, reimbursement of members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties—including child care for parent representatives—and paying compensation to a member of the Council if such member is not

employed or must forfeit wages from other employment when performing official Council business.

In conclusion, though these and many other areas of concern will need to be met over the next few years as the States move to fully implement IDEA, I am encouraged by the spirit of cooperation and the enthusiasm which I have seen expressed during this reauthorization process.

I wish to especially thank those members of the Congress who worked so closely together to draft a bipartisan consensus bill. In particular, I would like to note the contributions of Senators DURENBERGER, KENNEDY, and HATCH and the other members of the Subcommittee on Disability Policy. I also wish to thank Representatives MAJOR OWENS and CASS BALLENGER, the chairman and ranking member of the House Subcommittee on Select Education, for their efforts to develop a strong bill. Likewise, I wish to acknowledge the support and assistance which I received from the disability community, professional organizations, and other individuals during this reauthorization process.

I also wish to note the contributions of Robert Silverstein, staff director of the Subcommittee on Disability Policy. Without his untiring efforts, insight, and organizational skills, it would have been far more difficult to develop the consensus needed to move quickly in this complex area. He was aided in this process by the rest of the subcommittee staff, in particular by Dr. Jim Hanson, a pediatrician and birth defects specialist from the University of Iowa, who brought his own knowledge and experience in child health issues and interest in education programs for children with disabilities to this process. Jim has been spending this year with my subcommittee as a public policy fellow of the Joseph P. Kennedy, Jr. Foundation. I especially appreciate the continuing efforts of the Kennedy Foundation in supporting public policy fellowships with Congress. The technical knowledge and insight of an outstanding group of Kennedy fellows on my committees and on those of other Members of Congress has contributed immensely to the formulation of effective policies and legislation. The Foundation is recognized widely for its leadership in the area of disability policy and for the quality of its programs.

Finally, I would like to thank the children and families who brought these programs to life for our subcommittee. Bob and Diane Sanny, and their children Gretchen and Monica, of Fairfield, IA, Michelle Marlow of Baltimore, MD, Jeanette Behr of St. Elmo, MN, and Aric Murray of Akron, OH, and our other witnesses brought home to me, once again, that government programs can make a difference in the lives of families.

I am confident that the improvements which we make here today will contribute substantially to the new educational reawakening in America, and to making the dream of inclusion and independence for millions of children with disabilities a new American reality. •

Mr. SASSER. Mr. President, I move that the Senate concur in the amendment of the House and that the motion to reconsider be laid upon the table.

The motion was agreed to.

#### NATIONAL POW/MIA RECOGNITION DAY

Mr. SASSER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 170, designating September 20 as National POW/MIA Recognition Day; that the Senate proceed to its consideration, and that the joint resolution be deemed read a third time and passed, and that the motion to reconsider be laid upon the table.

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

The joint resolution (S.J. Res. 170) was deemed read a third time and passed, as follows:

#### S. J. RES. 170

Whereas the United States has fought in many foreign wars;

Whereas the most recent of these wars, the Persian Gulf War, involved an unprecedented display of unity of purpose among the participating allies;

Whereas thousands of members of the Armed Forces of the United States who served in the foreign wars fought by the United States were captured by the enemy or were officially considered missing in action;

Whereas many such members who were captured by the enemy were subsequently subjected to brutal and inhumane treatment by their enemy captors;

Whereas such treatment constituted a violation of international law;

Whereas many such prisoners died as a result of such brutal and inhumane treatment;

Whereas many members of the Armed Forces of the United States who were officially considered missing in action remain missing in action or have their locations unknown;

Whereas the uncertainty surrounding the fate of such members has caused the families of such members to suffer acute and continuing hardship;

Whereas in Public Law 101-355, the Federal Government officially recognized and designated the National League of Families POW/MIA flag as the symbol of the concern and commitment of the people and Government of the United States to resolve as fully as possible the fates of members of the Armed Forces of the United States who fought in Southeast Asia and who are officially missing in action, including those who may still be prisoners of war;

Whereas the members of the Armed Forces of the United States who are officially considered missing in action or whose locations are unknown as a result of any foreign war of the United States and the families of such members have made singular sacrifices;

Whereas by reason of such sacrifices, such members and their families deserve of the

recognition and support of the people and Government of the United States; and

Whereas such recognition and support is expressed in the continued high priority given to efforts to determine the fates of every member of the Armed Forces of the United States who is a prisoner of war, who is officially considered missing in action, or whose location is unknown as a result of a foreign war of the United States: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DESIGNATION OF NATIONAL POW/MIA RECOGNITION DAY.

September 20, 1991, is hereby designated as "National POW/MIA Recognition Day", and the President is requested to issue a proclamation calling upon the people of the United States to recognize the day with appropriate ceremonies and activities.

#### SEC. 2. AUTHORIZATION TO FLY THE NATIONAL LEAGUE OF FAMILIES POW/MIA FLAG AT CERTAIN FEDERAL FACILITIES.

(a) DISPLAY OF FLAG.—The POW/MIA flag is hereby authorized to be flown as follows:

(1) On National POW/MIA Recognition Day, September 20, 1991, on a flagstaff of the White House, the Departments of State, Defense, and Veterans Affairs, the Selective Service Commission, each national cemetery, and the National Vietnam Veterans Memorials.

(2) On Memorial Day, May 30, 1991, and on Labor Day, September 2, 1991, on a flagstaff of each national cemetery and the National Vietnam Veterans Memorial.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the POW/MIA flag be displayed in accordance with the provisions of subsection (a) as an expression and symbol of the concern and commitment of the people and Government of the United States to resolving as fully as possible the uncertainty relating to members of the Armed Forces of the United States who are missing in action or whose locations are unknown as a result of the foreign wars of the United States, including those members who may still be prisoners of war.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) The term "national cemetery" means any cemetery in the National Cemetery System referred to in section 1000 of title 38, United States Code.

(2) The term "POW/MIA flag" means the flag designated as the National League of Families POW/MIA flag pursuant to section 2 of the Joint Resolution designating September 21, 1990, as "National POW/MIA Recognition Day", and recognizing the National League of Families POW/MIA flag (Public Law 101-355; 104 Stat. 416).

(3) The term "flagstaff", in the case of each Federal facility referred to in paragraphs (1) and (2) of section 2(a), means any appropriate flagstaff at the facility, including the main flagstaff of the facility, as designated by the appropriate officer.

#### ORDERS FOR TOMORROW

Mr. SASSER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Tuesday, September 17; that following the prayer, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved for their

