

not bothered to sand the intersections—and looked amazed and surprised that the law of physics applied. You have a heavy object, you have no traction: It does not stop. It has some aspect to do with the law of friction and physics, something I suggest maybe we may want to teach.

We get into a situation around this area that the only effective snow or ice removal is a couple of days of warm weather. I once thought the reason we keep everything going in the little State of Vermont is we must have a lot more equipment and a lot more people. Apparently that is not so. Actually they have more down here. I think they are saving it, though. They do not want to use up this equipment. Maybe they are thinking someday another Ice Age will come and we will need it then.

But in Vermont we do have cold weather. I remember a year or so ago they closed down the Government here because it was about 25 degrees.

I was in Montpelier, VT, in the State capital that day and it was 15 degrees below zero. I walked from my office to the capitol. Every place was open, everybody went to work. I constantly got stopped by people on the streets who said, "We heard on the news they closed down Government offices and everything in Washington because it is 25 degrees. They really mean 25 below, don't they?"

I said, "No, 25 degrees. That is 40 degrees warmer than it is here where we are all going to work."

But we do have that 25- to 30-degree below zero weather. I mention that, to be serious, because we need money in LIHEAP. In Vermont we have about 25,000 families eligible for LIHEAP, aid for those who need heating assistance. I think last year our families received slightly less than \$400 a home. But because of the budget, in Vermont they can be promised only about \$50 this year.

Mr. President, 70 percent of those recipients earn \$8,000 a year or less, 30 percent of them are AFDC homes with children. Mr. President, 32 percent of them are working Vermonters who need help; 41 percent of the recipients are elderly or disabled. People are going to be dying from the cold. It does get cold back in my State. We have had many below-zero days already. We will have days where it will go down to 20 or 30 below zero.

Congress is no closer to passing a Labor-HHS bill with LIHEAP funding than they were back in September. If Congress feels that block grants are such a good idea for school lunches and Medicaid, at least show they are consistent and keep the LIHEAP block grant going. Food shelves are getting empty. Frost is on the windows day and night. People are down to the question of heating versus eating. If you are elderly or disabled, that is one heck of a question to have to ask.

We need to pass a LIHEAP budget. It is a gaping new hole in the welfare net and it is hurting Americans, especially

those who live in the frost belt. I hope we will pass it.

Mr. President, I thank the Chair for its forbearance and I will be happy to join with the distinguished Presiding Officer in offering snowtime driving lessons to any of our colleagues who may wish them—certainly to the media who report on four or five snowflakes as though it was the coming of a new Ice Age.

#### LIHEAP

Mr. JEFFORDS. Mr. President, as my colleagues know, it is cold outside. This morning in my home State of Vermont it was minus one degree in Burlington, minus 9 degrees in our capital city of Montpelier and in the Northeast Kingdom, there were 18 inches of snow on the ground. This weekend the temperature fell below zero in Minnesota. It was 20 degrees in Delaware and it has even dropped to below freezing in Atlanta, GA.

With these cold temperatures, and the subfreezing days that are sure to follow, one has to wonder how nearly 6 million low-income American families are going to make it through the winter. In past years, the Low-Income Home Energy Assistance Program [LIHEAP] has provided aid to these families.

LIHEAP is a block grant provided to the States that help low-income Americans with an average income of \$8,000 heat their homes. This year however, states have not received sufficient funds to meet the needs of their low-income citizens.

Since we have yet to pass a fiscal year 1996 appropriations bill for the Departments of Labor, Health and Human Resources, and Education, LIHEAP has been funded by the two continuing resolutions [CR's] that we have passed and the President has signed. These two CR's funded LIHEAP at 90 and 75 percent of last year's level respectively, but, and this is the key, the CR's limited LIHEAP spending to the proportional daily rate of the duration of the CR.

This cap on the spend-out rate means that States have received only 75 days' worth of funds. In past years States received 60 percent of their allotments in the first quarter. This year, they have received only slightly greater than 20 percent. The vast majority of LIHEAP funds are used for heating assistance. Requiring that LIHEAP funds be spent out evenly throughout the year makes no sense. While it may leave LIHEAP funds available in June, many low-income families would not be able to heat their homes this winter.

Last year at this time, the Department of Health and Human Services had dispersed around \$800 million to the States. So far this year, States have received only \$230 million. As Senator KENNEDY pointed out yesterday, LIHEAP funds were to be reduced by 10 or 25 percent, not 70 percent.

What has this meant in Vermont? Instead of the \$4.5 million we had re-

ceived last year by this time, Vermont has received only \$1.3 million. This is not enough to meet the needs of the 25,000 low-income Vermonters who rely on LIHEAP to avoid freezing in the winter. Gov. Howard Dean has had to delay the start of this year's program until December, and I can assure my colleagues that it can get quite cold in Vermont in October and November.

I think it is fairly clear that we are not going to be able to pass all the remaining appropriations bills by the end of this week, so we are going to have to take up another CR. It is critical that this CR not include the spend-out limitation on LIHEAP. Last week Senator KENNEDY and I sent a letter to Appropriations Committee, MARK HATFIELD, asking him to address this problem.

Fifty-two other Senators, Republicans and Democrats joined us in signing this letter, and although the Northeast/Midwest Senate Coalition, which I cochair, coordinated the effort, Senators from all over the Nation cosigned. I ask unanimous consent that a copy of this letter along with the 54 Senators who cosigned the letter be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. JEFFORDS. Although most Senators who signed the letter would like to see LIHEAP increased, the letter does not ask for additional LIHEAP funding. It simply asks that States be allowed to spend the LIHEAP funds that have been appropriated under the two CR's this winter when the funds are needed. There are similar efforts being undertaken in the House. In addition to Senator KENNEDY, I want to thank Senators ABRAHAM, COHEN, SNOWE, MOYNIHAN, KOHL, LEAHY, and WELLSTONE for their assistance in gathering support for this letter. I also want to thank Senator SPECTER for his continued support of LIHEAP. I think we have made it very clear that this spend-out restriction cannot be included in the next CR.

Mr. President, LIHEAP is a lifeline for many seniors and families with small children, and cutting LIHEAP will drastically increase the energy burden of many American families. Some Members of the House have argued that LIHEAP is no longer needed, but for many low-income Americans, the energy crisis is not over. In some areas of the country, energy prices are still increasing; in Vermont over the last 3 years, prices have gone up 21 percent. Since 1980 however, real LIHEAP funding has gone down 65 percent.

In fact, no other discretionary formula grant program has seen its funding reduced as much as LIHEAP. The Congressional Research Service [CRS] performed a study of energy prices and LIHEAP funding. CRS concluded that, even taking changes in real energy prices into account, LIHEAP would have to be funded at between \$1.75 and \$2.39 billion to provide the same level of benefits as it did in 1980.

Last year, over 25,000 low-income Vermonters received a total of \$7.5 million in assistance. The average amount was \$75 a month for the 5 winter months. The average AFDC recipient only has \$43 a month left over after paying the energy bill. Without LIHEAP assistance, many recipients will not be able to afford to pay their heating bills this winter, and many would be forced to choose between heat and food.

As I stated earlier, LIHEAP is a block grant. Each State decides for itself how to structure its program and how to get the resources to those that need it. It is also a program that has no history at all of any fraud or abuse. Without LIHEAP energy providers, many of whom are small, unregulated businesses, may have to choose between not getting paid for the energy they provide and cutting off their neediest customers.

Mr. President, winter is upon us. People are freezing. We must free up LIHEAP funds so that low-income Americans will be able to heat their homes this winter. We must remove the spend out rate limitation.

## EXHIBIT 1

U.S. SENATE,

*Washington, D.C., December 5, 1995.*

Hon. MARK HATFIELD,  
Appropriations Committee, The Capitol,  
Washington, DC.

DEAR CHAIRMAN HATFIELD: We would like to call your attention to a serious problem with the interim funding for the Low Income Home Energy Assistance Program (LIHEAP). We believe that if we are to continue funding programs under the FY96 Labor/HHS Appropriations bill through a Continuing Resolution (CR), states must be allowed to draw down LIHEAP funds at a higher rate which takes into account their historical spending practices and which is sufficient to ensure the program's viability. Temperatures have dropped below freezing and there is snow on the ground in many parts of the country, but the language in both CRs that limits state draw downs to a proportional annual rate does not provide states sufficient funds to operate programs and meet the heating needs of their low income families.

In past years, states have drawn down a majority of their LIHEAP funds during the fall. This allows states to purchase fuel at lower rates, maintain continuity of service, avoid shut offs, and plan for the upcoming winter. Furthermore, nearly 90 percent of LIHEAP funds are used for heating assistance during the coldest months. The CR language requires that LIHEAP funds be spent out over a twelve month period. While this may leave funds for heating assistance in June, many low income families may not be able to heat their homes this winter.

We believe it is critical to safeguard this program which protects the elderly, the disabled, the working poor, and children. When it gets cold, these vulnerable Americans should not be forced to choose between heating and eating. Continuing delays in funding and limits on the payout rate will hamper states' ability to help the 5.6 million LIHEAP households survive the winter. We ask your assistance in ensuring that the bulk of LIHEAP funds can be spent during the cold weather months at a rate sufficient to meet the needs of low income families this winter. Thank you.

Sincerely,

Jim Jeffords, Ted Kennedy, Herb Kohl,  
Bill Cohen, Paul D. Wellstone, Daniel

P. Moynihan, Patrick Leahy, Olympia Snowe, Carl Levin, Christopher J. Dodd, John F. Kerry, Larry Pressler, Wendell Ford, Rick Santorum, Claiborne Pell, Alfonse D'Amato, Spencer Abraham, Carol Moseley-Braun, Byron L. Dorgan, John H. CHAFEE, Paul Simon, Dick Lugar, J. Lieberman, Frank R. Lautenberg, Tom Daschle, Bob Kerrey, Tom Harkin, John Glenn, Jeff Bingaman, Max Baucus, Bob Smith, Paul Sarbanes, Dale Bumpers, Jay Rockefeller, Jim Exon, Howell Heflin, Russ Feingold, Daniel K. Akaka, Harry Reid, Dan Coats, Richard H. Bryan, David Pryor, Joe Biden, Patty Murray, Mitch McConnell, Ben Nighthorse Campbell, Judd Gregg, Mike DeWine, Bill Bradley, Barbara A. Mikulski, Kent Conrad, Chuck Robb, D.K. Inouye, Chuck Grassley.

## STRADDLING STOCKS AGREEMENT

Mr. PELL. Mr. President, on December 4, 1995, Madeleine Albright, our Ambassador to the United Nations, signed on behalf of the United States the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. As the Ambassador said in her speech at the time, this Agreement offers a tremendous advancement in our global efforts to better conserve and manage living marine resources. I ask unanimous consent that Ambassador Albright's speech be printed in the RECORD at the conclusion of my remarks. This Agreement was the result of 3 long years of negotiations and will best serve the interests of the United States by putting an end to the lawlessness of high seas fisheries.

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

(See exhibit 1.)

Mr. PELL. Mr. President, the United States has long held the view that fishing activities should be carried out in a sustainable fashion, and with due regard to appropriate conservation and management measures. The Straddling Stocks Agreement ensures that the precautionary measures we have already adopted will be respected and implemented by our international partners. The United States has clearly led the way in this respect and it was of the utmost importance to ensure that our efforts would not be undermined by the destructive practices of other States.

This Agreement is only the latest step in our ongoing efforts to establish a mosaic of international legal agreements that will set up a strong regime for the management of our marine living resources. Foremost among these is the Convention on the Law of the Sea, transmitted to the Senate on October 6, 1994 (Treaty Document 103-39). More than a year later, this historic treaty is still pending before the Committee on Foreign Relations. I am hopeful that the Committee will be able to con-

sider this Convention early next year. The principles embodied in the Straddling Stocks Agreement are not only consistent with the Law of the Sea, but it is to be applied concurrently with that Convention.

Mr. President, in the past year, I have repeatedly addressed the Senate to highlight the ways in which the Law of the Sea Convention has been improved, and now meets our fisheries interests, our national security interests, and our economic interests. This hard-fought treaty was the result of more than 20 years of negotiations, in which both Democratic and Republican Administrations participated actively. As a result, all the concerns that the United States had expressed when the Convention was first open for signature in 1982 have now been addressed. An agreement modifying the deep sea-bed mining provisions of the Convention was concluded and signed by the United States in 1994. Similarly, the Straddling Stocks Agreement addresses some of the high seas fishing issues that had been left open by the Convention.

I expect the administration will forward the Straddling Stocks Agreement to the Senate early next year. In order to optimize the effects of the Straddling Stocks Agreement, it is urgent that the United States also become a party to the Law of the Sea Convention. The Straddling Stocks Agreement specifies that the settlement of disputes will be carried out by the Law of the Sea Tribunal, which will be established in Hamburg shortly. Fortunately, the judges on this Tribunal have not been designated yet, but the United States must be a party to the Convention if an American judge is to be designated.

This is but one of the many reasons why the United States should ratify and become a party to the Law of the Sea Convention. We now have another incentive to take urgent action on this issue and I trust that all my colleagues who have shown such an interest in the Straddling Stocks Agreement will join me in my efforts to see the Straddling Stocks Agreement and the Law of the Sea Convention ratified promptly.

## EXHIBIT 1

STATEMENT OF AMBASSADOR MADELEINE K.  
ALBRIGHT

Mr. Chairman, distinguished ministers, fellow ambassadors and delegates, and ladies and gentlemen.

This is a memorable occasion for all members of the international community who have labored to conserve fishery resources and strengthen the law of the sea. On this historic day, the United States, joined by other members of the international community, will sign the Agreement, adopted by consensus by the UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. This Conference concluded its work after three years of intense negotiations and outstanding international cooperation. The United States is pleased to have participated in this effort. We are convinced that this Agreement offers a tremendous advancement in our global efforts to better conserve and manage living marine resources.