

Their attitude to this, which bordered on the negligent in the beginning, clearly indicated a mindset which said, "Somebody else will take care of us because of our power as highly elected officials in the state of Arkansas."

TED KOPPEL. In a sense, Jim, that's a negative way of saying the same thing we heard Mrs. Clinton say at the beginning of this broadcast. In other words, let somebody else take care of this. She put, in a more positive sense, i.e., "We had nothing to do with this. If Jim McDougal came and said, 'You owe so-and-so-much in interest,' we paid it, but we never saw documents, we never had an active role in this Whitewater affair." To which you would say what?

JAMES STEWART. Well, that simply isn't true. I think it may have been true in the very beginning of the investment, when there were still high hopes that this would make money and the McDougals could handle everything, but by 1986, when the McDougal empire was crumbling, it was not true. At that point, Mrs. Clinton essentially took, singlehandedly, the control of this investment. She was the one who negotiated the loan renewals with the bank that held the mortgage. She was the one who handled all the correspondence. She was the one who went over all the numbers. She had possession of all the records.

TED KOPPEL. It is your contention that she vastly inflated the value of the Clintons' interest in Whitewater.

JAMES STEWART. That's correct.

TED KOPPEL. Correct?

JAMES STEWART. As I'm sure anybody who has ever applied for a mortgage knows, you have to disclose your assets in such a financial disclosure statement, and there are warnings on these forms to be honest about this, to be accurate, to be careful, not to use uncertain judgments, because to inflate that can be a federal crime. And yet Mrs. Clinton valued Whitewater at \$100,000 on a 1987 financial disclosure document, right after the bank itself had visited the property and concluded the most generous estimate for their half-interest would be \$52,000.

TED KOPPEL. So when you're talking about a \$100,000 evaluation, you're not talking about the value of the whole property, but the Clinton's half-interest?

JAMES STEWART. They valued their half-interest at \$100,000.

TED KOPPEL. I ask you this question advisedly, reminding our viewers that you have some experience as a lawyer. Is that a crime?

JAMES STEWART. It is a crime to submit a false financial document. In fact, their partners, the McDougals, are on trial in Little Rock this week for having submitted false financial documents to financial institutions. But to prove a case like that, a prosecutor would have to prove that it was knowingly a false submission. We haven't heard an explanation from either Mrs. Clinton or the President about that document, and that ultimately would be a question for a prosecutor and a jury to decide.

TED KOPPEL. I bring you back, Jim, to what we heard the President say just a few moments ago, again, at the top of this broadcast, sort of this—this cry of "What in heaven's name are we supposed to do? Somebody makes an allegation, we respond to the allegation. Somebody makes a new allegation, we respond to that allegation." This sounds like another one of those allegations. How do you respond to—to what the President is saying?

JAMES STEWART. Well, I don't think these allegations would be coming out, or the revelations, in this kind of slow, drip-by-drip process, if the White House and the Clintons had been forthright from the beginning, when this first surfaced in the campaign. Get

the story out. They came to me, or they sent someone to me, allegedly because they wanted to get the whole story out, and they had been advised at the time—and I told them the same thing—that to stop these inquiries, get in front of the story. Tell us what happened, and don't leave holes in the story. Be complete. Err on the side of completeness, and if people are bored, they can ignore it. But that has never been the strategy they have employed.

TED KOPPEL. Let's take a short break, Jim. When—we come back, we will talk about what Vince Foster knew about Whitewater and a number of other subjects.

[Commercial break.]

TED KOPPEL. And back once again with Jim Stewart.

You begin with the suicide of Vince Foster, and clearly believe that his suicide is pivotal to understanding everything that's happened to the Clintons in—in subsequent months and years. Have you reached any conclusion as to why he committed suicide?

JAMES STEWART. Well, first of all, there was the things [sic] he enumerated in—the note that he wrote, and I think foremost among those was probably his concern about the handling of the firing of employees in the travel office, but what I think I can contribute that's new is that there were things bothering him that were so serious he didn't dare write them in his note, he didn't confide them to his wife. He was worried about his marriage. He was very much enmeshed in what we now know as Whitewater, and he knew of things that hadn't come to light that could prove embarrassing. He was concerned about the deterioration of his relationship with the First Lady, and I think there's a good chance he knew of the problems that Webster Hubbell was about to face, given his handling of clients in the Rose firm.

TED KOPPEL. When you talk about Web Hubbell, I should point out, first of all, Vince Foster, Hillary Clinton, Web Hubbell had all been partners at the—at the Rose Law Firm together. Web Hubbell then came with the Clintons to Washington, was briefly the assistant attorney general of the United States, and you write that in the months before Vince Foster committed suicide, that he went over to Web Hubbell's house and went down in the basement to look at what?

JAMES STEWART. Well, there were files in Web Hubbell's basement that had been removed from the Rose Law Firm during the campaign by Web Hubbell and Vince Foster. Web and Vince, during the campaign, went through the Rose Firm and removed anything that they thought might be controversial or create problems for the campaign, and this including many of the billing records relating to Hillary Clinton's work for Madison Guaranty and other matters. And one day Vince Foster went over and he and Web Hubbell got into the basement, they went to the boxes, and they went through those materials looking for these particular files, which they did get and turn over to the First Lady. But also in those files were all of this other material, including a lot of the Whitewater material, bank records from Whitewater, and the billing records, as I mentioned before.

TED KOPPEL. Is it—is it your impression that Vince Foster then took those billing records to the White House, to his office?

JAMES STEWART. It's certainly a possibility. I don't know for sure, and nobody's said they recalled him taking documents out of the basement. But those documents in the basement were later all turned over to the Williams and Connolly firm after they learned that Web Hubbell had all these documents, and they supposedly turned all those documents over to Congress. So these records did not surface there. So that sug-

gests to me that somehow, between their first being removed from the Rose firm to their being discovered, they were in Vince Foster's office.

TED KOPPEL. Talk to me for a moment about—about Travelgate, but first of all, let's take a look at something the First Lady said, I believe in her interview with Barbara Walters, about the whole Travelgate affair.

HILLARY CLINTON ["'20/20'"]. I think that everyone who knew about it was quite concerned, and wanted it to be taken care of, but I did not make the decisions, I did not direct anyone to make the decisions, but I have absolutely no doubt that I did express concern, because I was concerned about any kind of financial mismanagement.

TED KOPPEL. Mrs. Clinton presents herself in that interview as exercising a sort of passive role. "Yes, I may have expressed some concern about but I certainly didn't initiate it." There is a memorandum by David Watkins, I believe. Tell the story of that memorandum, because it, of course, suggests something totally different, but the White House itself ultimately produced that memorandum and made it available. Why is that significant?

JAMES STEWART. Well, the facts, as I discovered, on the travel office affair, are as follows. I learned, before the production of this memo, that in fact, whatever her own personal belief about this is, Mrs. Clinton was the first person to suggest to David Watkins that these people be replaced.

TED KOPPEL. David Watkins being?

JAMES STEWART. He was the head of management in the White House and was the person in charge of personnel in the White House, including the travel office.

TED KOPPEL. Right.

JAMES STEWART. She was the first one to say to him, "We need our people in this office." Did she literally say "Fire them"? No. But the implication seemed very clear to him and to everyone else who spoke with her, and that's what set in motion the chain of events that led to their being fired.

TED KOPPEL. But the—the memorandum that David Watkins wrote to his own file about all of this, and about falling on his sword for the First Lady, is a memorandum that the White House itself, after all, made available. Now, that certainly puts them in a good light, doesn't it?

JAMES STEWART. Well, I don't think so. First of all, that memorandum had been under subpoena for a considerable period of time. The independent counsel, the predecessor to Kenneth Starr, had subpoenaed that particular document. Meanwhile, I think the White House was aware that all this information was soon going to be made public. I have no idea how they found it, when they did, or why they decided to—to make it public when they did, but I do know that the week before that, I and my fact checker were checking the details about the First Lady's involvement in the travel office affair with the White House press office, with people in the White House, and had even faxed them material that dealt with this very subject, and almost immediately after that the memo itself appeared.

TED KOPPEL. What you're suggesting, Jim, is that because you indicated that something about this was going to be in your book that they then decided to—to make it public before it became public in your book?

JAMES STEWART. Well, as I said, I don't know why they did it. All I can say is, I had all this information in the book, we were fact-checking this information with the White House, so the White House knew this information was going to be in the book and shortly after that the memo appeared. But I'm sure the White House will say that no, that had nothing to do with it.

TED KOPPEL. Let's take another short break. An inside peek at the White House damage control operation when we come back.

[Commercial break.]

TED KOPPEL. There was, Jim Stewart, considerable debate going on within the White House, you discovered, about how much to reveal, when to reveal it, how cooperative to be, and at one point there is a—line that I suspect is going to be a rather devastating line that the First Lady uttered in reference to all of this.

JAMES STEWART. Well, you're—you're right. The—there was internal advice, especially from David Gergen, to turn everything over, and this was seriously considered until the First Lady interrupted at one point and said, "Well, you know, I'm not going to have people poring over our documents. After all, we're the President," suggesting that, by virtue of grandeur and power of the office, that they somehow should not have to endure such an experience.

TED KOPPEL. The key questions, I think, ultimately may become not so much what happened during Whitewater, but what happened in more recent months, in terms of either covering things up or not being as forthcoming with information. There is one story that—you uncover having to do with the Paula Jones story, this is the young lady who charged sexual harassment against then-Governor Clinton, and the—and the Arkansas state troopers who were then guarding Mr. Clinton. What is that all about?

JAMES STEWART. Well, I think it's well-known at this point that the troopers surfaced with some accounts of their experiences while in the security detail of the governor. What I think hasn't gotten much attention is that before these reports were published, and before the troopers actually made the final decision to reveal what they claim to know, there was pressure applied to them to try to get them not to speak out, and I think the most significant example of this came when the President of the United States himself called one of these troopers and offered him a federal job. That trooper subsequently decided not to participate. He was not one of the troopers who subsequently did tell stories to anyone, so if the goal of that job offer was to get this trooper to remain silent, it worked.

TED KOPPEL. Is there not one trooper who, in fact, ended up with a federal job?

JAMES STEWART. The head of the governor's security detail did end up with a federal job, but the trooper who heard directly from the president and decided not to participate did not accept it. He said he didn't—didn't want one of these jobs, he wanted to stay in Little Rock.

TED KOPPEL. Now, again, let me draw on some of your experience as a lawyer. If, indeed, that could be—that could be proved true, the charge that you—that you make in your book, that would be a federal crime, would it not?

JAMES STEWART. Well, that, again, could be a federal crime. I think the—the issue here is was a job offered explicitly in exchange for something else?

TED KOPPEL. Let me ask you—and I realize this—this may be the most difficult question I ask you of all—after having written a book that is 400 pages-plus, how do you—how do you reduce it to a conclusion as to culpability, lack of culpability, whether this is a story that has just been blown way out of proportion, whether it is simply being kept alive for partisan reasons now and is—is doomed to do so for the rest of this year because there is a presidential election and because, you know, for the Clintons, the unfortunate timing that your book is coming out right now—how do you summarize everything you've learned?

JAMES STEWART. Well, my interest is not partisan, and my interest is not narrowly was a law broken. I think to sum up the whole book is a study in the acquisition and wielding of power, and in the end, it's a study of the arrogance of power, what people think they can do and get away with as an elected official, and then how candid and honest they are when questioned about it. I think that is what it reveals, I think, most significantly about the Clintons.

TED KOPPEL. And—to those who say, has all of this investigation, the congressional investigations, the independent prosecutors, the time that you have spent in putting this book together, you know, was the—was it all worth all the money and the time and the effort and the pain?

JAMES STEWART. I think, in the end, we'll find that it was, that the truth is important in our society, that justice is important in our society. I don't think you can put a price tag on those things. Yes, it's terribly expensive, and at times it seems very wasteful, and at times it's nasty and it's partisan. It often is a blood sport, as Vince Foster said. But why is that? It's 'cause the truth was never honored in the first place, and I hope if there's any lesson that comes out of that, that people in the future will recognize that.

TED KOPPEL. Jim Stewart, thank you.

I'll be back in a moment.

[Commercial break.]

TED KOPPEL. The controversy over "Blood Sport", this book, will be the subject of a segment on "Good Morning America" tomorrow.

That's our report for tonight. I'm Ted Koppel in Washington. For all of us here at ABC News, good night.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Wyoming.

#### PUBLIC RANGELANDS MANAGEMENT ACT

The Senate continued with the consideration of the bill.

Mr. SIMPSON. Mr. President, today we debate a bill of tremendous importance to my State and to many Americans who draw their livelihood from the land. I am speaking specifically about ranchers, that often maligned group of individuals who have played such an enduring role of the development and prosperity of our Western States over the years—and individuals they are.

It is difficult to conceive of a greater distortion than the continuing ugly portrayal of those in my State being described as big-time cattle barons, Cadillac cowboys, few in number and great in wealth and rapacity and greed. The reality is far, far different. There are more than 25,000 ranchers whose livestock grazes on these western lands all over our Western States.

In Western and Midwestern States, more than 50 percent of all beef cattle graze these lands at one time or another during the year. If cattle were driven from these lands—and this administration seems to advocate that; that has been the pressure from them—large numbers of ranchers would surely go out of business. That is the stark reality. It is also a very cynical and deceptive canard that alleges that if this bill were to pass, public access to these

Federal lands would be simply cut off. Instead, this bill reaffirms that use of these public lands for nongrazing purposes, shall continue in accordance with State and Federal law, already in effect.

I am very pleased to support this bill. So many have worked so hard. I commend the occupant of the chair, Senator DOMENICI, and so many people who have worked so hard. My colleague from Wyoming, Senator CRAIG THOMAS, has done a yeoman's task, and does it well.

I support Americans who make their living off the land. I support a healthy environment. Who does not? I get tired of that argument. Good Lord, I have lifted more lumber on the environmental laws when I was a State legislator than half the people who bark and howl at the moon in this place. I support public access to our public lands. I support the principle of multiple use, an unknown description to several people in this body. It is indeed impossible to believe that we cannot pursue all of these objectives simultaneously, which this bill does.

What I do not support is this one-size-fits-all solution for local problems. These are issues which very much require a rich participation in the form of the expertise and concerns of the local people, those who are closest to the problems and those who, I might say, care the most and are affected the most. It makes little sense for the beltway environmentalists to have veto power over the common sense and experience of those who have lived and worked and grubbed that land from nothing for generations.

Mr. President, this bill is moderate and balanced and inclusive and fair, and yet it is being described by certain special interests as a sinister, venal, even Republican conspiracy—we have had some good bipartisan support on this issue through the months—to turn back the clock on environmental protection. That shows up, I guess, in focus groups. That is not what this is. This charge is preposterous and made by people who do not want to stop with simply regulating the proper role of livestock on the public lands. It is made by people who would abandon all concept and principle of multiple use altogether.

Let there be no mistake here—the groups opposing this bill hold as their ultimate goal the outright abolition of livestock from public lands. Let us be very clear. I believe that is very evident in slogans such as "cattle free in '93," which was gleefully chanted into the vapors with such fierce conviction, less than one Presidential term ago, as the type of genuine extremism which has played too great a role in this debate.

From a purely scientific perspective, there is not a scintilla of evidence demonstrating that responsible grazing has been detrimental to the rangelands—not one—rather, an ever-growing body of scientific data suggesting it has been

a critical component—critical component—of good range health. It is also irrefutable that the range is in far better condition today than it was 40 years ago. That is not my opinion. That is according to the Forest Service and the Bureau of Land Management.

The condition of the public lands is the best it has been in this century. Yes, we have more cattle grazing on these lands, but we also have more elk, deer, antelope, and even coyotes. We take good care of them, too. How can this be so? The good stewardship of our ranchers, that is how.

Mr. President, I want to just briefly show some photographs. They are rather remarkable. The first, I think, if you can discern—these are unique in their own historical context because the top ones on each of these panels were taken in 1870 by the renowned William Henry Jackson during his photographic survey of the Wyoming Territory. He was working for the USGGST, the U.S. Geological and Geographical Survey of the Territories at the time. This same expedition eventually reached the Yellowstone area. When he got to Yellowstone, he took some extraordinary photos that were so influential in gaining national park status for Yellowstone National Park in that spectacular region.

He, along with Thomas Moran, the artist, upon returning with the material and presenting it to the Congress in 1872, formed Yellowstone Park as a pleasuring ground for the enjoyment of the American people. You would never know that, as people forget the organic act. That is what it was set up for.

When these photographs were taken, all of the pictured lands were Federal. They were all owned by the Federal Government.

But here we are, and over 100 years later, then Prof. Kendall Johnson, of the Range Science Department at Utah State University, attempted to exactly re-create the location and the exact point from which Jackson set up his extraordinarily cumbersome equipment. And with the great plates and the weight of them and hauling them through the West—which was a feat in itself—he re-created Mr. Jackson's photos as a means of studying the condition of rangelands in Wyoming. I am indebted to him for the use of these photographs that were published in his book called "Rangeland Through Time."

Some of the lands pictured in the lower panels are Federal and some are private, but all of them are livestock grazed. Every single photo in the lower area is being livestock grazed, all of them.

So the top photograph here shows land about 50 miles north of Rawlins, WY.

This photo was taken in 1870, August 28, about the same time that the Sun family started ranching there. It looks as if the original ranchers took some pretty tough-looking country to decide to work on, but they have been right

there ranching ever since that picture was taken.

If you look at the bottom photo just taken a few years ago, the exact same location, you will see the fruits of their stewardship. Do not tell me about environmental devastation wrought by selfish and greedy ranchers. We see trees, cottonwoods. We see extraordinary vegetation, hay lands. That is it, right there. This was the way that God had it. God has had some helpers.

These two photos then were taken on the Laramie River about 5 miles north of Wheatland on August 10, 1870. The top photo was taken in 1870 and the bottom was taken over 100 years later. You will notice that the riparian habitat has been so lush that you cannot even see the river. Here it is in the original form, and here it is 20 years ago. Here is the riparian habitat, and this is all grazing country. As I say, you cannot even tell where the river is because of the lushness of the growth. Again, do not tell me our ranchers do not understand good ecomanagement.

The next pair of photos were taken about 40 miles south of Douglas, pretty rugged country, the same respective time as the previous pair of photos, August 12, 1870. Now, this is a real one—notice the pine and the growth, and here is one taken almost 100 years later. Look at the trees, look at the pine. All of this is grazing land. Look at the grass. This is just rock. Here is grassland, and here is all of this being grazed for decades. Do not tell me, again, about ranchers devastating the land.

Another pair of pictures, the fourth, showing this widespread phenomenon, same timeframe, 1870, August 20, northwest of Douglas, WY. The scene shows a treeless and barren landscape. There it is and there is the camp. People were camping there, probably the first white people to go through—not the first humans. This entire area is near the old Bozeman Trail, Ft. Laramie, up past Ft. Phil Kearny, into Montana. Of course, it was just 5 years after this, on June 25, 1876, that Custer had his rather unfortunate occasion at Little Bighorn. At the bottom we see, again, 100 years later, the grasses are lush and thick, trees are abundant by prairie standards—cottonwoods, water, grasslands, all of it grazed.

It was not a Ph.D. in ecomanagement that resulted in this recovery. Rather, it was the common sense of ranchers who depend for their survival upon the health of these lands. When your family depends on your stewardship, you pay awful close attention, very, very close attention.

Finally, two photos taken on the North Platte River. This was the area of several great Indian struggles in the history of my State, southwest of Casper, WY. A young man named Caspar Collins was killed in an Indian skirmish there. In 1870, these lands were totally overgrazed and treeless; August 25, 1870. By 1986, they had recovered to become well grassed, with riparian

habitat abounding. Here is the same photo. Here is water. Here are trees, cottonwoods, native grasses, hayfields, irrigation. So do not tell me about ranchers being poor stewards of the land.

I always like to ask environmentalists what it is they find so appealing about my beautiful State of Wyoming where I am a fifth generation. My grandfather came to this rugged country in 1862 through Ft. Laramie. He was with the Conner expedition, and he ended up going up that trail to Ft. Phil Kearny and was there during what was called the Fetterman massacre. He was a sutler. That is a chap who sells tobacco, boots, and booze to the soldiers. He was good at that. Fincelius G. Burnett. He was there when this great historical battle took place. Then he lived in what was called Fremont County, and he became the boss farmer of Chief Washakie. One of the great Shoshonie leaders of all time had my great grandfather as his boss farmer. That is what he called him. He even gave him land on the reservation. He said, "I will not take it because it will cause you a lot of pain in the years to come," and my grandfather deeded it back. It was a good thing to do because the lands that are there now that did go into private hands have caused some pain.

I ask these environmentalists about Wyoming and what they find so appealing about our great State. The answers I always get reference such things as rugged, natural beauty, the wildlife, the clean streams, the clean air, and great fishing. I say, well, how in Heaven's name do you think it has managed to stay that way all these years? Somebody must have been taking care of it. I tell them that we have been engaged in land use activities for over 100 years. How do you think Wyoming has managed to remain the natural jewel that it is? It is because those of us that live there refuse to let it become ripped and ruined and torn to bits. It is because those citizens who depend upon these lands for their livelihoods have taken such good care of them over time. That is how.

When you are a Republican from Wyoming, you get accused of some very interesting things on the issue of the environment. But I was in the State legislature for 13 years. In the State legislature we put on the books the toughest mine land reclamation law in the United States, in the largest coal-producing State in the United States, Wyoming; the toughest Clean Air Act, which was six times more stringent than the Federal Clean Air Act; a Clean Water Act; a Plant Sighting Act which said, if you are going to come and set up a great type of structure here, an infrastructure, you will see to it that you address the accompanying social and domestic problems. We made them cough up the front end money. That is what I did when I was in the legislature.

I do tire of the paternalistic approach of people who come up to me and ask

about saving the State that we already saved. We get a little tired of them hanging around. In this kind of debate, they all use the same fax machine, and all the organizations that chop you to shreds all having interlocking boards of directorate. They really are something. They all live pretty well, a lot of them on inherited wealth. If they do go to work, they find out what the rest of us find out: Work is healing, therapeutic and keeps your mind off cows messing around on the riparian bank and streams. It clears the air. I want that to happen. I get tired of that paternalistic business.

Mr. President, it is no accident that our public grazing lands, each parcel of which is the responsibility of the lessee, are in such good shape today. We have other areas of our planet which are not in good shape, where people have ripped, ruined and torn it up, whether in the oceans, the mountains, or the plains. And this bill puts the powerful tool of self interest to work in favor of the environment instead of against it. It recognizes the basic law that its opponents seem not to understand—that the worst thing in the world for the environment is not mining, logging, ranching, or multiple use; the worst thing in the world for the environment is poverty.

Look at every past civilization of the Earth; before disappearing into the vapors of history when they have finally used up every resource, cut the last tree, shot the last deer, caught the last fish, overpopulated the entire system, their last contribution is a devastated environment. That is what happens. Travel anywhere in the world to any impoverished developing country and you will see the truth of that. You may even come to understand that one of the most important human rights is the right to a job. I know that sounds evil. But that is a great human right—the right to work, the right to make a living.

So I can tell you what will happen. Here is one for the greenies to mull as they are sitting there having a little chardonnay by the campfire with their pals singing songs, of course, in the evening. Here is one for the greenies to mull: What do you think is going to happen when these old cowboys lose their grazing permit, lose the ability to use that land which they have been using for 60, 70 years? I will tell you. Do not miss this scenario. You lose the permit, you gather the kids around—some of them are downtown, or maybe they are working at the courthouse, or wherever they are—and make the decision to sell the place. Then start talking to your pals on the county commission; those county commissioners that you helped elect, and they will direct you to the zoning and planning commission; go to the zoning and planning commission, and they will say, Yes, we have a subdivision regulation there, you bet; go to the old local civil engineer and draw up the plans for the subdivision; and then sell the property for

a subdivision in the midst of this magnificent kind of country, just so you can do a silly thing—eat. And then instead of cows for those same greenies to worry about—as they slosh the chardonnay on their shoes—they can worry about people messing up the area—a few hoof prints beside the creek will then start to look pretty good compared to septic tanks and leach fields. That is exactly where this one is going. So get involved in the great emotion of it, and watch these wily, canny people, who do not like to starve to death, pedal off their land and remove even the Sun family—Kathleen, Bernard, Dennis and the rest—perhaps, after 5 generations—remove themselves from ranching and decide to sell it and spend the winters in Arizona and the summers on that magnificent part of the ranch they kept for themselves. If anybody cannot understand this is what will happen, the drinks are on me.

Thank you.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I commend my friend from Wyoming for telling how it really is. I thought his graphic pictures portrayed an awful lot of America that, unfortunately, few Americans see. The Senator's reference to those that would like to see something different done to that part of the American west, while explicit in its reference to the comfort around the fire and the chardonnay, I think reflect an unrealistic reference, if you will, to the responsibility that we have in this body to recognize the significance of grazing, as we know it today.

As chairman of the committee of jurisdiction, Energy and Natural Resources, I rise to support the substitute, S. 1459, which has been offered by Senator DOMENICI, the Public Rangelands Management Act.

While the livestock grazing issue is not significant in my State, there is reindeer grazing on Bureau of Land Management lands under regulations specific to Alaska and some cattle grazing on Fish and Wildlife Service lands on Kodiak Island. In the lower 48 States, however, livestock grazing is a part of western society. It is part of the history, and the heritage, of the American West. And it's a part of the social fabric of the West and a cornerstone of the western economy.

Because I understand the importance of livestock grazing to the rural western economy, to the ranching community and to the family structure, I want to lend my support to this important legislation and encourage my colleagues on both sides of the aisle to support S. 1459.

Mr. President, as chairman of the Committee on Energy and Natural Resources, and as one of the three elected representatives of the State of Alaska in Washington, I have a strong interest in our Nation's natural resource and

public land management policies. I believe the public lands in my State and in the lower 48 States contain abundant natural resources—timber, coal, oil and gas, minerals, and other renewable assets—that can be used to sustain the economic engine of this great country of ours. Our public lands are also a valuable recreational resource—they are used for hunting, fishing, camping, river running, bird watching, backpacking, skiing, off-road vehicle use, and other recreational uses. The fact is, our public lands are taking a great deal of pressure off our national parks for Americans who want to enjoy an outdoor experience.

And just as Alaskans are willing to allow their resources to be used prudently to better the future for Alaska's children and grandchildren, I believe American are willing to use America's resources for the benefit of future generations. I do not believe a majority of Americans support locking up our public lands for preservation purposes. As chairman of the Committee on Energy and Natural Resources, I am obligated to speak out for responsible use of our public lands and natural resources in a way that I believe makes the most productive use of those lands and resources for all Americans.

One of the reasons I support S. 1459 is because of my concern about the Clinton administration's general attitude regarding public land use and, more specifically, about Secretary Babbitt's regulations and policies regarding activities on the public lands to conduct timber harvesting, livestock grazing, mining, and oil and gas exploration and development. There is an alarming trend toward driving traditional public land users—timber harvesters, ranchers, oil and gas drillers, and miners—off the public lands.

At least in the case of the oil and gas and mining industries, good, high-paying, long-lasting jobs and hundreds of millions of dollars in investment capital are being forced overseas because of a hostile attitude toward resource development on public lands. Also lost with those jobs and investment capital are untold millions of dollars in potential tax revenues and mineral receipts to the Federal Government and the States. Thousands of good, high-paying jobs in the timber industry have been lost, and are not likely to be recovered again. That is happening in the southeastern portion of my own State.

For the livestock industry, however, the story is different. Ranchers have been using the public lands for generations to make a living for themselves and their families. We are not talking about high-technology, high-paying jobs. We are talking in some cases about folks who are just able to eke out a living and pay their bills. The job is tough, the hours are long, and the pay is poor, but because many of them are fourth or fifth generation ranchers, they want to keep up the tradition, run their cattle or sheep, and live the simple lifestyle out in the open space of the West.

The ranches are not being forces overseas like the oil and gas and mining industries. They are simply being run out of business altogether—driven off the public lands like the cattle or sheep they herd—by an administration and an Interior Secretary hostile to their way of living. They're being run off the public range and ridiculed as relics of the past. They're criticized for receiving what some claim is a subsidy.

Mr. President, we are not talking about subsidizing and preserving the way of life for "cute little German farms in Bavaria" as one of my colleagues recently observed, we're talking about members of western society who are making a substantial contribution to their local and State economies, to the Federal Treasury, and to the feeding of tens of millions of people who consume their products every day.

What Secretary Babbitt set in motion with his Rangeland Reform 1994 regulations is symptomatic of a broader attitude toward public lands use and natural resource development from his Department. Secretary Babbitt's attitude seems to be "lock up the public lands, keep them preserved for posterity's sake, and do not worry about all the lost jobs and economic benefits—we can get all those people retrained so they can be productive members of society again."

What is troubling about that kind of attitude, Mr. President, is that it is elitist. It is elitist because it tells Americans that their public lands should be used only for the enjoyment of the preservationists and no one else. It says, "the heck with the ranchers, the miners, the oil and gas drillers, the timber cutters and the others who want to use the public lands to make a better life for themselves, their families, or their country." It also says, "the heck with the people who want to recreate, and hunt and fish on the public lands."

In the case of livestock grazing, that approach takes away the lifestyle so many people have freely chosen, despite the hard work and low pay. It takes away a portion of the western culture. It takes away a pillar of the West's economy. It takes away revenues to the Federal Treasury and to the States whose education systems and public services rely so heavily on the public lands.

There is one aspect of the grazing debate that I appreciate more than some of the others because of my experience as a former banker. And that is how difficult it is now for ranchers to secure lending to support their operations or to make improvements. More and more banks are asking tougher and tougher questions before they loan money to ranchers because of the seeming instability of the livestock industry—instability that is brought about by the regulatory malaise caused by Secretary Babbitt's rangeland reform regulations. More and more banks are denying loans because they believe livestock operations cannot be con-

ducted profitably given the current regulatory climate. That is why we need to act now to bring the stability ranchers and their lenders need.

As for the substance of this legislation, Mr. President, S. 1459 starts with the premise that public lands should continue to be used for multiple use purposes. The No. 1 finding on page 3 of the bill says, and I quote: "multiple use, as set forth in current law, has been and continues to be a guiding principle in the management of public lands and national forests." Multiple use is a guiding principle for public lands management now, and the bill says right up front that multiple use will continue to be the guiding principle. It says so throughout the bill. So any claim, Mr. President, that this bill establishes grazing as the dominant use of the public lands is false. That is one of the false claims we will hear over and again about this bill, Mr. President, but such a claim has no basis in fact.

The multiple use foundation of this bill is further exemplified by the explicit declaration that nothing precludes use of and access to Federal land for hunting, fishing, recreation, or other appropriate multiple use activities in accordance with Federal and State law.

Environmental protection of public rangelands is ensured by S. 1459 in several ways. The bill states as its first objective the promotion of "healthy, sustained rangeland." Another objective is to "maintain and improve the condition of riparian areas which are critical to wildlife habitat and water quality." S. 1459 also calls for: the establishment of State or regional standards and guidelines for addressing rangeland condition; consideration of the environmental effects of grazing in accordance with NEPA, the National Environmental Policy Act; approval of cooperative agreements and coordinated resource management practices for conservation purposes or resource enhancement; and penalties for failure to comply with permit terms and conditions or environmental laws and regulations. All of these provisions add up to a serious effort to protect the condition of the rangeland and to improve its condition where such improvement is needed.

A lot criticism has been directed at the public participation aspects of this legislation, Mr. President, and I want to explain what S. 1459 does in that regard. The bill makes absolutely clear that affected interests will be notified of proposed decisions, and does nothing whatsoever to prevent those interests from having dialogue with Federal land managers concerning management decisions on grazing allotments. That is the case now and that has always been the case. The bill also makes clear that those citizens whose interests are adversely affected can appeal decisions of the land managers. Further, the bill gives the interested public the opportunity to participate in Resource Advi-

sory Councils, the Grazing Advisory Councils, and the NEPA process.

What the bill does not do, Mr. President—much to the disappointment of Secretary Babbitt and the other opponents of this legislation—is allow anti-public lands or anti-grazing activists from Boston and elsewhere to micro-manage and second-guess every single decision regarding grazing and what happens on each individual grazing allotment for the price of a 32-cent stamp. Appropriate public participation in public lands management decisions is healthy and constructive. We do not have a problem with that, Mr. President. We welcome appropriate public participation.

What we do have a problem with, however, is elevating in statute the legal status of an individual who lives hundreds of miles away who wants to dictate what happens on a grazing allotment out West, and whose form of public participation consists of mailing a protest postcard to the land management agency. We do not need more lawsuits spawned by armchair quarterbacks who have never seen a grazing allotment. Nor do we need to have every single decision of the public lands manager second-guessed by self-proclaimed experts.

Mr. President, there are many other positive aspects of S. 1459 that deserve mentioning. But my colleagues who have labored long and hard trying to put together a grazing reform bill that can enjoy bipartisan support are anxious to speak to the many positive features of the bill.

I want to tell my colleagues about the process we have been through this year on grazing reform, Mr. President, because I believe it is important that they know about the intense interest in this issue, and even more intense interest in passing legislation that will provide stability, certainty, and predictability for the foreseeable future. This is such a contentious issue that we do not need to be revisiting grazing every session of Congress.

Earlier last year, May 25, another grazing bill, S. 852, was introduced by Senators DOMENICI, CRAIG, BROWN, CAMPBELL, HATCH, BENNETT, BURNS, SIMPSON, THOMAS, KYL, PRESSLER, KEMPTHORNE, CONRAD, DORGAN, DOLE, and GRAMM. Senators BAUCUS, NICKLES, and INHOFE subsequently joined as co-sponsors.

A companion bill to that measure, H.R. 1713, was introduced in the House. The House Subcommittee on National Parks, Forests, and Public Lands of the House Resources Committee held a hearing in July.

A hearing on the Senate bill was held in June by Senator CRAIG's Subcommittee on Forests and Public Land Management, and the Committee on Energy and Natural Resources reported the bill on July 19, 1995.

S. 852 was placed on Senate Calendar but went nowhere as a result of apparent lack of sufficient support.

Following the August recess, a bipartisan effort was mounted to craft a bill

that would address the deficiencies of S. 852 was initiated by several Members on our side, Senators DOMENICI, THOMAS, KYL, CRAIG, and BURNS, and included several of our Democrat colleagues, Senators REID, BRYAN, CONRAD, BAUCUS, BINGAMAN, and DORGAN.

After several weeks of staff discussions and Member involvement, a revised bill was drafted that addressed some 16 areas where there seemed to be general bipartisan agreement. Shortly thereafter, the Senate began consideration of the Balanced Budget Act of 1995. Grazing provisions were not included in the Senate version of the Balanced Budget Act, but the House version did contain a handful of provisions, only one of which would have produced revenues—the grazing fee provision. In the end, the House receded to the Senate approach and no provisions on grazing were included in the Balanced Budget Act.

On November 16, 1995, Senators DOMENICI, KYL, CRAIG, THOMAS, and BAUCUS wrote me to request that the Energy Committee consider the new draft proposal, which was reported as S. 1459 on November 30.

In December and January, Mr. President, our side met with Democrat Members and staff several times in an attempt to incorporate changes desired by the Democrat Members in order to address concerns raised by their constituents and support this measure. We went what we believed was the extra mile to address their concerns.

At the end of January, Mr. President, we had only five unresolved issues. We made clear to our colleagues that we could accommodate their concerns on some of these issues. On a few others, we probably could not agree because of fundamental differences in approach. However, we believed that the unresolved issues could be decided on the floor through the amendment process, Mr. President, which would allow our colleagues to offer proposals to address the remaining issues on which we seemed divided.

That brings us to where we are now, Mr. President. At a crossroad. We are at a crossroad with this grazing bill because we have gone about as far as we can without harming what we believe are the legitimate concerns of the livestock industry. We believe we have ample environmental safeguards in the bill, Mr. President, and more than adequate opportunity for public participation.

If our Democrat colleagues whose interests we have tried so hard to address cannot support this bill now, Mr. President, it is not for a lack of effort on our part to accommodate their concerns. It is not because of sincere effort on our part to include them in the process of drafting this legislation. And it is not because we did not seek their input and ideas as to how we could make S. 1459 better legislation.

I would suggest Mr. President, that those who cannot support this legisla-

tion—even though we have bent over backwards to accommodate the interests of our western Democrat colleagues—are making their decision not on the merits of the bill but rather on the basis of a desire to make nonuse of the public lands the dominant use.

We're at a crossroad not only with this grazing bill, but also with the administration's public lands and natural resources policies. We can either choose between Secretary Babbitt's Rangeland Reform 1994 regulations, which will hasten the end of livestock grazing on the public lands, or we can choose an approach that makes significant improvements in the way livestock grazing is managed while allowing ranchers to continue to graze cattle and sheep on the public range. The same choice is true for other public lands use issues: We can either ship our jobs, our capital, our mineral receipts, and our tax revenues overseas or we can keep them here and allow responsible use of our public lands for resource development activities and other multiple-use purposes.

The choice for me is clear, Mr. President. On this one, I am going to side with the ranchers over the elitists. I urge my colleagues to do the same.

Mr. President, I support the Domenici substitute for three specific reasons. First, it is pro-environment. It is pro-family, and it is pro-economy. The substitute contains, I think, significant provisions to protect the great landscape of the American West that will lead to more money being spent to improve those rangelands specifically.

Furthermore, I think it keeps the families together, the families of rural America, the families out west, because it will allow them to continue what they have been doing for five and six generations—that is, producing livestock on the public lands for the benefit of all Americans.

Further, the Domenici substitute is pro-economy because it will generate more fees to the Federal Government and provide a stable regulatory climate for livestock production on the public lands, and preserve livestock production as an economic pillar, which it has been on the rural communities of the West.

Now, Mr. President, you might wonder why a Senator from Alaska is speaking on grazing issues. Well, it is not significant in my Western State of Alaska, although we do graze a significant herd of "Santa Clause's reindeer" on public land. But it is really part of the history and heritage of the American West, a part of the social fabric of the West, and it is really a cornerstone of the western economy.

So I want to lend my support to this issue and this legislation. I encourage my colleagues on both sides of the aisle to support the Domenici substitute because I understand and really appreciate the importance of this issue to the West. I want to assure you that those who have risen to speak on behalf of this amendment do as well, be-

cause they are the ones ultimately accountable for their stewardship to their constituents.

I have a strong interest in our Nation's natural resources, public lands, and management policies. I believe the public lands in my State and in the other lower 48, as we refer to them, contain tremendous natural resources—our timber, coal, oil, gas, minerals, and other renewable assets that can be used to sustain the economic engine of what made this country great.

I firmly believe that through science and technology, we can do it right, we can do a better job than we have done. I feel, in many cases, the old rules relative to environmental oversight and various other aspects of regulatory mandates are really out of date. We have had new technology come along. We are operating under the same rules, same regulations, and a very narrow focus, Mr. President, and a very narrow interpretation. As we look at resource development, we are looking at world markets.

We have the experience and expertise in the United States to do a better job, particularly with our renewable resources, and grazing is a renewable resource. We could do a better job in the renewability of our timber. But as we look at what is happening, we are depending on imports, such as imported beef and timber products, coming from countries that do not have the same sensitivity and responsibility in developing and maintaining the renewability of the resources that we do.

So are we not being a little irresponsible to shed that responsibility on other countries and simply look to importation? Well, I think we are. Just as we in Alaska are willing to allow our resources to prudently contribute to the future of those in our State and the grandchildren that are coming along, I believe Americans are willing to use America's resources and resource development to benefit future generations.

So I support Senate bill 1459 because of my concern about the current administration's general attitude regarding public land use. More specifically, it would be the regulations and policies of the Secretary of the Interior regarding activities on public lands to conduct timber harvesting, livestock, grazing, mining, oil and gas exploration, and development as well. I think, Mr. President, as we look a little further, we see an alarming trend toward driving traditional public land users—timber harvesters, ranchers, oil and gas drillers, and miners—off public lands. Where are they going?

We are driving those jobs out of the United States, we are sending our dollars overseas, and we are importing those products. As our President communicates concern over the loss of high-paying jobs and offsets that by more low-paying jobs, the realism is that many of these blue-collar jobs are high paying. But if we do not develop

our resources, we are not going to have them.

The Interior Secretary's approach seems to be to drive these good, high-paying, long-lasting jobs—hundreds of millions of dollars of capital investment—overseas, all with no worry, so to speak, because we will make up for those lost jobs somehow. Well, I think that is an attitude problem. As we look at oil imports alone, now we are currently importing over 54 percent of the total crude oil that we consume. We are simply becoming more dependent on the Mideast. We are only perhaps a terrorist act away from another oil crisis.

So, Mr. President, as we come back to the issue at hand, it is just not about grazing; it is about utilization of the public land in a responsible manner.

I think it is difficult for ranchers without this relief. As a former banker, I think I can comment with some degree of accuracy on the circumstances. It is difficult for ranchers to secure lending to support their operations and to make improvements that are needed. And more and more banks are going to be tougher and tougher before they loan money to ranchers because of the seeming instability of this industry and where it is going. That is brought about by the regulatory malaise caused by the current administration's rangeland reform regulations. I have been told by some of my banker friends that they are denying loans because they believe livestock operations cannot be conducted properly given the economic uncertainty in the industry. I think that is why we need to act now to bring stability that the ranchers need and that certainly the lenders require.

That is another reason I support the Domenici amendment. As for the substance of the so-called substitute, the bill starts with the premise that public lands should continue to be used for multiple use.

The No. 1 one finding on page 3 of the bill says: "Multiple use, as set forth in current law, has been and continues to be a guiding principle in the management of public lands and national forests." Multiple use is a guiding principle for public lands management now, and the bill says right up front that multiple use will continue to be the guiding principle. It says that throughout the entire bill.

So any claim, Mr. President, that this bill establishes grazing as a dominant use—that has been used time and time again in this debate—of public lands is simply false, and it is inaccurate. This is one of the many claims that we will probably hear over and over again in this debate. But such claims simply have no basis in fact.

Next, I want to say how astounded I am that the Democratic substitute to be offered on the other side of the aisle says absolutely nothing in title I about protecting use, of and access to, Federal land for the experience of hunting, fishing, recreation, watershed manage-

ment, or any other appropriate multiple-use activity. The question is, why? I wonder if we are to conclude from our friends on the other side of the aisle that they care only about these activities on national grasslands and not about such activities on the BLM or Forest Service rangelands. I hope that some of my colleagues will address that because I think it is a legitimate criticism.

Next, Mr. President, I want to emphasize again how compatible the Domenici bill will be with the environment. The bill states as its first objective the promotion of healthy, sustained rangeland. Another objective is to "maintain and improve conditions of repairing areas which are critical to wildlife habitat and water quality."

The Domenici substitute also calls for the establishment of State or regional standards and guidelines for addressing rangeland conditions; consideration of the environmental effects of grazing in accordance with NEPA, the National Environmental Policy Act; and approval of cooperative agreements and coordinated resource management practices for conservation purposes.

Mr. President, all of these provisions add up to a very, very serious effort to protect the public rangelands and to improve their conditions where such improvements are needed.

So, Mr. President, we are going to hear a lot of criticism in this debate about public participation in the grazing management process. But, in my view, there are far more opportunities for public participation and a broader role for the so-called affected interests in the Domenici substitute than in the substitute which we will see from the other side.

Under the Domenici substitute, for example, for the first time the public will be given the opportunity to comment on reports by the Secretary of the Interior and the Secretary of Agriculture summarizing range-monitoring data. This is a positive improvement and one that will not be provided in the substitute from our colleagues on the other side of the aisle.

What the Domenici substitute does not do, Mr. President, is allow out-of-State antipublic lands, antigrazing activists to simply micromanage and second-guess every single decision regarding grazing and what happens on each individual grazing allotment for the price of a 32-cent stamp, which, as you and I know, is possible now.

Appropriate public participation in public land management decisions is healthy. It is constructive. We do not have a problem with that. We welcome appropriate public participation.

Finally, Mr. President, it is our hope that the Domenici substitute ends the bureaucratic nightmare that livestock producers have been living because of widely differing rules and regulations of not one, but two Federal agencies—the Bureau of Land Management and the U.S. Forest Service. The Domenici

bill would require coordination of livestock administration between these two agencies. It would require them to issue regulations simultaneously to address grazing on public lands.

Livestock producers need some degree of certainty. They need regulatory stability. We believe, Mr. President, that the Domenici substitute will provide that certainty and that stability.

I believe Senate bill 1459, as proposed to be amended by the Domenici substitute, will allow family ranchers to continue enjoying the lifestyle they have enjoyed for generations. It is hard work. It is low pay and long hours. If you ask any one of the small family livestock operators, he or she will tell you that they would not want to do anything else or anything any differently. Are we going to take that away from them? I hope not.

We need to provide the proper regulatory climate to allow the family ranchers to continue to earn their living on public rangelands. We need to continue to allow the livestock industry to make its vital contribution to the rural economy of the West. We need to provide incentives for the livestock operator to keep caring about the land that he or she lives on. Yes; ranchers are environmentalists, too. They hunt, they fish, and they recreate. They enjoy the outdoors on the lands in their areas just like others. The only difference is they know better how to take care of the land and how to preserve it. They have a vested interest in continuing to care about those rangelands because their rangelands are also their hunting grounds and their fishing streams.

Mr. President, the Domenici substitute is good for the environment. It is good for the family. It is good for the rural western economy. And it is basically good public policy.

I urge my colleagues to support the Domenici substitute, Senate bill 1459.

I ask unanimous consent to be added as a cosponsor of that legislation.

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

Mr. MURKOWSKI. Mr. President, I would suggest that those who cannot support this legislation for whatever reason, even though we have, in my opinion, bent over backward to accommodate the interests of our western colleagues on the other side of the aisle, are making their decisions, unfortunately, not on the merits of the bill but rather on the basis of a desire to make nonuse of the public lands the dominant use. Think about that, Mr. President. We are at a crossroads not only with this grazing bill but also with the administration's public lands and natural resource policy. We can either choose between Secretary Babbitt's rangeland reform, the 1994 regulations, which will hasten the end of livestock grazing on public land, or we can choose an approach that makes significant improvements in the way livestock grazing is managed while allowing ranchers to continue to graze cattle and sheep on public land.

The same choice is true for other public land use issues. We can either ship our jobs, ship our capital, our mineral receipts, and our tax revenues overseas, or we can keep them here and allow responsible use of our public lands for resource development activities and other multiple-use purposes and to benefit, obviously, Americans who are looking for and need those jobs.

The choice is clear on this one. I am going to side with the ranchers over the elitists. I urge my colleagues to do the same.

Mr. President, that concludes my statement.

#### MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business.

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

#### TRIBUTE TO PETER A. JENNINGS

Mr. DASCHLE. Mr. President, today I want to take a moment to commemorate the long and distinguished life of Peter A. Jennings, an outstanding American who passed away last November.

Peter Jennings was born June 9, 1911, in the small town of Bridgewater, SD, and passed away on November 3, 1995, in Fort Meade, SD. Throughout his life he was very dedicated to his family, his community, and his work.

As a father and husband, Peter epitomized the term "family values." He spent his life taking care of his family by always putting their needs and concerns first. He is survived by his wife of 56 years, Anita Sessions Jennings, his son Thomas Jennings, and his sisters Bernadette Stoltz and Irene Rotert. As an active member of his community, Peter was constantly working to improve the quality of people's lives. He belonged to the DAV, VFW, American Legion, Catholic Order of Forresters, the Retired Officers Association, and the Knights of Columbus.

Peter served in the U.S. Army for much of his life, including 26 years of service at four VA medical centers in Fort Meade, SD; Kerrville, TX; Indianapolis, IN; and Hines, IL.

During my travels as a U.S. Senator, I am constantly humbled by the people of my State and the basic principles by which they live their lives: a love of family, an obligation to community service, and a strong commitment to an honest day's work. Peter A. Jennings lived by those principles, and we remember him today.

#### NOMINATION OF LTG MICHAEL RYAN, U.S. AIR FORCE

Mr. NUNN. Mr. President, the Air Force Times (March 25, 1996 edition) contains a story entitled "Senate

Delays Ryan Nomination." The story states that Lieutenant General Ryan's promotion to a fourth star "is being delayed in the Senate according to congressional and military sources." The story adds that the "reasons for the delay were unclear as of March 15, but sources said Ryan's involvement in the Buster Glosson affair in 1994 may be tied to the delay." With no foundation whatsoever, the story then links me to this action by stating: "The aftertaste of the Glosson struggle has remained bitter, especially for one of his ardent congressional supporters, Sen. SAM NUNN, D-Ga."

That is absolutely inaccurate.

In the first place, I strongly support the nomination of Lieutenant General Ryan for his fourth star and have not been involved in any hold. Lieutenant General Ryan was nominated on February 26, 1996 and favorably reported by the Committee on March 12, 1996. I am confident that he will be confirmed by the Senate and I urge the Senate to act immediately to confirm this fine officer.

Second, when I was chairman of the Armed Services Committee in 1994, during Lieutenant General Ryan's previous nomination, I took the lead in ensuring that Lieutenant General Ryan was confirmed. That was at the same time we were considering the issues regarding Lieutenant General Glosson's retirement. Lieutenant General Ryan was nominated on July 12, 1994, approved by the Committee on July 27, 1994, and confirmed on August 25, 1994.

Third, when our committee issued its report on the Glosson matter, I ensured that the following material was placed in the committee report, citing the special panel we had established:

The Panel Report specifically states: "We wish to be absolutely clear that in our view Generals Nowak, Ryan, and Myers were truthful in their testimony to the IG investigators and to us." The Panel notes that "the reputation of these men for veracity and integrity is unimpeachable."

The Panel Report also observes: "Generals Nowak, Ryan, and Myers acted with the utmost integrity in reporting what they considered to be inappropriate attempts to influence a promotions board and in asking to be excused from service on that board. Their actions in this regard were proper and helped maintain the integrity of the Air Force promotions system."

The committee concurs with these views. The committee notes that its favorable recommendation on the nomination of Lieutenant General Glosson is based upon his overall record of service and does not imply any reservation about the Panel's findings with respect to Lieutenant General Nowak, Lieutenant General Ryan, and Major General Myers.

It is simply wrong to suggest "the aftertaste of the Glosson struggle has remained bitter" for me. On the contrary, I have worked hard to ensure that those, like Lieutenant General Ryan, who did their duty in the Glosson matter have not been adversely affected.

#### REPEAL OF MANDATORY DISCHARGE OF ARMED FORCES MEMBERS WITH HIV

Mr. KENNEDY. Mr. President, I am especially gratified that the Senate voted yesterday for fairness and against bigotry by repealing the provision in the recent Department of Defense Authorization Act requiring the mandatory discharge of members of the Armed Forces who are HIV-positive.

Yesterday's Senate action clearly demonstrates that this misguided policy's days on the statute books are numbered. The Senate looked at the facts and listened to the Nation's military and medical leaders, and not a single Senator was willing to defend the mandatory discharge provision.

The reality is that military personnel with HIV are serving their country effectively and should be allowed to continue to serve. They may not be fighting on the frontlines, but they are still dedicating themselves to serving our country.

A few examples prove the point. One of the persons affected is a senior enlisted man in the Navy. He is a gulf war veteran who has served over 17 years. During that time, he has earned numerous decorations, including two Navy Achievement Medals and four Good Conduct Medals. Yet under current law, this sailor will be discharged before receiving the retirement he worked so hard and honorably to earn.

Another affected service member is an Army sergeant. This soldier has served for over 15 years, receiving outstanding evaluations and a chest-full of medals. He fears for the fate of his wife and newborn child if he is dismissed from the service before his retirement.

Another member of the Armed Forces, a Navy woman, has served for 7 years, consistently receiving top evaluations.

It is fundamentally unfair that these and hundreds of other productive service members will all have their careers cut short for no valid reason.

Magic Johnson has not served in the military. But he is living with HIV. He has shown America that people with HIV do not have to sit on the bench. They can participate, and even be stars. In a recent article in the Los Angeles Times, Mr. Johnson appealed to us to give the same opportunity to service members with HIV that his fellow athletes gave him. He wrote:

Service members with HIV are in the Army, Navy, Air Force, and Marines. They are shipbuilders, military police, trainers, recruiters, sonar technicians, communications specialists, engineers, researchers, administrators, and more. They are American men and women who want to work hard and be part of the toughest military in the world. They live to serve—and they shouldn't be a casualty of prejudice. They deserve better. America deserves better.

Magic Johnson is right. The DOD Authorization Act is wrong. As a result of yesterday's overwhelming Senate vote, we are a major step closer to ending this unacceptable discrimination

against dedicated members of the Armed Forces. I urge the House of Representatives to accept our repeal of this disgraceful provision.

#### LABOR COMMITTEE PASSAGE OF OSHA REFORM LEGISLATION

Mr. PELL. Mr. President, last week, the Senate Labor and Human Resources Committee completed a long and, unfortunately, contentious markup of S. 1423, the Safety and Health Reform and Reinvention Act that amends the Occupational Safety and Health Act of 1970.

While I am very aware of the importance of not overburdening businesses with mountains of paperwork and regulation, I am also cognizant, as a cosponsor—along with my old friend Senator Jacob Javits—of the legislation that created OSHA, of the important need to protect the health, safety, and lives of employees.

Much of the debate and discussion that took place during Labor Committee hearings and markups was really over the balance between protections for employees and burdens on employers. During one committee hearing on the topic, a businessman testified in support of a proposal that would prohibit fines on a business if it were to be found in substantial compliance with OSHA regulations. The witness went on to say that substantial compliance “does not mean perfection or even near perfection. It does mean better than average.”

Mr. President, I would not expect perfectly safe conditions or perfect health protections for myself and we probably should not attempt perfection under OSHA rules. We should not, however, settle for better than average safety. I am sure that none of my colleagues would feel comfortable flying on an airline that advertised as having better than average safety. Would any of us feel comfortable using a piece of machinery or operating an electrical device knowing that there was an average chance of being electrocuted or being injured? I do not believe “better than average” is good enough for America’s workers.

Another concern of mine centers on the ability of workers to request onsite inspections by OSHA. I recently received some interesting material from the Rhode Island Committee on Occupational Safety and Health [RICOSH]. One of these cases is a good example of the value of OSHA inspections.

Without an onsite inspection, problems that occurred at a Narragansett, RI jobsite may well have taken a different turn. During construction, workers noticed that the temporary support structure for a poured concrete floor had become dangerously overloaded. The workers placed a call to OSHA. At first, the owner and his engineer and architect all insisted that the 2 x 4’s would support a concrete slab. Instead, they suggested to OSHA that

the deflection was the result of moist sea breezes causing the support timbers to swell combined with expansion caused when the Sun warmed one side of the timbers. At first glance, these all sound like credible explanations. Upon inspection, Mr. President, it was learned that structural calculations were based on a 2½ inch concrete slab. In reality, the slab was 3 inches thick. Obviously, the inspection was the key to discovering the actual cause of the deflection in the concrete slab. Just imagine the number of injuries and even deaths that may have taken place if because of a phone or fax interview, instead of an inspection, OSHA had determined that the culprit was sunny days and humid nights.

Mr. President, I feel that I also must comment on the commotion during the last markup session. After approving three very good amendments—two Democratic and one Republican—by voice vote on the first day of the markup, the committee was asked to vote again on the amendments at the beginning of the last markup. Unfortunately, all three of the votes were along party lines and two of the previously approved amendments failed. I regret very much that this commotion took place and hope that in the future, cooler heads prevail.

#### FEDERAL CONSTRUCTION METRICATION: A YEAR END REPORT

Mr. PELL. Mr. President, I would like to call to the attention of my colleagues the Metric in Construction 1995 Year End Report by the Construction Metrication Council of the National Institute of Building Sciences located here in Washington, DC.

I found the information outlined in the “Status of Federal Construction Metrication” chart to me most interesting. In many portions of the Federal Government, projects have been constructed in metric for 2 years or more and, contrary to the beliefs of many, the sky has not fallen in.

I also recommend the rest of the council’s report to my colleagues. As the report says, 93 percent of the world’s population uses the metric system. I continue to believe that the United States will remain at a competitive disadvantage with our global trading partners until we join that 93 percent.

Mr. President, I ask unanimous consent that the Metric in Construction 1995 Year End Report be printed in the RECORD.

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

#### METRIC IN CONSTRUCTION 1995 YEAR END REPORT

Almost all federal construction programs are now converted to the metric system and most agencies are designing and constructing projects in metric units.

So reported over 20 federal agency representatives at the November 1995 meeting of the Construction Metrication Council (see

the agency-by-agency status report on pages 3 and 4). Building on years of work by the nation’s voluntary codes, standards, trade and professional construction organizations—and with their support and participation—federal construction is providing the catalyst for the long-awaited metrication of the nation’s construction industry.

#### THE NUMBERS

Government is a major player in the construction industry by virtue of its role as provider of highways, bridges, dams, water and sewer systems, parks, prisons, military bases, space centers, laboratories, embassies, courthouses, schools, and numerous other public facilities. Federal appropriations for construction, including grants to state and local governments, total about \$50 billion annually. In 1996, over \$20 billion in construction will be designed in metric units and up to \$10 billion more put out for bid. By the year 2000, metric construction will approach the \$50 billion federal total, not including billions more in state and local matching funds.

Annual U.S. construction expenditures are about \$500 billion yearly with roughly one-half allocated to commercial, institutional, industrial and civil works and the other half to homebuilding. Thus, within a few years federally funded metric construction will amount to about 20 percent of all nonresidential construction, with state and local metric construction adding substantially to that percentage.

#### THE IMPACT

American architectural, engineering, and construction firms already use metric measures in their overseas work, and government’s buying power rapidly will expose the remainder of nonresidential construction to the metric system. Given this as well as the rapid globalization of the construction industry (just look at the multilingual packaging with metric measurements on the shelves of your local hardware store), nonresidential construction is likely to convert to the metric system within a decade or so. Homebuilders, who are involved in virtually no foreign or governmental work but are nonetheless closely intertwined with the rest of the construction industry, probably will adopt metric measures a few years later.

Of course, the metric transition could take place faster, as it has in other countries, or, given America’s ambivalence toward the metric system, slower. But 93 percent of the world’s population uses metric measures and it is only a matter of time before the U.S. construction industry, which accounts for 6 million jobs and 8 percent of the gross national product, joins the nation’s automobile, health care, and electronics industries (among others) in completely converting to the metric system.

When it does, metrication will bring more than efficiency and better quality control to construction: it will benefit every American by helping our nation compete more effectively in the global marketplace.

#### THE RESULTS

Hundreds of millions of dollars in federally funded metric projects have been placed under construction in the past three years and the results speak for themselves. As noted in the last Metric in Construction newsletter:

Conversion has proven to be much less difficult than anticipated.

There has been no appreciable increase in design or construction costs.

Architects and engineers like working in metric units.

Tradesmen adapt readily to metric measures on the job site.

Construction and product problems have been minimal.

However, three product-related issues have surfaced to date:

Reinforcing steel ("rebar"). The rebar industry first promoted and then withdrew a metric standard but not before most state highway departments had adopted it in their standard design drawings, at significant time and expense. The rebar industry currently is balloting, through ASTM, a new metric standard and hopes to unify everyone behind it over the next year or so.

Recessed lighting fixtures. Several lighting manufacturers opposed the introduction of modular metric recessed fixtures for use in modular metric suspended ceiling systems. Such fixtures proved to be readily available from other manufacturers, however, and now the opposing manufacturers are supplying them too. All other suspending ceiling components, including T-bars, lay-in tiles and air diffusers, are available from a variety of manufacturers in modular metric sizes.

Concrete masonry block. Block is also a modular material, but modular metric (so-called "hard metric") block is slightly smaller than current inch-pound block. The block industry, as represented by the National Concrete Masonry Association, argues that producing and keeping an inventory of two sizes of otherwise identical block is costly and, in many cases, too costly for the smaller producers that constitute the bulk of the block industry. The industry further argues that inch-pound block can be economically cut to fit any dimension, inch-pound or metric, and that the specification of metric block is therefore both unnecessary and economically damaging to block producers.

In response to these concerns, the General Services Administration, in its July 1993 Metric Design Guide, encouraged the allowance of either inch-pound or metric block in metric projects. The Construction Metrication Council endorsed GSA's position in the September-October 1993 Metric in Construction newsletter. Since then, contractors have had difficulty obtaining bids on metric block in a number of instances. The Council therefore strongly encourages designers to allow the use of either inch-pound or metric block or to specify nominal wall thicknesses only, thereby leaving the decision to the contractor, with cost the deciding factor.

CONSTRUCTION METRICATION COUNCIL

(English is the international language of business. Metric is the international language of measurement.)

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Metric in Construction is a bimonthly newsletter published by the Construction Metrication Council to inform the building community about metrication in U.S. construction. The Construction Metrication Council was created by the National Institute of Building Sciences to provide industrywide, public and private sector support for the metrication of federal construction and to promote the adoption and use of the metric system of measurement as a means of increasing the international competitiveness, productivity, and quality of the U.S. construction industry.

The National Institute of Building Sciences is a nonprofit, nongovernmental organization authorized by Congress to serve as an authoritative source on issues of building science and technology.

The Council is an outgrowth of the Construction Subcommittee of the Metrication Operating Committee of the federal Interagency Council on Metric Policy. The Construction Subcommittee was formed in 1988 to further the objectives of the 1975 Metric

Conversion Act, as amended by the 1988 Omnibus Trade and Competitiveness Act. To foster effective private sector participation, the activities of the subcommittee were transferred to the Council in April 1992.

Membership in the Council is open to all public and private organizations and individuals with a substantial interest in and commitment to the Council's purposes. The Council meets bimonthly in Washington, D.C.; publishes the Metric Guide for Federal Construction and this bimonthly newsletter, and coordinates a variety of industry metrication task groups. It is funded primarily by contributions from federal agencies.

Chairman—Thomas R. Rutherford, P.E., Department of Defense.

Board of Direction—William Aird, P.E., National Society of Professional Engineers; Gertraud Breitkopf, R.A., GSA Public Buildings Service; Ken Chong, P.E., National Science Foundation; James Daves, Federal Highway Administration; James Gross, National Institute of Standards and Technology; Byron Nupp, Department of Commerce; Arnold Prima, FAIA; Martin Reinhart, Sweet's Division/McGraw-Hill; Ralph Spillinger, National Aeronautics and Space Administration; Gerald Underwood, American National Metric Council; Dwain Warne, P.E., GSA Public Buildings Service; Lorelle Young, U.S. Metric Association; Werner Quasebarth, American Institute of Steel Construction.

Executive Director—William A. Brenner, AIA.

STATUS OF FEDERAL CONSTRUCTION METRICATION—NOVEMBER 1995

Agency	Metric conversion date for new construction projects
General Services Administration	January 1994: GSA's Public Buildings Service builds for several federal agencies. All major projects under its auspices have been constructed in metric for the past two years.
Federal Highway Administration	October 1996/2000: Recent Congressional action has pushed back the FHWA 1996 deadline to 2000, but the majority of states report that they will begin highway construction in metric by October 1996 or sooner. Successful metric projects already have been completed in many states.
Army Corps of Engineers	January 1995: Numerous metric projects are under construction. New work has been designed in metric since January 1994.
Naval Facilities Engineering Command	October 1996: New projects are being designed in metric now.
Air Force	October 1996: New projects are being designed in metric now.
Coast Guard	In phases, beginning January 1996: Several metric projects are underway now. State has virtually always built in metric.
State Department	October 1995: A number of metric projects are under construction and more are in design.
National Aeronautics and Space Administration	October 1995: New projects are being designed in metric now.
Federal Bureau of Prisons	January 1994: In-house design and renovation work is performed in metric and the planned Library of Congress storage facility will be built in metric.
Architect of the Capitol	No date set at this time: Five metric projects are in planning. A large GSA-built project is being constructed in metric now.
Veterans' Administration	January 1994: Virtually all work has been performed in metric for the past two years.
Smithsonian Institution	January 1994 for major projects: Many DOE labs and sites have ongoing metric construction programs.
Department of Energy	No metric policy on construction grants: EPA provides water and sewer grants to states and municipalities but is not involved in their construction.
Environmental Protection Agency	October 1996: The Forest Service's metrication schedule depends in large part on state highway metrication activities.
USDA Forest Service	January 1995: Major projects are in metric now.
Department of Agriculture	January 1994: Numerous metric projects are in design and construction.
Indian Health Service	January 1994: Major projects are in metric now.
National Institute of Standards and Technology	No date set at this time. But several metric pilot projects are under way.
U.S. Postal Service (USPS is not a federal agency).	

STATUS OF FEDERAL CONSTRUCTION METRICATION—NOVEMBER 1995—Continued

Agency	Metric conversion date for new construction projects
Administrative Office of the U.S. Courts.	January 1994: All new federal court-houses have been built in metric by GSA since 1994.
Internal Revenue Service	January 1994: All major IRS buildings are built in metric by GSA; small projects are designed in-house in metric.
Naval Sea Systems Command (Ships and boats use many of the same construction components as buildings, particularly structural steel and mechanical and electrical equipment).	No formal date: The metric design of the LPD 17 amphibious assault ship is nearly completed. Two other ships, the SC 21 and the ADC(X), are in the early stages of metric design. NAVSEA's conversion is proceeding on a program-by-program basis.

THE REPUBLIC OF TUNISIA'S 40TH INDEPENDENCE DAY

Mr. THURMOND. Mr. President, I rise today to acknowledge the 40th anniversary of the independence of the Republic of Tunisia. Since gaining independence from France on March 20, 1956, Tunisians have been dedicated to pursuing a path of progress.

Although this small North African country has limited natural resources, it has shown great initiative by successfully devoting a majority of its assets to promoting its people and developing its economy, stressing education as the key to its future. The private sector has contributed greatly to the economy and, as a result, Tunisians have created a diversified, market-oriented economy. While the United States has assisted the Tunisian economy through focused development programs, Tunisia has been able to advance beyond our assistance and is quickly approaching an era of economic partnership with us.

The friendship between the United States and Tunisia dates back almost 200 years when our two countries signed a friendship treaty. Since that time, we have had an outstanding relationship marked by respect, cooperation, and a mutual commitment to freedom and democracy. We have a strong military alliance, routinely engaging in regular joint exercises and program exchanges. Strictly defensive in nature, the Tunisian military force is among the best trained and most professional in the Arab world. Like the United States, Tunisia is dedicated to the peaceful resolution of conflicts and has participated in many peace-keeping operations around the world.

Despite the volatile situation in North Africa, Tunisia has played a key role in preserving stability and peace. Further, they have been at the forefront of the struggle against terrorism, intolerance, and blind violence. They have appealed to the world community through various organizations, including the United Nations, to adopt strict measures in order to combat terrorism and extremism.

In addition, Tunisia has played a significant role and is a key supporter in securing peace in the Middle East. They were the first Arab State to host a multilateral meeting of the peace