

While 42 Serbs and one Croat have been indicated by the tribunal, only one person is actually in custody. The difficulties of taking defendants into custody are manifold, but this is not the only reason for the lack of progress.

The biggest obstacle facing the tribunal is funding. Recently, Secretary-General Boutros Boutros-Ghali placed restrictions on the work of many U.N. agencies—including the tribunal—to avoid a financial crisis in the United Nations. These fiscal restraints have seriously affected the tribunal by freezing the revenues needed to fund its work. Unfortunately, much of the responsibility for the U.N.'s debt can be laid at our own door. Throughout my tenure as chairman of the Committee on Foreign Relations, I consistently argued against the mounting American debt to the United Nations that today has reached \$1.2 billion. Today, despite significant efforts on the part of the U.N. Secretariat to meet American demands for reforming its bureaucracy, Congress is again voting for cuts in funding for the United Nations and its agencies.

A serious consequence for the tribunal of this loss of funding is the postponement announced last week of the only trial actually scheduled on the court's docket. Lawyers for Dusan Tadic, who is current the sole defendant in custody at The Hague, have requested and received a postponement of the trial until next year because of a lack of resources needed to prepare an adequate defense. Justice Richard Goldston, the chief prosecutor for the tribunal, has warned that the court will be unable to guarantee the accused's right to a fair and speedy trial without the appropriate resources. In addition, the tribunal has already been unable to send investigators into the field or to recruit lawyers and other personnel. Clearly, under the current financial crisis, the principles of the tribunal could be compromised.

Therefore, Mr. President, I believe that the United States should continue to offer financial and political support for the War Crimes Tribunal for the former Yugoslavia. Last year, I supported Senator LEAHY's amendment to the 1995 foreign operations appropriations bill that offered \$25 million in goods and commodities to the United Nations for its efforts to investigate war crimes. Our contributions have been deeply appreciated and well used by the tribunal in its work. I would urge my colleagues to continue this type of support and demonstrate our firm commitment to international human rights law. As the world waits for the results of the negotiations in Ohio this week, let us remember that the work of the International War Crimes Tribunal is of equal significance in the reconstruction of the State of Bosnia.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

#### THE 1872 MINING LAW

Mr. BUMPERS. Mr. President, I have just come from the second conference committee meeting on Interior appropriations. As you recall, in the first conference committee report there was a provision to take the existing moratorium on mining patents away so that the Bureau of Land Management would start issuing patents again.

Just for background information, the provision last year prevented the Interior Department from accepting new patent applications and prohibited Interior from processing existing applications except those 393 applications which had gotten relatively far in the process.

Today, the conference committee effectively rejected the patent moratorium even though when the original conference committee submitted its report to the House of Representatives, the House voted almost two to one not to accept it and to send it back to the conference committee between the House and the Senate to rework the mining patent provision. Well, they reworked it. They reworked it with Saran Wrap. It is so transparent that it does not even pass the giggle test.

What is so transparent about it? The new conference report says, we will continue the moratorium that we had last year until either: No. 1, the President signs a reconciliation bill that relates—think of it—to patenting and royalties; or No. 2, both the House and the Senate pass another piece of legislation relating to royalties, patenting and reclamation, even if the President vetoes that bill.

Mr. President, royalties, reclamation, and patenting are all in the reconciliation bill. They are scams, but they are in there. And so if the reconciliation bill is signed into law or if Congress includes the same sham provisions on another bill, the moratorium is off. The 233 patent applications that we have told BLM they cannot go forward with will be processed, will ultimately be granted, and the mining companies will receive thousands of acres of land containing billions of dollars worth of gold, silver, platinum and palladium, for which the U.S. Government will not receive one red cent. Let me strike that. They will receive a red cent. The reconciliation bill has a royalty provision. It will provide \$18 million to the Treasury over the next 7 years.

I will let you be the judges, Mr. President and colleagues, is this a scam on the American people or not? Under the reconciliation bill, if these provisions stay, the Government will receive \$18 million in royalties on Federal lands that are mined over the next 7 years. How much do you think the

mining companies are going to take off the land in the next 7 years—Federal lands, patented and unpatented? I will tell you what it is: tens of billions of dollars of gold, silver, platinum, and palladium. And in exchange the taxpayers of this country will receive less than \$5 million per year.

In the 123-year period, since the mining law of 1872 was signed by Ulysses Grant, the mining companies have extracted in today's dollars, according to the Mineral Policy Center, \$241 billion—not million, billion—worth of gold, silver, platinum, palladium, and other hard rock minerals. What has poor old Uncle Sugar, Uncle Sucker gotten for that \$240 billion worth of hard rock minerals? Zip, zero, nothing.

The argument is made that the mining companies create jobs, and they do. So does General Motors; so does RCA; so does General Electric. But we do not build billion-dollar buildings for those people to manufacture in, conditioned on them hiring somebody.

It is the most incredible thing. This is the seventh year I have fought this battle. In 1991, I came close. I came within one vote of stopping this. What do you think happened after that? The number of applicants for patents on lands skyrocketed. It scared the life out of the mining companies. I remember the Stillwater Mining Co., which was owned by a couple of paupers called Manville and Chevron. They applied for their patents on 2,000 acres of land in Montana 4 days after I came within one vote of winning this battle. What do you think there is under the 2,000 acres? There is \$38 billion worth of platinum and palladium. That is their figure, not mine. They are the ones that say it is worth \$38 billion. Two or three years ago representatives of Stillwater came to my office and said their situation was very dicey. "We are just not sure we can open this up. It may not be profitable."

So what happened? Last year Manville bought Chevron's interest in the mine and just recently Manville sold its interest to a group of public investors for \$110 million plus a 5-percent royalty. They can deal with each other and retain overrides of 5 percent. But if you suggest they pay Uncle Sucker 1 percent, the hue and cry goes up in this body as though you have just defamed the Holy Bible.

When I said a moment ago that the provisions in the reconciliation bill were a scam, so transparent they would not even pass the giggle test, there is a provision in the reconciliation bill that is even worse, which says that the mining companies will pay "fair market value."

Now, does that not sound reasonable? You can go home and tell the Chamber of Commerce where they know nothing about this mining legislation, and somebody raises the issue: "But, Senator, how can you vote to give billions

of dollars worth of gold and silver away that belong to the taxpayers and not get a dime in return? The mining companies are happy to pay up to 24 percent to private owners, but not one thin dime to the Federal Government. How can you justify that?"

Mr. Politician says: "I tell you how I justify it. I am going to make them pay and I have voted to make them pay fair market value."

Mr. Chamber of Commerce questioner says: "That sounds like a fair deal to me."

That is the end of the story, except for one little thing. Fair market value is defined as the surface, not the minerals.

So Stillwater Mining Co. which has 38 billion dollars' worth of platinum and palladium under their 2,000 acres will pay \$10,000 under current law, and once the fair market value goes into effect they pay \$200,000, or \$100 per acre. Is that not something? Mr. President, \$100 an acre for 2,000 acres of land, and the taxpayers of this country get the shaft again.

When you say "fair market value," I have a proposition for the mining companies: I would like to offer an amendment here for my colleagues to vote on, reversing fair market value. Define fair market value as the minerals, and we will give you the surface. They would knock that door down over there getting out of here.

Do you think they do not know what they are doing? Do you think the Senators who come in here and offer these outrageous proposals do not know what they are doing? I invite anybody to ask any Senator to explain one simple question: Why is it, Senator, that the mining companies are willing to pay the States royalties to mine hard rock minerals on State lands, why is it they are willing to pay up to 24 percent royalties on private lands, but if you suggest a 1 percent royalty on Federal lands, they are all going to go broke, shut down, and throw all those poor innocent people out of a job? I invite any Senator to come to the floor and answer that question.

Mr. President, 135 years is long enough. I thought maybe we could develop a little shame, so I raised the issue. How can you vote to cut \$270 billion in Medicare for the elderly for their health care? Do not give me that wordsmith junk about how we are not cutting, we are just slowing the growth.

Mr. President, 75 percent of the people on this country over 75 on Social Security live on less than \$25,000 a year. They are scared to death they will have a toothache and have to have a root canal. They are terrified of a cancer diagnosis, which they know will break them even if they are covered by Medicare. Mr. President, 50 percent go to bed terrified at night even thinking about the possibility.

So we routinely cut \$270 billion from Medicare for the elderly. We cut Medicaid for the poorest of the poor. There were even proposals to cut out Medicare-Medicaid benefits for 13-year-old

pregnant girls. Yes, I talked to a doctor Saturday afternoon who told me about witnessing the delivery of a baby of an 11-year-old.

Go to any indigent hospitals and find out what is going on in the world. We will take care of that. We will teach them reliance, independence. We will make good citizens out of them. We are going to cut their school lunches. We are going to cut Medicaid.

If you happen to want a college education, we are cutting education by 30 percent—the most massive cut in the history of the world in education. We are going to cut Head Start. We are going to cut school breakfasts when teachers tell me oftentimes that is the only decent meal the child gets during the day.

What are we going to do for the mining companies? We are going to give them *carte blanche* to mine all the hard rock minerals they want to mine off of Federal lands that belong to the taxpayers. Is that called corporate welfare? How can you call it anything else?

How can anybody with a straight face say we will balance the budget, and we are going to do it off the backs of the people who can least afford it, and we are going to give a \$250 billion tax cut which is really a tax break for the wealthiest people in America.

Many people who make less than \$25,000 a year and have children will never get a dime. If you have a wife and two children and you are making \$100,000 a year and paying \$10,000 in taxes, you get the whole smear. If you have a wife and four children making \$20,000 or \$25,000 a year and you pay no income tax, you do not get a dime.

What kind of tax equity, tax fairness is that? There is something seriously wrong in this Congress and there is something seriously wrong in this country when we routinely and almost cavalierly allow these giant mining companies all these hard rock minerals—billions of dollars worth every year—for nothing in exchange and penalize the most vulnerable people in America.

I do not often agree with the senior Senator from Texas, Senator GRAMM. However, when he says he wants everybody to start getting out of the wagon and help pull, I could not agree more. I say to these big corporate mining companies, many of which are foreign owned, get out of the back of the wagon and help the rest of us pull.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMPSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FAIRCLOTH. Mr. President, today I was stunned to see that the United States will consider paying \$1 billion to the United Nations.

I was stunned because Mexico owes the United States \$1.3 billion—it was

due yesterday, and this administration told Mexico they did not have to make the payment on time—maybe later.

When I ran for the Senate in 1992, I said that I wanted to bring more common sense to Washington. This is a perfect example of our misplaced priorities, and our sense of fiscal responsibility.

Mexico owes us over \$1 billion—due yesterday and they do not have to pay.

Even though the United Nations is den of waste and abuse with no reforms in sight, this waste and abuse has been going on for a long time.

On October 19, I introduced a sense-of-the-Senate, Resolution 185, that Mexico should repay its debts to the United States on time and in full.

None of these debts should be reduced or rescheduled. The sense-of-the-Senate also says that no further loans should be made to Mexico without specific congressional approval.

Mr. President, 2 weeks ago, in a big public relations move, Mexico made a \$700 million repayment on the \$12.5 billion in loans that it owes to the United States. However, Mexico owed the United States \$2 billion on October 30, 1995.

By paying the \$700 million early, they planned—and it worked—to avoid making the full payment, the remaining \$1.3 billion, on October 30. Mexico bet correctly. This administration told them they did not have to pay. They could roll over the payment.

Mr. President, if Mexico does not make these payments on time in the beginning, these so called loans will quickly become foreign aid—they will not be paid off.

The Congress did not vote for foreign aid. The American taxpayer cannot afford more foreign aid. And the loans to Mexico should not become foreign aid.

The bulk of the United States loans to Mexico do not come due until 1997. They will not be fully repaid until the year 2000. But if Mexico cannot repay its short term loans on time—then I do not have any hope that the loans coming due in 1997 through 2000 will ever be repaid. They will roll it over into foreign aid.

This particular \$2 billion loan has been extended now three times. This is an outrage. And what makes it worse is that the administration wants to throw away another \$1 billion of taxpayers money, this time on the United Nations.

The United Nations has a huge bureaucracy. In 1993, the Bush administration found that the United Nations has no means by which to stop waste, fraud, and abuse by its employees. Mr. President, salaries for the 53,000 U.N. bureaucrats are 24 percent higher than for our civil servants. We are the ones paying the bills. They have a \$12 billion retirement fund at the United Nations. The Secretary General makes more

than our President. And we are sending money to support that type of extravagance.

These U.N. conferences are a waste of money and are boondoggles. There is no better description of them than a boondoggle. In 1996, one is planned in Istanbul called a City Summit held to address urban problems. One was held last March in Copenhagen called a Social Summit. From what we hear it was quite the social occasion. And we all know about the cost of the Woman's Conference held in Communist China in September.

The highlight of the 50th anniversary celebration was their invitation to Fidel Castro—a Communist dictator—who got applause when he asked the United States to end the embargo against Cuba. I am sure this celebration cost the United States a huge sum of money. And that is what we will be paying for with the \$1 billion they plan to send.

Further, Mr. President, there are now 16 U.N. peacekeeping operations around the world that are costing us over \$1 billion a year.

The fact is that over the last 50 years we have paid the United Nations \$96 billion. Current estimates are that we still pay 40 percent of the United Nations budget. We still pay 40 percent of U.N. budget. Yet, when a Communist dictator stands up to criticize this country, he gets a standing ovation.

Mr. President, the point of all this is the United States should be concentrating on collecting the money that is owed us and not finding ways to send more out. Instead, the Clinton administration spends its time and effort trying to appease the United Nations—and finds ways to spend tax dollars.

I want to put this administration on notice that I will do everything I can to stop the United Nations from getting this money until Mexico pays us back in full and on time.

Mr. President, I thank you.

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

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

#### ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

Mr. DOMENICI. Mr. President, I submit a report of the committee conference on H.R. 1905 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes,

having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 26, 1995.)

Mr. DOMENICI. Mr. President, it is my understanding that there will be a request for a rollcall vote on the adoption of this conference report. Therefore, I am advised in behalf of the leader that there will be another vote today expected on this conference report. We will work it as expeditiously as we can. But I understand one Senator wants to speak and will not be here until around 5 o'clock. So we will not finish any sooner than that.

Does the Senator from Arkansas wish to speak?

Mr. PRYOR. Mr. President, I thank the Senator from New Mexico. I think he just answered my question. I was just going to ask the Senator from New Mexico if he could give us approximately the time for a vote. I guess it would be sometime after 5.

I thank the Senator.

Mr. DOMENICI. I thank the Senator very much.

Mr. President, I have a brief statement, and I believe Senator JOHNSTON will have a statement. And then we will proceed with questions and some colloquies.

Mr. President, I am pleased to present the conference report on the fiscal year 1995 energy and water development appropriations bill. This conference report on the bill, H.R. 1905, passed the House of Representatives earlier today, October 31, 1995, by a vote of 402 yeas to 24 nays.

The conference on this bill was held on October 24 and 25, 1995, and the conference report was printed in the CONGRESSIONAL RECORD of October 26, 1995. Since that time, the printed conference report has been available. Therefore, I will not elaborate on the disposition of all the items agreed to in conference.

The conference agreement provides a total of \$19,336,311,000 in new budget obligational authority. This amount is \$1,225,733,000 less than the President's budget request and \$706,688,000 less than the enacted, fiscal year 1995 level. It is \$653,854,000 over the House passed bill, and \$832,841,000 below the Senate passed bill.

As you know, there are two principle functions within the Energy and Water Development appropriations bill. These functions are separated into defense and domestic discretionary accounts. The bill provides \$10,656,458,000 in defense discretionary budget authority for the Department of Energy's atomic energy defense activities. This amount is \$459,325,000 below the budget request but \$552,678,000 above the current level. For domestic discretionary accounts, which include the U.S. Army Corps of Engineer's Civil Works Program, the Bureau of Reclamation, several inde-

pendent agencies, and the nondefense activities of the Department of Energy, the conference bill provides \$8,679,853,000. This amount is \$766,408,000 below the budget request and \$1,259,366,000 below the current level.

Due to this dramatic reduction in nondefense spending, our ability to fund new initiatives is extremely limited, and most existing programs are cut significantly below both the current year and the President's request. The conference bill makes significant reductions in the Army Corps of Engineers, the Bureau of Reclamation, solar and renewable energy, the Appalachian Regional Commission, and the Tennessee Valley Authority.

We have made some very difficult decisions in the nondefense activities of the Department of Energy. However, we have done our best to protect the basic science research capabilities of the Department of Energy. While we have made significant reductions in the areas mentioned above, we have held the line on biological and environmental research, basic energy sciences, high energy physics, and nuclear energy.

These are the fundamental basic science missions of the Department of Energy that we must maintain to ensure the best possible future for the Nation. These are missions relating to such areas as the human genome program and other medical research activities, global environmental research, materials and chemical sciences, and the physical sciences.

Title I of the conference bill provides appropriations for the U.S. Army Corps of Engineers' Civil Works Program. The conference agreement provides \$3,201,272,000, which is \$106,178,000 less than the budget request and \$137,647,000 less than the current enacted level.

For title II, the Department of the Interior, the conference agreement includes a total of \$844,342,000. This is \$11,325,000 above the budget request and \$27,057,000 below the current level. Within this total, the bill provides \$800,203,000 for the Bureau of Reclamation, which is \$11,325,000 more than the budget request and \$31,033,000 less than the current level.

A total of \$15,389,490,000 is provided in title III for the Department of Energy programs, projects, and activities. Of this amount, \$10,639,458,000 is provided for atomic energy defense activities, which is \$457,825,000 below the President's budget request and \$553,611,000 above the current appropriated level.

Included in the total provided for atomic energy defense activities is \$5,557,532,000 for defense environmental restoration and waste management. This amount is \$429,204,000 below the budget request but \$664,841,000 above the current level. The increase over the 1995 appropriation results primarily from the transfer of facilities from the