

work, and it is a responsibility I think that we have to our fellow citizens.

So if they say, no, we are too busy doing other matters; we are too busy, we cannot find the time to do this, that is a message to the American people. I do not think it will stand because it is wrong.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). Who seeks recognition?

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been noted. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. CRAIG. Mr. President, I ask unanimous consent that immediately following the vote at 6:45 this evening, Senator KASSEBAUM be recognized, and the time prior to a motion to table the Kennedy amendment be limited to 5 minutes to be divided between Senators KASSEBAUM and KENNEDY, and that at the conclusion of that time, Senator KASSEBAUM be recognized to move to table the Kennedy amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I now ask unanimous consent to proceed as in morning business for up to 10 minutes.

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

CIVIL SERVICE EMPLOYEES AND LOBBYING

Mr. CRAIG. Mr. President, this evening, my colleague from Wyoming and I come to the floor to discuss with the Senate what we believe to be a very important issue. It has come to our attention in the last several days that in a letter directed to the Director of the Bureau of Land Management in each of our States across the Nation, coming from the Acting Director, Mr. Dombeck, a letter goes to them instructing them to engage in an outreach informational program about a pending piece of legislation before the U.S. Senate.

If this is true, and in the manner in which it has been done, it appears that this Acting Director of BLM, who is a civil servant unconfirmed, may have acted in a way as to have violated the law of this country.

I say so because it is very, very clear that section 303 of the 1995 Interior Appropriations Act states,

No part of any appropriation contained in this act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public sup-

port or opposition to any legislative proposal on which congressional action is not complete.

The directive sent to the State directors of BLM, instructing them to perform in certain ways, was about the pending rangeland reform, or the Public Rangeland Management Act that is now pending before the Senate. This instruction went out prior to the committee's action, prior to the markup and the passing out of the Energy and Natural Resources Committee, this legislation. It is a detailed, instructive act.

Since that time, we have seen op-ed pieces, public comments, interviews, and actions taken by State Directors of the BLM and/or their public information personnel.

While we are not sure that this constitutes a violation of the act, it clearly appears at this moment, at least to this Senator, that a public information, if not a political campaign was launched to spread what is now misinformation about a pending piece of legislation.

I ask unanimous consent to have printed in the RECORD a memo that I have obtained from the Acting Director, going to the States, which outlines a complete campaign of information directed at a pending piece of legislation before the U.S. Senate.

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

JULY 5, 1995.

To: State Directors, Attention: External Affairs Chiefs.

From: Acting Director, Bureau of Land Management.

Subject: Healthy Rangelands Communication Plan.

Thank you for your excellent work over the past year promoting BLM's efforts to improve the health of the public rangelands. I believe that our approach to collaborative public rangeland management best serves the people and the lands entrusted to our stewardship.

In order to further promote our approach, we have developed and attached a rangeland communication plan which I expect each state to implement over the next three weeks. The July communication's plan focuses on three areas: Resource Advisory Councils (RACs), Inreach, and Outreach.

I commend your efforts during the RAC Domination process. By now you should be working with your Governors to recommend nominations for the Secretary's approval. These should be submitted to the Washington Office by July 14.

In terms of "inreach", during July I want you to make sure that all BLM staff have the opportunity to review our briefing materials and agency testimony on the differences between the Livestock Grazing Act and BLM's cooperative relations and grazing administration rules.

Our primary focus for July is "outreach". The outreach section of the communications plan identifies basic minimum tasks that I expect the State Directors and State External Affairs Chiefs to accomplish during July. Feel free to expand or enhance these tasks as appropriate. The differences between BLM's collaborative approach to public rangeland management and the one presently under discussion in Congress are dramatic. We have an obligation to make our constituents aware of these differences.

Barry Rose (208/384-3393) of Idaho's Lower Snake River Ecosystem Office and Chris Wood (202/208-7013) of the Washington Office will continue to serve as field and headquarters coordinators for rangeland communication issues. Please provide Tony Garrett, Director of Public Affairs for the Washington Office with an status update on implementation of the communication plan each week during the external affairs conference call.

Barry Rose and Chris Wood will discuss the communication's plan with you at the conference call this afternoon. Thanks for your continued efforts.

TEN WAYS THE LGA UNDERMINES MULTIPLE USE OF PUBLIC LANDS

	Section
Severely limits public involvement in public land management:	
Says only grazing permittee/lessee, adjacent landowners, advisory councils, and states may participate in development of grazing plans. Does not provide for direct participation by all others who are affected by grazing decisions or value public lands—including hikers, campers, miners, oil companies, Indian tribes	121(a)
Specifies that only permittee/lessee may protest or appeal a grazing decision. All other citizens could be excluded from taking an active role in the appeals process	162 164(a)(1)
On-the-ground grazing management would be exempt from the National Environmental Policy Act. The effects of grazing on the human environment would not be analyzed in a public forum or subject to public scrutiny	106(d)(2)
Restricts the ability of resource managers to address environmental concerns:	
Could result in at least 23 years of monitoring, appeals, and other delays before management actions that protect resource health can be implemented	114, 104, 123, 164
Terms and conditions of a lease would be limited to grazing specific issues (kind, number, season of use, periods of use, allotments to be used, and amount of use) unless provided for by allotment management plan terms and conditions or the LGA	136(a)(b)
Terms and conditions of a lease/permit would no longer normally be used to provide for other uses and values such as winter forage for deer and elk, nesting habitat for game birds, water sources for wild horses and burros, water quality, or healthy riparian areas	
Even emergency decisions are subject to suspension upon appeal. No provisions to put decisions in immediate effect	114(d), 164(b)1
Moves public land management away from a tradition of "multiple use":	
Broadly exempts livestock grazing from oversight, appeal, management, and enforcement requirements that apply to other public land users	106, 121, 123, 136
The definition of livestock "carrying capacity" would allow livestock stocking rates to the point that grazing does not "induce permanent damage" to vegetation or related resources" (emphasis in <i>italics</i>)	104(21)
Monitoring and inspection may not occur unless the livestock operator has been invited and allowed to participate. This compromises BLM's ability to conduct trespass investigations and allows the uncooperative operator "veto power" over needed monitoring	114, 123, 141(b)
Requires that grazing violations are "knowingly and willfully" committed—this places a nearly impossible burden of proof on managers and makes ignorance an acceptable excuse for violations	141(b)1

RANGELANDS COMMUNICATIONS PLAN

Category	Task	Lead	When
Resource Advisory Councils	Review nominations with Govs., forward to Headquarters, Assist National Training Ctr. with RAC orientation package and training materials.	SDs/External Affairs Chiefs. Rose	July 14. Draft package due July 31.
Inreach	Ensure that all offices have briefing materials on final rules and Livestock Grazing Act (LGA)	B. Johns	July 14.
Outreach	Respond to mis-information.	External Affairs Chiefs.	Within 5 days of receipt.

RANGELANDS COMMUNICATIONS PLAN—Continued

Category	Task	Lead	When
	Prepare op-ed to daily/weekly papers and other media.	External Affairs Chiefs.	July 21.
	Conduct briefings interest groups on differences between LGA and final rule.	External Affairs Chiefs and appropriate staff.	July 31.
	Meet with key reporters.	All public affairs staff with Area/District managers as appropriate.	July 31.
	Meet with Editorial boards.	SDS/External Affairs Chiefs.	July 31.

Mr. CRAIG. Mr. President, I yield to my colleague from Wyoming such time as he may consume, to discuss the action that the Senate and the appropriate committees have decided to take.

Mr. THOMAS. I thank my colleague and the chairman of the subcommittee that is handling this bill.

Let me say as background, it seems to me that this country relies on having a civil service legally buffered from political struggles. I think that is terribly important.

Our Government is organized to have two levels, a political and a civil service career level. Dedicated career employees implement the law, while those designated as political work with or against Congress to establish the law. It is a fine line that must be maintained.

The Clinton administration has apparently blatantly crossed that line and put career civil service employees in the position of violating one of the oldest lobbying laws on the books, that has sought for years to protect against the very thing.

Let me cite it again, section 303 of the 1995 Interior Appropriations Act:

No part of any appropriation contained in this act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

The protection, of course, is for both the employees and the public. The Interior Department has asked employees in their jobs to lobby against the public range management action, violating both the antitrust and the antilobbying action and the interior act.

We want to look into this from both standpoints—the standpoint of protecting career employees as well as the standpoint of obeying the law and not having a bureaucracy campaigning on issues that are unfair.

As chairman of the Committee on Oversight Investigations, at the request of our chairman of the full committee, I have sent a letter to the Secretary of the Interior, Mr. Babbitt, and have asked him to cooperate in a reasonable investigation.

We have not yet determined whether there would be a hearing. If there are reasons to do that, we are prepared to have a hearing on this issue.

Mr. President, I think it is one that, obviously, is important in this issue, but it is important in a broader sense than that. That is, that we do have a separation, and we should protect career employees from being directed to get into the political activity of determining the decisions and the political issues here.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter that has been sent to the Secretary of the Interior.

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

U.S. SENATE,
COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, DC, July 28, 1995.

Hon. BRUCE BABBITT,
Secretary of Interior,
Department of the Interior, Washington, DC.

DEAR MR. SECRETARY: Pursuant to the direction of the Chairman and Ranking Minority Member of the Senate Energy and Natural Resources Committee, this letter is to inform you that the Oversight and Investigations Subcommittee is initiating an investigation of activities by employees of the Bureau of Land Management (BLM) that appear to constitute violations of the 1995 Interior Appropriations Act and the Anti-Lobbying Act. These lobbying activities are being systematically directed against the Public Rangelands Management Act of 1995, S. 852, which currently is before the Senate, and other pieces of legislation pending before this Committee.

Many of the lobbying activities relating to S. 852 appear to stem from a July 8, 1995 memorandum from BLM Acting Director Dombeck to all BLM State Directors which transmitted a "Healthy Rangelands Communication Plan." In his memorandum, Mr. Dombeck states that the primary focus of BLM during July is "outreach." The purpose of this outreach is "to make our constituents aware" of the differences between BLM's "approach to public rangeland management and the one presently under discussion in Congress." As the memorandum states, these differences are "dramatic." Attached to Mr. Dombeck's memorandum is a chart titled "Rangelands Communications Plan." This plan identifies five tasks which apparently constitute the "outreach" referred to in Mr. Dombeck's memorandum. These tasks involve BLM State Directors, the External Affairs Chiefs and their staff in the State Directors' Offices, and area and district managers. The tasks include responding to "misinformation," preparing opinion pieces for the media, conducting briefings for interest groups, meeting with key reporters, and meeting with editorial boards. Mr. Dombeck's plan has resulted in BLM employees in the field espousing the horrors of S. 852, and numerous media stories throughout the West which cast S. 852 in a very disparaging light.

It seems plain to me that the "Healthy Rangelands Communication Plan," and activities thereunder, was designed to influence the legislative consideration of S. 852 in precisely the manner prohibited by the Department of the Interior and Related Agencies Appropriation Act, 1995, Pub. L. No. 103-322, section 303, 108 Stat. 2499, 2536 (1994) ("section 303"). In addition, some of the actions taken by BLM employees in implementing the plan may constitute criminal violations of the Anti-Lobbying Act, 18 U.S.C. section 1913. As Chairman of the Subcommittee on Oversight and Investigations,

BLM's "Healthy Rangelands Communication Plan" and other activities aimed at influencing public opinion on legislation pending before the United States Senate greatly concerns me.

Section 303 of the 1995 Interior Appropriations Act states:

"No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete."

The language of section 303, on its face, is a very broad and comprehensive prohibition on the expenditure of appropriated funds. It includes four uses of the term "any" in a single sentence. Congressional intent could not be more emphatic. Moreover, the use of the word "tends" even more clearly demonstrates that both direct and indirect conduct is targeted, for, as a factual manner, even indirect conduct may "in any way tend" to promote public support on an issue. Without detailing other evidence of the breadth of section 303 in this letter, a close review of the legislative history of this provision, which first appeared in the Interior's appropriation bill for Fiscal Year 1978, and a General Accounting Office opinion on this provision, clearly show that section 303 is designed to prohibit any activity which tends to promote public support for agency goals concerning a matter pending before Congress.

Activities of BLM employees in implementing Mr. Dombeck's plan may even rise to the level of violating section 1913 of the United States Criminal Code. Section 1913 provides that:

"No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or any other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress."

Violation of this section is punishable by removal from office or employment, a fine, and up to one year imprisonment. Although section 1913 permits direct communications from agency officials to Members of Congress made "through proper official channels," actions implementing the "Healthy Rangelands Communication Plan" do not appear to fall within this narrow exception.

The possibility that BLM employees may have violated section 303 of the 1995 Interior Appropriations Act and, perhaps, section 1913 of the Anti-Lobbying Act is a serious matter which warrants an investigation by the Oversight and Investigations Subcommittee. Your assistance in this investigation is therefore requested. Accordingly, I request that you forward all documents responsive to the following request to the Senate Energy and Natural Resources Committee, Subcommittee on Oversight and Investigations:

All documents by or for any Department of the Interior official or employee including, but not limited to: officials or employees in the Office of the Secretary; officials or employees in the Office of the Assistant Secretary for Land and Minerals Management; BLM officials or employees in Washington, D.C., including Acting BLM Director Dombeck, Bob Johns, Chief, BLM Public Affairs, Tony Garrett, BLM Public Affairs Team Leader, Chris Wood, BLM Policy Analyst; BLM State Directors; BLM State External Affairs Chiefs and public affairs staff; BLM Area managers; and BLM District managers, which discuss, analyze, implement, or

relate in any manner to the July 8, 1995 "Healthy Rangelands Communication Plan," or S. 852, the Public Rangeland Management Act of 1995.

The term document shall include, but is not limited to, any and all originals and drafts of any information whether in written, typed, printed, recorded, transcribed, taped, or audio-taped, however produced or reproduced. This request shall include, but is not limited to, memoranda, letters, briefing materials, analyses, talking points, computer entries, electronic e-mails, telephone logs, tapes, notes, diaries, journal entries, reports, studies, manuals, speeches, opinion documents, position papers, messages, summaries, and bulletins.

Because of the seriousness of these allegations, please forward all responsive documents by Friday, August 4, 1995.

Sincerely,

CRAIG THOMAS,
*Chairman, Subcommittee on
Oversight and Investigations.*

Mr. THOMAS. I yield to my colleague.

Mr. CRAIG. Mr. President, let me thank my colleague from Wyoming for his response. He chairs the Oversight and Investigations Subcommittee of the full Energy and Natural Resources Committee.

I hope the Secretary of the Interior will cooperate. I think it would be tragic if, in fact, the veteran career civil servants of this great, old organization called the Bureau of Land Management have been pushed into a political activity by the acting director, the national director of the BLM.

At least from my cursory observation with the information that is now available, it appears just that. Never in my 14 years in the U.S. Congress have I seen civil servants asking for and gaining interviews with editorial boards, writing editorial or guest opinions in newspapers, advocating a clear position on a given piece of legislation. That simply is not allowed. It may well be a violation of the HATCH Act.

There are other, broader ramifications here. At this moment, the kind of look that I have taken, and I think my colleagues in the Energy and Natural Resources Committee have taken, is that without question there appears at this moment at least to be a violation of this Senate's appropriations act.

The language that the Senator from Wyoming and I read, section 303, is not something new. It goes in every appropriations bill, and it has gone in for a good many years, directing the actions of the agencies involved and the money appropriated and how it should not be used in certain cases.

We hope that the Secretary of the Interior would cooperate so we can get to the bottom of this issue, so that the State directors and the information officers of the BLM will not continually be put in a most awkward position over an issue they are now being asked to advocate, when it is the responsibility of the United States Congress to make those decisions, and then for those agency personnel to carry them out and to promulgate the rules and regulations necessary.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

FOREIGN RELATIONS REVITALIZATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2026, AS MODIFIED

Mr. HELMS. Mr. President, I call for the regular order.

The PRESIDING OFFICER. Under the previous order, amendment No. 2026 is the regular order.

Mr. HELMS. Very well. And that is now the pending business?

The PRESIDING OFFICER. It is the pending business.

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

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

Under the previous order, the question now occurs on amendment 2026, offered by the Senator from North Carolina [Mr. HELMS].

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Nebraska [Mr. EXON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 343 Leg.]

YEAS—94

Abraham	Coverdell	Hatch
Akaka	Craig	Heflin
Ashcroft	D'Amato	Helms
Baucus	Daschle	Hollings
Bennett	DeWine	Hutchison
Bingaman	Dodd	Inhofe
Bond	Dole	Inouye
Boxer	Domenici	Jeffords
Bradley	Dorgan	Johnston
Breaux	Faircloth	Kassebaum
Brown	Feingold	Kempthorne
Bryan	Feinstein	Kennedy
Bumpers	Ford	Kerry
Burns	Frist	Kohl
Byrd	Glenn	Kyl
Campbell	Gorton	Lautenberg
Chafee	Graham	Leahy
Coats	Grams	Levin
Cochran	Grassley	Lieberman
Cohen	Gregg	Lott
Conrad	Harkin	

Lugar	Pell	Smith
Mack	Pressler	Snowe
McCain	Pryor	Specter
McConnell	Reid	Stevens
Mikulski	Robb	Thomas
Moseley-Braun	Rockefeller	Thompson
Moynihan	Roth	Thurmond
Murray	Santorum	Warner
Nickles	Sarbanes	Wellstone
Nunn	Shelby	
Packwood	Simpson	

NAYS—2

Hatfield Simon

NOT VOTING—4

Biden Gramm
Exon Murkowski

So, the amendment (No. 2026), as modified, was agreed to.

AMENDMENT NO. 2030

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to amendment No. 2030 offered by the Senator from Massachusetts [Mr. KERRY] to amendment No. 1977, as amended. There will now be 5 minutes of debate equally divided between the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Kansas [Mrs. KASSEBAUM].

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, this should not be interpreted as a vote for or against raising the minimum wage. This is simply a sense of the Senate that at some point we should debate and consider such an amendment. And such we shall, but not until the Labor and Human Resources Committee has had the opportunity to debate it and vote on it in committee, which I think is the proper procedure.

I believe this is not the time or place to address this matter, and I will move to table the amendment of the Senator from Massachusetts.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, this is a simple resolution and it is a sense-of-the-Senate resolution that says we will consider, prior to the time that we recess this year, whether we should raise the minimum wage. We have done sense-of-the-Senate resolutions on gifts, we have done it on lobbying, we have done it on finance reform. All we are saying is in the period of the next 12 weeks, can we find a few hours of the Senate's time to consider whether we should address the increase in the minimum wage, which is now nearly the lowest in terms of purchasing power that it has ever been in the history of the minimum wage, all at a time, Mr. President, that magazines like Business Week, the New York Times, the Washington Post talk about record profits for industry, record profits in the stock markets and record salaries for the CEO's.

All we are saying is over the period of these next 3 months that we might have a few hours to debate whether we should consider an increase in the minimum wage. It was good enough for