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Senate

(Legislative day of Monday, May 15, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, whose dwelling place is the heart that longs for Your presence and the mind that humbly seeks Your truth, we eagerly ask for Your guidance for the work of this day. We confess anything that would hinder the flow of Your spirit in and through us. In our personal lives, heal any broken or strained relationships that would drain off creative energies. Lift our burdens and resolve our worries. Then give us a fresh experience of Your amazing grace that will set us free to live with freedom and joy.

Now Lord, we are ready to work with great confidence fortified by the steady supply of Your strength. Give us the courage to do what we already know of Your will, so that You will give us more for the specific challenges of this day. In the debate of crucial issues, help us to listen attentively to each other. May we never think we have an exclusive corner on the truth. Enable us to be open to aspects of the truth You will provide through the voices of those who may differ with us. Our dominant desire is for Your best in the contemporary unfolding of the American dream. Lead on, O King Eternal, Sovereign of this land. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. CHAFEE. Mr. President, the leader time has been reserved, and the Senate will immediately resume consideration of S. 534, the solid waste disposal bill. We will proceed under the provisions of the consent agreement reached on Friday. Senators should be aware that rollcall votes are expected this morning, possibly as early as 10:30 a.m., on or in relation to the amendments to the solid waste disposal bill.

Following the disposition of the solid waste bill, the Senate will resume consideration of S. 395, the Alaska Power Administration bill. A cloture motion was filed on that measure yesterday, and Senators will have until 2:30 p.m. this afternoon to file first-degree amendments to S. 395.

The Senate will recess between the hours of 12:30 p.m. and 2:15 p.m. for the weekly policy luncheons to meet.

Under the previous order, Mr. President, the Senator from Washington, Senator MURRAY, has an amendment and she has 1 hour on that equally divided in the usual form.

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The PRESIDING OFFICER (Mr. CAMPBELL). The Senate will now resume consideration of S. 534, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 534) to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized to offer an amendment, on which there will be 1 hour equally divided. The Senator from Washington is recognized.

AMENDMENT NO. 1079

Mrs. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself and Mr. GORTON, proposes an amendment numbered 1079.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Title II, following section (f) State Solid Waste District Authority, add the following section (g) and reletter all the following subsections accordingly:

''(g) STATE MANDATED SOLID WASTE MANAGEMENT PLANNING.—A political subdivision of a State may exercise flow control authority for municipal solid waste, and for voluntarily relinquished recyclable material that is generated within its jurisdiction, if State legislation enacted prior to January 1, 1990 mandated the political subdivision to plan for the management of solid waste generated within its jurisdiction, and if prior to January 1, 1990 the State delegated to its political subdivisions the authority to establish a system of solid waste handling, and if prior to May 15, 1994:

''(1) the political subdivision has, in accordance with the plan adopted pursuant to such State mandate, obligated itself through contract (including a contract to repay a debt) to utilize existing solid waste facilities or an existing system of solid waste facilities; and

(2) the political subdivision is currently undertaking a recycling program in accordance with its adopted waste management plan to meet the State's solid waste reduction goal of fifty percent; and

(3) significant financial commitments have been made, or, bonds have been issued, a major portion of which, were used for the construction of solid waste management facilities.

On page 65, line 10, strike ''or (e)'' and insert ''(e) or (f).''

Mr. CHAFEE. Mr. President, I wonder if the Senator will yield for a quick question. It is my understanding that this amendment she filed is the same as the one she previously circulated, except the previous one had in it additional waste besides solid waste. I

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

think it had construction debris; is that correct?

Mrs. MURRAY. Mr. President, the amendment that I sent to the desk is slightly modified and has been worked out with the committee.

The PRESIDING OFFICER. The Senator may proceed.

Mrs. MURRAY. Mr. President, this morning I rise with my colleague from Washington, Senator GORTON, to offer an amendment to the Interstate Transportation of Municipal Solid Waste Act of 1995.

Let me begin by saying that I appreciate the attempts the managers of this bill have made to accommodate the wide array of waste management systems there are around the country. My colleagues from Connecticut, Florida, Virginia, Delaware, and most recently, from Vermont have found ways to amend this legislation so that the uniqueness of their local systems is recognized within the scope of this legislation. Senator GORTON and I want to ensure that Washington's communities have the same latitude to continue progressively implementing solid waste management systems.

Washington's municipal solid waste management system is a good one. All municipal waste systems comply with the States' comprehensive waste management plan. This plan delegates authority over solid waste management to the State's counties, cities, and towns. These entities, in turn, manage public systems or contract with private industries to handle all municipal solid waste and recycling.

The specifics of each system differ, from county to county, and from county to city, and from city to town; but all share the common elements of minimizing costs and adhering to the State's mandated recycling goals.

In Washington, according to our State plan, local governments manage solid waste, including recyclables, by way of an integrated system of facilities. The city of Seattle, King County, Spokane County, Snohomish County, Clark County, and Okanogan County, and other jurisdictions use flow control authority in their systems. In this arrangement, the interplay between county ordinances, town and city ordinances, health district regulations, local agreements, and private contracts all play a role.

Although the Supreme Court's decision sent a new wave of insecurity about the future rippling through the public sectors of waste management, Washington State actually began thinking about these issues long ago. We have set a progressive waste management agenda for ourselves that has been nationally heralded and emulated.

In 1989, while I was a State senator, we embraced the growing crisis over solid waste management when we passed the Waste Not Washington Act. Among other things, this plan established the statewide goal of 50 percent recycling. Now, we have the lowest cost recycling systems in the country and the lowest cost disposal systems in the Pacific Northwest.

In Washington State, we are on the cutting edge of recycling. Let me give a few examples of what this means in terms of the waste stream. Statewide, we recycle 56 percent of all newspaper, 57 percent of high grade paper, 52 percent of cardboard, 50 percent of all yard waste, and about 73 percent of all metals.

The city of Seattle's residential recycling rate was 48 percent in 1993. The commercial recycling rate was 45 percent. Eighty-three percent of all newspapers are recycled in Seattle, as is 70 percent of all cardboard, 77 percent of all high grade paper, 68 percent mixed paper, 70 percent of all aluminum, and over 50 percent of all glass recycled.

Curbside programs are currently available to over 70 percent of Washington State's population; and in urban counties and cities, there is almost 100 percent available curbside recycling. The city of Seattle has had a curbside recycling program since 1987.

Not only does Washington State exceed current national standards, it is well beyond the targets of this bill.

The ways we got there were by allowing local communities the flexibility to establish the waste systems they needed. In the future, attaining our recycling goal of 50 percent will depend on the ability to continue managing our waste systems as well as we do now.

Our amendment is for Washington. It would ensure that Washington's counties, towns, and cities will be able to meet the commitments they made when they understood that flow control was a legitimate power.

Millions of dollars' worth of bonds, issued for facility development, could be defaulted upon if Washington's local communities lose the ability to service their waste management debts due to the loss of flexibility to guarantee a reliable waste stream.

In Washington, many communities have issued municipal bonds to pay for the construction of solid waste facilities. These bonds are outstanding. The committee's substitute only partially protects the commitments in communities like these.

In Snohomish County, for instance, improvements to the system were financed through a combination of revenue bonds and general obligation bonds. These debts were assumed with the expectation that solid waste revenues would be used to service them. As of 1995, Snohomish County has issued $26.7 million in general obligation bonds, scheduled to be paid back by 2007. As the bill is currently written, only the revenue bonds of Snohomish could be paid back.

The burdens of these debts will fall on the users of the system—the taxpayers. As we at the Federal level of Government are shifting more and more financial responsibility on local governments, restricting the ability of local governments to manage their solid waste systems is not a good solution.

As it is written, this bill steps all over the jurisdictions of our local authorities. It will raise taxes. It will ruin one of the most effective recycling programs in the Nation, and it will throw many communities in our State into financial jeopardy. This one-size-fits-all approach will not work.

Our amendment is within the scope of this bill—it only grandfathers existing systems and facilities. We do not ask for any extension of the sunset of flow control.

I encourage the passage of this amendment, and in turn, the passage of this legislation.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington [Mr. GORTON] is recognized.

Mr. GORTON. Mr. President, I am puzzled, perhaps even bewildered at the necessity to speak here on behalf of an amendment for my State and Senator MURRAY's—an amendment designed under the parameters of a bill simply to allow the continuation of a flow control regime in our State which may very well have been the most successful of any State in the United States of America in reducing the amount of solid waste which is not recycled.

This bill, of course, responds to a decision of the U.S. Supreme Court. That decision invalidated flow control regimes all across America on the grounds that a State or municipality which directed or funneled the flow of its waste materials violated the dormant provisions of the interstate commerce clause. That is to say, States and local communities could not impact interstate commerce by flow control regimes in the absence of authority from the Congress of the United States. The Supreme Court, of course, invited the Congress to legislate in this area, and that is precisely what this bill does.

The bill attempts to recognize the fact that many States already have flow control regimes. And while it wishes to move them out of those present regimes toward a greater degree of competition in the private sector, it nonetheless recognizes many, but not all, existing obligations. And that is the defect which leads to this amendment.

While the bill recognizes and grandfathers for an extended period of time of up to 30 years regimes for single facilities financed by revenue bonds, it does not exempt systems of facilities financed in whole or in part by general obligation bonds. Beginning long before this bill was thought of, that was the method adopted by the State of Washington's system of facilities, generally speaking, financed by general obligation bonds; that is, bonds which were a call or a lien on taxpayers through the property that they own in particular counties.

So all Senator MURRAY and I propose to do is to provide a narrowly defined fix by defining the nature of the State

statute that covers, in a way, only the State of Washington and allow the continuation of its present regime for roughly the same period of time that it has allowed for other States in this bill.

Nothing, Mr. President, could be more reasonable. One size does not fit all when we are legislating in a field which the States have occupied. One size certainly does not fit all when we are dealing with a State that has been as progressive and as successful with its flow control regime as has the State of Washington.

Now, at one level this debate has already taken place. It took place last Thursday at the beginning of the discussion of this bill with the amendment proposed by the two Senators from Vermont for a special circumstance found in Vermont. This body accepted that Vermont amendment by a relatively close rollcall vote.

This proposal is considerably narrower than that proposed by the two Senators from Vermont, because theirs talked about prospective systems not in existence at the present time; ours talks about existing systems which are in place, in operation, and have already been financed.

Ours requires that significant financial commitments have been made or bonds have been issued, a major portion of which were used for the construction of solid waste facilities—a much more specific definition than that in the Vermont amendment. Nor can we come up with a single exception for a single county. Our counties and cities have been given fairly broad discretion in this field, and different metropolitan counties in the State of Washington have had subtle but distinct differences in the way in which they exercise flow control requirements.

But I can say, Mr. President, that for those who feel that this should be a competitive field, not single-source contracts, that is exactly what the State of Washington does. The management of our solid waste is conducted on a competitive bid basis.

So, Mr. President, we, the two Senators from Washington, are here simply to request the right to continue to do what we have already been doing so successfully—to pay off our bonds and to be subject to the provisions of this bill under essentially the same circumstances as are allowed other States, States to which the members of the committee paid some attention in drafting the bill in the first place.

Mr. President, just as this was appropriate for those that were included in the bill in the first place on single State bases, those which have been added without controversy, that which was added by the amendment of the Senators from Vermont, we wish not to have the Federal Government interfere with us, to tell us that everything we have done in the past is wrong, that in spite of the success of our program, I am sorry, we do not fit into the exceptions and therefore we cannot have one.

Mr. President, we should be allowed to have this exception. We should be allowed to continue a regime which has worked so successfully in our State in the past.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to make the record clear right from the very beginning that this is not a case of the Federal Government interfering in the affairs of any State. The current law of the United States that is defined by the Constitution and the Supreme Court is that you cannot have flow control. That is not the EPA or the Environment Committee or anybody else saying that. The Federal Government is not interfering. The law of the land is that they cannot have flow control in the State of Washington or anywhere in the United States. So we came forward with this legislation.

Why are we here? We are here because of the Carbone decision just a year ago. In that decision, they said having flow control interferes with the commerce clause. However, the Congress of the United States can make arrangements in its acts and they can do something about the so-called flow control. And we have.

We realize that there are lots of communities across the country—or several, anyway—that were caught. They had flow control and they had committed money for a facility that bonded indebtedness or general obligation bonds and that facility was dependent upon the municipal solid waste that would come to it, pursuant to flow control that had been enacted.

So we are taking care of that. Indeed there is one county in Washington that appears to fall within that category. That does not satisfy the folks from Washington. Indeed, it is not restricted to the State of Washington.

I suppose the argument could be made, ''Well, under the act, when certain things have to be enacted, it is solely Washington,'' but there is no restriction solely to Washington. We do not know how many other areas in the country might qualify under this. They are saying, ''We never had flow control. However, we would like to be given that privilege for the future. And we do not even have to have had bonded indebtedness.''

Indeed, if we read the amendment, it says ''Bonds have been issued or significant financial commitments have been made.'' Actually, it is the other way around—''Significant financial commitments have been made or bonds have been issued.''

Now, what does it mean by ''Significant financial commitments have been made?'' They spent some money on some trucks, for example. But they want that to qualify them to have an exception to the Constitution of the United States.

Where do we draw the line? Clearly, this is a place that does not qualify, it does not even come close to qualifying now, under the rules that we have set forth, after a lot of deliberation.

Now, they have pointed out that they have had wonderful success in recycling. That is great. They did not need flow control for that because they never had it. In some communities, yes. But they did not have it in these other communities, and they had the successes of the recycling that the Senator from Washington, Senator MURRAY pointed out.

Mr. President, this just goes too far. Clearly, if this amendment prevails we might as well say all across the country, forget the Constitution. We make an exception to it—not an exception. We just say in the whole Nation of the United States we can have flow control. California is next up.

Mr. President, I just think it is very unfortunate that they are pursuing this amendment. After long discussions we worked out what seemed to me to be a fair compromise. It took care of the specific situation where they had flow control but they had some commitments, general obligation bonds, have made a commitment, but this is not similar to that.

Mr. President, I hope very much that the amendment would not be accepted.

Mr. GORTON. Mr. President, I am truly puzzled. The Senator from Rhode Island says we ought to be satisfied because 1 county out of 39 in the State of Washington might possibly qualify under a general bill that he has written to continue its present system.

The Senator from Rhode Island says, ''They say the Constitution be damned, we just want to go ahead.'' He is entirely correct when he says that a decision of the U.S. Supreme Court stated that under the dormant reading of the interstate commerce clause, flow control regimes all across the United States were invalid.

That same Supreme Court decision asked the Congress if it wished to do so to legislate in this area, pointing out that it could grant States full authority if it wished to do so, to continue forever all of their existing or any future regime.

Now, the Senator from Rhode Island has done that. He is passing legislation which under certain circumstances States can exercise flow control regimes. One might ask, why does he not just simply allow it to the full extent that the Constitution would allow it, but he has not. He wants a certain pattern, but he has made exceptions to that certain pattern and we would like such an exception.

Ours is all retrospective. Unless financial obligations have been undertaken or bonds sold, unless there is a system in place by a State statute that is some 5 years old or more, the exception does not apply. It does not apply in any other State, Mr. President.

Why should a community be penalized because it had enough money to pay for these facilities in cash? Why should it be penalized if it pays for

them by general obligation bonds which cover other facilities as well, rather than a specific revenue bond for one specific facility?

Now, Mr. President, this committee did not have to bring a bill out on this subject at all. It could just have told the country that it had to live with this Supreme Court decision. The committee decided that the Supreme Court decision mandated legislation. The legislation does have differences from one State to another. This body has adopted an amendment for Vermont which is infinitely broader than the amendment proposed for the State of Washington.

Why in the world these people sitting here in this body have to tell the State of Washington, ''Sorry, you did it wrong and we are not going to let you do it anymore,'' is simply beyond the understanding of this Senator.

Mr. CHAFEE. Mr. President, several times the Senator has said he is puzzled.

First of all, with regard to Vermont, there are exceptions in the Vermont situation, and I might point out that this Senator, nor the committee, did not support the Vermont amendment.

Was it adopted? Yes, by a vote, over the objections of this Senator and others who are managing the bill.

To take a whole State such as Washington that has never had flow control—they are seeking something they never had—talk about puzzlement. I wish the Senator from Washington would explain why he needs flow control.

Why is he here? Because they had this remarkable record as recited of the recycling and they have achieved all of that without flow control.

Now, once again, why did we bring this bill to the floor? The Senator says, why did they bring it up? We brought it up to take care of those communities that were truly hurt by the Carbone decision. Those communities had enacted flow control, had issued bonds, usually revenue bonds, to pay for either an incinerator or very carefully planned landfill. They wanted to pay it off, and they are planning to pay off their bonds through the flow control that required all the trash within the municipality or the county—wherever it is—to come to a central place.

That is not the situation with the Senator and the State of Washington at all.

If there are explanations that are needed here, I think they are needed from the Senator, or the prime sponsor of the amendment, if she would say what they need these for. They had all these wonderful recycling achievements without flow control, so now they are in here asking for an exception to an entire State.

By the way, in all fairness, there is some difference between the population of Vermont, which is relatively modest, and the population of the State of Washington and what this will trigger, should this amendment be adopted.

Mr. President, I suggest during these pauses that the time be equally divided.

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

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, let me again stress in no way does the State of Washington in the proposed amendment come close to meeting the exceptions that were provided for in this legislation. First, they do not have flow control; and, second, under the amendment as submitted it does not require there be outstanding bonded indebtedness.

The Senator from Washington has frequently mentioned to us they have general obligation bonds, but that is not what this amendment says. This amendment says, ''significant financial commitments have been made.'' That could be the community had spent some money, as I say, on some trucks, to haul garbage. So it does not even come close to the criteria that we have set forth in the bill and I just think it is a vast overreaching.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH. 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. SMITH. Mr. President, I rise in opposition to the Murray-Gorton amendment. We worked on it hard to try to craft a compromise to accommodate as many people as possible on this legislation. The amendment of Senators GORTON and MURRAY would simply open up the current provisions under S. 534 and would allow prospective flow control for areas that currently do not have flow control, and some areas that do flow control but do not have bonds and currently need to be paid off.

The whole spirit of the compromise worked out so carefully as we put this legislation together was we would not do things prospectively, that the intent here was to protect those people who had made financial commitments. Most specifically, they had let bonds or contracts that would require substantial losses possibly, conceivably, to the investment. That was the purpose. We were not trying to pass a bill here that would open up the whole interstate commerce issue again and allow States to prospectively implement flow control anywhere or any time for whatever reason, no matter how small the cost, whether it be the purchase of a truck or some minor item of cost.

Local flow control laws are by their very nature monopolistic and they are anticompetitive. I have stated numerous times during the course of this debate that I personally do not favor flow control, but in working with my colleagues I tried to help out some of the States that had very, very significant financial commitments, most specifically bonds, or in the case of a State like New Jersey, where they had an entire system for flow control and we wanted to try to accommodate them, we put a grandfather clause in here that would say that all flow control would be by the boards after 30 years. That was to allow for any bonds that may have been let to run out and then it would be entirely the free market system.

This amendment just flies in the face of the entire bill, the entire compromise. It is very important that my colleagues understand that if you support the free enterprise system and want to see less flow control in the future—not more—then you would be opposed to this amendment.

The Supreme Court ruled last year that these types of flow control laws are a violation of the commerce clause of the Constitution. Yet, it can be argued that governments that issued bonds—and the key here is bonds—to build facilities in reliance on flow control should be allowed to continue flow control only until these bonds are repaid. After this, the free market should prevail.

The purist argument would be they knew what they were doing when they let the bonds, and the free market ought to prevail anyway. Frankly, that is my position. But in an effort to compromise on this, Senator CHAFEE and I and others agreed that we would allow this grandfather, that it would be restrictive, that it would not be an open-ended grandfather that would simply allow prospectively anybody to think, ''Well, I might have an opportunity in 10 years to implement flow control and, you know, we might want to sign a contract, or we might want to let a bond, or prospectively, we may want to do it in 10 years.'' That is not the intent of this legislation. It would not be in the best interests of those who want to see flow control restricted rather than increased.

So the key here is that this amendment vastly expands the universe of communities that would be allowed the flow control—I mean vastly. This is not just Washington State. This is an open end that is going to allow flow control, and it would be flow control allowed not on the basis of financial need, not on the basis of financial commitments, not at all; just maybe we will have some financial commitments, or maybe in the future we would like to pass a bond, or maybe we would like to sign a contract, or maybe we would like to build a facility sometime in the future. That defeats the entire purpose of the legislation. I cannot emphasize that strongly enough.

This amendment goes beyond the principles that only those facilities that incurred bonded indebtedness should be grandfathered and instead it

grants flow control authority to a large universe of local governments who are simply implementing a State solid waste management plan.

Again, I go back to the hearing that we held in the subcommittee on flow control when we heard from New Jersey and other units which were affected by this. We heard that bond holders were going to be harmed and even some of us felt that they knew what they were doing or should have known what they were doing when they let the bonds and invested in the bonds. We decided, be that as it may, to be as fair as possible, we were going to allow the grandfather to kick in. A 30-year period gives everybody a chance to recoup any losses that they might have as a result of investments in the bonds. That was a compromise. It was very carefully struck. It was not my position. It was not the position of Senator LAUTENBERG or others on the committee who supported flow control. But it was a compromise. As compromises are, you give a little bit and you take a little bit. And that is the way it works.

But now to say we are down to the end, or very close to where we want to have a vote on this bill, to say now we are going to open this whole thing up prospectively to any locality or any community whatsoever anywhere which may want to have flow control is basically undoing the bill.

It is an anti-free-market amendment. It opens up flow control to a variety of communities that currently do not practice it, and it will shut out private companies that could meet the solid waste disposal needs of these areas. What we are hoping will happen in States like Washington and other States is that the free market will kick in; that over the next 30 years as we grandfather those who are currently implementing flow control, we will see the free market kick in in States like this where there is no flow control now, and it will work and it will work very well, and the free market frankly usually works, if not always works.

So I think that is the approach we ought to take. To just now come in with an anti-free-market amendment is a serious mistake. Recent studies indicate that flow control jurisdictions charge, on average, 40 percent higher rates than non-flow-control jurisdictions—40 percent higher.

This amendment goes against the spirit of the bill, the intent of the bill, and it should be defeated.

Flow control is not necessary for recycling, according to a recent EPA report called ''Report to Congress—Flow Controls and Municipal Solid Waste'':

> There are no data showing that flow controls are essential for the development of new solid waste capacity or for the long-term achievement of State and local goals for source reduction, reuse, and recycling.

That is a quote from that report. Thus, even the EPA has demonstrated that there is no need for flow control to meet State recycling goals.

The bottom line, as has been said before, my colleagues, is that this is a killer amendment. It kills the bill. It guts the bill. It makes the bill totally worthless, and it should not be passed.

I hope my colleagues will think very carefully and weigh this very carefully before the vote.

I call attention to item three in the amendment, which says significant financial commitments have been made. What is a ''significant financial commitment''? Is it a few dollars, $10, $15, or $20? Maybe it is a fee to buy a license or a permit. We are not talking about that. We want to limit future flow control in this legislation. We want it to end in 30 years. We do not want it to begin in States that do not have it. We are just allowing the exception or the grandfather in the States that do.

So, Mr. President, with the greatest respect to my colleagues who have offered the amendment, it is ill advised. It will hurt what we are trying to do in this compromise, and frankly if this is passed, this could lead to the very defeat of the flow control bill, which will hurt those people, those very people out there, the bond holders who are sitting there now worried about whether or not they are going to get relief. And if the bill is defeated or somehow taken down because of this, then those people are not going to get relief.

So I hope this amendment will be defeated.

Mr. President, at this time, I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, who has control of the time, and how much time is remaining?

The PRESIDING OFFICER. Five minutes for the Senator from Rhode Island; 14 minutes for the Senator from Washington.

Mr. BAUCUS. Mr. President, I assume I have the time of the Senator from Rhode Island. I yield myself a few minutes.

Mr. President, it is with some reluctance that I oppose the Murray-Gorton amendment. I have the highest regard for the Senators from Washington, both Senator MURRAY and Senator GORTON. They are trying to protect their State.

I must reject their amendment and oppose it, Mr. President, very simply because the approach that they are coming up with to meet the conditions in their State is much too broad, is much too general, and it goes much, much beyond the intent of the bill.

The intent of the bill is to protect those communities which, essentially, prior to a certain date—May 15, 1994—had flow control either by regulation or by ordinance or by State law. It is not, frankly, to protect those communities which did not have any kind of flow control; that is, that had not designated certain sites where trash would go.

The amendment offered by the Senators from Washington essentially says that flow control is OK if there had been a plan, a general plan to deal with trash in the State of Washington. The amendment by the Senators from Washington does not say that there was in some case flow control but rather, essentially, there is a waste management plan. For that reason it is much, much too broad. It is very unfair to other States, frankly, who would like to do the same thing.

If this amendment passes, there is a good argument it should apply to every other State in the Nation. And if it applies to every other State in the Nation then we might as well pull down this bill. Because the compromise that has been reached, one between free enterprise hauling the trash according to the wishes of different communities and trash haulers across State lines, combined with the other, that municipalities control their own trash, that compromise would fall apart. There would be no compromise. We would have no bill.

I, therefore, suggest to the Senators from Washington that if the amendment is rejected—and I very much hope it is rejected—that they, the Senators from Washington, work in conference, and the conferees come up with a generic approach to address the kinds of problems that are raised by the Senators from Washington.

This is a very complicated matter. I wish I could support the amendment offered by the Senators from Washington, but, in good faith, I cannot. And I cannot because it goes way, way beyond the compromise reached in the bill. It is way beyond the provision we adopted to deal with the situation in the State of Vermont just a few days ago.

And I must say that if this amendment passes, every other Senator can stand up on this floor and very legitimately say, ''Well, gee, it should apply to my State.'' And if that is the case, the bill falls apart and it will not pass. I guarantee it will not pass. I guarantee there are going to be Senators whose other points of view will stand up on the floor and prevent its passage.

Basically, Mr. President, I believe, for those reasons, that the amendment should be soundly rejected and we can work in conference to come up with a solution that might deal with some of these problems, if not all.

Mr. President, if a community does not need flow control, I think we should let the private market work and not just rely on Government regulation. This amendment is a Government regulation amendment which basically says we want more Government on your backs, we want more regulation, we want more control. I think that there are a good number of people in this country, particularly this body, that might have some reservations about adding more control, more regulations, more laws on the backs of the American people.

Mr. President, I reserve the remainder of our time on this side.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, again, as I have stated, I am completely puzzled by the nature of the argument of those a committee and on a committee staff, who worked in a committee without a Member from the State affected by this amendment and who presume to know much more about the desires of the people of the State represented by Senator MURRAY and myself than they themselves do, and who continue to use language such as ''prospective'' and ''wide open'' and ''applicable to everyone.''

Well, Mr. President, we have offered to make a specific reference to the revised code of Washington, if they want to make certain that this applies only to the State of Washington. They are not interested, because, of course, such an amendment would be useless. The description we have in here now is single State in nature. We have offered to put in ''continue to exercise flow control'' in this amendment, but they are not interested because they know that this is not a prospective amendment as it is.

Mr. President, this requires the State to have had a law before the year 1990 and it requires the plans to have been in existence in particular communities before May 15, 1994. Now, what is prospective about that?

These are existing plans. These are existing systems of facilities in one single State.

Now, if the bill is dead because one single State is permitted to continue to do what it wishes to do, it is already dead by reason of the Vermont amendment last week, which is much more broad and is prospective and does allow that State to go forward with plans in the future.

The answer, Mr. President, is that this is just something that this committee did not consider and does not want to consider now.

Senator MURRAY and I are asking for the continuation of an existing system in various counties of our State which has resulted, I believe, in more recycling and less disposal of solid waste perhaps than any other State in the United States of America. That is all we are asking for.

It is not prospective. It does not allow new counties and new communities even in our State who already had these ordinances and these obligations underway a year ago yesterday, May 15, 1994, to do so at some time in the future. It is State-specific and it is system facilities-specific. That is all there is to it. And there is no reason in the world for this amendment to be turned down.

Mr. BAUCUS addressed the chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I do not want to get into an argument with my good friend, the Senator from Washington. But the fact is, the committee very directly considered these points, contrary to the statement of the Senator from Washington. Second, contrary to the statement of the Senator from Washington, the amendment is prospective.

He talks about a solid waste plan. Mr. President, a plan is so general. We are not talking about plans in this bill. We are talking about whether a specific flow control ordinance passed, and if a specific indebtedness was created. We are talking about a specific contract where people are obligated. That is what we are talking about.

We are not talking about providing flow control authority if a State only has a solid waste plan. But that is what this amendment does. It would allow a State to use flow control if the State has a solid waste plan even if the State has not relied on flow control in the past. Washington only has only a general solid waste plan. If Washington was a lot more specific, and had relied on flow control in the past then Washington would be covered. The problem is Washington is not specific as a general plan, and that is why this is prospective.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I join my colleague, Senator GORTON, in being perplexed at the reasons for not accepting this amendment. I go back to the fact that my colleagues from Connecticut, Florida, Virginia, Delaware, and Vermont have come to the committee with specific concerns from their States that have been worked out to this point in this debate and in this bill. The concerns from Washington State are just as needy.

I was in our State senate back in 1989 when we passed the Waste Not Washington Act. We were ahead of this country in how to deal with our waste management. It is a very effective piece of legislation. We do not want it undermined now by actions on this Senate floor.

We have offered to the committee words that will deal with their concerns about being prospective. We have offered to put in language that makes it Washington State specific by referencing the Waste Not Washington Act. I assure my colleagues there is no intent to open loopholes. The intent is to allow the waste management in our State of Washington to work well, as it is currently doing.

I invite any of my colleagues to my hometown of Seattle and to take a look at the curbside recycling program that exists there. We recycle everything. We put out our pop bottles. We put out our plastic. We put out our newspaper. We separate our paper into different colors. It is done on every street in the city of Seattle. We do not want to see it undermined. People are very proud of that program there.

I think it is absolutely critical that this Senate does not go on record undermining a very progressive recycling program in the State of Washington. I assure you that I did not know the rest of the Nation was so far behind us until I moved here 2½ years ago, and my children said, ''What is with the garbage cans here that are so full?'' They could not believe what was not recycled here on this coast.

I encourage all of my colleagues to take a look at this legislation, to allow Washington State to continue to be progressive, to be an example for the rest of the Nation, and to not undermine us by exempting us within the legislation that is before us. Our amendment very simply allows the State of Washington to continue doing what it is doing. I ask and encourage all of our colleagues to allow local control to exist on this very serious problem in my home State of Washington.

I thank the Chair.

The PRESIDING OFFICER. The time of the opposition has expired.

Mr. SMITH. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Do the Senators from Washington yield back their time?

Mr. GORTON. Not quite yet. How much time is remaining to the Senator from Washington?

The PRESIDING OFFICER. Eight minutes.

Mr. GORTON. I would like to speak for perhaps 2 of those minutes, Mr. President, I say to the Senator from New Hampshire, and then I think his motion will be in order.

My colleague from Washington reminds me of my own experience. I, too, live in the city of Seattle. I hear a great deal about monopolies and competition and the like. I can assure my colleagues I pay much less for a much more efficient system at home than I do in the District of Columbia by a long shot.

What we are saying is that if we had a plan that was in place a year ago on which there is a contract—not some amorphous future plan, Mr. President. The municipality not only had to have a plan a year ago; it had to obligate itself by a contract—it has to be undertaking this process right now. It has to be in place. It is not in the future. And it has to have cost money.

Now, somehow or another we are criticized because some of our communities were wise enough and responsible enough to pay for these major facilities out of cash, that they did not have to bond, but for some reason or other to this committee that is a terrible thing.

A responsible municipality which has paid for these facilities already cannot recover for them. Now, that is another part of the absurdity of this amendment. This is State specific, Mr. President. It is not prospective. It deals only with things that are already in place. And it is in pursuance of a system which has worked very well and very effectively and should be allowed to be

continued. It is not as broad as amendments which are already a part of this bill for other States.

Mr. President, with the permission of the other Senator from Washington, I will yield back the remainder of our time.

Mr. SMITH. Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oklahoma [Mr. INHOFE] is necessarily absent.

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

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—54

Abraham	Dole	McConnell
Ashcroft	Faircloth	Moynihan
Baucus	Frist	Murkowski
Biden	Gramm	Nunn
Bingaman	Grams	Packwood
Bond	Gregg	Pell
Bradley	Hatch	Pressler
Brown	Hatfield	Reid
Burns	Heflin	Robb
Campbell	Hutchison	Roth
Chafee	Kassebaum	Santorum
Coats	Kempthorne	Simpson
Cohen	Kerrey	Smith
Coverdell	Kyl	Snowe
Craig	Lautenberg	Specter
D'Amato	Lieberman	Thomas
DeWine	Lugar	Thurmond
Dodd	McCain	Warner

NAYS—45

Akaka	Ford	Levin
Bennett	Glenn	Lott
Boxer	Gorton	Mack
Breaux	Graham	Mikulski
Bryan	Grassley	Moseley-Braun
Bumpers	Harkin	Murray
Byrd	Helms	Nickles
Cochran	Hollings	Pryor
Conrad	Inouye	Rockefeller
Daschle	Jeffords	Sarbanes
Domenici	Johnston	Shelby
Dorgan	Kennedy	Simon
Exon	Kerry	Stevens
Feingold	Kohl	Thompson
Feinstein	Leahy	Wellstone

NOT VOTING—1

Inhofe

So the motion to table the amendment (No. 1079) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. FEINSTEIN. Mr. President, I would like to express my deep dismay over the defeat of the Murray-Gorton amendment.

Frankly, it was my intention if the Murray-Gorton amendment were successful, to move an amendment which would be a slight change to take California's situation into consideration.

I cannot help but note that there have been a number of specific amendments to deal with a number of States. Nine States have received some preferential treatment in this bill. For my State, and I speak for Senator BOXER, as well, California has a unique situation.

We have a State law which mandates a 50-percent reduction in solid waste by the year 2000. How can a State do that if it does not have some flow control over its waste?

Eight local governments in my State, based on last year's bill, made agreements and incurred debts totaling $125 million which are unaddressed by this bill. Those counties are very concerned.

The California Association of Counties had asked that if the Gorton-Murray amendment were successful, an amendment be introduced based on that amendment which would clarify certain gray areas in the bill. The gray areas are contracts and franchises that have been consummated after the grandfather date, but based on last year's bill.

I very much regret that these issues are not taken into consideration, particularly by a Congress that is very concerned about States' rights.

I, for one, and Senator BOXER as well, will have to vote against this bill, based on the fact that we believe our State is seriously disadvantaged by it. I yield the floor.

Mr. CHAFEE. Mr. President, I gather from what the Senator said she, therefore, will not proceed with the amendment?

We had a reserve amendment slot for the Senators from California, and I gather the Senators will not proceed on that.

Mrs. FEINSTEIN. If I could have a couple of minutes to think about this I would appreciate it.

Mr. BAUCUS. Mr. President, what is the regular order?

The PRESIDING OFFICER. The bill is open to amendment.

AMENDMENT NO. 1083

Mr. CHAFEE. Mr. President, I send an amendment to the desk on behalf of Senator KEMPTHORNE, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. KEMPTHORNE, proposes an amendment numbered 1083.

Mr. CHAFEE. Mr. President, I ask unanimous consent further reading be dispensed.

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

The amendment is as follows:

On page 35, line 5, after the word ''agreements'', insert the words, ''or permits authorizing receipt of out-of-State municipal solid waste''.

One page 45, lines 15 and 16, after the word, ''tax'', strike the words, ''assessed against or voluntarily''; on lines 16 and 17, after the word, ''subdivision'', insert the following: '', or to the extent that the amount of the surcharge is offset by voluntarily agreed payments to a State or its political subdivision''.

Mr. CHAFEE. Mr. President, this is a technical amendment that has been cleared with the other side.

Mr. BAUCUS. Mr. President, the Senator is correct.

We have reviewed this amendment and we find it acceptable.

The PRESIDING OFFICER. Is all time yielded back?

Mr. CHAFEE. All time is yielded back.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1083) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, here is the situation now.

We have two more amendments that were provided for, and then we would hope be able to go to final passage. One is the Levin amendment and the other is the Domenici amendment. We are working on both of those.

Mr. BAUCUS. Mr. President, it is my understanding that the Levin amendment is withdrawn and Senator LEVIN will not offer his amendment.

Mr. CHAFEE. All right, that takes care of that.

I received word that the Senator from California will withdraw the so-called Boxer amendment.

Mr. BAUCUS. Mr. President, if the Senator will yield, that is my understanding.

Mrs. FEINSTEIN. Mr. President, that is correct.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I understand the distinguished managers of the bill are in the process of working on what may come next. While that is going on, I ask unanimous consent I be permitted to speak in morning business. I assure the distinguished managers when they reach a point where they want to interrupt, I will yield.

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

IS AMERICA GOING TO LEAD?

Mr. LEAHY. Mr. President, there is an important question hanging over us like Damocles' sword today. It will loom over us as we consider the budget. It will confront us directly as we debate the reorganization of our foreign affairs agencies. The question is ''Is America going to lead?''

This is not a question that keeps people awake at night anymore. After all,

people ask, ''We won the cold war, didn't we? There is no longer any real threat to America's security, is there?''

Mr. President, there have been few times in history when the United States can less afford to be complacent. The world today is anything but a predictable, peaceful place. While we are fortunate that the military threat to our security has receded, it is more true today than ever that American prosperity is linked to conditions in the rest of the world.

Millions of American jobs depend upon persuading other countries to open their borders to U.S. exports, and helping them raise their incomes so they can afford to buy our exports. Ensuring that we have clean air and clean water depends upon international action to protect the environment. Keeping Americans healthy depends on joint action to fight the spread of infectious diseases in other countries. Imagine if we are unable to contain the recent outbreak of a deadly virus in Zaire—very quickly you would see Senators clamoring for more aid to stop it from reaching our shores.

Stemming the flow of illegal immigrants and refugees to the United States depends on promoting democracy and economic development in the countries from which the refugees are fleeing. These are just a few examples of why we continue to have an enormous stake in what happens in the rest of the world.

Fortunately, the United States, the only remaining superpower with the largest economy and the most powerful military, can influence what happens in the rest of the world.

But influence is not automatic. It requires effort, and it costs money.

Perhaps most important, the United States needs to maintain its leadership in and its financial contributions to the international organizations that make critical contributions to promoting peace, trade, and economic development. Organizations like the United Nations, the World Trade Organization, the International Monetary Fund and the World Bank, to name a few. These organizations are the glue that holds our international system together. They may not always act in precisely the way we would like, but they are dedicated to spreading the values that Americans hold dear—freedom, democracy, free enterprise, and competition.

The American people also want to help alleviate the suffering of people facing starvation or other calamities, like refugees fleeing genocide in Rwanda, or the hundreds of thousands of victims of landmines—the people who are injured and killed every 15 minutes around the clock, around the world, from the 80 to 100 million antipersonnel landmines spread in 60 to 65 countries.

Finally Mr. President, the polls show that most Americans believe we should help developing countries and countries making the transition from communism to democracy and market economics. It is through this aid that we fight poverty, that we stabilize population growth, that we educate people who have never known anything except tyranny in the basics of representative government, and that we encourage countries to open their economics to trade and competition.

We do these things, not out of a sense of altruism, but because it is in our national interest. Yet, in the rush to reduce Federal spending, some are dismissing spending on international affairs as a luxury we cannot afford, or even a waste.

The United States cannot pay these costs alone, but no one is asking us to. The United States now ranks 21st among donors in the percentage of national income that it devotes to development assistance. Twenty-first. Right behind Ireland. We are not even the largest donor in terms of dollar amount anymore. Japan, which has a keen sense of what is in its national interest, has passed us. They passed the United States in this area. Do you think Japan is doing this out of a sense of altruism? Ha. They do it because they know it creates jobs and it helps their economy.

Six years ago, when I became chairman of the Foreign Operation Subcommittee, the foreign operations budget was $14.6 billion. We cut that budget by 6.5 percent, not even taking into account inflation, while the remainder of the discretionary spending in the Federal budget increased by 4.8 percent. Those cuts were a calculated response to the end of the cold war. Foreign aid today is substantially less than it was during the Reagan and Bush administrations. Our entire foreign aid program, including funding for the Eximbank and foreign military financing and other activities that have as much to do with promoting U.S. exports as with helping other countries, today accounts for less than 1 percent of the total Federal budget.

We must recognize that there is a limit to how far we can cut our budget for international affairs, and still maintain our leadership position in the world. Just when many people though U.S. influence was reaching new heights, we are seeing the ability of the United States to influence world events eroding.

This budget proposal amounts to a classic example of penny-wise and pound-foolish. Our allies are scratching their heads, wondering why the United States, with the opportunity to exercise influence in the world more cheaply than ever before, is turning its back and walking away.

We are inviting whoever else wants to—friend or foe—to step into the vacuum and pursue their interests at our expense.

Mr. President, the United States stands as a beacon of liberty and hope for people throughout the world. But we should be more than a beacon. A beacon is passive. We should be proactive, reaching out to defend our interests and to help our less fortunate neighbors. We should continue to invest in the world. We should continue to lead.

If there is going to be a leader for democracy, if there is going to be a leader for economic development, if there is going to be a leader for human rights, if there is going to be a leader setting the goal, as an American I prefer that it be our country. And as a U.S. Senator I know of no country better suited to do that.

Mr. President, I want to say a few words about Republican proposals to reform the U.S. foreign affairs agencies. Senator HELMS, the distinguished chairman of the Senate Foreign Relations Committee, has launched a broad proposal to reform foreign policymaking in the Federal Government. This proposal includes provisions for completely restructuring the way we administer our foreign aid programs. Senator HELMS asserts that U.S. foreign policymaking has become so decentralized that it no longer serves the national interest. He proposes to merge most foreign affairs functions into the Department of State.

As the former chairman and now ranking Democrat on the Foreign Operations Subcommittee, I have had some opportunity to be involved in the U.S. Government's conduct of foreign policy, and I have some thoughts about Senator HELMS' proposal.

While I have long advocated better coordination among the executive branch agencies in foreign policymaking, I believe Senator HELMS' proposal would result in U.S. national interests being less well, not better, served.

Why is the Foreign Agricultural Service administered by the Department of Agriculture and not by the State Department? Because farmers know they can count on USDA to represent their interests better than the Department of State and all experiences have proven that.

Why, 15 years ago, did we take the commercial function away from the State Department and create a Foreign Commercial Service in the Department of Commerce? It was because State had for years neglected export promotion, sacrificed export interests to its foreign policy priorities, and treated its commercial officers as second-class employees. It was because the American business community was clamoring for something better, knowing that if we could increase our exports we would increase jobs here in the United States.

The reason we have separate foreign service bureaucracies is that many of our foreign policy interests are actually domestic policy interests that are best pursued abroad by technical experts from domestic policy agencies, not be foreign policy generalists from the State Department. I do not know about farmers from other States, but I can tell you that Vermont farmers are not at all anxious to see the State Department expand its influence over

U.S. foreign agricultural policy. They fear that shifting power from domestic agencies to the State Department will not strengthen representation of United States interests in United States policy but rather will strengthen representation of French interests and Argentine interests and Russian interests.

Let me focus on the specific question of restructuring America's foreign assistance program. I have been advocating reform of our foreign aid program ever since the fall of the Berlin Wall, so I welcome this opportunity for discussion of this issue.

Senator HELMS says that our foreign aid program should further our national interests. I absolutely agree. I do not know of anyone who disagrees.

But I do not agree with his definition of the problem. The problem is not that the Agency for International Development is ignoring America's national interests. The problem is that since 1961 when the Foreign Assistance Act was enacted, much of our foreign aid was allocated to winning allies in the fight against communism.

All you had to do was say, ''I am anti-Communist, pro-American,'' no matter what kind of a dictator you were, money flowed to you.

Billions went to right-wing dictatorships with little or not commitment to democracy or improving the living conditions of their people, or even allowing business competition. Much of that aid failed by the standards we apply today. But it is unfair and disingenuous to judge AID's effectiveness today against the failures of the past when our goals were fundamentally different.

AID needs a new legislative mandate. We meet to get rid of cold war priorities and replace them with priorities for the 21st century.

The Secretary of State has full authority under statute to give policy direction to AID, and the State Department influences AID's activities every day. If AID's projects deviate from State Department policy, it is not because AID is out of control, it is because the people at State are not paying enough attention to what AID is proposing to do.

Senator HELMS also does not give sufficient credit to the Clinton administration for its efforts to improve AID performance. Over the past 2 years, we have seen dramatic progress at the Agency for International Development and the Treasury and State Departments in redefining our foreign aid priorities and focusing resources where they can achieve the most in advancing U.S. interests abroad, in spite of the constraints of an obsolete Foreign Assistance Act.

AID Administrator Brian Atwood has made extensive changes at AID. He initiated an agency-wide streamlining effort that has resulted in the closure of 27 missions and a reduction of 1,200 staff. He is installing state-of-the-art data processing systems that link headquarters in Washington with project officers in the field in real time. This will ensure that information available at one end of the management pipeline is also available at the other, increasing efficiency and improving decisionmaking.

Mr. Atwood has decentralized decisionmaking so the people closest to problems have a full opportunity to design solutions. AID is improving its performance because, for the first time since the mid-1980's, it has hands-on leadership that is committed to making our foreign aid programs effective.

Can AID improve its management performance further? Yes. But would the State Department do better? I doubt it. I believe that abolishing AID and asking regional assistant secretaries at the State Department to manage its functions would be a serious mistake. These assistant secretaries are chosen for their expertise in broad foreign policy. Many do not have experience managing money and programs. And they are overworked now trying to deal with the daily emergencies and complexities of our political relationships with countries in their regions.

Even former Secretary of State Lawrence Eagleburger, a Republican whom I respect and whose counsel I have sought, expressed doubt about this proposal in his testimony before the Foreign Relations Committee on March 23. ''The State Department is not well suited, either by historical experience or current bureaucratic culture, to assume many of these new responsibilities,'' Secretary Eagleburger said. And he was trying to be supportive of the Helms proposal.

I would put the matter a little less delicately: The State Department's specialty is making policy; it has never and probably never will manage programs well. Secretary Eagleburger offered the hope that, with every careful selection of Under Secretaries, it might do better. I am reluctant to trade a bureaucracy that is doing reasonably well and getting better at delivering foreign aid for one that has no competence on the outside chance that it might get better. If we disperse responsibility for foreign aid among assistant secretaries of State, I bet that we will start hearing more stories about misguided and failed projects, not fewer, and more questions about why we have foreign aid, not fewer.

AID today is performing a wide array of tasks that enjoy overwhelming support among the American people:

Every year, AID manages programs worth a billion dollars aimed at protecting the Earth's environment. Does protecting the Earth's forests, oceans, and atmosphere matter to us? Does it further our foreign policy interests? A century from now we are not going to have any foreign policy if we do not join with other countries today to protect the environment.

Every year, AID manages hundreds of millions of dollars in international health programs. Is this money wasted? We might as well ask whether AIDS and tuberculosis are infectious.

Every year, AID commits a large part of its budget to promoting free markets and democratic development in countries where the United States has important interests. This is not diplomacy. It is hands-on assistance that requires people with special expertise on the ground who can get the job done. Working with foreign governments and private organizations on the nuts and bolts of solving real problems. That is what AID does.

Mr. President, we have a strong need to rewrite the Foreign Assistance Act to redefine the framework for foreign aid. AID can continue to downsize and improve its efficiency. But we should not abolish an agency that is aggressively adapting itself to the changed world we live in and to the shrinking foreign aid budget.

Let me close with this, a personal observation.

I have served here during the administrations of President Ford, President Reagan, President Bush, and President Clinton. Each one of those, each President, Republican and Democrat alike, has come to Members of the Congress, Republican and Democrat alike, and sought bipartisan support on foreign policy. We follow the dictates of Senator Vandenberg that politics end at the water's edge.

We have had some major debates on this floor, and we have had major debates in the Cabinet room of the White House. But we have come together. We have observed a number of things, not the least of which is that the President of the United States is our chief foreign policy spokesperson.

Throughout all of my years in the Senate, it has been an unwritten rule that, when the President of the United States is abroad, when he is making foreign policy or conducting foreign policy, he receives support at home. If we disagree with him, we wait until he gets home and we tell him so. I am concerned, when the President of the United States recently went abroad for meetings in Russia and Ukraine, that many would not wait until he came back but had to take to the floors of the House and the Senate to criticize what he was doing. I think that is wrong. We never did that with President Bush. We never did that with President Reagan. We never did that with President Carter. We never did that with President Ford. And we never did that before I was here, to my knowledge, with other Presidents. It is wrong. It gives the wrong signal. It does not mean that we passively agree with everything and anything that any President says. Of course not. We wait until he at least gets back to the country to tell him so. We do not undermine him or say things here in this country that almost guarantees that he cannot be successful in the other country.

Frankly, Mr. President, the President of the United States and the

President of Russia ought to meet on a regular basis every year concerning the nuclear warheads of both sides. We should not set as a standard that the only time they can meet is if they come back with some enormous agreement. As a practical matter, that guarantees failure. They have to meet with or without agreement because there is too much at stake, and we ought to take the lessons of those Congresses in the past to at least let the President come home before we tell him we disagree with him. Let us not have foreign leaders when he is meeting with them see a cacophony of criticism coming, often from those who are not really fully informed of what is going on.

Mr. President, I thank my distinguished colleagues for allowing me to have this time.

I yield the floor.

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The Senate continued with the consideration of the bill.

Mr. BAUCUS. Mr. President, we have now reached a point where the Senate is about to give our small towns the right to say no. I hope the House will follow suit quickly so that we can send the bill to the President this year.

We have debated this bill extensively. We have heard a lot of statistics. We have heard a lot about policy. So I would like to use a small example to remind the Senate of why this is so important.

Miles City, MT, is a small prairie town of 8,500 people on the Yellowstone River. Not too long ago, its people faced the prospect of what was probably a Noah's flood of garbage imports. A garbage entrepreneur from Minneapolis came out to look them over. He had a rather remarkable plan: Empty coal trains run out of Minneapolis. Each one of them has about 110 cars—open-roofed cars, 50 feet long, 10 feet wide, 11 feet high. He wanted to fill them to the brim with garbage and bring all that garbage to Miles City and dump it in Miles City. Think of it. A giant garbage snake over a mile long ripening in the sun for anywhere up to 5 days on the run out of Minneapolis, shedding rotten food, broken glass, and used diapers into the Yellowstone River at every bend in the track, steaming into town on a hot summer day with as much trash in one single trip as Miles City throws out in a whole year.

It is crazy; it is humiliating; and Miles City should have the right to say no. So far, the people of Miles City and their representatives in the Montana Legislature have been able to stop these plans. But, with no disrespect to the legislature, it is a weak reed.

Every time waste companies have challenged State laws restricting out-of-State waste, the State laws have been overturned by the courts. So we cannot rely on State legislatures. We need a Federal law. Without congressional action, according to the Supreme Court, neither the people of Montana nor of any other State can stop these garbage trains.

Some interstate movement of garbage makes sense. In Montana, two towns have made arrangements to share landfills with western North Dakota towns and some trash from Wyoming areas of Yellowstone Park is disposed in Montana. These arrangements save money for the communities involved and shared regional landfills can be a policy that makes sense. But it only makes sense when the communities involved agree to it. No place should become an unwilling dumping ground. Nobody should have to take garbage they do not want from another community— not Miles City, not anybody.

This bill is a very good start, and I strongly support it. But like any other bill, it is not perfect. In particular, I am concerned that it would allow waste to be imported until a community gets wise to it and has to say no.

I believe we should take a good-neighbor approach. Waste from big cities should not be allowed into our communities until the people agree to accept it. I do not want the people of Miles City to wake up one morning with a garbage train in the station. I want the garbage broker to come to town first and ask the people's permission before using the community as a trash dump. That is just common courtesy.

I hope we can move in that direction as the bill goes ahead, and for now I urge the Senate's support for this critical new law.

Finally, Mr. President, I wish to congratulate the Senators who have worked so very hard over the years in finally developing a balanced bill. Senator COATS from Indiana has been a bulldog, and Senators LAUTENBERG and SMITH, and our new chairman, Senator CHAFEE, have worked tirelessly. Brokering the agreements that brought the bill to this point was not easy, but they met the challenge.

In closing, let us stand up for small towns and give them the right to protect their people from unwanted trash.

I thank the Chair. I yield the floor and 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. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RATIFICATION OF THE LAW OF THE SEA CONVENTION WILL PROMOTE THE ECONOMIC INTERESTS OF THE UNITED STATES

Mr. PELL. Mr. President, the Law of the Sea Convention entered into force on November 16, 1994, and was transmitted to the Senate for its advice and consent on October 6, 1994 [Treaty Document 103–39]. On this occasion I applauded the President's transmittal of this historic treaty and spoke to the ways in which it will protect the economic, environmental, scientific, and most importantly, the national security interests of the United States (CONGRESSIONAL RECORD, Vol. 140, No. 144, p. 14467). On March 14, 1995 I addressed the importance of ratification of the Convention to the fishery interests of the United States (CONGRESSIONAL RECORD, Vol. 141, No. 47, p. 3862). Today I would like to address how ratification of the convention will best serve U.S. economic interests.

The Third U.N. Conference on the Law of the Sea was initiated as early as 1973 by the United States and the U.S.S.R. to protect navigation rights and freedoms, at a time where coastal States were claiming excessive areas of jurisdiction. Most of the provisions of the convention have long been supported by the United States, and at the conclusion of the law of the sea negotiations in 1982, the Reagan administration indicated that it was fully satisfied with, and supported the entire convention, except for the deep seabed mining part. The recently negotiated part XI implementation agreement, which is also before the Senate [Treaty Document 103–39] addressed all the reservations that the United States and other industrialized countries had. I will speak to the deep seabed mining issues in a forthcoming statement.

The convention directly promotes United States economic interests in many areas: It provides the U.S. with exclusive rights over marine living resources within our 200 miles exclusive economic zone; exclusive rights over mineral, oil and gas resources over a wide continental shelf that is recognized internationally; the right for our communication industry to place its cables on the sea floor and the continental shelves of other countries without cost; a much greater certainty with regard to marine scientific research, and a groundbreaking regime for the protection of the marine environment. With regard to national security, the Department of Defense has repeatedly expressed its strong support for the ratification of the convention because public order of the oceans is best established by a universally accepted Law of the Sea Treaty that is in the U.S. national interest.

The extension by other nations of their national claims were not always limited to matters of resources use but also represented a potential threat to our interests as a major maritime nation in the freedom of commercial and military navigation and overflight. The United States is both a maritime power and a coastal Stage and, as such, it benefits fully from the perfect balance that the convention strikes. It gives extensive rights to States over the resources located within their EEZ's, but also recognizes the need to maintain freedom of navigation on the high seas,

through archipelagic waters thanks to the concept of transit passage and even through the territorial seas of other States based upon the principle of innocent passage.

Mr. President, seaborne commerce represents 80 percent of trade among nations and is a lifeline for U.S. imports and exports. Ninety-five percent of U.S. export and import trade tonnage moves by sea. With continuing economic liberalization occurring globally, exports are likely to continue to grow as a percentage of our economic output. In addition, on some sectors, such as oil, our dependence on imports will continue to grow. Thus our economic well being—economic growth and jobs—will increasingly depend on foreign trade. Without the stability and uniformity in rules provided by the convention,we would see an increase in the cost of transport and a corresponding reduction of the economic benefit currently realized from an increasingly large part of our economy.

Consequently, the United States would stand to lose a great deal if it was no longer assured of the freedom of navigation: trade would be impaired, ports communities would be impacted and our whole maritime industry could be put in jeopardy. The convention addresses these concerns and failure of the United States to ratify would impose a tremendous burden on this industry.

Within its EEZ, the United States has exclusive rights over its living marine resources. Foreign fleets fishing in our waters can be controlled or even excluded, and our regional management councils are in a position to adopt the best management plans available for each of the fisheries on which our industries depend. The settlement of disputes provisions of the convention do not apply to the measures taken by the coastal State within its EEZ. Consequently, the United States has discretionary powers for determining the allowable catch, its harvesting capacity, the allocation of surpluses to other States and the terms and conditions established in its conservation and management measures.

The provisions of the convention generally reflect current U.S. policy with respect to marine living resources management, conservation and exploitation. As such, they incur little new U.S. obligation, commitment, or encumbrance. The U.S. Fishery Conservation and Management Act of 1976, commonly referred to as the Magnuson Act, was crafted to parallel closely most of the law of the sea's provisions for living resources. But the convention also ensures that some of the stricter measures that the U.S. has adopted, precautionary in nature, are also incumbent on other States, in their EEZ's and, more importantly, on the high seas. As such, some measure of increased stability in international living marine resources policy can be anticipated as a beneficial aspect of U.S. participation of the law of the sea regime.

The convention also provides a jurisdictional framework for the negotiation of a new regime for straddling stocks and highly migratory fish stocks on the high seas. A conference is currently under way at the United Nations to establish such a regime, and I am happy to note that at the last session, held a few weeks ago in New York, the U.S. delegation expressed its satisfaction at the progress already achieved. The negotiators involved are cautiously optimistic that an agreement will be reached by the end of this year, which should help prevent the kind of incidents that recently pitched Canada and the European Union in the latest case of gunboat diplomacy. The convention will provide both the basis and the framework for this new agreement.

Representatives of the oil and gas industry served as active advisers to the U.S. Government throughout its negotiation of the convention. In 1973 the National Petroleum Council published a detailed analysis of industry objectives in relation to this treaty, all of which have been achieved. The National Petroleum Council determined that it was important to its industry that the convention reflect the following principles:

Confirmation of coastal State control of the continental shelf and its resources to a distance of 200 nautical miles, and beyond to the edge of the continental shelf;

Establishment of a continental shelf commission to advice States in delimiting their continental shelves in order to promote greater certainty and uniformity regarding resources ownership;

A constructive mechanism for the settlement of disputes;

And guarantees that the principles of freedom of navigation essential to the movement of tankers and other commercial vessels will not be undercut by the extension of coastal State jurisdiction.

Working in close coordination with our offshore oil and gas industry, our negotiators successfully obtained convention provisions that serve U.S. interests both in regards to development of energy resources off our coasts as well as the interests of our nationals operating abroad. The convention goes further than the Truman Proclamation, in which our country asserted our rights over oil and gas resources on the continental shelf, because it specifies the outer limits of the area.

This new certainty is very important for our oil and gas industry because offshore development is enormously capital intensive and security of tenure is the key. The convention's standards and procedures avoid uncertainty and disagreement over the maximum seaward extent of our jurisdiction. The resulting clarity advances both our resource management and commercial interests, as well as our interest in stabilizing claims to maritime jurisdiction by other States.

At the same time, the convention ensures the protection of the marine environment in relation to pollution, including the allocation of enforcement responsibility between flag, port, and coastal States. It here again strikes the right balance between the need to ensure the development of the oil and gas industries and greater certainty that the environment is adequately protected.

The convention also provides significant benefits to the communication industry. As we know, our country is a proud leader in the technology and communication revolution. In that respect, we depend upon ships to carefully lay fiber optic cables on the sea floor. When these cables are broken, U.S. companies and consumers incur huge repair costs. For example, one such cable, connecting the United States and Japan, can carry up to 1 million simultaneous telephone calls and is valued at over a billion dollars. As one of our major growth industries, telecommunication firms have ambitious plans for replacing existing coaxial cable on our ocean floor and expanding the existing cable network globally.

Our telecommunication industry had long suffered from the poor legal protection afforded to cables laid on the seabed. The Geneva Convention on the High Seas of 1958 provided that the laying of cables and pipelines is a high seas freedom, and that coastal States may not impede laying or maintenance of cables on the continental shelf. Yet it did not contain clear provisions designed to prevent mariners from working dangerously close to cables.

The Convention on the Law of the Sea incorporates the language and principles of the 1958 Geneva Convention. Most important, it also goes further in providing that States are to make it a punishable offense, not only to break a cable, but to engage in conduct likely to result in such breaking or injury. For the first time, cable owners and enforcement authorities are able to act to prevent cable breaks from occurring. Consequently, the protection afforded submarine cables is substantially increased by the convention.

Mr. President, the negotiations on this new ''Constitution for the Oceans'' took more than 9 years, and when the first version, open for signature in 1982, did not meet all our concerns, the Democratic and Republican administrations refused to sign it. It was only after 12 more years of negotiations that all the concerns of the United States were addressed. Significant U.S. economic interests are now protected by this convention and we now need to reap the benefits of these long years of negotiations.

President Clinton said it best in his transmittal letter to the Senate, ''Early adherence by the United States to the Convention and the Agreement is important to maintain a stable legal regime for all uses of the sea, which

cover 70 percent of the surface of the globe. Maintenance of such stability is vital to U.S. national security and economic strength.''

I strongly agree and look forward to the Senate giving its advice and consent to this historic convention during the 104th Congress.

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

The PRESIDING OFFICER (Mr. ASHCROFT). 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.

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The Senate continued with the consideration of the bill.

Mr. DOMENICI. Mr. President, in a minute or so, I am going to send an amendment to the desk. But so as to not waste time, let me take a few minutes to talk before it is submitted.

First of all, I understand the managers of this bill want to get it finished today, and I gather the leader wants to do it quickly. I want to be cooperative. Essentially, I am not going to say a great deal, other than, first, I compliment Senator KEMPTHORNE on language in this bill that I call commonsense language that relates to small and arid landfills. They are relieved of some very expensive monitoring, and I compliment the Senator for that.

Second, I would like to go a little further, because I want to add a little more common sense. I think common sense, with reference to regulatory processes, was part of the last election. You do not hear me come to the floor trying to second-guess what the election was about. But I am convinced that as to people regulated, be it cities, counties, tiny communities, small business people, the election was about common sense.

So I am going to send an amendment to the desk which would allow States to promulgate their own regulations with regard to small landfills, provided that those regulations are sufficient to protect human health and environment.

In my amendment, small landfills are those which receive 20 tons or less of municipal waste per day based upon an annual average. Such landfills, as the occupant of the chair, the former Governor of a great State would know, serve very small communities. In my State of New Mexico alone there are 50 such small community landfills. Let me suggest that they are not next door to anything. Those landfills are out in a huge, huge open space surrounded, in most instances, by hundreds, if not thousands, of acres of unused land, public or private.

So we are not talking about these small landfills in my 50 small communities as, per se, bothering anyone. The question is, are they safe? Do they protect the health and environment? Frankly, I believe that our States are sufficiently different, and that States ought to be able to determine the regulations that these small landfill operators, small communities, must comply with in order to meet the standards of our law. I believe States are totally capable of drafting the regulations for safe and healthy small landfills in rural America and in rural New Mexico.

According to the Environmental Protection Agency, these small landfills make up 50 percent of the total number of landfills and contribute only 2 percent in terms of the total cumulative waste—2 percent.

Now, I realize that some argue that EPA does give States flexibility with regard to landfill management, and I assume the managers might even say that they believe it has already been done. I also know, however, that my State's environment department has not experienced this purported flexibility on EPA's part.

Frankly, I believe we ought to make it clear that the Environmental Protection Agency shall give this authority to the States to draw up their own regulations with reference to small community landfills so long as the regulation adequately protects human health and the environment. That is very simple.

I have seen small communities attend meetings for 3 years in New Mexico. They are looking for a regional landfill, I say to Senator SMITH, and they are going to meetings for 3 years, trying to figure out how to have this big regional landfill and how this little small town can buy into that. And it is not getting done yet. The little towns are worried about it, and they are out telling their 100 citizens, or 300, what they might have to pay, what they might have to do. And many of them are not even cities, as the occupant of the chair knows. They are villages. They are less than municipalities, many of them.

So I believe common sense says as to those small, but very important, community landfills that we ought to make it mandatory that they can be operated pursuant to State regulations in terms of their adequacy.

With that I yield the floor. I hope I have not taken too much time. I hope the managers will accept this amendment, and I yield the floor.

AMENDMENT NO. 1092

(Purpose: To revise guidelines and criteria for the Resource Conservation and Recovery Act)

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. KEMPTHORNE, and Mr. SMITH, proposes an amendment numbered 1092.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 69, line 22, strike ''.''

On page 69, between lines 22 and 23, insert the following new provision:

''(5) FURTHER REVISIONS OF GUIDELINES AND CRITERIA.—Not later than April 9, 1997, the Administrator shall promulgate revisions to the guidelines and criteria promulgated under this subchapter to allow states to promulgate alternate design, operating, landfill gas monitor, financial assurance, and closure requirements for landfills which receive 20 tons or less of municipal solid waste per day based on an annual average, provided that such alternate requirements are sufficient to protect human health and the environment.''.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I would like to compliment the Senator from New Mexico. I think his amendment is helpful. I intend to support it. It provides additional flexibility for the States to more closely tailor their own individual problems. One-size-fits-all Federal regulations do not always work. Many times they do not work. I think the Senator has hit on an area here that improves the bill. It would be helpful, certainly, for very small communities in very remote areas, which we find everywhere in almost every State in the country.

One area the Senator did not mention which would have a positive impact on his amendment is many rural areas used to burn their garbage, a lot of it. Of course, when it is burned and not buried, we do not have the methane buildup. So this would give those communities great flexibility because you do not need to monitor where you did not bury and you did burn.

So I think that is another dimension which is really attractive and, frankly, the main reason I support this amendment.

So this Senator will be voting for the amendment, and I congratulate the Senator on his amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from New Mexico is attempting to address the concerns of small communities, a concern which we all share. Under the bill before us, and according to pursuant regulations, generally the State of New Mexico can already now do what this amendment asks EPA in to do. That is quite clear.

The Senator from New Mexico thinks there is some ambiguity, and I respect the Senator's view there might be some ambiguity, although we checked with the EPA and checked the regulations and today they can do already what New Mexico wants to do.

I am in a bit of an awkward position because the State of Montana, frankly, sent me a letter expressing their reservations about this amendment. Their reservations generally revolve around the following point; namely, that when the landfill regulations went into effect in 1991, States acted pursuant to these regulations. And under these regulations virtually all authority was

delegated to the States—43 States have approved plans, the State of Montana is one, the State of New Mexico is another—and they began to plan.

One of the goals under each of the State plans is to not only be sure small, local communities are able to develop their landfills in a commonsense way, but also to consolidate landfills where, in the opinion of the State, it makes sense.

So the State of Montana is saying this is probably not a great problem, this amendment. However it is changing horses in the middle of the stream. It has the effect of changing regulations after 1991. The State of Montana is doing fine with the 1991 regulations, and they are also working with some communities, small communities, to keep their landfills open but consolidating other landfills because you need volume to make landfills economically feasible. This amendment might have the effect of disrupting those States' efforts to try to get some consolidation.

It is not a major point. I do not mean to raise it in any serious degree, but it is a consideration I think all States have when they are adopting their plans. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, on the Domenici amendment there appears to be no further debate. I support the amendment and also want to say the views of the Senator from Montana were certainly worthy of consideration. We are ready to go forward with this amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent Senator KEMPTHORNE and Senator SMITH be shown as original cosponsors of this amendment.

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

Mr. DOMENICI. I thank the floor managers. With regard to the ambiguity as to whether States are currently given adequate flexiblity over their regulation of small landfills, I might say to my friend from Montana we received a call the day before yesterday from New Mexico's environmental department asking us to do this. They, and I, are still convinced that this amendment will help States with their small landfill problems. But I very much appreciate clarifying this, and I thank my friend for that.

I yield the floor.

The PRESIDING OFFICER. Is all time yielded back? All the time has been yielded back.

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1092) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STATES' AUTHORITY

Mr. KEMPTHORNE. Mr. President, I would like to take this opportunity to clarify the meaning of language contained in title I of S. 534, regarding the Governors' authority to ban interstate waste shipments. Section 4011(a)(4)(A) limits that authority when its exercise would ''result in a violation of, or would otherwise be inconsistent with, the terms of a host community agreement or a permit issued from the State to receive out-or-State municipal solid waste.''

During the committee markup on this title, the chairman of the committee and I engaged in a colloquy in the business meeting of the Environment and Public Works Committee on March 23, 1995, regarding the meaning of this provision in the case of a host community agreement that contains no tonnage limitation. The chairman agreed with me that where there is no specified tonnage amount in a host community agreement, a Governor's ban of interstate waste shipments to a facility covered by such an agreement would be in violation, or inconsistent with, the terms of the host community agreement.

Mr. President, I would like to ask the distinguished chairman of the committee whether this colloquy still reflects the committee's understanding about how the 4011(a)(4)(A) limitation should be interpreted when a host community agreement contains no specified tonnage amount?

Mr. CHAFEE. The Senator from Idaho is correct. Where a host community agreement contains no specified tonnage, a Governor's use of his authority to ban interstate waste shipments would be in violation of, or inconsistent with, the terms of the host community agreement.

Mr. KEMPTHORNE. If a Governor imposes a cap at 1993 tonnage levels on waste received, affecting a facility with a host community agreement that does not have a tonnage limitation, would the cap be considered to be inconsistent with the host community agreement?

Mr. CHAFEE. The Senator is correct, a cap would be inconsistent with such an agreement.

Mr. KEMPTHORNE. Does the provision, as interpreted, apply only prospectively, or is it intended to cover host community agreements entered into, or permits issued by a State, both before and after enactment of section 4011?

Mr. CHAFEE. The provision applies both retroactively and prospectively to those host community agreements that were in effect before and after the date of enactment.

Mr. KEMPTHORNE. Has anything happened during the course of this floor debate on the bill to change this understanding as to the interpretation of this provision, section 4011(a)(4)(A)?

Mr. CHAFEE. No. But it is this Senator's view that this colloquy confirming our understanding of section 4011(a)(4)(A), as previously set forth in the committee business meeting, does not apply to amendment 1077, an amendment that was offered by Senator COATS and only affects the State of Indiana.

Mr. KEMPTHORNE. Thank you, Mr. President.

Mr. SIMPSON. We are once again trying to pass legislation dealing with the export of solid waste from one State to another. This issue has become a concern because some of the large Northeastern States have been shipping large amounts of garbage to States such as Indiana, Pennsylvania, and Virginia for disposal. This waste is being exported in part because the cost of disposing of this waste in another State, even after figuring in shipping costs, is less than the cost of disposal in the home State.

We find that high population States such as New Jersey and New York have been running short of landfill capacity. That has been caused by a shortage of usable land and more importantly because State and local governments have not been building new landfill capacity or new incinerators. Local citizens in these area have opposed such efforts. This is a classic example of the ''not in my back yard'' or ''NIMBY'' principle. The citizens in States generating the waste oppose the construction of new incinerators. With proper environmental controls incinerators may be one of the best methods of disposal. Heat energy can be recovered from burning trash and we do not end up with the huge volume that must be buried in a landfill. Without local disposal options the next option becomes shipping trash somewhere else and disposing of it in a neighbors back yard. Now the folks who have been receiving trash from out of State are finding their landfill capacity being used up by citizens who live hundreds of miles away. They are saying ''not in my backyard either'' and I can understand their frustration.

The people of Wyoming do not want trash being brought in from other States in large quantities because others will not make the tough political decisions needed to expand landfill capacity or to build incinerators. Wyoming is the largest coal producing State in the Nation. We have large open pit coal mines. We had a proposal floating around in my State at one time to bring empty coal train cars back into the State loaded with garbage to be dumped in the old open pit mines. Someone thought that was a marvelous idea. The people of Wyoming did not think it was a marvelous idea though. There was a hue and cry across the land when that trial balloon was floated. The opposition to this proposal was vocal and near unanimous. So I am pleased that we are granting Governors authority to limit the importation of waste from out of State. I understand the issue with the commerce clause. But we do need to ensure

that some States will not just take the easy way out and send their problems down the road to someone else. This is not about interstate commerce—this is about States and counties failing to face up to their own problems and responsibilities.

We see some of the same issue when dealing with low level nuclear waste. We have set up a system of compacts where States join together and make group decisions about where to locate low level waste disposal sites. Every State generates low level waste and it must be disposed of in a thoughtful manner. But the State compact system does not work well for interstate trash because there are just a few States with huge volumes of waste and no place to put it. So we are letting individual States limit or accept out of State waste as they see fit.

I trust that this legislation will ensure that the exporting States will take a more constructive approach to this problem in the future. Citizens of every State must recognize that as consumers they are responsible for the waste they generate and they must bite the bullet and deal with it locally.

I trust we can get this bill through conference and to the President in a timely fashion. We came very close last year to getting it done but the bill died the last day of the session. Senator CHAFEE and Senator SMITH have done yeoman work on this bill and I commend them for their efforts and I look forward to the passage of this important legislation.

Ms. SNOWE. Mr. President, I rise in support of the bill, S. 534, as amended.

Let me first thank Senator CHAFEE, the chairman of the full Environment and Public Works Committee, and Senator SMITH, the chairman of the subcommittee, for their assistance to Senator COHEN and me on several amendments of great importance to the people of Maine. We offered three amendments to this bill, and all of them have been accepted, for which I am very grateful. The amendments relate to put-or-pay contracts, the term ''original facility'' on page 58 of the bill, and to the ''substantial construction'' requirement on page 56.

I would also like to thank the ranking members of the full committee and the subcommittee, Senator BAUCUS and Senator LAUTENBERG, for their cooperation and acceptance of our amendments.

And finally, I would like to thank my colleague from Maine, Senator COHEN, for working with me on these amendments on behalf of the State of Maine.

Mr. President, Maine has had a keen interest in the issue of flow control since the U.S. Supreme Court issued its ruling in C&A Carbone, Inc. versus Town of Clarkstown, New York almost 1 year ago today, on May 15, 1994. That ruling, which invalidated municipal solid waste flow control ordinances across the country, threatened to unravel the painstakingly crafted waste management systems of local governments in Maine and many other States. Over 200 municipalities in my State made expensive investments in modern waste-to-energy facilities based on the assumption that flow control authority would be available to them. As a result of the Carbone decision, they now fear for their future financial well-being.

S. 534 focuses primarily on municipalities that issued bonds to pay for the construction and operation of designated waste management facilities like waste-to-energy plants. These municipalities relied on flow control ordinances to meet their financial obligations and to repay the bonds. The bill contains a grandfather provision that allows these communities to continue using flow control as long as they enacted their original flow control ordinances and designated their waste management facilities before May 15, 1994.

At first glance, the bill's grandfather provision would appear to protect the communities associated with the Regional Waste Systems waste-to-energy plant in Portland, ME, and the Mid-Maine Waste Action Corp. plant in Auburn, ME. These municipalities banded together in the 1980's to construct the facilities, and they issued bonds to pay for that construction. Flow control ordinances were enacted to guarantee delivery of sufficient amounts of waste to the facilities. But separate provisions in the bill would unintentionally and unfairly exclude many of these communities, and Senator COHEN and I offered amendments to rectify these problems.

The first problem relates to the bill's use of the term ''original facility'' when it defines the duration of the flow control authority available to qualified political subdivisions in the future. Title II, subsection (b)(4)(C) allows qualified municipalities to continue using flow control through the end of the remaining useful life of the original waste management facilities that had been designated. The problem with the term ''original facility'' is that it could be interpreted to exclude facilities that had been the subject of the original designation by a group of municipalities, but that had also been overhauled prior to the Carbone decision.

The MMWAC facility in Auburn, ME, is one facility that could have been unintentionally excluded from S. 534's grandfather provisions by this language. Due to significant deficiencies, the MMWAC plant, which had been constructed in 1988, was temporarily shut down in 1990, and subsequently overhauled. The plant resumed operations in 1992, and it has functioned well since that time. Under the original language of the bill, a party could have argued that because of the renovations, MMWAC could not be considered an original facility, and therefore flow control would not be available to its member municipalities through the plant's remaining useful life.

The amendment that I offered with Senator COHEN, and which has been accepted, deletes the word ''original,'' and ensures that municipalities whose designated waste management facilities were in operation as of May 15, 1994, will be able to continue using flow control through the remaining useful life of the facility.

Another problem in S. 534 relates to the 'substantial construction'' requirement found in title II, subsection (b)(1)(B). This provision States that qualified municipalities would only be able to use flow control if the ordinance or legally binding provision in existence before Carbone had been enacted or signed before ''substantial construction'' of the designated facility had been completed. Unfortunately, more than 61 municipalities in Maine had enacted flow control ordinances or legally binding provisions after the substantial construction of their designated facilities had been completed.

Even more problematic, this provision requires the ''substantial contruction'' to have been completed after the ''effective date'' of the ordinance or provision, rather than the date of enactment. As a result of this language, most of the municipalities in Maine that would otherwise qualify for S. 534's grandfather provision would be denied the bill's protection. Municipalities in Tennessee, Michigan, and other States would be similarly affected.

In recognition of the unintentional problems that this language poses for so many otherwise qualified municipalities, I joined Senators COHEN, SMITH, and THOMPSON in offering an amendment to strike this language. As I noted earlier, that amendment has been accepted by the managers of the bill.

The last amendment that Senator COHEN and I offered relates to put-or-pay contracts. Municipalities that signed put-or-pay contracts with designated facilities prior to Carbone, but that did not enact flow control ordinances before that date, do not qualify for flow control authority in S. 534 as written. Under a put-or-pay contract, a municipality agrees to deliver a specified amount of waste to the designated waste management facility every month. If the muncipality cannot deliver the required amount of waste, then it must pay the facility for the waste that was not delivered.

In Maine, 160 communities in the sparsely populated central, eastern, and northern parts of the State determined that the put-or-pay approach was the best one for them, and they signed contracts with the Penobscot Energy Recovery Corp. [PERC] in Orrington, a $100 million waste-to-energy plant.

These cities and towns signed long-term contracts with PERC in response to the same policy signals from the Federal and State governments as communities that actually issued bonds to pay for municipally-owned facilities. The difference is that the PERC towns chose a somewhat different route. They

decided to sign put-or-pay contracts with a privately owned waste-to-energy plant that was created in response to a request for proposals from these communities.

The original contracts, which were 30-years long and set a tipping fee at $10 a ton, were signed in 1988. Due to financial difficulties that threatened the plant in 1989, however, the contracts were renegotiated.

The new contracts increased the tipping fee fourfold, to $42 a ton. The municipalities agreed to sacrifice in the short-term and pay such a large fee increase for two reasons: to finance essential capital improvements to the plant to help it run more efficiently; and to ensure a stable tipping fee over the life of the contract.

In addition, the new contracts not only required each municipality to deliver a specified amount of waste, but they included a kind of aggregate put-or-pay provision which allows the PERC facility to void the existing contracts if the total amount of waste from all member communities declines below a specified minimum tonnage. Finally, the new contracts provided that the cities and towns that signed would receive 50 percent of any distributable profits earned by the plant.

After signing the contracts, some of the larger cities in this region of Maine like Waterville, and Bangor—cities that have a council form of government—enacted flow control ordinances to ensure that they could deliver the minimum amount of waste specified in the contract. But most of the 160 towns are very small, and they rely on town meetings for public decisionmaking. As anyone familiar with the town meeting form of government knows, the meetings are held infrequently, and the towns generally do not vote on measures unless they must be addressed at that particular time.

Consequently, after signing the put-or-pay contracts, a lot of the Maine towns deferred passage of flow control ordinances in the hope that they could deliver the required amount of waste without having to go through the process of formally enacting a flow control ordinance. But these towns always believed that, if necessary, they could resort to flow control to guarantee delivery of the amount of waste specified in their contracts. If they had known that flow control would not be an option, most, if not all, of them would not have signed these contracts. The Carbone decision eliminated the flow control option, changing the rules in the middle of the game, and leaving these communities vulnerable to significant financial hardship if they being to have trouble delivering the amount of waste required in their contracts.

Without flow control, these towns may not only find it more difficult to meet their individual contractual obligations, however. They could fail to meet their aggregate tonnage requirements as well, giving PERC's owners the right to void all 160 of the contracts and to initiate a new round of negotiations.

The current contract provide stable tipping fees and terms for the member municipalities. And it allows them to receive half the profits generated by the facility—which is only reasonable since the communities have paid for necessary capital improvements through the higher tipping fees negotiated in 1989 and 1990.

These cities and towns cannot afford to lose this arrangement. Because they are dispersed across a large, rural region, and because nearly all of the local landfills have had to close due to Federal and State mandates, the PERC waste-to-energy plant is the only real waste disposal option for most of the 160 towns. Under a renegotiation, these towns, tucked away in the far northeastern corner of the United States, will find themselves facing what amounts to a waste disposal monopoly.

Needless to say, in such a weak negotiating position, the towns could see their waste disposal costs rise sharply, despite having already invested so much money to make the plant viable. And they could lose the opportunity to get a return on the substantial investment that they made in this facility through the higher tipping fees negotiated in 1990.

Mr. President, this elaborate but workable waste disposal system for central, northern, and eastern Maine was predicated on the understanding that flow control would be available to all participating communities. Since flow control was overturned by Carbone, the communities of the region have been placed in a very vulnerable position, one which they would not have placed themselves in had flow control not been an option.

In order to avoid substantial financial hardship in the future, put-or-pay communities that signed contracts before Carbone must retain the authority to enact flow control ordinances if they need to. The net effect of the Carbone decision on these communities is not dramatically different from the decision's effect on other communities that actually issued bonds for their own facilities. In both cases, a court decision leaves the communities dangerously exposed to financial hardship. In both cases, the communities designed new waste systems in response to Federal and State policies that encouraged them to do so. And in both cases, the systems were predicated on access to flow control. Considering these similarities, the put-or-pay communities do not deserve to be treated differently and excluded from the flow control grandfather in S. 534.

The amendment offered by Senator COHEN and I simply clarifies that the term ''legally binding provision'' in title II, subsection (b) of the bill, includes put-or-pay agreements of the kind negotiated in Maine. As a result of this clarification, the municipalities that have contracted with the PERC facility will continue to have access to flow control, and their intricate but successful waste management system will remain intact. I am very pleased that the managers of the bill agreed to accept this important amendment.

Mr. President, with these amendments, S. 534 treats all deserving municipalities equitably, without creating loopholes for other municipalities that did not rely on flow control before the Carbone decision. The bill as amended restores fairness for local governments that acted and invested in good faith, according to the rules that existed before May 15, 1994,

Senators CHAFEE, SMITH, BAUCUS, and LAUTENBERG deserve credit for crafting a reasonable and balanced compromise bill, and I am happy to announce my support for it.

Mr. DOLE. Mr. President, over the past several years the Senate has discussed the issue of interstate trash and has passed two interstate trash bills. The provisions contained within those bills were the result of significant efforts and provided authorization for an integrated approach to interstate trash control. The bill before us today accomplishes similar goals, but also addresses flow control and reinstates the ground water monitoring exemption for small landfills.

I commend the efforts of Senator COATS who has worked so hard for the past several years to pass such a bill. Senator CHAFEE, Senator SMITH, and others have all worked extensively on this legislation. I believe the authority granted to Governors provides the right flexibility, with local community participation being an important part of this legislation. While I remain concerned about long term implications of the flow control provisions, I believe the committee sought to achieve a balance that provides security for existing flow control authorities while providing for a competitive marketplace in the future.

Public and private authorities need to work together in a free market system to address waste management concerns. Congress should only work to assist these decisions, not impede sound environment practices, by providing flexibility to State and local governments to their waste management needs.

Mr. GLENN. Mr. President, I rise today in support of passage of the Interstate Transportation of Municipal Solid Waste Act of 1995. Although I support more stringent restrictions on waste imports, I believe that this legislation is a necessary tool for Ohio and other importing States for implementation of their solid waste management plans.

The accumulation of solid waste in municipal landfills is one of the most urgent and fundamental environmental problems facing Federal, State, and local officials today. According to the Ohio Environmental Protection Agency [OEPA], all the landfills in Ohio

could be full by the year 2000. For several years, I have supported and voted for measures to stem the tide of interstate waste, and I commend my colleague, Senator COATS, for his perseverance on this important issue. In 1992, I voted for the Interstate Transportation of Municipal Waste Act which passed the Senate on a vote of 89–2. In 1993, I was an original cosponsor of legislation to restrict imported waste. I am pleased that the Senate is again acting to address this issue, and it is my hope that this year these restrictions will be enacted into law.

Mr. President, Ohio currently receives about 1.7 million tons of municipal solid waste annually from other States. As old landfills are closed or reach capacity, Ohio has reached the point where 28 of the 88 counties have no landfill, and 35 have 5 years or less capacity remaining. Clearly, my State cannot implement its environmental objectives and deal with thousands of tons of imported trash at the same time.

The increasing flood of waste imports from out-of-State is a serious threat to the health and safety of Ohioans and to the environment in my State and the other States that receive vast quantities of imported waste. Ohio has taken strong and effective actions to reduce its waste generation and to recycle waste. However, my State's efforts are being overwhelmed by trash from other States.

Mr. President, this bill takes several steps that will reduce the amount of out-of-State waste coming into Ohio and other States. The bill will allow Governors to immediately freeze out-of-State waste at 1993 levels at facilities that received imported waste in 1993. In addition, the bill contains strengthened authority to impose an import control, or ratchet, on out-of-State waste. I worked with my colleagues from the other largest importing States—Michigan, Pennsylvania, and Indiana—to make this ratchet more effective by placing tougher limitations on waste exports.

This legislation also contains provisions to restore local authority to control the flow of municipal solid waste. Many county commissioners and solid waste district managers have expressed concerns to me about the need for flow control authority to enforce solid waste planning goals as well as recycling mandates. Although this bill does not accommodate each individual situation in Ohio, it is a strong statement about the necessity of local flow control authority, and I will continue to work through the House-Senate Conference to ensure that Ohio's specific needs are met.

Mr. President, a national solution to the problem of interstate waste is long overdue. We must act decisively, and we must act now to avert a national crisis in solid waste disposal. I urge my colleagues to join me in supporting this legislation.

Mr. LEVIN. Mr. President, the Senate is about to pass S. 534, the Interstate Transportation of Municipal Solid Waste Act of 1995. I am pleased that the Senate is moving early in this session toward resolving this important matter.

This bill is a positive step in the right direction. It has been much improved during the amendment process on the floor, particularly with respect to the provisions on flow control authority. The bill now more clearly provides counties in Michigan with the ability to protect investments they have made in recycling and waste reduction programs, or disposal facilities, using their previously existing authority to control the out-flow of municipal solid waste and recyclables from their jurisdiction.

Several amendments, in particular, should alleviate local government concerns about the effects of the Supreme Court's Carbone decision. These amendments provide the Grand Traverse, Clinton, and other Michigan counties, should be able to continue to use flow control to generate revenue to fund waste management programs, including recycling. And, Kent County, MI, is more clearly grandfathered to continue to exercise its flow control authority.

The bill also provides States and local governments with the ability to control the importation of municipal solid waste into their jurisdiction. At the request of local governments, Governors would be able to half the shipment of waste to disposal facilities in their States that did not receive out-of-State waste in 1993. Governors will be able to freeze shipments of waste to landfills and incinerators at 1993 levels. And, Governors would also be authorized to gradually limit imports of waste from States that did not reduce the amounts of waste they exported.

I offered an amendment to clarify that the definition of ''out-of-State municipal solid waste'' should include out-of-country waste, because of Michigan's experience with Canadian waste. I also supported another amendment that authorized the EPA to conduct a study of solid waste management issues associated with increased border movement of waste due to NAFTA.

Mr. President, I would prefer that the Senate's bill include a requirement that halted all waste imports until such time as a host community agreement could be negotiated between a local government and a waste exporter. Such an agreement would specify the quantities out-of-State municipal solid waste that would be acceptable to the local government for disposal in their jurisdiction.

Also, construction and demolition debris has been a problem at Michigan disposal facilities for some time. I would hope that the conferees could find a way to include this waste in the definition of municipal solid waste or otherwise provide local governments with some measure of control over its disposal. I cosponsored Senator DEWINE's amendment to do this, but the amendment was ultimately not offered because of the threat of a filibuster for States that export large quantities of this waste.

Michigan is a net importer of municipal solid waste [MSW]. We receive MSW from sources all over the country and Canada. For many years, Michigan had a model comprehensive solid waste management and planning system that provided for long-term local waste disposal needs. Starting with the Fort Gratiot Sanitary Landfill case in 1992 and subsequent Supreme Court decisions, this system was thrown into disarray. These decisions jeopardized good-faith investments made by State and local governments in programs and facilities to manage municipal waste in an environmentally sound, cost-effective manner.

Congress should act quickly and explicitly to put municipal solid waste disposal decisions back into the hands of the people most directly affected by them and best suited to make them—the taxpayers of the municipalities that generate the waste and the States.

Mr. MCCONNELL. Mr. President, I rise today in support for the passage of S. 534, the Interstate Transportation of Solid Waste Act of 1995. This legislation is long overdue. For too long States like Kentucky have been forced to deal with the uncontrollable flows of out-of-State waste. I do not need to remind my colleagues of the garbage barge in 1987 that sailed up and down the east coast looking for a place to deposit its foul load. It came to symbolize our Nation's burgeoning solid waste problem.

Since then, States and communities have attempted to manage their own waste flows, but were helpless to stop the flow of out-of-State waste. For the past 6 years, I have worked to provide States the authority to control the waste being sent to their State. Finally, we have a bill that allows States to say no to out-of-State trash.

It is particularly troubling to think that there are States and localities that have either been unwilling or unable to dispose of their own garbage in a responsible manner, forcing it on States like Kentucky. The disposal of garbage is truly a local concern and should be handled that way. I do not believe States should be forced to share valuable landfill space with out-of-State waste they do not want.

Gone are the days of open dumps and multitudes of cheap landfills. in 1996, new landfill standards will be implemented mandating liners, leachate collection and treatment and ground water monitoring. The EPA has estimated that nearly half of the Nation's 6,000 landfills will be closed. This will obviously force many States to rethink their disposal needs. Therefore, it is critical that States are provided the authority to control out-of-State garbage.

Last week, I offered an amendment that was accepted to protect the authority of States and regional authorities to develop and implement comprehensive waste reduction strategies in an effort to conserve costly landfill space.

For the past 6 years, I have worked hard to ensure that States and localities are given the discretion to manage their own waste and to protect themselves from becoming a dumping ground for those States that take the position of ''out of State, out of mind.'' I refuse to allow Kentucky to become a garbage colony.

In 1990, I introduced S. 2691, a bill to give States the ability to fight long-haul dumping by charging higher fees for disposal of waste coming from other States. This bill passed the Senate with 68 votes.

During the 102d Congress, I introduced S. 197 to once again provide States the authority to impose a fee differential for out-of-State waste. In 1992, Senator COATS and I joined forced and produced comprehensive legislation to provide States the authority to regulate waste. That same year, the Senate passed an interstate waste bill by an overwhelming vote of 88–2. Unfortunately, the bill died in the House.

During the 103d Congress, I joined with Senators COATS and Boren in introducing S. 439. Although the Senate didn't act until late in the session, Congress came extremely close to passing an interstate waste bill. Again, the House stalled long enough to effectively kill the bill on the last day of the session.

I am encouraged by the quick action taken by the committee under the leadership of Senator SMITH and the chairman, Senator CHAFEE to address the problem of interstate waste. I am hopeful that the House will work expeditiously to pass their own interstate waste bill so that we can finally give States the authority to control out-of-State waste and protect their own landfill space.

I urge my colleagues to join me in support of this legislation.

Mr. BRADLEY. Mr. President, today, for the third time, the Senate is attempting to resolve the many difficult issues that are involved with municipal solid waste flows. For the third time in the last 6 years, I have worked with my colleague on the Environment Committee, Senator LAUTENBERG, to defend our home State of New Jersey and the many ways in which we handle, recycle, or dispose of the tons of municipal solid waste produced every year.

Last Congress, we were within a single vote of resolving this issue. All of the relevant parties hammered out a bill that was as fair as it could be to those States that are called waste exporters and those States that are waste importers—actually, most states are both. It responded to the needs of States that tried to manage solid waste flows within their boundaries. It tried to balance the contradictory impulses to create a more competitive waste market or to impose more restrictions on waste flow.

It was not a great bill. But it was a pretty fair bill. And it was as least reasonably consistent. When the bill now before us was first reported to the Senate floor, it was a poor facsimile of last year's effort. Yet, fortunately, the bill's managers were willing to work with Senator LAUTENBERG, State officials, and myself to guarantee New Jersey the security we needed to move forward on this most contentious issue.

Mr. President, this is not the easiest bill to support. Title I of this bill will be restrictive of interstate trade. It will give Governors and citizens the real ability to slow and ultimately stop the flow of municipal solid waste from State to State. Fundamentally, these actions are anticompetitive. They will result in more expensive waste disposal for many Americans and American businesses.

Title II, however, has quite a different purpose. Title II responds to recent legal decisions that, if left standing, would greatly reduce the ability of a State to manage waste flows within its own borders. Because of this title II, as modified on the Senate floor, New Jersey will be able to continue its efforts to control and reduce the municipal waste flow.

For years, many States have anticipated the need to manage internally waste flows, exactly because of the pressures for and against exports, as well as environmental concerns. In my State, we started very early to close inadequate landfills and waste facilities. Early on, we realized that to do the job of waste disposal right was neither cheap nor easy. New Jersey responded with State law setting up a broad program of environmentally progressive waste facilities.

These facilities were not and are not cheap. Many counties in my State were essentially compelled to build facilities that they probably—or certainly—would not have built otherwise. Now these counties depend on mandated trash flows for revenue. Unfortunately, without some legislative redress, these revenues are at risk for many facilities. Additionally, the potential financial collapse of authorized waste facilities would certainly make it far less likely—perhaps exceedingly unlikely—that my State ever develops a truly comprehensive waste management plan again.

I have heard the arguments that, in a world of competition, we do not need to allow States flow-control authority. Trash would end up in the lowest cost facilities that meet the appropriate environmental requirements. Consumers and businesses would save money and the environment could be protected in this world. But title I obliterates any hope of truly competitive markets in solid waste. Once title I is adopted, trash is transformed from an issue of commerce to an issue of baldfaced politics. In such a world, my State has to have effective flow-control authority and that authority is provided in title II of this bill.

In the best of all worlds, frankly, we probably would not be passing any bill. We would simply recognize that trash represents goods in commerce; that a bag of potato chips which moves freely from State to State is not mysteriously transformed once the chips are eaten. But all of my experience dealing with the interstate waste issue confirms to me that we are not living in that world now. I have seen political commercials run attacking my State. I have seen demagoguery. And I have seen efforts that were far more restrictive of interstate waste flows pass this body with overwhelming support.

Mr. President, I have come to conclude that this bill does protect my State and will give us the flexibility we need to resolve these waste flow issues. To be truthful, I am not wild about this bill. However, it can be the basis for a resolution of this matter and it is a compromise that I will support, notwithstanding my obvious reservations.

FLOW CONTROL AND INTERSTATE WASTE

Mrs. BOXER. I voted against final passage of S. 534, which amends the Solid Waste Disposal Act, because the final bill does not adequately address the needs of many California cities and counties which have incurred debt to achieve California's ambitious integrated waste management requirements.

From the beginning, I have had concerns about the impact of this bill on California. California requires its communities to meet stringent recycling and waste reduction goals—a 25-percent reduction by the beginning of this year and 50 percent by the turn of the century. To meet these goals, California communities must aggressively manage their municipal solid waste.

However, California communities do not use statutory flow control authority, as do communities in many other States. Instead, California communities rely on contracts with private companies to ensure that their waste goes to a designated recycling plant or other facility. Consequently, the California League of Cities and the California State Association of Counties asked me to try to amend the bill to ensure that it would not restrict their ability to employ these contractual agreements.

I worked with my colleagues on the Environment and Public Works Committee, and with Senator FEINSTEIN in the full Senate, to try to amend the bill to address the needs of California cities and counties. Unfortunately, our efforts failed. I understand that the bill moving through the House of Representatives may be more favorable to interests of California cities and counties. If that is the case, and this bill is amended in conference to address some of my concerns, I will reconsider my position when the Senate votes on a conference report.

Mr. DODD. Mr. President, I would like to offer my support for S. 534, as amended, and to discuss the importance of flow control to the State of Connecticut.

I want to thank the chairman, Senator CHAFEE, and ranking member, Senator BAUCUS, of the Environment and Public Works Committee for moving forward with this important legislation.

The bill, as crafted by Senators SMITH and CHAFEE, was much narrower than the compromise legislation agreed to at the end of the 103d Congress. The bill before us today, S. 534, seeks to protect only public debt incurred by municipalities to construct waste disposal facilities. Flow control authority would apply to those communities that were operating or constructing their own disposal facilities, or had contracted for such disposal prior to the May 1994, Carbone decision. There is to be absolutely no prospective flow control—flow control authority would cease 30 years after enactment of the legislation.

Unfortunately not all Connecticut mnnicipalities and public service authorities were protected by the original language in S. 534. Therefore, Senator LIEBERMAN and I offered amendments at the committee markup and on the floor of this body. The Senate agreed to our amendments which contained technical changes and small provisions intended to address situations unique to Connecticut.

It is my belief that State and local governments and State-created entities have a vested interest in how solid waste produced within their borders is transported and disposed. Flow control is the backbone of Connecticut's integrated waste management plan. Localities made significant capital investments to construct waste disposal facilities. Approximately 86 percent of Connecticut's waste is disposed of in these state-of-the-art facilities. The State, and ultimately the taxpayers, are backing nearly $500 million in bonds that were used to finance the construction of regional waste disposal centers and recycling transfer stations. Profits from the facilities, used to pay off the bonds, were to be ensured by flow control authority. Without the ability to direct waste to appropriate facilities, these revenue bonds would be in jeopardy.

Again, I thank the managers of this bill for working with staff to understand and incorporate the needs of individual States. If this legislation passes today, I am confident that Connecticut municipalities and localities around the Nation will be able to administer their solid waste management systems in environmentally sound and fiscally responsible manners. Therefore, I hope my fellow Senators will support this bill and I urge the House of Representatives to take up this measure in a timely manner.

The PRESIDING OFFICER. The question is on agreeing to the committee substitute.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I might inquire of the Chair as to what vote it would be proper to request the yeas and nays on. At what stage in what vote?

The PRESIDING OFFICER. On final passage.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. Without objection, the committee substitute is agreed to.

So the committee substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, the junior Senator from Indiana will be here in a few minutes and would like to make a statement on the bill. That would be the only business in connection with this legislation.

So I ask unanimous consent that at the hour of 2:15 today, the Senate proceed to a vote on final passage of S. 534, as amended.

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

Mr. CHAFEE. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. 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. CHAFEE. Mr. President, I would like to take this opportunity to thank the staff on both sides of the aisle for their work on this bill. The Senate has been grappling with these issues for several years. They are very contentious. They are very arcane. They are hard to understand and in many respects they are totally confusing.

But, nonetheless, I believe we came out with a bill that is balanced on the interstate portion of the bill. The bill in effect is divided into three sections, the first being the interstate part. It is very difficult balancing the views of the importing States, those who have garbage shipped into them, and those who are the exporting States who do not want to be cut from exporting their trash. We tried to wrestle with that. I hope and I believe we have been successful.

I hope that the package we put together will resolve many of the differences that have prevented a solution to the interstate waste.

The flow control dilemma has been a separate one. We have had several votes in connection with that, not leaving everybody happy, but hopefully this will resolve itself in the months and years to come.

I want to thank the staffs of Senator D'AMATO and Senator COATS who labored hard to develop the compromise on title I, the interstate portion of the bill. I would like to thank Jim McCarthy of the Congressional Research Service, George Hall of the EPA, and Tim Trushel of the Senate Legislative Counsel's office for their work in facilitating passage.

On our side of the aisle, the staff, I want to thank John Grzebian and Steve Shimberg, and Jeff Merrifield who worked so hard on this.

Senator D'AMATO's office, Peter Phipps; Senator COATS' office, Sharon Soderstrom and Melissa Murrell.

Of course, we are deeply indebted for the splendid work of the ranking member of the committee, the senior Senator from Montana who has always been helpful and knowledgeable on these difficult issues. I want to pay my respects to him for the splendid work he has done, and to Cliff Rothenstein and Tom Sliter and Scott Slesinger also.

So, Mr. President, we are winding up a long and contentious period. If all goes well, this will be approved at 2:15 this afternoon.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I will be brief because we have been so long on this bill—it has been 6 years—so that we do not prolong the agony and get it passed, and very much hope the House also passes a similar bill so that we can deal with this in this Congress finally.

To follow up on the points of the Senator from Rhode Island, the chairman of the committee, JOHN CHAFEE, it is the staff around here that does the work. All Senators know that. They work very, very hard, long, long hours, know the details, know the substance, and are not frankly sufficiently complimented I think for all the work they do.

Mr. President, I think that the most noble human endeavor is service. It is service to friends, it is service to families, to the church, to the community, to the State, and the Nation—service.

Some of us who spend our lives in public service get all of the attention and the thanks for a lot of what we do. I must say we get a lot of a contention and criticism for what we allegedly do and do not do as well. But it is the staff, it is the people around here who do the work who get no attention, who do not get thanked who really deserve it for all the work they do. And to again give the names because these are the people who did most of the work on

the majority side, John Grzebian, who was very, very diligent, very helpful. We had many late-night meetings back in the cloakrooms trying to work this out, and John is particularly helpful. Steve Shimberg, staff director for the committee, we have known Steve for many years, those of us who have been on the committee. He is very knowledgeable, very gracious, very helpful; and also Jeff Merrifield who is a bit new to this but nevertheless very, very competent, very diligent, as everyone on the staff working.

On the minority side, Tom Sliter, who is the minority staff director, very gracious, and knowledgeable. I have worked with Tom for many years. I know no one who is more competent. Tom is very effective and very knowledgeable and substantive; that is, not acrimonious, not bitter, and not nasty but very, very solid and very gracious.

The same with Cliff Rothenstein. I frankly do not know anybody not only on Capitol Hill but in this town who knows more about this subject than Cliff. That is because Cliff has been working on it for 6 years. Cliff is bound to know this subject very well, and does, and frankly when we got to a lot of the parts of the amendments we were trying to work out, it was Cliff who was able to provide the solution or the idea of bringing it together.

Mike Evans, who is the minority chief counsel, has also worked on this issue for several years. Mike's knowledge of the issue and his advice was very helpful throughout the course of this bill.

Scott Slesinger works for Senator LAUTENBERG, the ranking minority member of the relevant subcommittee. Scott, too, has added a lot of advice all along every stage of this bill.

We compliment the Senators here on the floor very often. I will not at this point again compliment all the Senators. I have done so many times on this bill. But I want to at this time highlight the staff, and those are the key staff that have worked very diligently. I think all should pause for a moment and reflect to thank them for all of their effort.

Thank you, Mr. President.

Mr. CHAFEE. Mr. President, the senior Senator from New Hampshire is the chairman of the subcommittee that dealt with this legislation and has done wonderful service here on the floor despite demands on his time with very difficult matters that came up simultaneously.

So I want to pay tribute to Senator SMITH for his very, very helpful support on this entire legislation, for his knowledge of it, and the fact that he moved along so swiftly in the subcommittee. We would not be here but for Senator SMITH taking charge of that subcommittee and determining that this bill was going to come to the floor in due order and in short order.

So we are very grateful to Senator SMITH for what he has done and appreciate it and look forward to continued working with Senator SMITH as his committee has a series of other bills that will be coming, including the great big Superfund bill, which is a real challenge.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I would like to thank Senator CHAFEE first of all for his very fine remarks. It has been a delight to work with the chairman of the Environment and Public Works Committee on this legislation. He several months ago said we want to try to get the flow control bill and the interstate waste matter brought up. And I took it seriously. We were able to do that. It has been a delight to work with him and his staff as we brought this bill here to the floor for a close, hopefully. It has been a long haul.

We tried to accommodate a number of Senators. I had a long list of some 27 or 28 Senators I think that we were able to accommodate that had specific concerns. I know there were some who we were not able to accommodate because we felt it would essentially violate the spirit and intent of the legislation that we brought forth.

But particularly the majority staff, John Grzebian, Steve Shimberg, and Jeff Merrifield who were really right there doing a lot of work, most of the work I guess behind the scenes to work on these amendments and get the compromise language agreed to. Certainly, Cliff Rothenstein and Tom Sliter and Scott Slesinger on the minority staff; and Peter Phipps of Senator D'AMATO's staff and Melissa Murrell of Senator COATS' staff were all particularly helpful, and as were others.

I think we ended up with essentially a good bill. There are some things I would not have put in it, and Senator CHAFEE would not have put in it. There are certain things we wish we had put in. But the bottom line is that this legislation is a compromise. We tried to accommodate those who brought up concerns that you had not thought of or maybe did not realize that needed to be put in there. And they come up with these ideas, and we tried to work them out.

I think it deals essentially with the issue of flow control. It takes care of those people who made investments, who stood a grave risk had we not passed this legislation. It does grandfather the flow control authority so that it is not a permanent anticompetitive piece of legislation. It does grandfather it. So we went to great lengths to reach a compromise.

Again, I want to thank Senator CHAFEE for his leadership. It has really been a pleasure to work with him in the position of subcommittee chairman. He has been 100 percent cooperative every step of the way personally and at the staff level. As the Senator said, last week I had a number of conflicts. I had three separate subcommittees to chair at the same time, two on Superfund, which is another priority item in our subcommittee, and Senator CHAFEE was willing to step in and participate almost fulltime on the floor debate and the management of the bill, for which I am very grateful.

Mr. President, at this point, I will yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, Yogi Berra said, ''It ain't over 'til it's over.'' We are not through yet, but it is awful close; we are in the bottom of the ninth on this issue I have been working on for 6 years.

I thank the Senator from Rhode Island [Mr. CHAFEE] and the Senator from New Hampshire [Mr. SMITH] and Senator BAUCUS, who is not in the Chamber right now, and others who have joined with me in this effort that started out as a lonely vigil and now has turned into nearly a consensus effort.

Senator D'AMATO was willing to sit down at the table and negotiate a very difficult problem for his State with those of us who had difficult problems for our States. I believe we reached, last Friday afternoon, a satisfactory resolution of that concern.

We have every reason to believe there will be favorable treatment of this in the House. It has been stopped there before. I believe we are as close to success there as we have ever been and we can resolve whatever differences may exist between the House and Senate and put this on the President's desk, and finally give the States and communities we represent a basis for dealing with their own environmental problems but not having to solve everybody else's environmental problems—the ability to say that is all we can take, or we cannot take anymore, or you are going to have to find a way to dispose of that in your own State. We are doing our share; you do your share.

We are that far away, and I am optimistic we are going to finally complete this effort. A lot of people have participated in it, and I thank them for their efforts. I am looking forward to finally putting this issue to rest and then moving on to other concerns before the Senate.

Mr. President, with that, I yield the floor.

HARRISBURG, PA, FLOW CONTROL ISSUE

Mr. SPECTER. Mr. President, I wish to enter into a brief discussion with the distinguished chairman of the subcommittee, the sponsor of this legislation. The city of Harrisburg owns and operates a municipally financed resource recovery facility that was originally constructed in 1972. Harrisburg has issued $40 million in outstanding revenue bonds and has had a flow control ordinance in place for several years. The facility is required, however, to undergo a substantial retrofit pursuant to the Clean Air Act, which will necessitate the issuance of an additional $150 million in bonds and a

new waste stream from nearby counties which have not previously flow controlled to the Harrisburg facility. It would appear to me that the existence of outstanding bonds and the unfunded mandate on Harrisburg under the Clean Air Act would justify the extension of flow control authority to the counties that would want to send waste to the Harrisburg facility in the future.

Would the distinguished chairman be willing to look closely at this issue as this legislation goes forward?

Mr. SMITH. Mr. President, as the Senator from Pennsylvania knows, this legislation provides flow control authority which is predicated on meeting debt obligations. The issuance of new debt at a facility that has operated since 1972 and that would require expanded flow control authority is not one that the committee has had the opportunity to examine in any detail at this time. I would be glad to work with the Senator from Pennsylvania as the bill goes forward and to determine whether the Harrisburg facility is or should be covered by this legislation.

Mr. SPECTER. I thank my colleague from New Hampshire.

Mr. CHAFEE. Mr. President, I share all of the views set forth by the distinguished Senator from Indiana. We have all been struggling with this issue for many years, nobody as hard as he has and with more tenacity. As he indicated, we are this close. I think he said we are in the bottom of the ninth. I hope we complete the game, and I know we will. Then, of course, comes what the House does and then the conference with the House. But all of that we will pursue with great vigor.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until the hour of 2:15.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRAMS).

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the bill having been read the third, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 94, nays 6, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—94

Abraham	Bingaman	Burns
Akaka	Bond	Byrd
Ashcroft	Bradley	Campbell
Baucus	Breaux	Chafee
Bennett	Bryan	Coats
Biden	Bumpers	Cochran
Cohen	Helms	Nickles
Conrad	Hollings	Nunn
Coverdell	Hutchison	Packwood
Craig	Inhofe	Pell
D'Amato	Inouye	Pressler
Daschle	Jeffords	Pryor
DeWine	Johnston	Reid
Dodd	Kassebaum	Robb
Dole	Kempthorne	Rockefeller
Domenici	Kennedy	Roth
Dorgan	Kerrey	Santorum
Exon	Kerry	Sarbanes
Faircloth	Kohl	Shelby
Feingold	Lautenberg	Simon
Ford	Leahy	Simpson
Frist	Levin	Smith
Glenn	Lieberman	Snowe
Graham	Lott	Specter
Gramm	Lugar	Stevens
Grams	Mack	Thomas
Grassley	McCain	Thompson
Gregg	McConnell	Thurmond
Harkin	Mikulski	Warner
Hatch	Moseley-Braun	Wellstone
Hatfield	Moynihan	
Heflin	Murkowski	

NAYS—6

Boxer	Feinstein	Kyl
Brown	Gorton	Murray

So the bill (S. 534), as amended, was passed, as follows:

S. 534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Interstate Transportation of Municipal Solid Waste Act of 1995''.

TITLE I—INTERSTATE WASTE

SEC. 101. INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE.

(a) AMENDMENT.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

''SEC. 4011. INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE.

''(a) AUTHORITY TO RESTRICT OUT-OF-STATE MUNICIPAL SOLID WASTE.—(1) Except as provided in paragraph (4), immediately upon the date of enactment of this section if requested in writing by an affected local government, a Governor may prohibit the disposal of out-of-State municipal solid waste in any landfill or incinerator that is not covered by the exceptions provided in subsection (b) and that is subject to the jurisdiction of the Governor and the affected local government.

''(2) Except as provided in paragraph (4), immediately upon the date of publication of the list required in paragraph (6)(C) and notwithstanding the absence of a request in writing by the affected local government, a Governor, in accordance with paragraph (5), may limit the quantity of out-of-State municipal solid waste received for disposal at each landfill or incinerator covered by the exceptions provided in subsection (b) that is subject to the jurisdiction of the Governor, to an annual amount equal to or greater than the quantity of out-of-State municipal solid waste received for disposal at such landfill or incinerator during calendar year 1993.

''(3)(A) Except as provided in paragraph (4), any State that imported more than 750,000 tons of out-of-State municipal solid waste in 1993 may establish a limit under this paragraph on the amount of out-of-State municipal solid waste received for disposal at landfills and incinerators in the importing State as follows:

''(i) In calendar year 1996, 95 percent of the amount exported to the State in calendar year 1993.

''(ii) In calendar years 1997 through 2002, 95 percent of the amount exported to the State in the previous year.

''(iii) In calendar year 2003, and each succeeding year, the limit shall be 65 percent of the amount exported in 1993.

''(iv) No exporting State shall be required under this subparagraph to reduce its exports to any importing State below the proportionate amount established herein.

''(B)(i) No State may export to landfills or incinerators in any 1 State that are not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste more than the following amounts of municipal solid waste:

''(I) In calendar year 1996, the greater of 1,400,000 tons or 90 percent of the amount exported to the State in calendar year 1993.

''(II) In calendar year 1997, the greater of 1,300,000 tons or 90 percent of the amount exported to the State in calendar year 1996.

''(III) In calendar year 1998, the greater of 1,200,000 tons or 90 percent of the amount exported to the State in calendar year 1997.

''(IV) In calendar year 1999, the greater of 1,100,000 tons or 90 percent of the amount exported to the State in calendar year 1998.

''(V) In calendar year 2000, 1,000,000 tons.

''(VI) In calendar year 2001, 750,000 tons.

''(VII) In calendar year 2002 or any calendar year thereafter, 550,000 tons.

''(ii) The Governor of an importing State may take action to restrict levels of imports to reflect the appropriate level of out-of-State municipal solid waste imports if—

''(I) the Governor of the importing State has notified the Governor of the exporting State and the Administrator, 12 months prior to taking any such action, of the importing State's intention to impose the requirements of this section;

''(II) the Governor of the importing State has notified the Governor of the exporting State and the Administrator of the violation by the exporting State of this section at least 90 days prior to taking any such action; and

''(III) the restrictions imposed by the Governor of the importing State are uniform at all facilities and the Governor of the importing State may only apply subparagraph (A) or (B) but not both.

''(C) The authority provided by subparagraphs (A) and (B) shall apply for as long as a State exceeds the permissible levels as determined by the Administrator under paragraph (6)(C).

''(4)(A) A Governor may not exercise the authority granted under this section if such action would result in the violation of, or would otherwise be inconsistent with, the terms of a host community agreement or a permit issued from the State to receive out-of-State municipal solid waste.

''(B) Except as provided in paragraph (3), a Governor may not exercise the authority granted under this section in a manner that would require any owner or operator of a landfill or incinerator covered by the exceptions provided in subsection (b) to reduce the amount of out-of-State municipal solid waste received from any State for disposal at such landfill or incinerator to an annual quantity less than the amount received from such State for disposal at such landfill or incinerator during calendar year 1993.

''(5) Any limitation imposed by a Governor under paragraph (2) or (3)—

''(A) shall be applicable throughout the State;

''(B) shall not directly or indirectly discriminate against any particular landfill or incinerator within the State; and

''(C) shall not directly or indirectly discriminate against any shipments of out-of-State municipal solid waste on the basis of place of origin and all such limitations shall

be applied to all States in violation of paragraph (3).

''(6) ANNUAL STATE REPORT.—

''(A) IN GENERAL.—Within 90 days after enactment of this section and on April 1 of each year thereafter the owner or operator of each landfill or incinerator receiving out-of-State municipal solid waste shall submit to the affected local government and to the Governor of the State in which the landfill or incinerator is located, information specifying the amount and State of origin of out-of-State municipal solid waste received for disposal during the preceding calendar year, and the amount of waste that was received pursuant to host community agreements or permits authorizing receipt of out-of-State municipal solid waste. Within 120 days after enactment of this section and on May 1 of each year thereafter each State shall publish and make available to the Administrator, the Governor of the State of origin and the public, a report containing information on the amount of out-of-State municipal solid waste received for disposal in the State during the preceding calendar year.

''(B) CONTENTS.—Each submission referred to in this section shall be such as would result in criminal penalties in case of false or misleading information. Such information shall include the amount of waste received, the State of origin, the identity of the generator, the date of the shipment, and the type of out-of-State municipal solid waste. States making submissions referred to in this section to the Administrator shall notice these submissions for public review and comment at the State level before submitting them to the Administrator.

''(C) LIST.—The Administrator shall publish a list of importing States and the out-of-State municipal solid waste received from each State at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste. The list for any calendar year shall be published by June 1 of the following calendar year.

For purposes of developing the list required in this section, the Administrator shall be responsible for collating and publishing only that information provided to the Administrator by States pursuant to this section. The Administrator shall not be required to gather additional data over and above that provided by the States pursuant to this section, nor to verify data provided by the States pursuant to this section, nor to arbitrate or otherwise entertain or resolve disputes between States or other parties concerning interstate movements of municipal solid waste. Any actions by the Administrator under this section shall be final and not subject to judicial review.

''(D) SAVINGS PROVISION.—Nothing in this subsection shall be construed to preempt any State requirement that requires more frequent reporting of information.

''(7) Any affected local government that intends to submit a request under paragraph (1) or take formal action to enter into a host community agreement after the date of enactment of this subsection shall, prior to taking such action—

''(A) notify the Governor, contiguous local governments, and any contiguous Indian tribes;

''(B) publish notice of the action in a newspaper of general circulation at least 30 days before taking such action;

''(C) provide an opportunity for public comment; and

''(D) following notice and comment, take formal action on any proposed request or action at a public meeting.

''(8) Any owner or operator seeking a host community agreement after the date of enactment of this subsection shall provide to the affected local government the following information, which shall be made available to the public from the affected local government:

''(A) A brief description of the planned facility, including a description of the facility size, ultimate waste capacity, and anticipated monthly and yearly waste quantities to be handled.

''(B) A map of the facility site that indicates the location of the facility in relation to the local road system and topographical and hydrological features and any buffer zones and facility units to be acquired by the owner or operator of the facility.

''(C) A description of the existing environmental conditions at the site, and any violations of applicable laws or regulations.

''(D) A description of environmental controls to be utilized at the facility.

''(E) A description of the site access controls to be employed, and roadway improvements to be made, by the owner or operator, and an estimate of the timing and extent of increased local truck traffic.

''(F) A list of all required Federal, State, and local permits.

''(G) Any information that is required by State or Federal law to be provided with respect to any violations of environmental laws (including regulations) by the owner and operator, the disposition of enforcement proceedings taken with respect to the violations, and corrective measures taken as a result of the proceedings.

''(H) Any information that is required by State or Federal law to be provided with respect to compliance by the owner or operator with the State solid waste management plan.

''(b) EXCEPTIONS TO AUTHORITY TO PROHIBIT OUT-OF-STATE MUNICIPAL SOLID WASTE.—(1) The authority to prohibit the disposal of out-of-State municipal solid waste provided under subsection (a)(1) shall not apply to landfills and incinerators in operation on the date of enactment of this section that—

''(A) received during calendar year 1993 documented shipments of out-of-State municipal solid waste; and

''(B)(i) in the case of landfills, are in compliance with all applicable Federal and State laws and regulations relating to operation, design and location standards, leachate collection, ground water monitoring, and financial assurance for closure and post-closure and corrective action; or

''(ii) in the case of incinerators, are in compliance with the applicable requirements of section 129 of the Clean Air Act (42 U.S.C. 7429) and applicable State laws and regulations relating to facility design and operations.

''(2) A Governor may not prohibit the disposal of out-of-State municipal solid waste pursuant to subsection (a)(1) at facilities described in this subsection that are not in compliance with applicable Federal and State laws and regulations unless disposal of municipal solid waste generated within the State at such facilities is also prohibited.

''(c) ADDITIONAL AUTHORITY TO LIMIT OUT-OF-STATE MUNICIPAL SOLID WASTE.—(1) In any case in which an affected local government is considering entering into, or has entered into, a host community agreement and the disposal or incineration of out-of-State municipal solid waste under such agreement would preclude the use of municipal solid waste management capacity described in paragraph (2), the Governor of the State in which the affected local government is located may prohibit the execution of such host community agreement with respect to that capacity.

''(2) The municipal solid waste management capacity referred to in paragraph (1) is that capacity—

''(A) that is permitted under Federal or State law;

''(B) that is identified under the State plan; and

''(C) for which a legally binding commitment between the owner or operator and another party has been made for its use for disposal or incineration of municipal solid waste generated within the region (identified under section 4006(a)) in which the local government is located.

''(d) COST RECOVERY SURCHARGE.—

''(1) AUTHORITY.—A State described in paragraph (2) may adopt a law and impose and collect a cost recovery charge on the processing or disposal of out-of-State municipal solid waste in the State in accordance with this subsection.

''(2) APPLICABILITY.—The authority to impose a cost recovery surcharge under this subsection applies to any State that on or before April 3, 1994, imposed and collected a special fee on the processing or disposal of out-of-State municipal solid waste pursuant to a State law.

''(3) LIMITATION.—No such State may impose or collect a cost recovery surcharge from a facility on any out-of-State municipal solid waste that is being received at the facility under 1 or more contracts entered into after April 3, 1994, and before the date of enactment of this section.

''(4) AMOUNT OF SURCHARGE.—The amount of the cost recovery surcharge may be no greater than the amount necessary to recover those costs determined in conformance with paragraph (6) and in no event may exceed $1.00 per ton of waste.

''(5) USE OF SURCHARGE COLLECTED.—All cost recovery surcharges collected by a State covered by this subsection shall be used to fund those solid waste management programs administered by the State or its political subdivision that incur costs for which the surcharge is collected.

''(6) CONDITIONS.—(A) Subject to subparagraphs (B) and (C), a State covered by this subsection may impose and collect a cost recovery surcharge on the processing or disposal within the State of out-of-State municipal solid waste if—

''(i) the State demonstrates a cost to the State arising from the processing or disposal within the State of a volume of municipal solid waste from a source outside the State;

''(ii) the surcharge is based on those costs to the State demonstrated under clause (i) that, if not paid for through the surcharge, would otherwise have to be paid or subsidized by the State; and

''(iii) the surcharge is compensatory and is not discriminatory.

''(B) In no event shall a cost recovery surcharge be imposed by a State to the extent that the cost for which recovery is sought is otherwise paid, recovered, or offset by any other fee or tax paid to the State or its political subdivision or to the extent that the amount of the surcharge is offset by voluntarily agreed payments to a State or its political subdivision in connection with the generation, transportation, treatment, processing, or disposal of solid waste.

''(C) The grant of a subsidy by a State with respect to entities disposing of waste generated within the State does not constitute discrimination for purposes of subparagraph (A)(iii).

''(7) DEFINITIONS.—As used in this subsection:

''(A) The term 'costs' means the costs incurred by the State for the implementation of its laws governing the processing or disposal of municipal solid waste, limited to the issuance of new permits and renewal of or modification of permits, inspection and compliance monitoring, enforcement, and costs

associated with technical assistance, data management, and collection of fees.

''(B) The term 'processing' means any activity to reduce the volume of solid waste or alter its chemical, biological or physical state, through processes such as thermal treatment, bailing, composting, crushing, shredding, separation, or compaction.

''(e) SAVINGS CLAUSE.—Nothing in this section shall be interpreted or construed—

''(1) to have any effect on State law relating to contracts; or

''(2) to affect the authority of any State or local government to protect public health and the environment through laws, regulations, and permits, including the authority to limit the total amount of municipal solid waste that landfill or incinerator owners or operators within the jurisdiction of a State may accept during a prescribed period: *Provided* That such limitations do not discriminate between in-State and out-of-State municipal solid waste, except to the extent authorized by this section.

''(f) DEFINITIONS.—As used in this section:

''(1)(A) The term 'affected local government', used with respect to a landfill or incinerator, means—

''(i) the public body created by State law with responsibility to plan for municipal solid waste management, a majority of the members of which are elected officials, for the area in which the facility is located or proposed to be located; or

''(ii) the elected officials of the city, town, township, borough, county, or parish exercising primary responsibility over municipal solid waste management or the use of land in the jurisdiction in which the facility is located or is proposed to be located.

''(B)(i) Within 90 days after the date of enactment of this section, a Governor may designate and publish notice of which entity listed in clause (i) or (ii) of subparagraph (A) shall serve as the affected local government for actions taken under this section and after publication of such notice.

''(ii) If a Governor fails to make and publish notice of such a designation, the affected local government shall be the elected officials of the city, town, township, borough, county, parish, or other public body created pursuant to State law with primary jurisdiction over the land or the use of land on which the facility is located or is proposed to be located.

''(C) For purposes of host community agreements entered into before the date of publication of the notice, the term means either a public body described in subparagraph (A)(i) or the elected officials of any of the public bodies described in subparagraph (A)(ii).

''(2) HOST COMMUNITY AGREEMENT.—The term 'host community agreement' means a written, legally binding document or documents executed by duly authorized officials of the affected local government that specifically authorizes a landfill or incinerator to receive municipal solid waste generated out of State, but does not include any agreement to pay host community fees for receipt of waste unless additional express authorization to receive out-of-State waste is also included.

''(3) The term 'out-of-State municipal solid waste' means, with respect to any State, municipal solid waste generated outside of the State. Unless the President determines it is inconsistent with the North American Free Trade Agreement and the General Agreement on Tariffs and Trade, the term shall include municipal solid waste generated outside of the United States. Notwithstanding any other provision of law, generators of municipal solid waste outside the United States shall possess no greater right of access to disposal facilities in a State than United States generators of municipal solid waste outside of that State.

''(4) The term 'municipal solid waste' means refuse (and refuse-derived fuel) generated by the general public or from a residential, commercial, institutional, or industrial source (or any combination thereof), consisting of paper, wood, yard wastes, plastics, leather, rubber, or other combustible or noncombustible materials such as metal or glass (or any combination thereof). The term 'municipal solid waste' does not include—

''(A) any solid waste identified or listed as a hazardous waste under section 3001;

''(B) any solid waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604 or 9606) or a corrective action taken under this Act;

''(C) any metal, pipe, glass, plastic, paper, textile, or other material that has been separated or diverted from municipal solid waste (as otherwise defined in this paragraph) and has been transported into a State for the purpose of recycling or reclamation;

''(D) any solid waste that is—

''(i) generated by an industrial facility; and

''(ii) transported for the purpose of treatment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or is located on property owned by the generator of the waste, or is located on property owned by a company in which the generator of the waste has an ownership interest;

''(E) any solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation;

''(F) any industrial waste that is not identical to municipal solid waste (as otherwise defined in this paragraph) with respect to the physical and chemical state of the industrial waste, and composition, including construction and demolition debris;

''(G) any medical waste that is segregated from or not mixed with municipal solid waste (as otherwise defined in this paragraph); or

''(H) any material or product returned from a dispenser or distributor to the manufacturer for credit, evaluation, or possible reuse.

''(5) The term 'compliance' means a pattern or practice of adhering to and satisfying standards and requirements promulgated by the Federal or a State government for the purpose of preventing significant harm to human health and the environment. Actions undertaken in accordance with compliance schedules for remediation established by Federal or State enforcement authorities shall be considered compliance for purposes of this section.

''(6) The terms 'specifically authorized' and 'specifically authorizes' refer to an explicit authorization, contained in a host community agreement or permit, to import waste from outside the State. Such authorization may include a reference to a fixed radius surrounding the landfill or incinerator that includes an area outside the State or a reference to any place of origin, reference to specific places outside the State, or use of such phrases as 'regardless of origin' or 'outside the State'. The language for such authorization may vary as long as it clearly and affirmatively states the approval or consent of the affected local government or State for receipt of municipal solid waste from sources outside the State.

''(g) IMPLEMENTATION AND ENFORCEMENT.—Any State may adopt such laws and regulations, not inconsistent with this section, as are necessary to implement and enforce this section, including provisions for penalties.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding at the end of the items relating to subtitle D the following new item:

''Sec. 4011. Interstate transportation of municipal solid waste.''.

SEC. 102. NEEDS DETERMINATION.

The Governor of a State may accept, deny or modify an application for a municipal solid waste management facility permit if—

(1) it is done in a manner that is not inconsistent with the provisions of this section;

(2) a State law enacted in 1990 and a regulation adopted by the governor in 1991 specifically requires the permit applicant to demonstrate that there is a local or regional need within the State for the facility; and

(3) the permit applicant fails to demonstrate that there is a local or regional need within the State for the facility.

TITLE II—FLOW CONTROL

SEC. 201. SHORT TITLE.

This title may be cited as the ''Municipal Solid Waste Flow Control Act of 1995''.

SEC. 202. STATE AND LOCAL GOVERNMENT CONTROL OF MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIAL.

Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.), as amended by section 101, is amended by adding after section 4011 the following new section:

''SEC. 4012. STATE AND LOCAL GOVERNMENT CONTROL OF MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIAL.

''(a) DEFINITIONS.—In this section:

''(1) DESIGNATE; DESIGNATION.—The terms 'designate' and 'designation' refer to an authorization by a State, political subdivision, or public service authority, and the act of a State, political subdivision, or public service authority in requiring or contractually committing, that all or any portion of the municipal solid waste or recyclable material that is generated within the boundaries of the State, political subdivision, or public service authority be delivered to waste management facilities or facilities for recyclable material or a public service authority identified by the State, political subdivision, or public service authority.

''(2) FLOW CONTROL AUTHORITY.—The term 'flow control authority' means the authority to control the movement of municipal solid waste or voluntarily relinquished recyclable material and direct such solid waste or voluntarily relinquished recyclable material to a designated waste management facility or facility for recyclable material.

''(3) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' means—

''(A) solid waste generated by the general public or from a residential, commercial, institutional, or industrial source, consisting of paper, wood, yard waste, plastics, leather, rubber, and other combustible material and noncombustible material such as metal and glass, including residue remaining after recyclable material has been separated from waste destined for disposal, and including waste material removed from a septic tank, septage pit, or cesspool (other than from portable toilets); but

''(B) does not include—

''(i) waste identified or listed as a hazardous waste under section 3001 of this Act or waste regulated under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

''(ii) waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604, 9606) or any corrective action taken under this Act;

''(iii) medical waste listed in section 11002;
''(iv) industrial waste generated by manufacturing or industrial processes, including waste generated during scrap processing and scrap recycling;
''(v) recyclable material; or
''(vi) sludge.
''(4) PUBLIC SERVICE AUTHORITY.—The term 'public service authority' means—
''(A) an authority or authorities created pursuant to State legislation to provide individually or in combination solid waste management services to political subdivisions;
''(B) other body created pursuant to State law; or
''(C) an authority that was issued a certificate of incorporation by a State corporation commission established by a State constitution.
''(5) PUT OR PAY AGREEMENT.—(A) The term 'put or pay agreement' means an agreement that obligates or otherwise requires a State or political subdivision to—
''(i) deliver a minimum quantity of municipal solid waste to a waste management facility; and
''(ii) pay for that minimum quantity of municipal solid waste even if the stated minimum quantity of municipal solid waste is not delivered within a required period of time.
''(B) For purposes of the authority conferred by subsections (b) and (c), the term 'legally binding provision of the State or political subdivision' includes a put or pay agreement that designates waste to a waste management facility that was in operation on or before December 31, 1988 and that requires an aggregate tonnage to be delivered to the facility during each operating year by the political subdivisions which have entered put or pay agreements designating that waste management facility.
''(C) The entering into of a put or pay agreement shall be considered to be a designation (as defined in subsection (a)(1)) for all purposes of this title.
''(6) RECYCLABLE MATERIAL.—The term 'recyclable material' means material that has been separated from waste otherwise destined for disposal (at the source of the waste or at a processing facility) or has been managed separately from waste destined for disposal, for the purpose of recycling, reclamation, composting of organic material such as food and yard waste, or reuse (other than for the purpose of incineration).
''(7) WASTE MANAGEMENT FACILITY.—The term 'waste management facility' means a facility that collects, separates, stores, transports, transfers, treats, processes, combusts, or disposes of municipal solid waste.
''(b) AUTHORITY.—
''(1) IN GENERAL.—Each State, political subdivision of a State, and public service authority may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction by directing the municipal solid waste or recyclable material to a waste management facility or facility for recyclable material, if such flow control authority—
''(A)(i) had been exercised prior to May 15, 1994, and was being implemented on May 15, 1994, pursuant to a law, ordinance, regulation, or other legally binding provision of the State or political subdivision; or
''(ii) had been exercised prior to May 15, 1994, but implementation of such law, ordinance, regulation, or other legally binding provision of the State or political subdivision was prevented by an injunction, temporary restraining order, or other court action, or was suspended by the voluntary decision of the State or political subdivision because of the existence of such court action;
''(B) has been implemented by designating before May 15, 1994, the particular waste management facilities or public service authority to which the municipal solid waste or recyclable material is to be delivered, which facilities were in operation as of May 15, 1994, or were in operation prior to May 15, 1994 and were temporarily inoperative on May 15, 1994.
''(2) LIMITATION.—The authority of this section extends only to the specific classes or categories of municipal solid waste to which flow control authority requiring a movement to a waste management facility was actually applied on or before May 15, 1994 (or, in the case of a State, political subdivision, or public service authority that qualifies under subsection (c), to the specific classes or categories of municipal solid waste for which the State, political subdivision, or public service authority prior to May 15, 1994, had committed to the designation of a waste management facility).
''(3) LACK OF CLEAR IDENTIFICATION.—With regard to facilities granted flow control authority under subsection (c), if the specific classes or categories of municipal solid waste are not clearly identified, the authority of this section shall apply only to municipal solid waste generated by households.
''(4) DURATION OF AUTHORITY.—With respect to each designated waste management facility, the authority of this section shall be effective until the later of—
''(A) the end of the remaining life of a contract between the State, political subdivision, or public service authority and any other person regarding the movement or delivery of municipal solid waste or voluntarily relinquished recyclable material to a designated facility (as in effect May 15, 1994);
''(B) completion of the schedule for payment of the capital costs of the facility concerned (as in effect May 15, 1994); or
''(C) the end of the remaining useful life of the facility (as in existence on the date of enactment of this section), as that remaining life may be extended by—
''(i) retrofitting of equipment or the making of other significant modifications to meet applicable environmental requirements or safety requirements;
''(ii) routine repair or scheduled replacement of equipment or components that does not add to the capacity of a waste management facility; or
''(iii) expansion of the facility on land that is—
''(I) legally or equitably owned, or under option to purchase or lease, by the owner or operator of the facility; and
''(II) covered by the permit for the facility (as in effect May 15, 1994).
''(5) ADDITIONAL AUTHORITY.—
''(A) APPLICATION OF PARAGRAPH.—This paragraph applies to a State or political subdivision of a State that, on or before January 1, 1984—
''(i) adopted regulations under State law that required the transportation to, and management or disposal at, waste management facilities in the State, of—
''(I) all solid waste from residential, commercial, institutional, or industrial sources (as defined under State law); and
''(II) recyclable material voluntarily relinquished by the owner or generator of the recyclable material; and
''(ii) as of January 1, 1984, had implemented those regulations in the case of every political subdivision of the State.
''(B) AUTHORITY.—Notwithstanding anything to the contrary in this section (including subsection (m)), a State or political subdivision of a State described in subparagraph (A) may continue to exercise flow control authority (including designation of waste management facilities in the State that meet the requirements of subsection (c)) for all classes and categories of solid waste that were subject to flow control on January 1, 1984.
''(6) FLOW CONTROL ORDINANCE.—Notwithstanding anything to the contrary in this section, but subject to subsection (m), any political subdivision which adopted a flow control ordinance in November 1991, and designated facilities to receive municipal solid waste prior to April 1, 1992, may exercise flow control authority until the end of the remaining life of all contracts between the political subdivision and any other persons regarding the movement or delivery of municipal solid waste or voluntarily relinquished recyclable material to a designated facility (as in effect May 15, 1994). Such authority shall extend only to the specific classes or categories of municipal solid waste to which flow control authority was actually applied on or before May 15, 1994. The authority under this subsection shall be exercised in accordance with section 4012(b)(4).

''(c) COMMITMENT TO CONSTRUCTION.—
''(1) IN GENERAL.—Notwithstanding subsection (b)(1) (A) and (B), any political subdivision of a State may exercise flow control authority under subsection (b), if—
''(A)(i) the law, ordinance, regulation, or other legally binding provision specifically provides for flow control authority for municipal solid waste generated within its boundaries; and
''(ii) such authority was exercised prior to May 15, 1995, and was being implemented on May 15, 1994.
''(B) prior to May 15, 1994, the political subdivision committed to the designation of the particular waste management facilities or public service authority to which municipal solid waste is to be transported or at which municipal solid waste is to be disposed of under that law, ordinance, regulation, plan, or legally binding provision.
''(2) FACTORS DEMONSTRATING COMMITMENT.—A commitment to the designation of waste management facilities or public service authority is demonstrated by 1 or more of the following factors:
''(A) CONSTRUCTION PERMITS.—All permits required for the substantial construction of the facility were obtained prior to May 15, 1994.
''(B) CONTRACTS.—All contracts for the substantial construction of the facility were in effect prior to May 15, 1994.
''(C) REVENUE BONDS.—Prior to May 15, 1994, revenue bonds were presented for sale to specifically provide revenue for the construction of the facility.
''(D) CONSTRUCTION AND OPERATING PERMITS.—The State or political subdivision submitted to the appropriate regulatory agency or agencies, on or before May 15, 1994, substantially complete permit applications for the construction and operation of the facility.

''(d) FORMATION OF SOLID WASTE MANAGEMENT DISTRICT TO PURCHASE AND OPERATE EXISTING FACILITY.—Notwithstanding subsection (b)(1) (A) and (B), a solid waste management district that was formed by a number of political subdivisions for the purpose of purchasing and operating a facility owned by 1 of the political subdivisions may exercise flow control authority under subsection (b) if—
''(1) the facility was fully licensed and in operation prior to May 15, 1994;
''(2) prior to April 1, 1994, substantial negotiations and preparation of documents for the formation of the district and purchase of the facility were completed;
''(3) prior to May 15, 1994, at least 80 percent of the political subdivisions that were

to participate in the solid waste management district had adopted ordinances committing the political subdivisions to participation and the remaining political subdivisions adopted such ordinances within 2 months after that date; and

''(3) the financing was completed, the acquisition was made, and the facility was placed under operation by the solid waste management district by September 21, 1994.

''(e) CONSTRUCTED AND OPERATED.—A political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if—

''(1) prior to May 15, 1994, the political subdivision—

''(A) contracted with a public service authority or with its operator to deliver or cause to be delivered to the public service authority substantially all of the disposable municipal solid waste that is generated or collected by or is within or under the control of the political subdivision, in order to support revenue bonds issued by and in the name of the public service authority or on its behalf by a State entity for waste management facilities; or

''(B) entered into contracts with a public service authority or its operator to deliver or cause to be delivered to the public service authority substantially all of the disposable municipal solid waste that is generated or collected by or within the control of the political subdivision, which imposed flow control pursuant to a law, ordinance, regulation, or other legally binding provision and where outstanding revenue bonds were issued in the name of public service authorities for waste management facilities; and

''(2) prior to May 15, 1994, the public service authority—

''(A) issued the revenue bonds or had issued on its behalf by a State entity for the construction of municipal solid waste facilities to which the political subdivision's municipal solid waste is transferred or disposed; and

''(B) commenced operation of the facilities.

The authority under this subsection shall be exercised in accordance with section 4012(b)(4).

''(f) STATE-MANDATED DISPOSAL SERVICES.—A political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if, prior to May 15, 1994, the political subdivision—

''(1) was responsible under State law for providing for the operation of solid waste facilities to serve the disposal needs of all incorporated and unincorporated areas of the county;

''(2) is required to initiate a recyclable materials recycling program in order to meet a municipal solid waste reduction goal of at least 30 percent;

''(3) has been authorized by State statute to exercise flow control authority and had implemented the authority through the adoption or execution of a law, ordinance, regulation, contract, or other legally binding provision;

''(4) had incurred, or caused a public service authority to incur, significant financial expenditures to comply with State law and to repay outstanding bonds that were issued specifically for the construction of solid waste management facilities to which the political subdivision's waste is to be delivered; and

''(5) the authority under this subsection shall be exercised in accordance with section 4012(b)(4).

''(g) STATE SOLID WASTE DISTRICT AUTHORITY.—A solid waste district or a political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if—

''(1) the solid waste district, political subdivision or municipality within said district is currently required to initiate a recyclable materials recycling program in order to meet a municipal solid waste reduction goal of at least 30 percent by the year 2005, and uses revenues generated by the exercise of flow control authority strictly to implement programs to manage municipal solid waste, other than development of incineration; and

''(2) prior to May 15, 1994, the solid waste district, political subdivision or municipality within said district—

''(A) was responsible under State law for the management and regulation of the storage, collection, processing, and disposal of solid wastes within its jurisdiction;

''(B) was authorized by State statute (enacted prior to January 1, 1992) to exercise flow control authority, and subsequently adopted or sought to exercise the authority through a law, ordinance, regulation, regulatory proceeding, contract, franchise, or other legally binding provision; and

''(C) was required by State statute (enacted prior to January 1, 1992) to develop and implement a solid waste management plan consistent with the State solid waste management plan, and the district solid waste management plan was approved by the appropriate State agency prior to September 15, 1994.

(h) STATE-AUTHORIZED SERVICES AND LOCAL PLAN ADOPTION.—A political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if, prior to May 15, 1994, the political subdivision—

(1) had been authorized by State statute which specifically named the political subdivision to exercise flow control authority and had implemented the authority through a law, ordinance, regulation, contract, or other legally binding provision; and

(2) had adopted a local solid waste management plan pursuant to State statute and was required by State statute to adopt such plan in order to submit a complete permit application to construct a new solid waste management facility proposed in such plan; and

(3) had presented for sale a revenue or general obligation bond to provide for the site selection, permitting, or acquisition for construction of new facilities identified and proposed in its local solid waste management plan; and

(4) includes a municipality or municipalities required by State law to adopt a local law or ordinance to require that solid waste which has been left for collection shall be separated into recyclable, reusable or other components for which economic markets exist; and

(5) is in a State that has aggressively pursued closure of substandard municipal landfills, both by regulatory action and under statute designed to protect deep flow recharge areas in counties where potable water supplies are derived from sole source aquifers.

''(i) RETAINED AUTHORITY.—

''(1) REQUEST.—On the request of a generator of municipal solid waste affected by this section, a State or political subdivision may authorize the diversion of all or a portion of the solid waste generated by the generator making the request to an alternative solid waste treatment or disposal facility, if the purpose of the request is to provide a higher level of protection for human health and the environment or reduce potential future liability of the generator under Federal or State law for the management of such waste, unless the State or political subdivision determines that the facility to which the municipal solid waste is proposed to be diverted does not provide a higher level of protection for human health and the environment or does not reduce the potential future liability of the generator under Federal or State law for the management of such waste.

''(2) CONTENTS.—A request under paragraph (1) shall include information on the environmental suitability of the proposed alternative treatment or disposal facility and method, compared to that of the designated facility and method.

''(j) LIMITATIONS ON REVENUE.—A State or political subdivision may exercise flow control authority under subsection (b), (c), (d), or (e) only if the State or political subdivision certifies that the use of any of its revenues derived from the exercise of that authority will be used for solid waste management services or related landfill reclamation.

''(k) REASONABLE REGULATION OF COMMERCE.—A law, ordinance, regulation, or other legally binding provision or official act of a State or political subdivision, as described in subsection (b), (c), (d), or (e), that implements flow control authority in compliance with this section shall be considered to be a reasonable regulation of commerce retroactive to its date of enactment or effective date and shall not be considered to be an undue burden on or otherwise considered as impairing, restraining, or discriminating against interstate commerce.

''(l) EFFECT ON EXISTING LAWS AND CONTRACTS.—

''(1) ENVIRONMENTAL LAWS.—Nothing in this section shall be construed to have any effect on any other law relating to the protection of human health and the environment or the management of municipal solid waste or recyclable material.

''(2) STATE LAW.—Nothing in this section shall be construed to authorize a political subdivision of a State to exercise the flow control authority granted by this section in a manner that is inconsistent with State law.

''(3) OWNERSHIP OF RECYCLABLE MATERIAL.—Nothing in this section—

''(A) authorizes a State or political subdivision of a State to require a generator or owner of recyclable material to transfer recyclable material to the State or political subdivision; or

''(B) prohibits a generator or owner of recyclable material from selling, purchasing, accepting, conveying, or transporting recyclable material for the purpose of transformation or remanufacture into usable or marketable material, unless the generator or owner voluntarily made the recyclable material available to the State or political subdivision and relinquished any right to, or ownership of, the recyclable material.

''(m) REPEAL.—(1) Notwithstanding any provision of this title, authority to flow control by directing municipal solid waste or recyclable materials to a waste management facility shall terminate on the date that is 30 years after the date of enactment of this Act.

''(2) This section and the item relating to this section in the table of contents for subtitle D of the Solid Waste Disposal Act are repealed effective as of the date that is 30 years after the date of enactment of this Act.

''(n) TITLE NOT APPLICABLE TO LISTED FACILITIES.—Notwithstanding any other provision of this title, the authority to exercise

flow control shall not apply to any facility that—

''(1) on the date of enactment of this Act, is listed on the National Priorities List under the Comprehensive Environmental, Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.); or

''(2) as of May 15, 1994, was the subject of a pending proposal by the Administrator of the Environmental Protection Agency to be listed on the National Priorities List.''.

SEC. 203. TABLE OF CONTENTS AMENDMENT.

The table of contents for subtitle D in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901), as amended by section 101(b), is amended by adding after the item relating to section 4011 the following new item:

''Sec. 4012. State and local government control of movement of municipal solid waste and recyclable material.''.

TITLE III—GROUND WATER MONITORING

SEC. 301. GROUND WATER MONITORING.

(a) AMENDMENT OF SOLID WASTE DISPOSAL ACT.—Section 4010(c) of the Solid Waste Disposal Act (42 U.S.C. 6949a(c)) is amended—

(1) by striking ''CRITERIA.—Not later'' and inserting the following: ''CRITERIA.—

''(1) IN GENERAL.—Not later''; and

(2) by adding at the end the following new paragraph:

''(2) ADDITIONAL REVISIONS.—Subject to paragraph (2), the requirements of the criteria described in paragraph (1) relating to ground water monitoring shall not apply to an owner or operator of a new municipal solid waste landfill unit, an existing municipal solid waste landfill unit, or a lateral expansion of a municipal solid waste landfill unit, that disposes of less than 20 tons of municipal solid waste daily, based on an annual average, if—

''(A) there is no evidence of ground water contamination from the municipal solid waste landfill unit or expansion; and

''(B) the municipal solid waste landfill unit or expansion serves—

''(i) a community that experiences an annual interruption of at least 3 consecutive months of surface transportation that prevents access to a regional waste management facility; or

''(ii) a community that has no practicable waste management alternative and the landfill unit is located in an area that annually receives less than or equal to 25 inches of precipitation.

''(3) PROTECTION OF GROUND WATER RESOURCES.—

''(A) MONITORING REQUIREMENT.—A State may require ground water monitoring of a solid waste landfill unit that would otherwise be exempt under paragraph (2) if necessary to protect ground water resources and ensure compliance with a State ground water protection plan, where applicable.

''(B) METHODS.—If a State requires ground water monitoring of a solid waste landfill unit under subparagraph (A), the State may allow the use of a method other than the use of ground water monitoring wells to detect a release of contamination from the unit.

''(C) CORRECTIVE ACTION.—If a State finds a release from a solid waste landfill unit, the State shall require corrective action as appropriate.

''(4) ALASKA NATIVE VILLAGES.—Upon certification by the Governor of the State of Alaska that application of the requirements of the criteria described in paragraph (1) to a solid waste landfill unit of a Native village (as defined in section 3 of the Alaska Native Claims Settlement Act (16 U.S.C. 1602)) or unit that is located in or near a small, remote Alaska village would be infeasible, or would not be cost-effective, or is otherwise inappropriate because of the remote location of the unit, the State may exempt the unit from some or all of those requirements. This subsection shall apply only to solid waste landfill units that dispose of less than 20 tons of municipal solid waste daily, based on an annual average.

''(5) NO-MIGRATION EXEMPTION.—

''(A) IN GENERAL.—Ground water monitoring requirements may be suspended by the Director of an approved State for a landfill operator if the operator demonstrates that there is no potential for migration of hazardous constituents from the unit to the uppermost aquifer during the active life of the unit and the post-closure care period.

''(B) CERTIFICATION.—A demonstration under subparagraph (A) shall—

''(i) be certified by a qualified groundwater scientist and approved by the Director of an approved State.

''(C) GUIDANCE.—Not later than 6 months after the date of enactment of this paragraph, the Administrator shall issue a guidance document to facilitate small community use of the no migration exemption under this paragraph.

''(6) FURTHER REVISIONS OF GUIDELINES AND CRITERIA.—Not later than April 9, 1997, the Administrator shall promulgate revisions to the guidelines and criteria promulgated under this subchapter to allow States to promulgate alternate design, operating, landfill gas monitoring, financial assurance, and closure requirements for landfills which receive 20 tons or less of municipal solid waste per day based on an annual average: *Provided* That such alternate requirements are sufficient to protect human health and the environment.''.

(b) REINSTATEMENT OF REGULATORY EXEMPTION.—It is the intent of section 4010(c)(2) of the Solid Waste Disposal Act, as added by subsection (a), to immediately reinstate subpart E of part 258 of title 40, Code of Federal Regulations, as added by the final rule published at 56 Federal Register 50798 on October 9, 1991.

TITLE IV—STATE OR REGIONAL SOLID WASTE PLANS

SEC. 401. FINDING.

Section 1002(a) of the Solid Waste Disposal Act (42 U.S.C. 6901(a)) is amended—

(1) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(2) by adding at the end the following:

''(5) that the Nation's improved standard of living has resulted in an increase in the amount of solid waste generated per capita, and the Nation has not given adequate consideration to solid waste reduction strategies.''.

SEC. 402. OBJECTIVE OF SOLID WASTE DISPOSAL ACT.

Section 1003(a) of the Solid Waste Disposal Act (42 U.S.C. 6902(a)) is amended—

(1) by striking ''and'' at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting ''; and''; and

(3) by adding at the end the following:

''(12) promoting local and regional planning for—

''(A) effective solid waste collection and disposal; and

''(B) reducing the amount of solid waste generated per capita through the use of solid waste reduction strategies.''.

SEC. 403. NATIONAL POLICY.

Section 1003(b) of the Solid Waste Disposal Act (42 U.S.C. 6902(b)) is amended by inserting ''solid waste and'' after ''generation of''.

SEC. 404. OBJECTIVE OF SUBTITLE D OF SOLID WASTE DISPOSAL ACT.

Section 4001 of the Solid Waste Disposal Act (42 U.S.C. 6941) is amended by inserting ''promote local and regional planning for effective solid waste collection and disposal and for reducing the amount of solid waste generated per capita through the use of solid waste reduction strategies, and'' after ''objectives of this subtitle are to''.

SEC. 405. DISCRETIONARY STATE PLAN PROVISIONS.

Section 4003 of the Solid Waste Disposal Act (42 U.S.C. 6943) is amended by adding at the end the following:

''(e) DISCRETIONARY PLAN PROVISIONS RELATING TO SOLID WASTE REDUCTION GOALS, LOCAL AND REGIONAL PLANS, AND ISSUANCE OF SOLID WASTE MANAGEMENT PERMITS.—Except as provided in section 4011(a)(4), a State plan submitted under this subtitle may include, at the option of the State, provisions for—

''(1) establishment of a State per capita solid waste reduction goal, consistent with the goals and objectives of this subtitle; and

''(2) establishment of a program that ensures that local and regional plans are consistent with State plans and are developed in accordance with sections 4004, 4005, and 4006.''.

SEC. 406. PROCEDURE FOR DEVELOPMENT AND IMPLEMENTATION OF STATE PLANS.

Section 4006(b) of the Solid Waste Disposal Act (42 U.S.C. 6946(b)) is amended by inserting ''and discretionary plan provisions'' after ''minimum requirements''.

TITLE V—GENERAL PROVISIONS

SEC. 501. BORDER STUDIES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) MAQUILADORA.—The term ''maquiladora'' means an industry located in Mexico along the border between the United States and Mexico.

(3) SOLID WASTE.—The term ''solid waste'' has the meaning provided the term under section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).

(b) IN GENERAL.—

(1) STUDY OF SOLID WASTE MANAGEMENT ISSUES ASSOCIATED WITH NORTH AMERICAN FREE TRADE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator is authorized to conduct a study of solid waste management issues associated with increased border use resulting from the implementation of the North American Free Trade Agreement.

(2) STUDY OF SOLID WASTE MANAGEMENT ISSUES ASSOCIATED WITH UNITED STATES-CANADA FREE-TRADE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator may conduct a similar study focused on border traffic of solid waste resulting from the implementation of the United States-Canada Free-Trade Agreement, with respect to the border region between the United States and Canada.

(c) CONTENTS OF STUDY.—A study conducted under this section shall provide for the following:

(1) A study of planning for solid waste treatment, storage, and disposal capacity (including additional landfill capacity) that would be necessary to accommodate the generation of additional household, commercial, and industrial wastes by an increased population along the border involved.

(2) A study of the relative impact on border communities of a regional siting of solid waste storage and disposal facilities.

(3) In the case of the study described in subsection (b)(1), research concerning methods of tracking of the transportation of—

(A) materials from the United States to maquiladoras; and

(B) waste from maquiladoras to a final destination.

(4) In the case of the study described in subsection (b)(1), a determination of the need

for solid waste materials safety training for workers in Mexico and the United States within the 100-mile zone specified in the First Stage Implementation Plan Report for 1992–1994 of the Integrated Environmental Plan for the Mexico-United States Border, issued by the Administrator in February 1992.

(5) A review of the adequacy of existing emergency response networks in the border region involved, including the adequacy of training, equipment, and personnel.

(6) An analysis of solid waste management practices in the border region involved, including an examination of methods for promoting source reduction, recycling, and other alternatives to landfills.

(d) SOURCES OF INFORMATION.—In conducting a study under this section, the Administrator shall, to the extent allowable by law, solicit, collect, and use the following information:

(1) A demographic profile of border lands based on census data prepared by the Bureau of the Census of the Department of Commerce and, in the case of the study described in subsection (b)(1), census data prepared by the Government of Mexico.

(2) In the case of the study described in subsection (b)(1), information from the United States Customs Service of the Department of the Treasury concerning solid waste transported across the border between the United States and Mexico, and the method of transportation of the waste.

(3) In the case of the study described in subsection (b)(1), information concerning the type and volume of materials used in maquiladoras.

(4)(A) Immigration data prepared by the Immigration and Naturalization Service of the Department of Justice.

(B) In the case of the study described in subsection (b)(1), immigration data prepared by the Government of Mexico.

(5) Information relating to the infrastructure of border land, including an accounting of the number of landfills, wastewater treatment systems, and solid waste treatment, storage, and disposal facilities.

(6) A listing of each site in the border region involved where solid waste is treated, stored, or disposed of.

(7) In the case of the study described in subsection (b)(1), a profile of the industries in the region of the border between the United States and Mexico.

(e) CONSULTATION AND COOPERATION.—In carrying out this section, the Administrator shall consult with the following entities in reviewing study activities:

(1) With respect to reviewing the study described in subsection (b)(1), States and political subdivisions of States (including municipalities and counties) in the region of the border between the United States and Mexico.

(2) The heads of other Federal agencies (including the Secretary of the Interior, the Secretary of Housing, the Secretary of Health and Human Services, the Secretary of Transportation, and the Secretary of Commerce) and with respect to reviewing the study described in subsection (b)(1), equivalent officials of the Government of Mexico.

(f) REPORTS TO CONGRESS.—On completion of the studies under this section, the Administrator shall, not later than 2 years after the date of enactment of this Act, submit to the appropriate committees of Congress reports that summarize the findings of the studies and propose methods by which solid waste border traffic may be tracked, from source to destination, on an annual basis.

(g) BORDER STUDY DELAY.—The conduct of the study described in subsection (b)(2) shall not delay or otherwise affect completion of the study described in subsection (b)(1).

(h) FUNDING.—If any funding needed to conduct the studies required by this section is not otherwise available, the President may transfer to the Administrator, for use in conducting the studies, any funds that have been appropriated to the President under section 533 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3473) that are in excess of the amount needed to carry out that section. States that wish to participate in study will be asked to contribute to the costs of the study. The terms of the cost share shall be negotiated between the Environmental Protection Agency and the State.''.

SEC. 502. STUDY OF INTERSTATE HAZARDOUS WASTE TRANSPORT.

(a) DEFINITION OF HAZARDOUS WASTE.—In this section, the term ''hazardous waste'' has the meaning provided in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(b) STUDY.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct a study, and report to Congress on the results of the study, to determine—

(1) the quantity of hazardous waste that is being transported across State lines; and

(2) the ultimate disposition of the transported waste.

SEC. 503. STUDY OF INTERSTATE SLUDGE TRANSPORT.

(a) DEFINITIONS.—In this section:

(1) SEWAGE SLUDGE.—The term ''sewage sludge''—

(A) means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works; and

(B) includes—

(i) domestic septage;

(ii) scum or a solid removed in a primary, secondary, or advanced wastewater treatment process; and

(iii) material derived from sewage sludge (as otherwise defined in this paragraph); but

(C) does not include—

(i) ash generated during the firing of sewage sludge (as otherwise defined in this paragraph) in a sewage sludge incinerator; or

(ii) grit or screenings generated during preliminary treatment of domestic sewage in a treatment works.

(2) SLUDGE.—The term ''sludge'' has the meaning provided in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(b) STUDY.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct a study, and report to Congress on the results of the study, to determine—

(1) the quantity of sludge (including sewage sludge) that is being transported across State lines; and

(2) the ultimate disposition of the transported sludge.

Mr. DOLE. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION ACT

The PRESIDING OFFICER. The Senate will now resume the pending business, S. 395, which the clerk will report.

A bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Marketing Administration, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Murkowski amendment No. 1078, to authorize exports of Alaskan North Slope crude oil.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I appreciate the Chair calling up the pending legislation. I have been in conversations with the Senator from Washington with regard to concerns that she has expressed, and I am told that there are some amendments that the Senator from Washington is interested in pursuing. I have not had an opportunity to review the amendments, but I intend to take this opportunity as soon as possible and have our staffs attempt to resolve the concerns of the Senator from Washington, and it would be my intent to attempt to do this with dispatch.

Mr. President, currently the staffs are pursuing an evaluation. I want to ask the Chair the pending business before the Senate.

The PRESIDING OFFICER. The pending business is S. 395 and the Senator's amendment No. 1078.

Mr. MURKOWSKI. Have the yeas and nays been ordered?

The PRESIDING OFFICER. Not on the amendment.

Mr. MURKOWSKI. I thank the Chair. I wonder if the Senator from Washington would entertain, for a moment, an opportunity, so that we may try to accommodate the amendments, and if there is any objection if I suggest the absence of a quorum, and after we have had a chance to talk, ask that the quorum call be rescinded so that we may move into the bill.

I think there is one other Senator who is coming who wishes to speak with regard to an amendment that is pending on our side. I do not see that Senator here at this time. So rather than to take up this time that could be used in negotiating the amendments of the Senator from Washington, if there is no objection, I will suggest the absence of a quorum.

Mrs. MURRAY. I will not object. I want it to be noted that there are several Senators I need to check with, but we can go ahead and go into a quorum call and discuss this.

Mr. MURKOWSKI. 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. DEWINE. 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. DEWINE. Mr. President, I further ask unanimous consent that I be able to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

A CRIME BILL

Mr. DEWINE. Mr. President, I rise today to continue my discussion of the crime bill that I intend to introduce tomorrow. As I pointed out, there are really two basic issues that we always need to address when we look at a crime bill. First, what is the proper role of the Federal Government in fighting crime in this country, understanding that over 95 percent of all criminal prosecutions really are done at the local level? The second question we always have to ask is, what really works? What matters? What makes a difference?

Last Wednesday I discussed these issues with specific reference to crime-fighting technology. We have an outstanding technology base in this country, a technology base that will do a great deal to help us catch criminals. But, quite frankly and candidly, we must expand this base. Technology does in fact matter, but we need the Federal Government to be more proactive in getting the States on line with this technology.

Having a terrific national criminal record system or huge DNA data base, or an automated fingerprint data base in Washington, DC, is good. But it will not really do the job if the police officer in Henry County, Trumbull County, Greene County, Clark County, OH, cannot tap into it; if they cannot get into it, put their own information in and get the information back out.

What my legislation does is drive the money down to the local community to help build this database system from the ground up. My legislation would help bring these local police departments on line. It would help them contribute to and benefit from this emerging nationwide crimefighting database.

Mr. President, on Thursday I discussed another aspect of my bill. I discussed what we have to do to get armed career criminals off our streets, to get them locked up and away from our children and our families. I talked about a program called Project Trigger Lock that targeted criminals who use guns and targeted them in the Federal court and prosecuted them in Federal court. My legislation would bring back ''Project Trigger Lock.'' Further, it would toughen the laws against criminals who use guns.

We have to lock up armed career criminals. If we are trying to figure out what works and what does not work, if we are trying to figure out what is important and what is not important, what priority the U.S. Attorney General should place on different types of crime, what the priority of U.S. attorneys scattered throughout this country should be, I cannot think of anything more important than going after repeat violent offenders who use a gun in the commission of a felony.

Mr. President, the third area of the bill that I talked about on Friday has to do with crime victims. Quite frankly, in too many ways our criminal justice system has treated criminals like they are victims and victims like they are criminals. My legislation contains a number of provisions that would make the system more receptive to the rights and claims of crime victims.

Another area: On Monday I turned to another provision of my bill. I talked about what we had to do to get more police officers on the streets, and particularly how we had to get police officers into crime-infested areas and how we had to target the finite tax dollars that we have so that we spend these dollars and that we put these police officers in areas where it would make the most difference, because the simple fact is when you put police officers on the street, when they are deployed correctly, crime does go down. My legislation reflects this plain fact. My bill over a 5-year period of time will spend $5 billion on putting police officers on the street. But my bill would target the money to America's most crime-threatened communities.

Further, my bill, unlike the bill that passed last year, unlike the President's bill, would pay the full cost of these police officers and would pay them for not just 3 years, not just put them out for 3 years, but would do that for 5 years. We target the money to the highest crime areas in the country, the 250 highest crime areas. We pay for the police officers to go in there, and we fully pay for them not at 75 percent but at 100 percent a year and we do it for 5 years instead of 3 years.

Today I would like to discuss another part of my crime bill. That is the need for local flexibility in fighting crime. As I pointed out, 90 to 95 percent of the criminal prosecutions in this country do not take place at the Federal level. Rather, they take place at the State and local level, in communities throughout this country. Crime is a local community problem. The late Speaker of the House, ''Tip'' O'Neill, used to say that all politics is local. It would not be too much of an exaggeration to say the same is true of crime, that all crime is local—just about anyway. I think that any Federal crime legislation to be truly effective has to take this basic fact into account.

Mr. President, this is a historic year. From welfare to health care America today is conducting a fundamental debate on the issue of which level of government is in fact best suited to undertake which responsibilities. What we are frankly seeing this year is a thorough reexamination of the meaning of federalism. This historic debate offers a terrific opportunity to rethink the role of Government and to make our Government work better.

Mr. President, I think in this historic year when we are having this fundamental debate about federalism, the proper role of the Federal Government, the State government and the local government, I think it would be a terrible shame if we did not extend this debate to the issue of crime. We will never have a better opportunity than the present to focus our national attention on crime as a fundamentally local problem; that is, the problem to be dealt with at the local level by local authorities. For this reason my crime legislation applies to the principle of local flexibility, local flexibility to this fight against crime.

Yesterday I talked a little bit about my objections to some of the provisions of the President's plan to put police officers on the street. Specifically, I pointed out that the President's scattershot approach sent police officers, frankly, in too many directions. Some of these places did not need extra police nearly as much as some other communities. The result of this approach, the Clinton approach, is to put too few police officers where the police are the most needed. That is why in my crime legislation we spend $5 billion for police but we target that money. Whereas the Clinton administration spends $8.8 billion, we spend only $5 billion, but we target that money and we target it into the 250 communities in this country where the crime rate is the highest. We do it on a statistical basis, and we do it on a basis that I think makes eminent common sense.

I am convinced that by targeting the extra police only to extremely high-crime areas, we can accomplish a lot more with this $5 billion over 5 years than the President can accomplish with his $8.8 billion over a 5-year period.

The $3.8 billion that is left over, along with an additional $3.2 billion in uncommitted funds provided under my legislation, would be turned over to local communities to use as they see fit. Let me stop at this point and make a point that I hope is clear. But I want to make sure that my colleagues understand this. Our bill does not spend any more money. Our bill takes the basic $30 billion that we have been debating now for the last several years and spends it differently, spends it, I think, more appropriately.

The dollar figures I am talking about to my colleagues in the Senate today I indicate is not one penny more than was indicated under any of the other bills that have been introduced or indicated under the President's plan.

Let me talk a little bit about this discretionary money that we are talking about.

I have worked at the local level. I have worked as an assistant county prosecutor. I have worked as the elected county prosecutor of my home county, worked at the Federal level as a Member of the House of Representatives and as a Member of the U.S. Senate. I have been in the Ohio State Senate, and I have served as Lieutenant Governor. I have had occasion to compare the efficiency and effectiveness at all levels of government. To be honest, a sheriff or county prosecutor, chief of police, or county commissioner in my home county or your home county, Mr. President, and many of the home counties of our other colleagues know a lot more about how crime money should be

spent than does the President of the United States, the U.S. Attorney General or this Senator or this body.

Under the proposal contained in my crime legislation, local government officials will get Federal money, and what they do with it will be up to them. They will be able to spend that money based on local needs, local concerns, local priorities.

Yesterday, I discussed my proposal to pay for extra police officers in the highest crime areas in America. The 250 most crime-infested areas in America are eligible under my bill for police funding. Other areas, areas that are not included in the list of the 250 worst crime areas, may decide, if they wish, that they need extra police officers. If that is the case, they may choose to spend the dollars they get from this $7 billion local flexibility fund to pay for the extra police officers. My bill allows them that flexibility. They can use the money to hire, train, and employ these police officers, maybe put them out on the street. They can use it to pay overtime for police officers that they already have which, frankly, may, depending on the jurisdiction and the economics involved, be the best use of the funds. Or they can use it to buy extra technology that is already covered in this bill. They can use it to beef up school security, either by deploying extra police or adding measures like metal detectors. They can use it to establish and run crime-prevention programs like Neighborhood Watch and citizen patrol programs and programs to combat domestic violence and juvenile crime. They can use it to establish early intervention and prevention programs for juveniles to reduce or eliminate crime.

There was a vigorous debate last year about the issue of crime prevention. One thing I have learned in my years in local law enforcement is that even more than most programs crime prevention programs really have to be grown locally to be effective.

When you travel Ohio, as I have done, or Minnesota, or Wisconsin, and you look at crime prevention programs, I suspect in other States you find what I have found in Ohio, and that is the quality of those programs depends upon the local people. It depends on who is running the program, the dedication of that particular individual. This is not something that Washington can take a cookie cutter and duplicate, replicate across the country. They have to be grown locally.

It is clear that we have to go after those also who have chosen a life of crime. We have to apprehend them. We have to convict them. But we also have to reach out to the young people who are at risk in this country. We have to reach out to them before—before—they embark on a life of crime.

The best ideas on how to do this are not in Washington, DC, surprisingly. It is not with Government bureaucrats, in Washington. It is, rather, locally. Government bureaucrats in Washington, Mr. President, do not know the kids in Greene County, OH. Do you know who does? The people in Greene County—Jerry Irwin, our county sheriff; the county prosecuting attorney, Bill Schenck. I could go on and on. That is why I wish to empower people such as County Sheriff Jerry Irwin, or County Prosecutor Bill Schenck through this proposal.

Mr. President, to mandate a prevention program from Washington, DC, is absurd. Let us trust the people on the ground, the local law enforcers who know the young people in their communities.

In conclusion, Mr. President, let me say there is a basic insight that the American people imparted to all of us last November. I hope we heard the message. That message was fairly simple and basic, that Government is best which is closest to the people.

I have worked to incorporate this basic principle into the legislation that I will be introducing tomorrow.

At this time, I yield the floor.

ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1078 WITHDRAWN

Mr. MURKOWSKI. Mr. President, I withdraw my amendment No. 1078 at this time.

The PRESIDING OFFICER. The Senator has that right and the amendment is so withdrawn.

The amendment (No. 1078) was withdrawn.

AMENDMENT NO. 1101

(Purpose: To provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico, and for other purposes)

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for himself, Mr. MURKOWSKI, and Mr. BREAUX, proposes an amendment numbered 1101.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following as a new Title III:

''TITLE III: OUTER CONTINENTAL SHELF DEEP WATER ROYALTY RELIEF

SEC. 301.—This Title may be referred to as the ''Outer Continental Shelf Deep Water Royalty Relief Act''.

SEC. 302. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.—Section 8(a) of the Outer Continental Shelf Lands Act, (43 U.S.C. 1337(a)(3)), is amended by striking paragraph (3) in its entirety and inserting the following:

''(3)(A) The Secretary may, in order to—

''(i) promote development or increased production on producing or non-producing leases; or

''(ii) encourage production of marginal resources on producing or non-producing leases; through primary, secondary, or tertiary recovery means, reduce or eliminate any royalty or net profit share set forth in the lease(s). With the lessee's consent, the Secretary may make other modifications to the royalty or net profit share terms of the lease in order to achieve these purposes.

''(B)(i) Notwithstanding the provisions of this Act other than this subparagraph, with respect to any lease or unit in existence on the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act meeting the requirements of this subparagraph, no royalty payments shall be due on new production, as defined in clause (iv) of this subparagraph, from any lease or unit located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, until such volume of production as determined pursuant to clause (ii) has been produced by the lessee.

''(ii) Upon submission of a complete application by the lessee, the Secretary shall determine within 180 days of such application whether new production from such lease or unit would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph. In making such determination, the Secretary shall consider the increased technological and financial risk of deep water development and all costs associated with exploring, developing, and producing from the lease. The lessee shall provide information required for a complete application to the Secretary prior to such determination. The Secretary shall clearly define the information required for a complete application under this section. Such application may be made on the basis of an individual lease or unit. If the Secretary determines that such new production would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph, the provisions of clause (i) shall not apply to such production. If the Secretary determines that such new production would not be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i), the Secretary must determine the volume of production from the lease or unit on which no royalties would be due in order to make such new production economically viable; except that for new production as defined in clause (iv) (aa), in no case will that volume be less than 17.5 million barrels of oil equivalent in water depths of 200 to 400 meters, 52.5 million barrels of oil equivalent in 400–800 meters of water, and 87.5 million barrels of oil equivalent in water depths greater than 800 meters. Redetermination of the applicability of clause (i) shall be undertaken by the Secretary when requested by the lessee prior to the commencement of the new production and upon significant change in the factors upon which the original determination was made. The Secretary shall make such redetermination within 120 days of submission of a complete application. The Secretary may extend the time period for making any determination or redetermination under this clause for 30 days, or longer if agreed to by the applicant, if circumstances so warrant.

The lessee shall be notified in writing of any determination or redetermination and the reasons for and assumptions used for such determination. Any determination or redetermination under this clause shall be a final agency action. The Secretary's determination or redetermination shall be judicially reviewable under section 10(a) of the Administrative Procedures Act, 5 U.S.C. Sec. 702, only for actions filed within 30 days of the Secretary's determination or redetermination.

''(iii) In the event that the Secretary fails to make the determination or redetermination called for in clause (ii) upon application by the lessee within the time period, together with any extension thereof, provided for by clause (ii), no royalty payments shall be due on new production as follows:

''(I) For new production, as defined in clause (iv)(I) of this subparagraph, no royalty shall be due on such production according to the schedule of minimum volumes specified in clause (ii) of this subparagraph.

''(II) For new production, as defined in clause (iv)(II) of this subparagraph, no royalty shall be due on such production for one year following the start of such production.

''(iv) For purposes of this subparagraph, the term 'new production' is—

''(I) any production from a lease from which no royalties are due on production, other than test production, prior to the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or

''(II) any production resulting from lease development activities pursuant to a Development Operations Coordination Document, or supplement thereto that would expand production significantly beyond the level anticipated in the Development Operations Coordination Document, approved by the Secretary after the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act.

''(v) During the production of volumes determined pursuant to clauses (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for light sweet crude oil exceeds $28.00 per barrel, any production of oil will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clause (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $28.00. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

''(vi) During the production of volumes determined pursuant to clause (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for natural gas exceeds $3.50 per million British thermal units, any production of natural gas will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clauses (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $3.50. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

''(vii) The prices referred to in clauses (v) and (vi) of this subparagraph shall be changed during any calendar year after 1994 by the percentage, if any, by which the implicit price deflator for the gross domestic product changed during the preceding calendar year.''

SEC. 303. NEW LEASES.—

Section 8 (a)(1) of the Outer Continental Shelf Lands Act, as amended, (43 U.S.C. 1337(a)(1)) is amended as follows:

(1) Redesignate section 8(a)(1)(H) as section 8(a)(1)(I); and

(2) Add a new section 8(a)(1)(H) as follows:

''(H) cash bonus bid with royalty at no less than 12 and ½ per centum fixed by the Secretary in amount or value of production saved, removed, or sold, and with suspension of royalties for a period, volume, or value of production determined by the Secretary. Such suspensions may vary based on the price of production from the lease.''

SEC. 304. LEASE SALES.—For all tracts located in water depths of 200 meters or greater in the Western and Central Planning Area of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, any lease sale within five years of the date of enactment of this title, shall use the bidding system authorized in Section 8(a)(1)(H) of the Outer Continental Shelf Lands Act, as amended by this title, except that the suspension of royalties shall be set at a volume of not less than the following:

(1) 17.5 million barrels of oil equivalent for leases in water depths of 200 to 400 meters;

(2) 52.5 million barrels of oil equivalent for leases in 400 to 800 meters of water; and

(3) 87.5 million barrels of oil equivalent for leases in water depths greater than 800 meters.

SEC. 305. REGULATIONS.—The Secretary shall promulgate such rules and regulations as are necessary to implement the provisions of this title within 180 days after the enactment of this Act.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that Senator MURKOWSKI be added as a cosponsor to this amendment, and that David Applegate, a fellow of the Energy and Natural Resources Committee, be given privileges of the floor during pendency of this amendment.

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

Mr. JOHNSTON. I ask unanimous consent that Senator BREAUX be added as a cosponsor.

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

Mr. JOHNSTON. Mr. President, gross oil imports to the United States today are over 50 percent, and they are scheduled to be over 60 percent by the year 2010. For this reason, in February of this year, President Clinton announced the President's finding that the Nation's growing reliance on imports of crude oil and refined petroleum products threaten the Nation's security because of the increased vulnerability of U.S. oil supply disruptions.

This being the problem, how do we solve it at a time of growing deficits, at a time of money shortage, at a time when we have no money to apply to any kind of energy technology? The way we do it, Mr. President, is by this amendment, which provides that with respect to existing leases in the Gulf of Mexico in over 200 meters of water, where the development expenses are very, very great and where wells otherwise would not be drilled unless given some incentive, there be a discretionary incentive given for both existing leases and new leases according to a carefully worked out formula, worked out with the Department of the Interior.

Mr. President, when I say it is discretionary, it is discretionary in that the Secretary of the Interior must analyze all of these leases and with respect to any lease which he determines would otherwise be drilled, there is no incentive given, there is no royalty holiday given. It is only with respect to those leases that would not otherwise be drilled, either existing or future leases, that this amendment would provide that incentive.

So it is for this reason this amendment has been scored as costing zero by CBO and, as a matter of fact, it would make money for the American taxpayer and for the budget because, obviously, if you have a lease that otherwise would not be drilled, which is drilled, it has positive economic impact from the salaries paid to the workers by the oil company to drill the well, and if oil is found, then there is royalty to be paid even with the royalty holiday because the royalty holiday is not complete.

This was worked out last year with the Secretary of the Interior. It took us a long time to work out the formulas, the amount of the incentive. The Secretary of the Interior wanted the amount of the incentive to be sufficient but not too much. That took a lot of negotiating. The whole matter of negotiation took a long period of time. After working it out last year, we introduced the legislation this year as S. 158. The administration has testified on this in an affirmative way. It is a piece of legislation that is going to make money for the Treasury and is going to help our energy balance.

According to the Department of the Interior, it should bring on at least two new fields with approximately 150 million barrels of oil equivalent from existing leases and it significantly improves the economics of 10 to 12 possible and probable fields.

As we know, Mr. President, the OCS in the Gulf of Mexico has been the United States' most promising region for new discoveries. In 1993, 98 percent of new crude oilfields and 76 percent of new gasfields discovered in the United States were in the Gulf of Mexico.

So, Mr. President, this is a way to offset that $46 billion of deficits which is attributable to net energy imports. It is 40 percent of the total U.S. merchandise deficit of $116 billion. For this reason, Mr. President, I think this is an excellent amendment backed by the administration which will help our energy balance a great deal.

Mr. President, I ask unanimous consent that a letter from Bob Armstrong, Assistant Secretary of the Interior, backing this amendment be printed in the RECORD.

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

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, May 16, 1995.

Hon. J. BENNETT JOHNSTON,
Ranking Minority Member, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR SENATOR JOHNSTON: I understand that you intend to offer an amendment to S. 395 to provide Outer Continental Shelf (OCS) deep water royalty relief to leases in the Central and Western Gulf of Mexico.

We support this amendment and believe it is consistent with the Administration's objectives with respect to OCS exploration and development in the Gulf of Mexico. The deep water areas of the Gulf contain some of the most promising exploration targets in the United States, but industry confronts substantial economic and technological challenges in bringing them into production. The responsible and orderly development of these resources is truly in the national interest.

The Office of Management and Budget has advised that it has no objection to the presentation of these views from the standpoint of the Administration's program.

Sincerely,

BOB ARMSTRONG,
Assistant Secretary.

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

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

Mr. GRAMS. 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. GRAMS. Mr. President, I rise today to support the measure before us lifting the 22-year-old export restrictions on domestic crude oil produced on Alaska's North Slope.

I commend my distinguished colleague from Alaska, the chairman of the Energy and Natural Resources Committee, for bringing this legislation to the floor.

Clearly, the time has come for Congress to repeal an outdated law that no longer serves its intended purpose. When the export restrictions on Alaskan crude oil were originally enacted, many people believed that the legislation would enhance our long-term energy security.

Today, however, we know that restricting the export of Alaskan crude oil has actually weakened our Nation by undermining our initiative to explore and develop new energy resources, and that is keeping us ever more dependent on foreign oil imports.

Some 77 percent of this country's energy consumption is supplied by the oil and gas industry. Yet, the Department of Energy projects that crude oil production will continue to decline over the next decade.

Last year, our Nation imported over half our domestic oil requirements. By the year 2005, the United States will be nearly 70 percent dependent on imported oil—not because consumption is on the rise, but because domestic production continues to fall.

Every drop of oil that is produced by somebody else eventually adds up to a flood of lost U.S. jobs. Three hundred thousand oil-related jobs have been lost in the United States since 1985—the steepest decline in U.S. history.

With oil production decreasing by 2¼ million barrels every day, more job losses are surely ahead.

Of course, decreased production means that revenues are down as well—down, in fact, by more than $50 billion in the last decade.

To add insult to injury, the U.S. petroleum industry has been forced to look beyond American borders when it comes to oil production. We are now putting 65 percent of our exploration and production dollars into projects overseas, at a loss to the U.S. economy of $16 billion annually.

Within the last few years, Congress has consistently rejected regulatory policies that foolishly try to constrain and control the natural flow of goods and services. But there is much more that Congress can do to improve the climate for domestic oil production.

To that end, S. 395 seeks to replace a failed energy policy with a new strategy based on free-market principles.

I am not suggesting that S. 395 will solve this Nation's oil production woes, but it will have a positive, lasting impact.

Nearly every region of the country stands to benefit from lifting the export restrictions on Alaskan crude oil. First and foremost, it would mean new U.S. jobs.

The Department of Energy estimates that if the export restrictions on Alaskan crude oil are lifted, as many as 16,000 new jobs would be created immediately. Up to 25,000 new jobs are likely by the end of the decade.

Lifting the export restrictions would increase oil production in California and Alaska by as much as 110,000 barrels per day.

This legislation will stimulate oil exploration and development in the oilfields of Alaska and California, boosting the economy along the west coast and enhancing our national long-term energy strategy.

The bill also ensures that the U.S. merchant marine will maintain its traditional role of transporting Alaskan crude oil. This provision protects existing U.S. jobs by requiring that exported Alaskan crude oil be carried on American-crewed, American-flag tankers.

Mr. President, history has taught us that free markets—not protectionism—make our Nation more secure. With this lesson in mind, I strongly urge my colleagues to join in the bipartisan effort to lift the ban on exports of Alaskan crude oil.

Thank you very much, Mr. President. I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, unless there is no other Senator seeking recognition, I ask that the amendment pending by the Senator from Louisiana be agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1101) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I congratulate the chairman of the committee, the Senator from Alaska, on his good work on the Alaska North Slope bill, the underlying bill. It is an excellent bill. It will give much more efficiency to our production and sale of crude oil, and I think that it is definitely in the interest of the United States. Now that we have the merchant marine problem worked out, I think it will be in the interest of everyone and I urge all Senators to adopt the underlying bill.

I thank the Senator for his help on this deep water bill.

Mr. MURKOWSKI. Mr. President, I appreciate the comments of my good friend from Louisiana, and he is my friend. I have had the pleasure of working with him for some 15 years. A significant portion of that time he was chairman of the Energy and Natural Resources Committee. I work with him now, and I think the amendment just adopted is going to be a significant stimulus to ensuring that we are less dependent on imported oil by enhancing exploration and, hopefully, development in areas that otherwise might prove economically prohibitive to the industry.

With the amendment just adopted by the Senator from Louisiana, why, we have enhanced our industry's ability to be competitive in the production of oil. I commend him for his effort and that of his staff, and I am very pleased that we adopted the amendment.

Mr. JOHNSTON. Mr. President, what is the pending business?

AMENDMENT NO. 1102

Mr. MURKOWSKI. Mr. President, if I may, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1102.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike Title I and insert in lieu thereof a new Title I.

''TITLE I

''SEC. 101. SHORT TITLE.

''This title may be cited as the ''Alaska Power Administration Asset Sale and Termination Act''.

''SEC. 102. SALE OF SNETTISHAM AND EKLUTNA HYDROELECTRIC PROJECTS.

''(a) The Secretary of Energy is authorized and directed to sell the Snettisham Hydroelectric Project (referred to in this Act as ''Snettisham'') to the State of Alaska in accordance with the terms of this Act and the February 10, 1989, Snettisham Purchase Agreement, as amended, between the Alaska Power Administration of the United States Department of Energy and the Alaska Power Authority and the Authority's successors.

''(b) The Secretary of Energy is authorized and directed to sell the Eklutna Hydroelectric Project (referred to in this Act as ''Eklutna'') to the Municipality of Anchorage doing business as Municipal Light and Power, the Chugach Electric Association, Inc., and the Matanuska Electric Association, Inc. (referred to in this Act as ''Eklutna Purchasers''), in accordance with the terms of this Act and the August 2, 1989, Eklutna Purchase Agreement, as amended, between the Alaska Power Administration of the Unites States Department of Energy and the Eklutna Purchasers.

''(c) The heads of other Federal departments and agencies, including the Secretary of the Interior, shall assist the Secretary of Energy in implementing the sales authorized and directed by this Act.

''(d) Proceeds from the sales required by this title shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

''(e) There are authorized to be appropriated such sums as may be necessary to prepare, survey, and acquire Eklutna and Snettisham assets for sale and conveyance. Such preparations and acquisitions shall provide sufficient title to ensure the beneficial use, enjoyment, and occupancy by the purchaser.

''SEC. 103. EXEMPTION AND OTHER PROVISIONS.

''(a)(1) After the sales authorized by this Act occur, Eklutna and Snettisham, including future modifications, shall continue to be exempt from the requirements of the Federal Power Act (16 U.S.C. 791a et seq.) as amended.

''(2) The exemption provided by paragraph (1) does not affect the Memorandum of Agreement entered into among the State of Alaska, the Eklutna Purchasers, the Alaska Energy Authority, and Federal fish and wildlife agencies regarding the protection, mitigation of, damages to, and enhancement of fish and wildlife, dated August 7, 1991, which remains in full force and effect.

''(3) Nothing in this title or the Federal Power Act preempts the State of Alaska from carrying out the responsibilities and authorities of the memorandum of Agreement.

''(b)(1) The United States District Court for the District of Alaska shall have jurisdiction to review decisions made under the Memorandum of Agreement and to enforce the provisions of the Memorandum of Agreement, including the remedy of specific performance.

''(2) An action seeking review of a Fish and Wildlife Program (''Program'') of the Governor of Alaska under the Memorandum of Agreement or challenging actions of any of the parties to the Memorandum of Agreement prior to the adoption of the Program shall be brought not later than ninety days after the date on which the Program is adopted by the Governor of Alaska, or be barred.

''(3) An action seeking review of implementation of the Program shall be brought not later than ninety days after the challenged act implementing the Program, or be barred.

''(c) With respect to Eklutna lands described in Exhibit A of the Eklutna Purchase Agreement:

''(1) The Secretary of the Interior shall issue rights-of-way to the Alaska Power Administration for subsequent reassignment to the Eklutna Purchasers—

''(A) at no cost to the Eklutna Purchasers;

''(B) to remain effective for a period equal to the life of Eklutna as extended by improvements, repairs, renewals, or replacements; and

''(C) sufficient for the operation of, maintenance of, repair to, and replacement of, and access to, Eklutna facilities located on military lands and lands managed by the Bureau of Land Management, including lands selected by the State of Alaska.

''(2) If the Eklutna Purchasers subsequently sell or transfer Eklutna to private ownership, the Bureau of Land Management may assess reasonable and customary fees for continued use of the rights-of-way on lands managed by the Bureau of Land Management and military lands in accordance with existing law.

''(3) Fee title to lands at Anchorage Substation shall be transferred to Eklutna Purchasers at no additional cost if the Secretary of the Interior determines that pending claims to, and selections of, those lands are invalid or relinquished.

''(4) With respect to the Eklutna lands identified in paragraph 1 of Exhibit A of the Eklutna Purchase Agreement, the State of Alaska may select, and the Secretary of the Interior shall convey to the State, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85–508, 72 Stat. 339, as amended), and the North Anchorage Land Agreement dated January 31, 1983. This conveyance shall be subject to the rights-of-way provided to the Eklutna Purchasers under paragraph (1).

''(d) With respect to the Snettisham lands identified in paragraph 1 of Exhibit A of the Snettisham Purchase Agreement and Public Land Order No. 5108, the State of Alaska may select, and the Secretary of the Interior shall convey to the State of Alaska, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85–508, 72 Stat. 339, as amended).

''(e) Not later than one year after both of the sales authorized in section 102 have occurred, as measured by the Transaction Dates stipulated in the Purchase Agreements, the Secretary of Energy shall—

''(1) complete the business of, and close out, the Alaska Power Administration;

''(2) submit to Congress a report documenting the sales; and

''(3) return unobligated balances of funds appropriated for the Alaska Power Administration to the Treasury of the United States.

''(f) The Act of July 31, 1950 (64 Stat. 382) is repealed effective on the date, as determined by the Secretary of Energy, that all Eklutna assets have been conveyed to the Eklunta Purchasers.

''(g) Section 204 of the Flood Control Act of 1962 (76 Stat. 1193) is repealed effective on the date, as determined by the Secretary of Energy, that all Snettisham assets have been conveyed to the State of Alaska.

''(h) As of the later of the two dates determined in subsection (f) and (g), section 302(a) of the Department of Energy Organization Act (42 U.S.C. 7152(a)) is amended—

''(1) in paragraph (i)—

''(A) by striking subparagraph (C); and

''(B) by redesignating subparagraphs (D), (E), and

''(F) as subparagraphs (C), (D), and (E) respectively; and

''(2) in paragraph (2) by striking out ''and the Alaska Power Administration'' and by inserting ''and'' after ''Southwestern Power Administration,''.

''(i) The Act of August 9, 1955, concerning water resources investigation in Alaska (69 Stat. 618), is repealed.

''(j) The sales of Eklutna and Snettisham under this title are not considered disposal of Federal surplus property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or the Act of October 3, 1944, popularly referred to as the ''Surplus Property Act of 1944'' (50 U.S.C. App. 1622).

''(k) The sales authorized in this title shall occur not later than 1 year after the date of enactment of legislation defining 'first use' of Snettisham for purposes of section 147(d) of the Internal Revenue Code of 1986, to be considered to occur pursuant to acquisition of the property by or on behalf of the State of Alaska.''.

Mr. MURKOWSKI. Mr. President, this is an amendment with regard to technical language associated with title I.

AMENDMENT NO. 1103 TO AMENDMENT NO. 1102

(Purpose: To make clear that the authorization of sale of hydroelectric projects under section 102 has no relevance to any proposal to sell any other hydroelectric project or the power marketing administrations)

Mr. JOHNSTON. Mr. President, on behalf of Senator DASCHLE, I send an amendment to the desk, which is a second-degree amendment to this existing amendment. This amendment states in its entirety as follows:

Congress declares that—

(1) the circumstances that justify authorization by Congress of the sale of hydroelectric projects under section 102 are unique to those projects and do not pertain to other hydroelectric projects or to the power marketing administrations of the 48 contiguous States; and

(2) accordingly, the enactment of section 102 should not be understood as lending any support to any proposal to sell any other hydroelectric project or the power marketing administrations.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for Mr. DASCHLE, proposes an amendment numbered 1103 to amendment No. 1102.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the pending amendment insert the following:

SEC. . DECLARATION CONCERNING OTHER HYDROELECTRIC PROJECTS AND THE POWER MARKETING ADMINISTRATIONS.

Congress declares that—

(1) the circumstances that justify authorization by Congress of the sale of hydroelectric projects under section 102 are unique to those projects and do not pertain to other hydroelectric projects or to the power marketing administrations in the 48 contiguous States; and

(2) accordingly, the enactment of section 102 should not be understood as lending support to any proposal to sell any other hydroelectric project or the power marketing administration.

Mr. DASCHLE. Mr. President, I offer an amendment to S 395, the Alaska Power Administration Sale Act, to make explicit that this legislation does not in any way set a precedent for the sale of any other Federal power marketing administrations.

My colleague from Alaska makes a strong case for the sale of the Alaska Power Administration. As I understand the situation, the congressional delegation and the Governor of Alaska support the sale, and the proposal enjoys broad public support.

As we concentrate on this bill and this sale, it is important to keep in mind that there is a broader discussion taking place in the Congress over the sale of other Federal power administrations, and the case for those sales is by no means as clear cut as that in Alaska.

While the privatization of the Alaska PMA is supported in Alaska, there is strong public opposition to the sale of PMA's located in the lower 48 States. Moreover, the sale of the Alaska PMA involves a relatively small sum of money, only $83 million. This is a manageable investment for the State. It ensures that Alaskans will be able to purchase the PMA assets and that the purchase will not cause rates to rise substantially.

This is not the case with the proposed sale of PMA's in the lower 48 States, where far greater sums of money are at stake and where the sale likely would lead to significant rate increases.

In South Dakota, the Western Area Power Administration, which markets power from the main stem dams along the Missouri River, has ensured a consistent and affordable supply of electricity. The program is being run on a sound financial basis, as it recovers all expenses relating to its annual operation and the initial construction expenses, with interest. Under the current system, rates are set at the lowest possible cost, consistent with sound business principles, and to ensure that these financial objectives are met.

If this power marketing administration is sold, then it is likely that rates will increase substantially. The assets could well be purchased by out-of-State financial interests, who likely will set rates to maximize profit. Electric rates for existing Federal power customers will rise as a result. South Dakotans and customers from other States served by power marketing administrations will pay higher costs for power, and much of that money will go to the out-of-State financial interests who bankroll these purchases.

The Western Area Power Administration is a program that works. It provides affordable power to states like South Dakota, and it does so without any subsidy. The Federal Government gets a return on its investment. In short, it is an unquestioned success. It is a program that we should hold up as an example of how the Federal Government can work for the people and the national economy.

In conclusion, Mr. President, the sale of the Alaska Power Administration should not be viewed as a precedent for the sale of other power administrations. The situation in Alaska is unique. It is very different from the situation with the other PMA's, such as Western, where there is strong public opposition to the sale and where Senators are on record opposing the sale. I have received well over 10,000 letters in opposition to this sale and 2 in favor of it. And while sheer numbers can never determine the merits of any program, I am inclined to believe that people generally know what is best for themselves.

Given the almost certain rate increases that would accompany the sale of the Western Area Power Administration and others in the lower 48, and the potential for out-of-State ownership and, thus, the export of State resources, it is not a policy that I can support. I hope that my colleagues will be willing to recognize that the Alaska sale does not set any sort of precedent for the sale of other power marketing administrations, and support my amendment.

Mr. JOHNSTON. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1103) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. Mr. President, what is the pending business, if I may inquire of the Chair?

The PRESIDING OFFICER. The first-degree amendment No. 1102.

Mr. MURKOWSKI. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment No. 1102, as amended.

The amendment (No. 1102), as amended, was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1104

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1104.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike the text of title II and insert the following text:

''TITLE II

''SEC. 201. SHORT TITLE.

''This title may be cited as 'Trans-Alaska Pipeline Amendment Act of 1995'.

''SEC. 202. TAPS ACT AMENDMENTS.

''Section 203 of the Act entitled the 'Trans-Alaska Pipeline Authorization Act,' as amended (43 U.S.C. 1652), is amended by inserting the following new subsection (f):

''(f) EXPORTS OF ALASKAN NORTH SLOPE OIL.—

''(1) Subject to paragraphs (2) through (6), of this subsection and notwithstanding any other provision of law (including any regulation), any oil transported by pipeline over right-of-way granted pursuant to this section may be exported after October 31, 1995 unless the President finds that exportation of this oil is not in the national interest. In evaluating whether the proposed exportation is in the national interest, the President—

''(A) shall determine whether the proposed exportation would diminish the total quantity or quality of petroleum available to the United States; and

''(B) shall conduct and complete an appropriate environmental review of the proposed exportation, including consideration of appropriate measures to mitigate any potential adverse effect on the environment, within four months after the date of enactment of this subsection.

''The President shall make his national interest determination within five months after the date of enactment of this subsection or 30 days after completion of the environmental review, whichever is earlier. The President may make his determination subject to such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that the exportation is consistent with the national interest.

''(2) Except in the case of oil exported to a country pursuant to a bilateral international oil supply agreement entered into by the United States with the country before June 25, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over right-of-way granted pursuant to this section, shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

''(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exportation of the oil.''.

''(4) The Secretary of Commerce shall issue any rules necessary for implementation of the President's national interest determination within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

''(5) If the Secretary of Commerce finds that anticompetitive activity by a person exporting crude oil under authority of this subsection has caused sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused sustained material adverse employment effects in the

United States, the Secretary of Commerce may recommend to the President appropriate action against such person, which may include modification of the authorization to export crude oil.

''(6) Administrative action with respect to an authorization under this subsection is not subject to sections 551 and 553 through 559 of title 5, United States Code.

''SEC. 203. ANNUAL REPORT.

''Section 103(f) of the Energy Policy and Conservation Act (42 U.S.C. 6212(f)) is amended by adding at the end thereof the following:

''In the first quarter report for each new calendar year, the President shall indicate whether independent refiners in Petroleum Administration for Defense District V have been unable to secure adequate supplies of crude oil as a result of exports of Alaskan North Slope crude oil in the prior calendar year and shall make such recommendations to the Congress as may be appropriate.''.

''SEC. 204. GAO REPORT.

''The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope crude oil exports, if any, on consumers, independent refiners, and shipbuilding and ship repair yards on the West Coast. The Comptroller General shall commence this review four years after the date of enactment of this Act and, within one year after commencing the review, shall provide a report to the Committee on Energy and Natural Resources in the Senate and the Committee on Resources in the House of Representatives. The report shall contain a statement of the principal findings of the review and such recommendations for consideration by the Congress as may be appropriate.

''SEC. 205. EFFECTIVE DATE.

''This title and the amendments made by it shall take effect on the date of enactment.''.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1105 TO AMENDMENT NO. 1104

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for Mr. HATFIELD, proposes an amendment numbered 1105 to amendment No. 1104.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the amendment add the following new section:

SEC. 206. RETIREMENT OF CERTAIN COSTS INCURRED FOR THE CONSTRUCTION OF NON-FEDERAL PUBLICLY OWNED SHIPYARDS.

(a) IN GENERAL.—The Secretary of Energy shall—

(1) deposit proceeds of sales out of the Naval Petroleum Reserve in a special account in amounts sufficient to make payments under subsections (b) and (c); and

(2) out of the account described in paragraph (1), provide, in accordance with subsections (b) and (c), financial assistance to a port authority that—

(A) manages a non-Federal publicly owned shipyard on the United States west coast that is capable of handling very large crude carrier tankers; and

(B) has obligations outstanding as of May 15, 1995, that were issued on June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds.

(b) ACQUISITION AND REFURBISHMENT OF INFRASTRUCTURE.—The Secretary shall provide, for acquisition of infrastructure and refurbishment of existing infrastructure, $10,000,000 in fiscal year 1996.

(c) RETIREMENT OF OBLIGATIONS.—The Secretary shall provide, for retirement of obligations outstanding as of May 15, 1995, that were issued on June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds—

(1) $6,000,000 in fiscal year 1996;
(2) $13,000,000 in fiscal year 1997;
(3) $10,000,000 in fiscal year 1998;
(4) $8,000,000 in fiscal year 1999;
(5) $6,000,000 in fiscal year 2000;
(6) $3,500,000 in fiscal year 2001; and
(7) $3,500,000 in fiscal year 2002.

Mr. MURKOWSKI. Mr. President, I am offering this amendment on behalf of Senator HATFIELD and respectfully urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1105) was agreed to.

Mr. MURKOWSKI. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent that I be allowed to speak for 10 minutes as in morning business.

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

THE BUDGET RESOLUTION

Mr. DORGAN. In the next several days, we will have on the floor of the Senate a budget resolution. This has been much discussed and anticipated because we have had substantial debate here in the Senate and in the House of Representatives and in the country as a whole about the need to deal with this country's fiscal policy problems. No one, I think, will deny that our country is off track in fiscal policy. We spend more than we have. We routinely charge the balance to our children and grandchildren, and we must change priorities and fiscal policy to balance the Federal budget.

The Federal budget that we deal with and the budget resolution coming from the Budget Committee is a critically important document. A hundred years from now, if historians then could look back 100 years and view us, they could evaluate our priorities by what we spent our money on. They can look at our Federal Government and look at a $1.5 trillion budget and determine what was important to us by how we spent our money. What did we hold dear? What did we treasure, value, and what kind of investments did we think were important? That is what they will be able to tell about us. That is what is in the budget resolution. It represents our priorities, values, and what we think is important for our country.

A lot of people view this as just politics, just the same old thing, Republican versus Democrat. It is not that at all. It is much, much more important than that. It is the establishment of a set of principles by which we determine how we spend the public's money. I recall a story in the Washington Post, I believe, once where two people were quoted from Congress and one said—speaking of some other dispute—''This has degenerated into an argument about principle.'' I thought to myself, I hope so. That is what this is all about. That is what the budget resolution ought to be about.

I was at the White House this morning with a group of my colleagues meeting with President Clinton. He made a point about the budget resolution that I happen to agree with, which is that his problem with the budget resolution that is going to come to the floor of the Senate is that the priorities in that budget resolution do not match the needs of the country.

The budget resolution from the House of Representatives calls for a very large tax cut. The benefits of the tax cut will largely go to the wealthiest in America. If you take a look at who benefits from the tax break by the House of Representatives, the numbers show up like this: If you are a family earning under $30,000 a year, you get a tax break of $120. If you are a family over $200,000 a year in income, you get a tax break of around $11,000. It is pretty clear who benefits from that kind of policy.

In order to pay for a very expensive tax break, the bulk of which goes to the most affluent Americans, what do you have to cut in spending to do it? Well, they cut Medicare. They make it more expensive for someone to go to college. They cut education. They make it more difficult for the elderly to get health care. They cut earned-income tax benefits for the working poor, which means higher taxes for the working poor.

I happen to think those priorities do not match what our needs are. My own view is we ought not at this point have

a tax cut. I would like to see everybody pay far less taxes than they now pay. But the first obligation, I think, for our country, is to balance the Federal budget.

I give credit to the budget resolution and those who framed it because it includes some recommendations that I support. There is a part of the budget recommendation that comes to the floor of the Senate that I think makes eminent good sense, and I support it. I say congratulations. I sent 800 billion dollars' worth of spending cut recommendations to the Budget Committee. I believe in this. We need to balance the Federal budget, and not with smoke and mirrors but with real spending cuts in real ways. And, yes, also in some areas with real revenue. But I believe in some areas you must balance the Federal budget.

I do not believe, however, with the kind of deficits we have, the way to start balancing the Federal budget is to first start talking about tax cuts. I understand the Senate budget resolution does not specifically prescribe tax cuts, but I also understand it specifically sets aside $170 billion to be sent to the Finance Committee specifically for cuts. So this budget resolution, like the House resolution, will accomplish the same things. It will cut taxes. And it will pay for that tax cut by providing less for Medicare, by cutting the earned-income tax credit and therefore raising taxes on low-income working families, and by slashing spending for education, especially the education money available to help young people go to college.

I think those priorities are wrong. There must be spending cuts in a whole range of areas. Will we have to limit the rate of growth in Medicare and Medicaid? Yes, I believe we will, in the context of reforming the whole health care system in some reasonable way, without limiting people's choice. But the fact is you cannot continue seeing skyrocketing health care costs across the country without some interruption. The Federal budget cannot stand that, the family budget cannot stand that, nor can a business budget stand that. So we must respond to that problem.

But we ought not, under any condition, decide to take several hundreds of billions of dollars out of Medicare and Medicaid, both of them, and do that at least in part so we can give a very big tax cut to some of the wealthiest Americans. That makes no sense at all.

I would say, on the issue of education, to the extent anything is important in our country, we must decide as a country to invest so our kids can go to school. Investing in education for our children is an investment in this country's future. It yields dividends of enormous importance to the future of this country.

So, when we decide we are going to make a trade here and we are going to do classic trickle-down economics, and that means we do not have enough money to provide for financial help for somebody going to college, that is a trade that in my judgment injures our country's economy.

Some people say this is new, that this is reform. This is not new. There is nothing new about this. This is 15 years old and it is 50 years old. It is: run an election, win, write a contract, give tax breaks for the rich, and have the rest of us pay for it somehow, with less medical care and less help for their kids to go to school and higher taxes for the working poor. That is not new. That is Herbert Hoover.

We have been through this before. Trickle-down economics—that is the notion where you pour the money in at the top somehow and, if you make the top generous enough or affluent enough, somehow it all trickles down and rains on everybody else in America.

Another Member who served in this body many, many years ago described trickle-down economics. He said it is the concept that if you feed the horse some hay, sometime down the road the sparrows will have something to eat—trickle-down economics. That is not a notion that I think makes sense for the economy engine of this country. Our goal is not to make the comfortable more comfortable. It is to provide working people in this country with something to make a good living: jobs, opportunities, education. That is what drives the American economy. It is not trickle-down economics, it is percolate-up economics.

I think what we ought to do when we bring this budget resolution to the floor of the Senate, I would like to see on a bipartisan basis for all of us to do something very serious and very quickly. I would like to see us decide immediately. The first test is to decide to balance the budget using spending cuts. Do that. Debate about the priorities, what are the values here, what are the things we hold dear, what should we invest in, what about our children—go through that debate. Set the tax cuts aside and say, let us not do tax cuts. Let us just deep six all that stuff. And then let us do honest, real spending cuts and balance the Federal budget.

Then, when we have done that, we have rolled up our sleeves and done the honest work, then we can turn to the other issues. But I think it is wrong to engage in a political exercise and balance the budget by beginning with a very large tax cut for the affluent, which means we must take more from Medicare for the elderly, more from programs to help those who want to go to school, more from the working poor by scaling back the earned-income tax credit, and so on. That, in my judgment, is not the right way for this country to proceed.

I noted some columnists have said the Democrats in the Chamber do not seem to be as ambitious in dealing with the budget deficit as some others. I do not think we need to take great instruction from columnists about our interest in deficit reduction. Those of us who, in 1993, voted on the floor of this Senate for $500 billion of deficit reduction, some of which was very unpopular, all of which was pretty controversial—those of us who were willing to do that without any help at all, not even one accidental vote from the other side of the aisle, do not need lectures about deficit reduction.

I believe in deficit reduction. I am glad I voted for it in 1993. I will vote for much more deficit reduction offered by either side of the aisle. If it is responsible cutting of what represents excesses in the Federal budget, count me in and sign me up because I am willing to do it.

Also, as I said, I sent $800 billion in deficit reduction recommendations to the Budget Committee, mostly spending cuts, some additional revenue increases, saying: Here is a jump start on how we ought to do this.

Much of that is in the mark that will come to the floor by Senator DOMENICI. And I will support those portions of the budget. But I do believe the broader priorities, especially the priorities these days in something called the Contract With America, are priorities that I do not share. We must, it seems to me, understand how to provide decent health care for our elderly in this country and we must understand and make a commitment to provide health care for those in America who are disadvantaged and who are poor.

That is not something we ought to debate much about. Yes, we can debate about how to control costs or how to bring down the rate of increase. But we ought not trade off the health care needs of the elderly or the health care needs of the American poor with tax cuts for the most affluent Americans. That is not a trade that makes sense for this country.

I hope in the coming week, when we resolve this budget issue, that we will on a bipartisan basis decide, in a serious, sober, thoughtful, reflective way, to honestly cut Federal spending where we are spending too much; honestly put this country back on track toward a balanced budget, and do that first by spending cuts and not talk about, again, tax cuts for the most affluent Americans.

Madam President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1106 TO AMENDMENT NO. 1104

Mrs. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator from Washington intend to amend the Murkowski amendment?

Mr. MURKOWSKI. I believe it is the intention of the Senator from Washington to propose an amendment to the Murkowski amendment. Is that the intention of the Senator from Washington?

Mrs. MURRAY. That is correct.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 1106 to Murkowski amendment No. 1104.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the pending amendment add the following new section:

Title VI of the Oil Pollution Act of 1990 (Pub. L. 101–380; 104 Stat. 554) is amended by adding at the end thereof the following new section:

"SEC. 6005. TOWING VESSEL REQUIRED.

''(a) IN GENERAL.—In addition to the requirements for response plans for vessels established in section 311(j) of the Federal Water Pollution Control Act, as amended by this Act, a response plan for a vessel operating within the boundaries of the Olympic Coast National Marine Sanctuary or the Strait of Juan de Fuca shall provide for a towing vessel to be able to provide assistance to such vessel within six hours of a request for assistance. The towing vessel shall be capable of—

''(1) towing the vessel to which the response plan applies;

''(2) initial firefighting and oilspill response efforts; and

''(3) coordinating with other vessels and responsible authorities to coordinate oilspill response, firefighting, and marine salvage efforts.

''(b) EFFECTIVE DATE.—The Secretary of Transportation shall promulgate a final rule to implement this section by September 1, 1995.''.

Mrs. MURRAY. Mr. President, I thank the Chair.

We have been working this afternoon with the Senators from Alaska on the bill before us. One of our main concerns has been the environmental issues in Puget Sound in my home State of Washington.

I appreciate all of the work that the Senator from Alaska has done in helping to meet one of our concerns on this bill.

The amendment in front of us requires that a vessel be in Puget Sound that is paid for by the industry so we can assure that the vessels which come into Puget Sound are escorted through the Straits of Juan de Fuca.

I thank the Senator from Alaska and his committee for all their work on this and urge its adoption.

Mr. MURKOWSKI. May I respond, Mr. President?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I appreciate the cooperative effort as evidenced by the Senator from Washington. It has been a pleasure working with her staff, and we do accept the amendment.

I think it is a tribute to the Senator from the State of Washington for addressing obviously an environmental need, and I feel confident that her contribution by this amendment will ensure a greater degree of safety associated with the movement of oil from my State to her refinery. As a consequence, we are pleased to accept the amendment.

Mrs. MURRAY. One of my main concerns is vessel safety. I want to make certain all vessels transporting oil through the strait of Juan de Fuca or Olympic Coast Marine Sanctuary are properly escorted.

Under my amendment, the Oil Pollution Control Act would be modified to require response plans for such vessels to provide emergency response within at least 6 hours. This would be a vast improvement over the status quo.

However, my State including the Office of Marine Safety, conservation groups, and the Makah Indian nation, would like to see an even shorter response time.

It is my understanding that under this amendment, the State and other parties would have the flexibility to negotiate an arrangement that would ensure a response time of 4 hours or fewer. Specifically, the State would be able to arrange stationing an emergency response tug boat at Neah Bay.

If the State, tribe, and tanker operators agree, the Coast Guard under my amendment, should modify the response plans accordingly.

Does the chairman concur in this interpretation?

Mr. MURKOWSKI. Yes, I have reviewed the language and agree.

The PRESIDING OFFICER. Are there others who want to be heard? If not, the question is on agreeing to the amendment No. 1106.

So the amendment (No. 1106) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1107 TO AMENDMENT NO. 1104

Mrs. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 1107 to amendment No. 1104.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 2, of the pending amendment, insert after line 12 the following:

(C) shall consider after consultation with the Attorney General and Secretary of Commerce whether anticompetitive activity by a person exporting crude oil under authority of this subsection is likely to cause sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels for independent refiners that would cause sustained material adverse employment effects in the United States.

On page 3, insert after line 12 after the word ''implementation;'': ''including any licensing requirements and conditions,''.

On page 4, line 2, after ''President'' insert ''who may take''.

On page 4, line 3, after ''modification'' insert ''or revocation''.

Mrs. MURRAY. Mr. President, as you know, I have very strong reservations about the exports of Alaskan North Slope oil. I am concerned about jobs in my State, the price of oil to consumers across our Nation, and the environmental impact lifting this ban may produce. However, after a day of negotiation, I am pleased to offer several amendments en bloc to the bill that the chairman has agreed to. These en bloc amendments will ensure a full review of export impacts.

They mandate that the President, along with the Attorney General and the Department of Commerce, will review environmental impacts, consumer price increases, and anticompetitive practices that would hurt independent refineries and shipyards who employ thousands in my region.

I believe we have come far to negotiate this agreement that now speaks first for the people of the Pacific Northwest before the exporting of this oil begins.

I thank the chairman for his work in moving toward this amendment.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, it is my understanding we had an opportunity to review the amendment and, indeed, the amendment is in order, as suggested by the Senator from Washington. I am well aware of her concern for her own economic activity associated with Alaskan oil.

We find the amendment satisfactory. I am pleased to accept it at this time. It does meet with satisfaction the terms and conditions which we agreed to mutually.

The PRESIDING OFFICER. Are there other Senators who want to be heard concerning this amendment? If not, the question is on agreeing to the amendment No. 1107 to amendment No. 1104.

The amendment (No. 1107) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, I thank the Chair and the chairman of the committee who has worked diligently with me this afternoon. One of my main concerns regarding this proposal to export ANS relates to the supply of Alaskan crude to the Tosco refinery at Ferndale. As I understand it, Tosco has 3 years and 8 months remaining on a supply agreement with BP. I want assurance that BP will honor the contract.

I have asked BP to provide me with that assurance, and today I received a letter from the president of BP Oil Shipping Co., Steve Benz, promising to honor the existing contract with Tosco's refinery at Ferndale.

Mr. President, I ask unanimous consent to print a copy of the letter in the RECORD.

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

BP AMERICA, INC.,
May 16, 1995.

Hon. PATTY MURRAY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MURRAY: I am sensitive to your concerns regarding the supply agreement for Alaska North Slope crude oil that BP has with the TOSCO refinery at Ferndale, Washington. While we are under a strict confidentiality agreement with respect to the details of that arrangement, I want to give you my assurance that BP will fully honor the terms and conditions of our current supply agreement with TOSCO for the Ferndale, Washington refinery. This guarantees that BP will be a supplier of Alaska North Slope crude oil to the TOSCO Ferndale refinery through 1998.

I hope that this letter satisfies any remaining concerns you may have regarding security of supply to TOSCO.

Sincerely,

STEVE BENZ,
President, BP Oil Shipping.

Mrs. MURRAY. Mr. President, I also ask the distinguished chairman of the Energy Committee if he can also assure me that he will do everything in his power to assure that adequate supplies of Alaskan North Slope crude continue to be made available to the Tosco refinery.

Mr. MURKOWSKI. Mr. President, I fully understand and appreciate the concern of the Senator from Washington in this area. I can assure you, based on information that I have from British Petroleum and others, a security of supply to the Northwest independent refiners will not be a problem.

I can assure the Senator, if there are supply disruptions, I will personally work with her and other Members of the Washington delegation to address that problem to the very best of my ability.

Mrs. MURRAY. Mr. President, I thank the Senator from Alaska and would just like to notify him that I am working on one more statement for the RECORD, a few more words to say, and I appreciate all of the work and help he has been in working toward this agreement.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Oregon.

Mrs. MURRAY. I withhold that request.

Mr. HATFIELD. Mr. President, I just would like to express my gratitude to the chairman of the committee, the Senator from Alaska [Mr. MURKOWSKI]. I suppose Mr. MURKOWSKI's diligence and perseverance again proves the old adage that, if you stick with a problem or an issue, you get it resolved with patience and forbearance. Certainly, the Senator has demonstrated both those qualities.

I also want to express my appreciation for the staff. I do not know an issue I have dealt with for a period of time that has not incorporated more staff than this one, and they have all been most cooperative. Staff of committee, personal office staff people, staff of my colleagues, like the Senator from Washington State—all of the staff—really, again, demonstrated the superiority of our professional staff people, both in the offices and on the committees as well.

So I would like to thank the Senator for his cooperation in resolving one of my problems.

Mr. MURKOWSKI. If I can respond to my friend from Oregon, his particular reference to patience is one that I have had an opportunity to observe, as the Senator from Oregon has displayed this as chairman of the Appropriations Committee, both as ranking member and as chairman, for as long as I have been in this body, some 15 years. And he has accumulated an extraordinary ability in negotiation, using both his historical interest of this body as well as a history of many of our Presidents and his patience and oftentimes humor in moving along problems and has led me to view him with admiration and respect. I am particularly appreciative of his comments today.

Mr. President, I am not sure. If I may make an inquiry of the Senator from Washington, is it her intention to make another statement, or are we perhaps waiting? I did not hear the last reference.

Mrs. MURRAY. I am waiting to clear a colloquy with the Senator's staff which should be done very shortly.

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

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

Mr. WELLSTONE. Mr. President, I wonder whether I might ask my colleague from Alaska a question. I am assuming that my colleague intends to go to a vote very soon, is that correct?

Mr. MURKOWSKI. The Senator from Minnesota is correct. I anticipate that we are within 3 or 4 minutes of calling for third reading and a recorded vote.

Mr. WELLSTONE. I wonder whether I could simply take a minute to speak before the final vote. My colleague has the floor, so I will wait until he is done.

Mr. MURKOWSKI. I am sure it will be more than a minute or a couple of minutes, but I will yield for that purpose.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I just had a chance to come to the floor now, and I had anticipated that this debate could go on through tomorrow. I understand that, for a variety of different reasons, we are going to go to final vote. I want to go on record—and I will have a more complete statement—I believe that this piece of legislation is misguided. I am in profound disagreement with it. The particular problem I have is that now when we open up the exporting of the oil, I think we get back to all of the ways in which we as a nation still are so dependent upon the imports.

I worry about this being essentially the first step toward opening up oil drilling at Arctic National Wildlife Refuge. I want to simply say that I think, for some very basic important environmental reasons, this piece of legislation is mistaken. I also have some concerns about the basic environmental safety reasons that have to do with the shipping of this oil across the sea. I do not know exactly what protection has been built in. All in all, I think it is a mistake. I have to say to you, Mr. President, that my only regret is that I was at another meeting dealing with a piece of legislation that I have been working on for a couple of years.

So I was not able to be here during some of the debate and now do not really have time to lay out on the floor a full statement or be involved in a full debate.

I hope colleagues will vote against this. I hope colleagues will vote against this, I think, on very solid environmental grounds. I hope colleagues will vote against this understanding that I think this is the first step toward opening up ANWR. We went through this last Congress. It was very contentious. Maybe it was the Congress before, when I first came to the Senate. We actually had a filibuster against oil drilling in the Arctic National Wildlife Refuge. I think that is where we are heading with this legislation. I think it is part of the effort to get there.

I have appreciation for my colleague from Alaska on a personal level. I know him to be incredibly hard working, and he cares fiercely about his State. I am in profound disagreement with this. I hope we will have some strong ''no'' votes.

I yield the floor.

Mr. MURKOWSKI. 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.

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

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

Mr. MURKOWSKI. Mr. President, it is my intent to advise Senators that we will be calling for a rollcall vote and I will be calling for third reading.

I do want to thank my friend from the State of Washington, Senator MURRAY, for her concern over the aspects affecting her State with regard to the oil that comes down from my State of Alaska.

I also want to thank Senator BOXER for her questions and concerns reflected in colloquy.

I want to thank Senator JOHNSTON for his contribution and concern, and particularly with reference to the inclusion of deep water royalty, which is part of this legislation which I think will benefit—certainly lessening our dependence on imported oil and, as a consequence, relieve substantially our balance of payments by developing our own domestic supply which is so well supported in the Gulf of Mexico and the State of Louisiana and others.

I want to thank my senior colleague, Senator STEVENS. Certainly Senator HATFIELD has been most cooperative. I am also very sensitive to his concern regarding his shipyard, as well as concern for the shipyards in California. Senator FEINSTEIN has also been very cooperative.

I want to recognize the staff of Senator JOHNSTON, our own staff, Gregg Renkes, Andrew Lundquist, Gary Ellsworth, Jim Beirne, Howard Useem, Mike Poling, and others.

If I may just for a moment reflect on a little bit of how I look at this legislation as an Alaskan and how my constituents view it. I think it marks another advance in the policies made by the Federal Government to Alaska when we accepted the statehood compact back in 1959. Thirty-six years is a long time to wait for the action that is about to be taken today. I think it is certainly historically significant for Alaska, if this legislation carries.

We have done some significant things. We have authorized the sale of the Alaska Power Administration, the Eklutna hydro project, to the municipality of Anchorage. That has been 40 years in the making. It was first proposed back in 1955. It has been 7 years under the stewardship of Senator STEVENS and myself.

The sale of the Snettisham hydro project to the State of Alaska, and the Alaska Power Administration, of course, is also authorized. That has been pending for over 10 years.

It is my hope, Mr. President, that my colleagues will join me in acting favorably on this bill. This action by the Senate, if it is passed, will ultimately—assuming that it receives the support of the House of Representatives—allow the export of Alaskan oil.

That is the oil that is excess currently on the west coast, oil that used to go through the Panama Canal. This action, I might add, is supported by the administration and the President and with the concurrence of this body and, hopefully, the House of Representatives.

Now for the very first time Alaskan oil can look forward to a truly free market. While perhaps we Alaskans are still not free from the Federal yoke, some of the load has been lifted from the shoulders of Alaska, if this passes today. And perhaps this marks a favorable sign for the time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1104) was agreed to.

Mr. HATFIELD. Mr. President, the Senate is now considering an amendment to provide for payment of a certain sum generated by this legislation to retire the debt incurred by citizens of the city of Portland, OR, to construct the largest floating drydock on the west coast. On June 1, 1977, Portland taxpayers financed this investment based in large part on the commitment made to keep this Alaska North Slope oil supply for domestic production oil only.

Alaska oil exploration and the congressional commitment to the prohibition on the export of Alaska North Slope crude oil were crucial factors in Portland's decision to expand its publicly owned maritime repair facility. No drydocks on the west coast were large enough to handle the new Alaskan oil ships either in operation or under construction. Unless this infrastructure deficiency was remedied, these vessels would have had to be repaired in foreign shipyards and U.S. jobs would be lost.

Based on the Federal assurances that this oil was for domestic use only and the encouragement by Federal officials for Portland to step forward to be part of the infrastructure team required to move this oil from the end of the Trans-Alaskan Pipeline to the lower 48 States, local voters in Portland strongly supported the expansion of the Portland Ship Repair Yard to accommodate these very large oil carrying vessels and approved an $84 million bond measure. My amendment is intended to cover the remaining debt on these bonds dated June 1, 1977. After that significant investment, drydock 4 came on line, adding a vital component to the stated Federal plan for transporting Alaskan oil to domestic markets. Maintaining a ban on the export of this production was an integral part of the agreement to allow construction of the Trans-Alaska Pipeline, and the citizens of Portland reasonably relied upon this agreement.

The bill before us today would reverse this 22-year-old commitment, to the great detriment of the substantial investments made by the citizens of Portland, OR. If the damaging impact on the Portland Ship Repair Yard of exporting Trans-Alaska Pipeline crude oil has not been made perfectly clear prior to this date, I would like to share with my colleagues an article that appeared in the Portland Oregonian today. The article reports that Todd Pacific Shipyards Corp. has withdrawn its application to become the sole contractor at the Portland Ship Repair Yard. One of the primary concerns noted by Todd in announcing its withdrawal was congressional action to lift the Alaska oil export ban.

My amendment seeks to address the unfairness lifting the ban would impose on the taxpayers of Portland. The amendment would require payments from the naval petroleum reserve, a primary beneficiary of the increased revenues that the Congressional Budget Office has judged will result from this legislation. These payments would go toward retirement of the $50 million in outstanding bonded debt incurred by the taxpayers of Portland to acquire Drydock No. 4. An additional $10 million would be made available to improve the shipyard to meet the new market conditions in the maritime industry that will result from the repeal of this longstanding export ban. This amendment is consistent with the pay-as-you-go budget rules currently in force.

This amendment will keep faith with the citizens of Portland in the face of this dramatic change in Federal policy to allow Alaskan oil exports. I thank the Senator from Alaska and others for working with me to achieve this important provision to ensure the taxpayers of Portland are treated fairly.

Mrs. BOXER. Mr. President, section 202 of the substitute amendment to S. 395 requires that the administration complete an appropriate environmental review. Does this mean that National Environmental Policy Act applies to this bill.

Mr. MURKOWSKI. Yes, the Senator is correct, the National Environmental Policy Act applies to this bill.

Section 202 specifically provides that the President ''shall conduct and complete an appropriate environmental review'' of a proposed exportation.

In addition he must consider appropriate measures to mitigate any potential adverse effect on the environment.

There is no waiver, repeal, or change to any Federal, State, or local environmental law, rule or regulation, including the National Environmental Policy Act.

There will be full compliance with all applicable environmental provisions.

Mrs. BOXER. Another matter that concerns me is the recent audit that was performed on the Trans-Alaska Pipeline by BLM that raised several concerns about maintenance and management of the pipeline. Is the Bureau

of Land Management in fact following through with the oversight of the repairs and maintenance of TAPS, and as the chairman of the Energy Committee, how are you going to ensure that in fact the concerns raised by the audit in fact will be addressed.

Mr. MURKOWSKI. In testimony before the House Subcommittee on Oversight and Investigations, on November 10, 1993, the chief executives representing the three major owners of the Trans-Alaska Pipeline System [TAPS] made specific commitments to correct the problems identified by the various audits of TAPS. Richard Olver of BP stated, ''. . . I commit to you today to provide the necessary human resources that are required to put this plan into place and to back that up about [sic] all the necessary and appropriate financial resources.''

The owners have reaffirmed this commitment on several occasions as demonstrated by the number of human and financial resources they have provided Alyeska since those hearings. This commitment was reaffirmed again in meetings that Alyeska and the TAPS owners had just last week with various Congressmen, Senators, and staff in Washington, DC.

The most apparent example of the owners commitment is the $220 million spent to address audit findings in 1994 with an additional $80 million being spent on findings this year. By the end of 1995, 85 to 90 percent of the audit findings will have been addressed. By December 1996 all but a handful of the audit items will have been resolved. Plans are in hand to address outstanding long lead issues, that is, control systems.

Furthermore BLM has continual and direct oversight of TAPS as a condition of the right-of-way. BLM can in fact shut down the pipeline if the oil producers violate the right-of-way agreement and the violations lead to an imminent threat to the Trans-Alaska Pipeline.

When these repairs required by the audit are completed at the end of 1996, as the chairman of the Energy and Natural Resources, I will request the BLM to report to the Senate Energy and Natural Resources Committee on whether the concerns raised by the audit have been adequately addressed.

Mr. DOLE. Mr. President, I would like to commend the Senators from Alaska, Senator MURKOWSKI and Senator STEVENS for their work on the bill before us today. This bill accomplishes many good things for the State of Alaska and is the culmination of years of work by both these Senators on behalf of their State.

I am pleased, after many years of effort, that the restrictions on the export of Alaskan oil will be lifted. This legislation represents an effort to provide for new economic opportunities for the people of Alaska. New job opportunities will be created which will strengthen industries directly and indirectly related to this effort. The bill also provides for a review of the effects of the export sales on consumers, shippers, and other domestic oil producers. We need to continue to look for ways to assist domestic oil production and ensure that our efforts for production only work to benefit consumers and our domestic industry. This legislation shows what can be accomplished when individuals share common goals for a strong economy.

In addition, authorization for the sale of the Alaskan Power Administration is a positive step forward for the State of Alaska. I believe there is a need to continue to look at opportunities such as this, where Federal Government activities can be better accomplished on the State, local, or private level.

I am pleased to join with my colleagues in support of this legislation.

KEEPING THE ALASKAN NORTH SLOPE OIL BAN—U.S. DEPENDENCE ON FOREIGN OIL

Mr. D'AMATO. Mr. President, I have the greatest respect for the Senator from Alaska and I honor his diligent effort to do what is in the best interests of his great State. I must however oppose this legislation for the reason that I strongly believe it would be damaging to U.S. jobs and national security.

Mr. President, 22 years ago, the Trans-Alaska Pipeline Authorization Act of 1973 permitted the building of a pipeline from the North Slope producing fields to Valdez. Through an amendment to section 28 of the Mineral Leasing Act, Congress placed strict prohibitions on exporting Alaskan oil due to the energy crisis.

Mr. President, in 1992, this Senate addressed the Nation's overreliance on foreign oil and voted 94 to 4 to reduce the Nation's dependence on imported oil in order to provide for the energy security of the Nation. I have always opposed lifting the Alaskan North Slope [ANS] oil export ban for two reasons: national energy security and the protection of U.S. jobs.

Mr. President, since 1973 when the ban was enacted, things have dramatically changed—for the worse in terms of our energy dependence. The situation is not improving. During the early 1970's, the United States imported roughly 22 percent of our total oil consumption; in 1990, imported oil accounted for 39 percent of our oil consumption. The Energy Information Administration recently forecasted that our dependence on foreign oil will exceed 60 percent by the year 2010. Considering the current situation in the Middle East, specifically with regard to Iran, our Nation's continued reliance on foreign oil constitutes a serious threat to our national security as well as to our economy.

Mr. President, Iran is a terrorist regime intent on aggression in the gulf. In the past few weeks reports have surfaced suggesting that the regime is stationing more troops, Hawk missiles, and chemical weapons in the Straits of Hormuz. Mr. President, this represents a major threat to the flow of oil to the West. It is clear to all, that the disruption of the flow of oil could be devastating.

It is because of the nature of the Iranian threat that I introduced two pieces of legislation, S. 277 and S. 630, which effectively place a total United States trade embargo on Iran, in the case of the first bill, and a global embargo in the second bill. The President's recent Executive order effectively implements my first bill and is a positive step toward cutting off Iran, but we have more to do.

When we conduct business with Iran, we are subsidizing Iran's terrorist activities with hard currency. Because of this, we have to cut off our purchases of Iranian crude. Because of the nature of the Iranian, Iraqi, and Libyan regimes, we are currently closed out of 10 percent of the world's oil production by Iran, Iraq, and Libya. Iran's actions in the Middle East may result in a further reduction in our access to oil from this region. The volatile Middle East situation only makes our country's supply of domestically produced oil more essential.

Mr. President, not only is our heavy dependence on foreign oil dangerous but it also damages our economy. Boone Pickens, president of Mesa, Inc., of Dallas, TX, testified before the Committee on Foreign Relations, on March 27, 1995, that,

> The two oil shocks of the 1970's reduced U.S. gross national product by 3.5 percent, increased unemployment by 2 percent, increased interest rates by 2–3 percent, and added 3 percent to the general rate of inflation.

He added that,

> Taken together, the combined impact of these effects on the U.S. economy in the decade following the 1973 Arab oil boycott totaled $1.5 trillion!

Mr. President, lifting the ANS oil export ban would not only export oil, it would also export U.S. jobs. Current statutory restrictions on oil exports result in the employment of U.S.-built, U.S.-manned vessels—that is Jones Act tankers—to transport most ANS crude. Under U.S. law, Jones Act tankers must be built in the United States and manned with American crews. However, if ANS exports were allowed, the oil would probably be transported to the Far East on U.S.-flag, non-Jones Act ships. U.S.-flag vessels can be foreign-built and transferred to U.S. registry. Foreign subsidies make it cheaper to build ships abroad than in U.S. yards with American workers.

The consequences of Alaska oil exports to the Jones Act tanker fleet would be devastating. ANS exports would result in approximately 20 Jones Act tankers being scrapped and roughly 651 seagoing jobs lost. Against this structural collapse, there would be a modest offset of about 225 new American seagoing jobs on six foreign-built very large crude carriers operating under the U.S. flag from Alaska to Japan in export service.

The most significant development in the likely ANS export proposal would

be the ability to transport Alaska oil on foreign built tankers. This change would accomplish a longstanding objective of North Slope producers who want to avoid replacing their Jones Act fleets in the United States due to the higher costs of domestic construction. If such export authority were granted, ever-increasing volumes of Alaska oil would be carried to the Far East on foreign built bottoms, thereby eliminating the need to construct replacement tonnage in U.S. yards. Prospective employment losses resulting from ANS exports are estimated to be 7,500 U.S. shipbuilding and allied industry jobs.

Mr. President, exporting ANS crude oil would also be catastrophic to the west coast ship repair business. Negative consequences are certain to result because foreign sales of Alaska oil will: First, reduce the overall size of the ANS fleet as well as the number of vessels that must be repaired; and second, make it economically attractive for all U.S. tankships employed in Alaska oil service to have repairs done in less expensive yards located in the Far East.

A study concluded that removing the statutory restrictions on the export of Alaska North Slope crude oil will cause the loss of 10,000 U.S. jobs in the maritime shipyard sector alone. Thus, exporting ANS crude will result in measurable harm to this important sector at the very time domestic shipyards are attempting to make the difficult transit from Navy to commercial construction.

The U.S. ban on ANS oil exports was done to ease the country's dependence on foreign oil. Today, however, the United States is more dependent on foreign oil than in 1973. Lifting this ban would only serve to increase our vulnerability to blackmail by Iran, who could use oil to hold the United States and the world hostage. Moreover, the United States can ill-afford to ship United States produced oil elsewhere when we are trying to compensate for the loss of Iranian, Iraqi, and Libyan oil. Lifting the ban would export thousands of jobs to foreign countries. It is imperative that we keep the ban on ANS oil exports for the sake of U.S. jobs and our national security.

For these reasons, I must respectfully disagree with the honorable Senator from Alaska and oppose his legislation, S. 395.

Mr. WELLSTONE. Mr. President, I rise today to express my concern—my profound concern and disquiet—about what appears to be a campaign to rush a bill through the Senate, and by so doing deprive this body—and the American people—of a full and sober accounting of what this bill would do.

Of course, I am referring to Senate bill 395, the Alaska Power Administration Asset Sale and Termination Act. And right there in the title—''Asset Sale''—we have what this bill is all about. Let me be blunt; this bill is about one thing: Selling off as much of America's strategic natural resources as fast as we can in the interest of chasing a quick buck.

I understand there are important issues in this bill that deserve discussion—and I have been prepared to have that discussion here on the Senate floor. It should be a complete and thorough discussion and clearly we are not in a position to do that now.

Mr. President, the Senate is about to begin work on one of the most critically important tasks that it has—that is the debate over the budget. The Sunday talk shows and newspaper opinion columns recently have been filled with news about the budget—the programs that may get cut, the poor and underserved who will suffer under those cuts, how much the rich would get even richer under certain tax-cut proposals. I am reasonably sure that all my colleagues, like myself, are spending most of their time these days in preparation for the budget debate—and well they should.

That is precisely why, Mr. President, I am puzzled—and troubled—that the majority leader should at this particular moment have brought Senate bill 395 up for consideration. It is not like the Senate has not been working steadily—for example, as soon as we finished up what was a rigorous debate on product liability reform, we turned to the important matter of interstate waste disposal which we have just reached agreement on. And its not as if this bill were one that could be easily or quickly disposed of—for it should not.

Mr. President, I may wonder out loud about the timing of bringing this bill up at this time. With the media and most Member's attention focused on more important matters—the Nation's budget—is now the time to move on a bill that will send American oil overseas? Because that is exactly what this bill will do—by lifting the long held ban on exporting Alaskan oil, it will allow the oil companies to take American oil and sell it to the highest bidder overseas.

Is now the time to move on a bill that will increase pressure to open up one of the only remaining pristine wilderness areas in the United States—the Arctic National Wildlife Refuge—to big oil and gas drilling? Because that is exactly what this bill will do—it will deplete our national oil reserves by sending American oil to other countries, and increase the pressure to open up the ANWR. The distinguished Senator from Alaska and bill author Senator MURKOWSKI admitted as much when he told the Anchorage Daily News on February 20 of this year that if we do not open up the ANWR, ''the oil on the West Coast is going to come from Colombia and it is going to come in on foreign vessels.'' And even yesterday on the floor, my distinguished colleague again said that lifting the export ban will increase pressure to open up new potential fields for drilling.

Mr. President, is now the time to move on a bill that could make the United States even more dependent on foreign oil? At time when this country is importing record amounts of oil, is now the time to move on a bill that would likely increase our oil imports? Does that sound like a long-term strategy to make the United States more secure, more prepared, more energy-independent? I do not think so.

Mr. President, what is being asked for here is a special exemption just for the state of Alaska. By law, no State—let me repeat, no State—may export oil unless it is found to be in the national interest to do so. Is exporting Alaskan oil in the Nation's best interest? On this matter I prefer to recall the words of my distinguished colleague, the senior Senator from Alaska [Mr. STEVENS]. In response to a question, Senator STEVENS on the floor of this body on July 12, 1973, said: ''I will assure the Senator from New Hampshire that so long as I am in the Senate, I will oppose the sale of Alaska's oil to Japan.'' The position of the distinguished Senator from Alaska was correct then, and it is correct now.

Mrs. FEINSTEIN. Mr. President, I rise to speak in support of S. 395, title II, which would allow for the first time the export of Alaska North Slope crude oil to foreign markets.

Mr. President, I have struggled long and hard over this bill. Constituents from my State have mixed views on the benefits of exporting ANS crude oil abroad.

After discussing this bill with all affected parties and weighing the pros and cons, I am convinced that this legislation, as now drafted, satisfies the problems that have been identified and, on balance, presents a win-win solution.

Let me briefly go over the concerns I have had, including the possible impacts on jobs, on crude oil supplies for the west coast, and on the environment.

JOBS

First, for this legislation to be a success, it must not eliminate jobs in one place while adding them somewhere else. That is why I support its requirement that any ANS crude exported abroad must be carried in American-flagged and American-crewed ships. Otherwise, crude oil that now comes to American refineries in American ships would instead be going to overseas refineries in foreign ships.

But I am also concerned that the ships carrying this crude be built in American yards. While I understand why such a requirement cannot be included in this bill, I have received assurances from BP America, the company that is most likely to be exporting the crude overseas, that it is committed to building any new ships needed for this trade in American yards. I received the following letter from BP America on this issue:

SEPTEMBER 30, 1994.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: Further to discussions with you held September 30, 1994, if the ban on Alaska exports is lifted, BP will commit now and in the future to use only U.S.-built, U.S.-flagged, U.S.-crewed ships for such exports. We will supplement or replace ships required to transport Alaskan crude oil with U.S.-built ships as existing ships are phased out under the provisions in the Oil Pollution Act of 1990.

I hope that this commitment satisfies your request that Alaska oil exports be carried on U.S.-built, U.S.-flag ships, manned by U.S. crews.

Yours sincerely,

STEVEN BENZ,
President,
BP Oil Shipping Company, USA.

OIL SUPPLIES

Second, the loss of ANS crude oil supplies from the west coast of the United States must not create a situation where gasoline prices at the pump go up in our western States, or where our western refineries that now depend on this crude oil supply must close their doors because they are unable to replace it at a reasonable cost.

This bill specifies that the President shall determine on an annual basis whether independent refiners in the Western United States are able to secure adequate supplies of crude. If not, he is to make recommendations to Congress. Further, the bill requires that the GAO conduct a broader assessment of the impacts of the export of ANS crude after 5 years, including gasoline prices at the pump, and make any recommendations necessary.

ENVIRONMENTAL IMPACT

Third, I have been concerned that passage of this legislation could increase pressure for drilling in the Arctic National Wildlife Refuge and off the west coast of the United States. The administration has assured me that it will oppose such drilling, and that this is an issue that is totally separate from whether or not ANS crude should be exported.

BENEFITS

Now, Mr. President, let me turn to the dramatic benefits the export of ANS crude offers. The current law provides that all ANS crude be shipped to American refineries. This creates an artificial surplus in crude oil supplies on the west coast, which depresses the price that refineries are willing to pay for alternative sources of supply, such as the heavy crude oil pumped in Kern County, CA.

Independent oil producers in Kern County have laid off thousands of workers over the past decade, and shut down many wells. Eliminating the federally mandated oil glut on the west coast will raise the price paid for Kern County crude and make its production viable once again. The Department of Energy estimates that this will generate from 5,000 to 15,000 new jobs very quickly, with as many as 10,000 to 25,000 by decade end, most of which will be in Kern County.

As you know, Mr. President, California still has not joined the rest of the United States in a full recovery from the recession of 1990. Unemployment has remained particularly high in California's Central Valley, caused in part by dramatic fluctuations in annual rainfall, but also by the steady decline in employment and production in the Kern County fields.

So, in conclusion, Mr. President, I am pleased to state my support for this legislation, which will provide net positive benefits to our merchant marine, our independent oil producers, and the companies pumping ANS crude, while providing protection through periodic evaluation of its impacts for our shipyards and our independent refiners.

Mr. MURKOWSKI. Mr. President, I ask that the bill be read for the third time.

The PRESIDING OFFICER. If there are no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third time and was read the third time.

Mr. MURKOWSKI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] is necessarily absent.

The PRESIDING OFFICER (Mr. DEWINE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 25, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—74

Abraham	Ford	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gramm	Moynihan
Bingaman	Grams	Murkowski
Bond	Grassley	Nickles
Breaux	Gregg	Nunn
Brown	Hatch	Packwood
Bryan	Heflin	Pell
Burns	Helms	Pressler
Campbell	Hollings	Pryor
Chafee	Hutchison	Robb
Coats	Inhofe	Roth
Cochran	Inouye	Santorum
Cohen	Jeffords	Shelby
Conrad	Johnston	Simpson
Coverdell	Kassebaum	Smith
Craig	Kempthorne	Snowe
Daschle	Kennedy	Specter
DeWine	Kerrey	Stevens
Dole	Kyl	Thomas
Domenici	Leahy	Thompson
Dorgan	Lott	Thurmond
Faircloth	Lugar	Warner
Feinstein	Mack	

NAYS—25

Akaka	Gorton	Moseley-Braun
Boxer	Graham	Murray
Bradley	Harkin	Reid
Bumpers	Hatfield	Rockefeller
Byrd	Kerry	Sarbanes
D'Amato	Kohl	Simon
Dodd	Lautenberg	Wellstone
Exon	Levin	
Feingold	Lieberman	

NOT VOTING—1

Biden

So the bill (S. 395), as amended, was passed, as follows:

(The text of the bill will be printed in a future edition of the RECORD.)

The title was amended so as to read:

To authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MODIFICATION OF AMENDMENT NO. 1105

Mr. MURKOWSKI. Mr. President, I would ask unanimous consent that amendment 1105 previously adopted by the Senate be modified to conform to the language which I now send to the desk.

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

The modification is as follows:

At the end of amendment No. 1104, add the following new section:

SEC. . RETIREMENT OF CERTAIN COSTS INCURRED FOR THE CONSTRUCTION OF NON-FEDERAL PUBLICLY OWNED SHIPYARDS.

(a) IN GENERAL.—The Secretary of Energy shall—

(1) deposit proceeds of sales out of the Naval Petroleum Reserve in a special account in amounts sufficient to make payments under subsections (b) and (c); and

(2) out of the account described in paragraph (1), provide, in accordance with subsections (b) and (c), financial assistance to a port authority that—

(A) manages a non-Federal publicly owned shipyard on the United States west coast that is capable of handling very large crude carrier tankers; and

(B) has obligations outstanding as of May 15, 1995, that were dated as of June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds.

(b) ACQUISITION AND REFURBISHMENT OF INFRASTRUCTURE.—The Secretary shall provide, for acquisition of infrastructure and refurbishment of existing infrastructure, $10,000,000 in fiscal year 1996.

(c) RETIREMENT OF OBLIGATIONS.—The Secretary shall provide, for retirement of obligations outstanding as of May 15, 1995, that were dated as of June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds—

(1) $6,000,000 in fiscal year 1996;

(2) $13,000,000 in fiscal year 1997;

(3) $10,000,000 in fiscal year 1998;

(4) $8,000,000 in fiscal year 1999;

(5) $6,000,000 in fiscal year 2000;

(6) $3,500,000 in fiscal year 2001; and

(7) $3,500,000 in fiscal year 2002.

MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, I believe there has been a request for a brief period of morning business. I would so ask unanimous consent that Senators wishing to speak in morning business be allowed to do so.

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

CIVILIAN MARKSMANSHIP PROGRAM SHOULD BE TERMINATED

Mr. LAUTENBERG. Mr. President, I rise to bring to my colleague's attention a copy of a letter I recently received from the Department of Defense regarding the Civilian Marksmanship Program.

The letter from Under Secretary of the Army Joe Reeder responds to a letter I sent recently to Defense Secretary Perry about the Civilian Marksmanship Program. It confirms my longstanding belief that the time has come for the Congress to terminate this program once and for all. The letter says ''* * * the Army gets no direct benefit from the program'' and that there is ''* * * no discernible link'' between the program and our Nation's military readiness. It goes on to say, ''Last year and again last week, DOD repeatedly has conveyed to Congress that, while it will continue to administer the program as directed by Congress, it will also continue to support legislation ending the program.''

This letter, Mr. President, is not a plea to the Congress to save a program that enhances our military readiness and national security. To the contrary. It is an invitation to terminate the program. I ask unanimous consent that a copy of the letter be printed in the CONGRESSIONAL RECORD at the end of my statement.

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

(See exhibit 1)

Mr. LAUTENBERG. Mr. President, recent press reports indicate that members of extremist militia groups in this country, which may pose a threat to public safety, may be gaining access to military bases and receiving weapons, ammunition, and training at Army facilities under the auspices of the Civilian Marksmanship Program. In one article, I learned that the leader of the Michigan-based militia group told ABC's ''Prime Time Live'' that he had access to U.S. military bases in Michigan for the purpose of training through this program. In another article, I learned that members of the Competitive Sportsman club were asked to leave Camp Grayling base when they showed up wearing Southern Michigan Militia patches. The American people have a right to know that their tax dollars are not being used to train people who may pose a threat to law abiding citizens and to peace and order in this country. The Defense Department should either investigate these allegations or call on another branch of the U.S. Government to do so.

In the meantime, Mr. President, the Civilian Marksmanship Program should be terminated. My colleagues know that I have long believed the Civilian Marksmanship Program is a low-priority program and is an egregious example of waste in Government. The program promotes rifle training for civilians through a system of affiliated clubs and other organizations, and sponsors shooting competitions. As part of these activities, the program donates, loans, and sells weapons, ammunition, and other shooting supplies. The Department of Defense has provided me with a State-by-State breakdown listing of 1,146 member clubs that participate in this program, which I will make available to any of my colleagues who wish to read it.

The program was first established in 1903, at a time when civilian marksmanship training was believed to be important for military preparedness. Yet the Pentagon says it supports legislation to terminate it and that there is ''no discernible link'' between military readiness and the Civilian Marksmanship Program. As Army officials told the GAO, no Army requirements exist for civilians trained in marksmanship, and no system is in place to track program-trained personnel. In a March 15, 1994, hearing in the Senate Defense Appropriations Subcommittee, Army Secretary West stated that national security objectives will be met with or without the Civilian Marksmanship Program.

In essence, the Civilian Marksmanship Program has provided a taxpayer subsidy for recreational shooting. In light of the budget deficit we face and the military needs we ought to address, this simply is not a justifiable use of scarce resources. After all, defense dollars are not used to subsidize other sports. They ought not be used to subsidize a shooting program which has no relationship to military needs and requirements.

Additionally, the program puts the U.S. Government in the role of selling weapons and ammunition to civilians. There is no shortage of guns and ammunition available in this country through the private sector. I do not believe the U.S. Government needs to be involved in putting more guns on the street in this country.

Mr. President, Senators FEINSTEIN, LEVIN, SIMON, and I recently introduced a bill, S. 757, to terminate the Civilian Marksmanship Program. I urge my colleagues to read the letter from Under Secretary Reeder and approve that bill without delay.

EXHIBIT 1

UNDER SECRETARY OF THE ARMY,
Washington, DC, May 11, 1995.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: The Secretary of Defense, the Honorable William J. Perry, has asked me on behalf of the Army, which serves as the executive agent for the Civilian Marksmanship Program (CMP), to respond to your letter regarding your concerns about the CMP.

The CMP was established by Congress in 1903 to develop marksmanship skills throughout our nation from which the armed forces could draw when needed for rapid mobilization. To this end, the CMP supported creation of rifle clubs throughout the country. There are 1,146 member clubs (the current listing at Tab A is an update from all previous reports on clubs).

Over time the mission of the CMP changed. Now, the current focus of the CMP is weapons safety, familiarization and the sport of marksmanship. The CMP is apolitical, and provides no instruction in military skills.

In FY 1994, the CMP spent $2.483 million of appropriated funds; $2.544 million are budgeted for FY 1995. The Army has requested no appropriated funding for the CMP in FY 1996, because the Army gets no direct benefit from the program. The FY 1996/1997 Biennial Budget Estimates submitted to Congress documents the request for no funds in FY 96. Last year and again last week, DOD repeatedly has conveyed to Congress that, while it will continue to administer the program as directed by Congress, it will also continue to support legislation ending this program. I have enclosed a copy of the recent OSD, General Counsel, response (Tab B) to The Honorable Floyd Spence, Chairman, House National Security Committee, and Ranking Minority Member Ron Dellums reiterating, ''. . . no discernible link'' between military readiness and the CMP.

DOD shares your concern that the CMP not inadvertently become involved with groups or individuals who may intend to harm federal or non-federal employees. To my knowledge the CMP has never endorsed the involvement of militia groups or extremists in any context. Before club status is granted, three adults responsible for the formation of the club must submit a DD Form 398–2 (Personnel Security Questionnaire) and pass a background investigation performed by the National Agency Check and Investigative Center. If Congress continues to direct that this program be implemented, we will continue to follow these procedures.

Section 4309, Title 10, United States Code, provides that all ranges built in whole or in part with Federal funds may be used by persons capable of bearing arms. Under this legislation, the CMP and other organizations may request the use of military ranges and are generally granted such use provided they comply with range and installation rules. They must not interfere with scheduled military training and their intended use must not pose a safety hazard. If we have any indication of misuse, we will take appropriate corrective action.

Thank you for your interest in this program. I hope this information addresses your concerns.

Sincerely,

JOE R. REEDER.

MINOR CROP PROTECTION ASSISTANCE ACT

Mrs. MURRAY. Mr. President, today I rise to join my colleagues as a cosponsor of the Minor Crop Protection Assistance Act. This legislation will provide much needed relief to the food and horticultural industries so important to the economy of my State and the Nation.

This purpose of this legislation is simple: It is all about economics. This legislation seeks to provide some relief to producers of minor crops who face the imminent threat of losing access to vital, and safe crop protection tools due to market forces. Currently, registration of pesticides under the Federal Insecticide, Fungicide and Rodenticide Act [FIFRA] with EPA is an intensive process, involving as many as 120 data requirements. Chemical manufacturers are forced to make the decision to cancel, or not reregister, crop protection tools for use on minor crops because the resulting

sales revenues will not support the high costs of reregistration. The result is that many safe minor crop protection chemicals have been dropped from production, despite the essential role they play for our minor crop growers.

The production of the minor commodities, as they are called, is in fact of major importance to Washington State. In Washington, 90 percent of our agricultural industry is in minor crops. Most notable are hops, apples, small fruits, vegetables, and hay. Washington alone produces 77 percent of all commercially consumed hops in the United States. Hops growers have five pesticides available to them, and four of these are in danger of being lost due to the high cost of reregistration. If only one pesticide is available, pests will quickly develop their resistance and this compound will become obsolete as a tool for crop protection. Another example comes from the hay producers in Washington. The hay we grow makes up one-third of the world's hay market. We export 75 percent of our product. One particular pesticide which is essential to the growth cycle is in danger of not being reregistered. If it goes, with it will go our global market share.

This purpose of this bill is not an issue of public health or public safety, this is an issue of economics. It is designed to preserve safe minor use pesticides and to encourage the development of environmentally sound pest management tools. We need to provide the economic incentive for pesticide manufacturers to pursue the costly reregistration of products with limited market potential.

The Environmental Protection Agency and the U.S. Department of Agriculture recognize this situation. They have worked with a coalition of minor crop producers and my colleagues, Senator LUGAR and Senator INOUYE, on this legislation. Accordingly, this bill streamlines the registration and reregistration process, and provides new incentives to the pesticide industry to pursue minor crop registrations. Most importantly, this bill reinforces EPA's authority to deny reregistration of minor use pesticides out of concern for public safety. In the Administrator's judgment, if a pesticide puts the public at too great a risk, the incentives for development, registration, or reregistration can be revoked.

A safe food supply is very important to me. Minor crops, which in large part are fruits and vegetables, are staples in the diets of infants and children, and they also receive large applications of pesticides. In its 1993 report, ''Pesticides in the Diets of Infants and Children,'' the National Academy of Sciences found that current pesticide standards may be inadequate to protect infants and children from pesticide exposure and recommends policies to increase protection.

While this legislation addresses a market issue, it leaves us with the responsibility of addressing the complex issue of food safety and the adequacy of the current pesticide regulatory system. In no way are we relieved of dealing with pesticide issues in a comprehensive manner.

I am very interested in promoting the development of newer, safer pesticides, and encouraging farmers to decrease their use of dangerous pesticides. Our efforts in this bill should go hand in hand with incentive-based approaches that encourage integrated pest management, and even organic production practices. I look forward to working with my colleagues to address the shortcomings of our current pesticide regulatory system, and to encourage innovative approaches for the future.

TRIBUTE TO MASSIMO SANTEUSANIO

Mr. KERRY. Mr. President, I would like to acknowledge a ceremony which was held yesterday in Boston to honor Mr. Massimo Santeusanio.

Mr. Santeusanio recently celebrated his 100th birthday and the ceremony is to honor not only this extraordinary event but his service during World War I. He is to this day an inspiration to those Americans who appreciate the unselfish sacrifices made in defense of freedom and liberty. During this Memorial Day period, I would like to express our country's gratitude to all World War I veterans through Massimo Santeusanio.

WELFARE REFORM

Mr. PELL. Mr. President, I have today received a copy of a resolution passed by the Rhode Island House of Representatives, outlining the devastating consequences that H.R. 4, the Personal Responsibility Act, would have on the State of Rhode Island if it becomes law.

This resolution, introduced by Rhode Island State Representatives Benoit, Sherlock, Williams, Kellner, and Bumpus, articulates far better than I can the great damage that this legislation would do to the neediest of Rhode Island families.

As the welfare debate begins in earnest in the Senate, I hope that my colleagues will bear in mind the strong opposition of many in my State to this proposal, and will heed in particular the part of the Rhode Island House of Representatives' resolution which urges us to ''Put children first by working for humane welfare reform that provides for all citizens in need during difficult economic times, that supports effective return-to-work programs, and that recognizes that the care given to our Nation's children is a shared Federal-State responsibility. * * *''

I ask unanimous consent that the resolution passed by the Rhode Island House of Representatives on May 10, 1995, be printed in the RECORD.

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

HOUSE RESOLUTION

Whereas, under the provisions of the Personal Responsibility Act (H.R. 4), Aid to Families with Dependent Children would be replaced by the Temporary Family Assistance Block Grant, and the entitlement program which guarantees benefits to all children who qualify would be eliminated. Under the proposed block grant financing formula, Rhode Island would receive $54 million less in federal funds over the next five years, and an estimated 25,000 children would be denied benefits; and

Whereas, while the Personal Responsibility Act purports to return control to the states, the block grant legislation, in reality, contains many federal prohibitions limiting states' freedom that would deny eligibility to several categories of children and families; and

Whereas, the Personal Responsibility Act would virtually eliminate cash assistance to 21% of the disabled children currently in the SSI program, and $27 million less in federal funds would be available to Rhode Island over the next five years; and

Whereas, all child nutrition programs would be replaced by two block grants; federal funding would be reduced by 10%; federal nutrition standards would be repealed; eligibility for food stamps would be sharply curtailed by federal restrictions with the result that Rhode Island would receive a combined total of $127 million less in federal funding over the next five years; and

Whereas, funding for several major child protection programs would be sharply reduced and replaced by a block grant, and Rhode Island would receive $15 million less in federal funding over the next five years, sharply reducing funds for adoption assistance, foster care, and the computerization of the state's abuse and neglect tracking system; and

Whereas, essential child care programs that enable low-income families to work would lose their entitlement status; Rhode Island would receive $8 million less in federal funding over the next five years and $2.4 million less by the year 2000, thereby resulting in 1,570 fewer children receiving assistance; and

Whereas, most legal immigrants would be ineligible for most programs, leading to a loss in federal aid to Rhode Island of $72 million over the next five years; now, therefore, be it

Resolved, That this House of Representatives of the State of Rhode Island and Providence Plantations hereby respectfully requests that the Rhode Island Congressional delegation:

1. Oppose the Personal Responsibility Act (H.R. 4) as passed by the United States House of Representatives; and

2. Put children first by working for humane welfare reform that provides for all citizens in need during difficult economic times, that supports effective return-to-work programs, and that recognizes that the care given to our nation's children is a shared federal-state responsibility; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the members of the Rhode Island Congressional Delegation.

NORWEST BANK OF COLORADO AND ATLANTIS COMMUNITY, INC.

Mr. CAMPBELL. Mr. President, I want to say a few words of congratulation to the people who work for

Norwest Bank of Colorado and Atlantis Community, Inc.

Atlantis Community is the largest home health care agency in Colorado, with an outstanding record of service to and advocacy for disabled individuals. With Norwest Bank, Atlantis developed a unique program to help lower income disabled people achieve an American dream: the dream of owning a home.

Atlantis and Norwest pioneered the Disability Community Homeownership Program to help provide home mortgage financing to disabled people. This program features 15- to 30-year first mortgage loans with no down payment, no closing costs, below market interest rates, and other advantages to qualified home buyers. In 1993, Norwest set aside $2.5 million for loans to the disabled community. Norwest now has over $6 million in home loans to 100 people with disabilities, who could not avail themselves of existing lending programs.

Atlantis teamed with Norwest to help build awareness of this program among the disabled community. In addition, Atlantis offers financial counseling and money management services specifically tailored to meet the needs of disabled people. The interest in these services was so high, Atlantis and Norwest decided to expand it to a consumer loan program for buying and modifying vehicles, improving disabled access to homes, and other purposes.

In recognition of these community-oriented efforts, Atlantis and Norwest received nominations for the Social Compact Outstanding Community Investment Award. Social Compact is a coalition of hundreds of leaders from the financial services and community development industries, coming together to strengthen American communities through neighborhood partnerships.

I congratulate Atlantis and Norwest for their nominations for this award, and I applaud their initiative for turning community concerns into concrete results.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let us do that little pop quiz once more. You remember—one question, one answer:

Question: How many million dollars are in $1 trillion? While you are arriving at an answer, bear in mind that it was the U.S. Congress that ran up the Federal debt that now exceeds $4.8 trillion.

To be exact, as of the close of business Monday, May 15, the exact Federal debt—down to the penny—stood at $4,881,377,281,278.42. This means that every man, woman, and child in America now owes $18,529.79 computed on a per capita basis. Which, I might add, is an increase of $22 million over the weekend.

Mr. President, back to the pop quiz: How man million in a trillion? There are a million, million in a trillion.

MEXICO IS A LENINIST STATE

Mr. MOYNIHAN. Mr. President, in late January I came to the floor to speak of our relations with Mexico in the context of the new North American Free-Trade Agreement. My remarks appeared in the RECORD under the heading ''Free Trade With an Unfree Society.'' I returned to a theme which I had stated on a number of occasions since NAFTA was first proposed during the administration of President Bush. I had been an enthusiastic supporter of the free-trade agreement with Canada, but was troubled by the thought of a similar arrangement with Mexico, and for the most elemental reason. I argued that the political and legal arrangements of the United States and Canada being essentially symmetrical, the vast involvement in one another's affairs, the partial ceding of sovereignty implicit in such an agreement would provide quite manageable. There would be no political loss and considerable economic gain. Optimality, as an economist might say. By contrast, I feared that our political and legal institutions were anything but symmetrical with those of Mexico. Mexico, I said, was a Leninist state.

I had hoped for some response to this statement from the executive branch, but there was little. Indeed, apart from a gracious note from our distinguished Treasury Secretary, Robert E. Rubin, there was none. In any event, we were then, in January, caught up in an intense effort to save Mexico from defaulting on its foreign debt. This was the first of what I fear will be a sequence of such crises, and it seemed gratuitous to press the argument in that atmosphere. But now the first crisis has eased, thanks in large measure to what Alexander Hamilton, our first Secretary of the Treasury, termed ''energy in the executive,'' now embodied in his successor, Secretary Rubin. And so I would take this quiet morning to return to the subject.

I would begin by calling attention to an essay by William Pfaff, which appeared in the International Herald Tribune on March 16. Mr. Pfaff, who writes from Paris, is a foreign policy analyst of unexampled range, depth, and experience. He would be such if he lived in Utica, but living abroad gives him a singular perspective on American affairs. His essay begins with this simple, chilling analogy.

> The commitment the United States now has made to Mexico bears a distinct resemblance to the commitment it made to Vietnam during the late 1950s and the early 1960s, when the troubles in that country were only beginning.
>
> That was war and this is peace. Nonetheless now, as then, with as little reflection and a simplistic ideology, Washington has taken on responsibility for the fortunes of another nation that it scarcely knows and fails to understand.
>
> In Mexico this American assumption of responsibility is primarily economic, but Mexico's economic plight is inseparable from the political crisis afflicting the eleven-decade-long dictatorship in Mexico of the PRI, or Institutional Revolutionary Party, historically the vehicle of Mexican nationalism—and of resistance to American exploitation of Mexican oil resources.
>
> Washington has demanded, and last Friday was given, Mexico's promise of a program of economic austerity with distressing implications for millions of Mexicans, who only weeks ago were being told that their country's membership in NAFTA assured rising prosperity for them and their country. One aspect of the new arrangement is that a major part of Mexico's future oil revenues is pledged against the new American and international loan guarantees.
>
> Even without the debt crisis a national upheaval is under way in Mexico which not even the Mexicans can be sure they can solve. Washington's commitment to a solution is an engagement with the uncontrollable and unforeseeable.

In my January statement I was unapologetic about discussing government in the abstract. I allowed as how Speaker GINGRICH, by encouraging us to read or re-read The Federalist, was directing us to just such abstractions, which very much engaged the Founders of the Nation. They ransacked history for different ideal types of government for lessons to be learned and contrasts to be made with the new American Republic which they had set about constructing. Here, then, is a definition of Leninism from the ''Harper Dictionary of Modern Thought.'' The capitalized words are employed in the original for purposes of cross reference:

> Leninism. The term refers to the version of MARXIST thought which accepts the validity of the major theoretical contributions made by Lenin to revolutionary Marxism. These contributions fall into two main groups. Central to the first was the conception of the revolutionary party as the vanguard of the PROLETARIAT. The workers, if left to their own devices, would concentrate on purely economic issues and not attain full political CLASS consciousness, and therefore the revolutionary seizure of power needed the leadership of committed Marxist ACTIVISTS to provide the appropriate theoretical and tactical guidelines. The role of the party was thus to be a ''vanguard'' in the revolutionary struggle which would culminate in the overthrow of the CAPITALIST STATE and the establishment of a DICTATORSHIP OF THE PROLETARIAT under the HEGEMONY of the party.
>
> The second major theoretical contribution made by Lenin was to draw the political consequences from an analysis of CAPITALISM as both international and imperialist. The phenomenon of IMPERIALISM divided the world between advanced industrial nations and the colonies they were exploiting. This situation was inherently unstable and led to war between capitalist nations thus creating favorable conditions for REVOLUTION. For Lenin, the ''weakest link'' in the capitalist chain was to be found in UNDERDEVELOPED regions of the world economy such as Russia where the indigenous BOURGEOISIE was comparatively weak, but where there had been enough INDUSTRIALIZATION to create a class-conscious proletariat. The idea of world-wide SOCIALIST revolution beginning in relatively backward countries led to the inclusion of the peasantry as important

revolutionary actors affording essential support to the proletariat in establishing a socialist order. Such socialist revolutions in underdeveloped countries would exacerbate the contradictions inherent in advanced capitalist economies and thus lead to the advent of socialism on a world scale.

As compared with the ideas of Marx and Engels, Leninism gives more emphasis to the leading role of the party, to backward or semi-colonial countries as the initial site of revolution, and to the peasantry as potential revolutionary agents. With the success of the BOLSHEVIK revolution in 1917, Leninism became the dominant version of Marxism and the official IDEOLOGY of the Soviet Union. Lenin's analysis of imperialism and his idea of the ''weakest link'' also made his version of Marxism appealing to emerging ELITES in the THIRD WORLD. In the West, however, while Leninist principles are maintained by the small Trotskyist parties, many adherents of eurocommunism have begun to ask how far Leninist ideas reflected specifically Russian circumstances and should therefore be modified to fit the conditions of advanced capitalist societies.

Clearly, Leninst doctrine and Soviet example had considerable appeal to the revolutionary leaders and intellectuals who came to power in Mexico in the 1920's. It happens this was a time of artistic energy, perhaps especially in mural paintings of Diego Rivera, Jose Clemente Orozco, and David Alfonso Siquieros. To this day one can see on the walls of the Government buildings of Mexico City vast scenes of revolutionary tumult. Amid a sea of yellow sombreros and silver machetes there is sure to be found an incongruously bearded Lenin turned out in a starched collar and black necktie. That, and of course, swarms of red flags.

If the Soviet experiment attracted sympathizers, even adherents, in the United States in those years, I would hazard that public opinion would have shown even greater sympathy for the goings-on in Mexico. A wonderful encounter came at the time of the construction of Rockefeller Center in New York City in the early years of the Great Depression. Diego Rivera was commissioned to paint a fresco for the lobby of the central RCA building, as it then was. Word got out that it would include not only red flags, but Lenin himself. Nelson A. Rockefeller, who was managing the enterprise, demurred. Much hullabaloo followed, leading in turn to the classic poem by E.B. White of the New Yorker, ''I Paint What I See,'' describing an imagined encounter between the youthful scion of great wealth and the revolutionary artist. Here are passages.

''Whose is that head that I see on my wall?''
Said John D.'s grandson Nelson.
''Is it anyone's head whom we know, at all?
''A Rensselaer, or a Saltonstall?
''Is it Franklin D.? Is it Mordaunt Hall?
''Or is it the head of a Russian?''

* * * * *

''For twenty-one thousand conservative bucks
''You painted a radical. I say shucks,

* * * * *

''For this, as you know, is a public hall
''And the people want doves, or a tree in fall,
''And though your art I dislike to hamper,
''I owe a little to God and Gramper,
''And after all,
''It's my wall. . .''
''We'll see if it is,'' said Rivera.

As I noted in January, it was no accident that when Leon Trotsky fled the Soviet Union, having lost out to Stalin in the struggle to succeed Lenin, he did not settle in Paris, where failed revolutionaries were supposed to go. He went to Mexico City, where he set up in considerable style, surrounded often as not by American acolytes.

Two things are to be said about the coming to power of the Institutional Revolutionary Party in 1929. First—the great English historian Sir John Plumb has made this point—it was a blessing for the Mexican people who for decades had lived through indescribably bloody and agonizing turmoil. Of a sudden, stability was achieved. Sir John makes the point that revolutions are easy; it is the onset of stability that is rare in human experience. The second point is that nothing like the Leninist terror followed the coming to power of the PRI. Diplomatic relations with the Papacy—severed since 1867 when Benito Juárez implemented strict controls of church power—became particularly hostile in 1926 during the rule of Plutarco Elías Calles, who would later organize the PRI. His strict enforcement of the anticlerical provisions of the Constitution sparked the Cristero rebellion which lasted 3 years. The Mexican Government and the church reached a modus vivendi in 1929 and after that Catholicism, the religion of the people, was not generally speaking suppressed. But do not fail to take note of Graham Greene's ''The Power and The Glory.''

Even so, one party control, and the corruption that so quickly follows, settled on the Republic of Mexico. The forthcoming 1994–95 edition of ''Freedom in the World,'' the authoritative annual survey published by Freedom House, states:

Since its founding in 1929, the PRI has dominated the state through a top-down corporatist structure that is authoritarian in nature and held together through co-operation, patronage, corruption and, when all else fails, repression. The formal business of government takes place secretly and with little legal foundation.

I correct Leninist practice, the party controlled not only the State, but all the private institutions that might seem to be arrayed against the State, most importantly the trade unions. The Department of State reports in the Country Reports on Human Rights Practices for 1994:

The largest trade union central is the Confederation of Mexican Workers (CTM), organizationally part of the ruling PRI. CTM's major rival centrals and nearly all the 34 smaller confederations, federations, and unions in the Labor Congress (CT) are also allied with the ruling PRI.

Of late, however, the Leninist state in Mexico appears to have entered a time of troubles, possibly of disintegration. As William Pfaff, writes, ''a national upheaval is underway.'' Let us turn to Tim Golden's account of the May Day celebrations in Mexico City this year.

DEFIANT WORKERS IN MEXICO PROTEST GOVERNMENT POLICIES.

MAY DAY DEMONSTRATION IN CAPITAL'S CENTER

Defying the pro-Government union leaders who have dominated Mexican labor since the 1930's, independent unions and leftist political groups turned the celebration of Labor Day today into an outpouring of anger at the economic policies of President Ernesto Zedillo.

The limited political strength of the independent labor movement was evident in the colonial central square of this capital, where the biggest of more than a dozen protests around the country drew only about one-fifth of the 350,000 demonstrators that organizers had predicted. But for the first time in decades, May Day's main political act was something other than a loyal tribute to the Government and its long-ruling Institutional Revolutionary party.

Leaders of the pro-Government unions had canceled their traditional parade through the square weeks ago, apparently out of fear that they would be unable to control the critics in their ranks.

Trade union subservience to the PRI has been a settled fact for half a century. As I noted in January, this hardly escaped the notice of the American labor movement. Perhaps more recently the party seems to have begun parceling out hugely profitable state enterprises or resources to favored business leaders, who have evidently become fabulously wealthy. A dacha outside Moscow is one thing; $25 million a plate fundraising dinners in the Presidential palace are surely another.

Such enormities, such contrasts can never be stable, and in Mexico the system is obviously under strain, as Pfaff observes.

On March 23, 1994, Luis Donaldo Colosio, the Presidential candidate of the PRI, was assassinated in Tijuana. One Mario Aburto Martinez was arrested at the scene, convicted, and sentenced to 45 years in prison. The administration of Carlos Salinas de Gortari, who had chosen Colosio as his successor, maintained that the assassination was the work of this lone gunman. However, on February 25, 1995, the new Mexican Attorney General Antonio Lozano Gracia announced the arrest of a second suspected gunman, Othon Cortes Vazquez, a PRI security guard.

A second political assassination occurred on September 28, 1994, when Jose Francisco Ruiz Massieu, the Secretary-General of the PRI was killed in Mexico City. On February 28, 1995, Attorney General Lozano Gracia announced the arrest of Raul Salinas de Gortari, the brother of former President Salinas, in connection with Ruiz Massieu's assassination. The investigation into the Ruiz Massieu assassination had previously been carried out by the victim's brother, Mario, who was soon after arrested in the Newark, NJ airport with $46,000 in undeclared cash. The Mexican Attorney General has since located $10 million in United States bank accounts linked to Mario

Massieu which he apparently obtained while in charge of Mexico's counternarcotics program.

Add a further twist to the tale. Former President Salinas whom the United States supported as our candidate to be the first president of the World Trade Organization until this story was revealed, is now living in the United States in virtual exile.

And now another political murder would seem to have occurred. On May 10 the former Jalisco State Attorney General, Leobardo Larios, who previously had been responsible for investigating the 1993 killing of Cardinal Juan Jesus Posadas Ocampo, was assassinated in Guadalajara. At the time of Cardinal Posadas Ocampo's assassination, the first official explanation of the killing was that the Cardinal had been accidentally killed in the cross-fire between two rival drug cartels. However when the autopsy later revealed that the Cardinal had been shot 14 times at close range, Leobardo Larios postulated that the Cardinal had been mistaken for the leader of a local drug ring, despite the fact that the Cardinal was wearing his clerical garb.

Revelations such as these are familiar. Power in Mexico has resided within the PRI and on occasion arguments within the party settled by murder. These features of Leninist totalitarianism appeared early in the Soviet state. In ''Political Succession in the USSR'' (1965), Myron Rush explains,

> [W]hile Lenin still ruled, he exercised his power through both the Party and the government. In the Party, formally, he had no special position but was simply a member of the Politburo along with six others; he headed the government, however, as Chairman of the Council of People's Commissars. He governed through the state apparatus directly, through the Party apparatus indirectly. * * * The Party, as the embodiment of the Revolutionary will, decided overall policy.

After Lenin's death, no one person was in a position to consolidate power.

The ensuing power struggle was waged for control of the party, not for control of the Government. At the time of Lenin's death there were six other members of the Politburo, the chief deliberative body in the party for the formation of policy, including Stalin and Trotsky. By 1929 Joseph Stalin had managed to expel the other five surviving members of the Politburo and secure unchallenged leadership of the party, and by extension of the state. Stalin did not take a political title until May 7, 1941, when he became the formal head of the Government as chairman of the Council of People's Commissars. Mexico continues to maintain the Leninist model of having the President fulfill the official role of head of state, while controlling the party without formal title, though the party and the Government appear to be moving apart somewhat. Much of what happened of late in Mexico echoes an earlier time of change and violence. But there is much that promises a new era altogether.

On May 23, 1991, as we in the Senate debated granting fast-track authority to enable the administration to negotiate the North American Free-Trade Agreement, I took to the floor to explain my opposition. I began, ''Mr. President, for some months now, I have made the point to the administration that Mexico does not have an independent judiciary.'' This was, and I fear still is, a matter of seeming small interest to our Department of State. But observe. It has become a matter of considerable interest to the rulers of Mexico. On May 12, 1994, the first ever Presidential debate took place between Ernesto Zedioll Ponce de Leon, the PRI candidate who succeeded the assassinated Colosio, and his opponents from the National Action Party [PAN] and the Party of the Democratic Revolution [PDR]. During the debate Diego Fernandez de Cevallos of the National Action Party charged that Zedillo does not get a passing grade in democracy. If elected, Mr. Fernandez de Cevallos promised to form a plural government. In turn, Zedillo used the debate to announce his intentions to establish a truly independent judiciary. The CIA Foreign Broadcast Information Service records him as saying, ''I am proposing the total reformation of our judicial system. This must be a deep-rooted reform, starting virtually from ground zero, because we need a justice system that will function for the Mexican people.''

Once elected, President Zedillo in one stroke cleared the bench of all 21 sitting supreme court justices. These judges had been appointed for life. Like most things in Mexico, while the constitution provides for an independent judiciary, reality is something quite different. Appointments to the court are made by the President and approved by the Senate; in which 95 of the 128 Senators belong to the PRI. Again, Freedom House is instructive:

> The judiciary is subordinate to the president, underscoring the lack of a rule of law. Supreme Court judges are appointed by the executive and rubber-stamped by the Senate. The court is prohibited from enforcing political and labor rights, and from reviewing the constitutionality of laws. Overall, the judiciary system is weak, politicized and riddled with corruption.

And yet, and yet, very possibly President Zedillo means to change this. And to change much else. The North American Free-Trade Agreement surely indicated a desire by Mexican elites to begin to put the institutions of the Leninist state behind them; indeed, to throw in with the liberal democratic states that appear to have prevailed in that epic struggle of the 20th century. Pfaff writes:

> The new president, Ernesto Zedillo, a product of the PRI system, is attempting to reform the party and the way it has perpetuated itself in power. For the first time crimes committed within the party leadership are being exposed to public view, investigated and given the promise of prosecution.

It may be the United States can help. More to the point, we have no choice but to try to help. We have made a huge commitment to this relationship. There is no point arguing whether we should have done so. We did. And in no time at all we began to realize this. The Mexican currency crisis appears to have been the direct result of overspending on imported consumer goods, which the ruling party determined would help with yet another Presidential election, this time when there was serious opposition. Perhaps not least because in a North American free-trade zone it is taken as normal for elections to involve more than one party! My argument is to a somewhat different point. I have been here on the Senate floor talking about the nature of the Mexican state for half a decade. Apart, as noted earlier, from a generous note from the Secretary of the Treasury, I have never had the least indication from the executive branch that anyone had the least idea what I was talking about. In my remarks in January, I noted that the American labor movement had no such difficulty. From the time of Samuel Gompers, who in 1924 had to be brought across the Rio Grande so that he might die on American soil, American labor has followed events in Mexico with clear understanding of the threat a Leninist state poses to a free labor movement. Can the Nation ever adequately express our debt to the leaders of the A.F. of L. and later the AFL–CIO, for their international activism through all those years of the cold war? But the Department of State? To my knowledge, there has been little or no interest at all in any of this.

The President has just returned from Moscow, where the great transition from totalitarianism is underway, to what purpose and what end we do not know. But surely, we know that it matters to us. Surely, the Department of State has focused attention on the matter; has proposed policies, responses. The same intelligent, patient, persistent attention needs to be paid to the transition in Mexico. There is, perhaps, not that much America can do, especially given our long history of aggression against Mexico, and the consequent suspicion of our motives. But surely we can let it be known that we have some inkling what they are going through. There are small ''d'' democrats in Mexico who need to know this. If there is anything we have learned from this hideous century is that it makes all the difference when those who resist totalitarian regimes know that there are those abroad who know of their resistance. I do not wish to suggest that Mexico is in any way to be compared with, shall we say, East Germany. But still, it is not Denmark and those who would see it change need to know that we are with them. At the same time, we need to be very careful about the commitments we take on. It is perhaps a heartless thing to say of so rare a thinker as William Pfaff, but I

hope this time, for once, he does not prove to be prescient. But this can only happen if we attend to what he foresees.

The financial crisis has eased. We are free to think anew and act anew. There was at least one such moment in our involvement with Vietnam. We missed it.

SOUTH DAKOTA FLOODS

Mr. PRESSLER. Mr. President, once again, Mother Nature's fury is challenging the spirit and perseverance of South Dakotans. For the past several weeks, persistent rains have brought flooding conditions to much of the State for the third straight year. As a result, 38 counties already have been declared disaster areas. More counties may be added in the days ahead. Just by way of comparison, in July 1993, 33 counties were disaster areas due to the heavy rainfall and flooding that made front page headlines nationwide.

Flooding has made vital roads and bridges impassable, placing the assurance of basic services at risk. Rivers and streams overflowing their banks have wreaked havoc in urban and rural areas across South Dakota—basements, fields, and roads are inundated with water. Damage to public and private property threatens the well-being of farmers, small business men and women, families, and individuals.

On Monday, Gov. Bill Janklow requested that the President declare the State a disaster area and provide Federal emergency assistance in excess of $16 million. The devastation appears already to have surpassed that caused by the so-called Great Flood of 1993. Some areas of the State already are experiencing their wettest springs in history with 3 weeks remaining in the season.

An end does not appear to be in sight. National Weather Service reports indicate heavy precipitation will continue through the end of this month and maybe into this summer. If this is the case, South Dakota once again may resemble the Great Lake of the Midwest.

South Dakotans clearly are experiencing hard times. The Governor's office has informed me that the State is using all the resources it can to assist those in need. Federal help is critical. As South Dakota's senior Senator, I intend to do all I can to ensure that the President and our Federal agencies respond to South Dakota's disaster needs swiftly and diligently. The people of South Dakota deserve and should expect no less from their Government.

I already have written to the President, the Federal Emergency Management Agency [FEMA], and the Small Business Administration [SBA], and the Federal Highway Administration, alerting them of South Dakota's urgent situation and urging quick approval of the Governor's aid request.

I also invited the Administrator of the Federal Highway Administration, Rodney Slater, to personally assess the damage of our flood-damaged roads and bridges and to give immediate consideration to a request from the State for assistance. Having endured $1.2 million of damage to roads and bridges last year, additional damage to roads and bridges makes FHWA assistance even more critical this year.

Administrator Slater for some time has planned to survey damaged roads and bridges in South Dakota. Unfortunately, he has not scheduled a visit. Now is as good a time as any for him to see just how serious the situation is.

South Dakotans have no time to waste. The Federal Government should act, and act fast. South Dakota deserves the same response other areas of the Nation receive in times of need. I intend to see that this action is taken.

What kind of action can be taken at the Federal level? Plenty. In fact, a number of initiatives can be taken without a Presidential disaster declaration—initiatives that are critical to South Dakota farmers and ranchers. First and foremost, the Department of Agriculture and the Federal Crop Insurance Corporation must provide far greater flexibility in the administration of the Crop Insurance Program to South Dakota farmers.

The Crop Insurance Program, which has replaced disaster payments as the central means for emergency relief, is predicated on the planting of crops. However, as we all know, the clear problem caused by the recent rain and floods for crop farmers is that they are unable to plant. Consider the percentage of crops planted, as of May 8, 1995, as compared to the 5-year average: corn—1 percent, 5-year average—19 percent; spring wheat—17 percent, 5-year average—89 percent; oats—12 percent, 5-year average—85 percent; barley—6 percent, 5-year average—84 percent.

I already have written to Agriculture Secretary Glickman, urging administrative flexibility for the Crop Insurance Program. Specifically the Secretary needs to take the following steps:

First, provide prevent planting coverage on crops that producers paid premiums on. If a producer was unable to plant the insured crop by the final planting date, crop insurance should pay the prevented planted indemnity and permit the producers to plant any subsequent crop possible and insure that crop.

Second, provide crop insurance coverage for producers who aerial seed this year's crop. With the degree of wet conditions occurring in South Dakota, aerial seeding needs to be considered a usual practice.

Third, withhold penalties against producers by permitting prevented planting coverage even if a producer enters the 0/92 program.

Fourth, release Conservation Reserve Program [CRP] acres for haying and grazing.

Fifth, extend immediately the May 15 deadline for calving on CRP acres. I am pleased that Secretary Glickman has responded to this request, and has extended the deadline.

Sixth, permit the following crops to be planted this year without the loss of farm program benefits: millet, soybeans, buckwheat, sunflowers.

FEMA, SBA, and the FHWA also should be equally responsive, fair, and flexible to the needs of South Dakotans should the Governor request Federal assistance.

The need for equitable treatment in response to disasters is very important to me. In recent years, I have been very critical of what I believe to be the apparent discriminatory administration of Federal emergency assistance. It seems that disaster aid is always quick in coming to States and localities with major media markets and big electoral votes. However, whether you are from Humboldt, CA, or Humboldt, SD, a disaster is a disaster—a lost home, business, or income due to Mother Nature is hard for all Americans, regardless of where they live. Thus, treatment of these disasters should be fair.

Once again, the wrath of Mother Nature is challenging the people of our great State. Times are tough, but I know South Dakotans will persevere. The pioneer spirit and sense of community within all South Dakotans will rise to the occasion. In the last few days, my wife Harriet and I have talked to a number of our friends in South Dakota. We have heard the difficulties they have faced. Our hearts and our prayers are with them—the farmers, ranchers, business men and women, and the families impacted by the flooding. I intend to do all I can to ensure that the Federal Government stands side-by-side with all South Dakotans during this difficult time. The President can begin this effort by approving Governor Janklow's request and send assistance where needed. I urge him to do so without delay. Again, the people of South Dakota should expect and deserve no less.

CELEBRATION OF THE LIFE OF ED ROBERTS

Mr. HARKIN. Mr. President, it was with profound sadness that I learned of Ed's death. On March 14, 1995, not only did the world lose one of our most dynamic and forceful advocates for the rights and empowerment of people with disabilities; on that day, I lost a friend and confidant.

Ed Roberts was a kid who lived for baseball when he contracted polio at age 14. He became severely disabled almost overnight, needing large equipment and assistance simply to breathe. Ed overheard the doctor tell his mother that it would be better if he died because he was going to be a vegetable. He decided right then that if he was going to be a vegetable, he would be an artichoke: prickly on the outside with a tender heart.

A lot of people told Ed there were a lot of things he could not do.

They told him he could not graduate from high school because he could not pass PE or driver's education, so he

had to argue with and convince his principal to change these requirements because they were not fair.

They told Ed he could not attend the University of California at Berkeley because they had never had a student in a wheelchair, one who used a respirator, or one who slept in an iron lung. Ed fought all that too, and convinced the university to admit him. ''Helpless Cripple Goes to College'' was one of the headlines marking Ed's entrance to college.

They made him live in the infirmary. But Ed was not helpless. By the time Ed left UC Berkeley, he and fellow student activists who called themselves the Rolling Quads had organized funding to begin transforming the campus into a model of physical accessibility for students with disabilities.

As Ed said, ''We realized that we could change some things, and the first thing we can do is change our own attitudes toward ourselves, be proud of who we were and what we were and go out and change it for others and for ourselves * * * that liberated me when I realized that I can help others. It made me a lot freer to help myself.''

Ed went on to graduate school in political science and taught at UC Berkeley for several years. One of Ed's deans once told him, ''Oh, you'll finish your Ph.D and they you'll live in a nursing home.'' But Ed knew otherwise. He told that dean, ''No, that's not the plan. We're here to change that whole idea.'' And at his memorial service, a representative from the university described him as ''bringing the honor of being the right kind of troublemaker here at Cal.'' Today, over 800 students with many kinds of disabilities attend UC-Berkeley where there are scholarships in his name for undergraduate, graduate, and postdoctoral students with disabilities.

After his university years, Ed went on to establish the first Center for Independent Living in the country. Where was it was located? Where else? Berkeley. Today there are over 300 independent living centers all across the country. Independent living is a philosophy which defines independence as full inclusion of people with disabilities in all aspects of community life. Ed lived this philosophy, and he helped others live it as well. His colleague Doug Martin, ADA and 504 compliance officer for UCLA, recently described Ed during the CIL years when he said, ''He believed in us before we believed in ourselves.''

Ed's philosophy of independent living, and his ability to get the money and the people behind it changed our lives. It changed the lives of millions of people in this country and abroad—people with disabilities, their families, their friends and many others who began to see the universality of his approach. As Ed put it, ''I'm paralyzed from the neck down, but I'm completely in control of my own life. I can make decisions about what I want.''

Early on, they told Ed he was unable to be rehabilitated. However, this rehab failure went on to become director of the California State Department of Vocational Rehabilitation. You see, Ed loved to turn barriers upside down, rendering each one a challenge in his own slalom course toward empowerment and independence. And by the end of his tenure in Sacramento, Ed knew he wanted to be a full-time rabble-rouser. Ed told his friend Stephen Hofman, ''I don't want to work. It prevents you from raising hell, and I like to raise a lot of hell * * * After all, if raising hell doesn't work, the only solution is to raise even more hell, and then, they give up!''

As Joe Shapiro wrote in U.S. News & World Report the week after Ed died, ''He knew that it was the paternalism of others, more than his own disability that held him back.''

In 1984, Ed was awarded a MacArthur Genius Fellowship, which he used to live on as he started The World Institute on Disability, a disability policy think tank located in Oakland, CA. Ed testified before committees in Congress numerous times, and many of us grew to know him well. But Ed was not content to be a solo rabble-rouser. He wanted to join forces, debate the issues, hammer out policy and see it implemented in his lifetime. WID was the crucible Ed fashioned with his colleagues for stoking fires and building community.

Ed's vision was exemplified in the way he lived his own life, but he also very much believed in empowering others. As one of his colleagues at WID said, ''Part of his star quality was that he always talked about 'we'. He always would come up and say 'we've got to do that,' 'we need people,' 'we need to work on this together,' 'we can make this happen.''' Ed blew people's minds when he took to the streets of Moscow in his motorized chair in 1993. There, he has become a symbol of freedom, a household word to millions of people with disabilities.

But Ed was more than a civil rights hero. He was a man with heart, a man whose love and sense of humor were tools just as powerful as his keen mind and his passion for justice. Ed always took the time to find out how you were doing.

He took the time to encourage young students with disabilities to study public policy.

He took time to talk with personal assistants about the powerlessness of being underpaid.

He took the time to visit other respirator users in the hospital when they were despairing over living independent lives.

He took the time to stop on the street and talk with homeless people, people with disabilities that the ''system'' has forsaken.

He took the time to laugh, to have an adventure, and always to eat a good meal!

Ed did just about everything a person could dream of doing. He got married. He fathered a son—his absolute pride and joy. Ed swam with the dolphins, practiced karate, was almost eaten by a shark, threw tremendous dinner parties, and travelled all over the world. As WID vice president and one of Ed's former proteges, Debby Kaplan said recently, ''He had a determined exuberance for life.''

We are all fortunate to live in this world which Ed so deeply touched, so richly celebrated.

Mr. President, I yield the floor.

MESSAGES FROM THE HOUSE

At 11:58 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1045. An act to amend the Goals 2000: Educate America Act to eliminate the National Education Standards and Improvement Council, and for other purposes.

H.R. 1266. An act to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1266. An act to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES READ THE FIRST TIME

The following measure was read the first time:

H.R. 1045. An act to amend the Goals 2000: Educate America Act to eliminate the National Education Standards and Improvement Council, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 454. A bill to reform the health care liability system and improve health care quality through the establishment of quality assurance programs, and for other purposes (Rept. No. 104–83).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATFIELD:

S. 806. A bill to amend the Public Health Service Act to provide grants to entities in rural areas that design and implement innovative approaches to improve the availability and quality of health care in such rural areas, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 807. A bill to amend the Internal Revenue Code of 1986 to provide that individuals who have attained age 59 1/2 may contribute to individual retirement accounts without regard to their compensation; to the Committee on Finance.

By Mr. BREAUX:

S. 808. A bill to extend the deadline for the conversion of the vessel M/V TWIN DRILL, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself, Mr. HELMS, and Mr. BRADLEY):

S. 809. A bill to amend the Trade Act of 1974 to limit the eligibility for treatment under the generalized system of preferences in the case of countries that support international acts of terrorism, and for other purposes; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 810. A bill to direct the Secretary of the Interior to remove from the Coastal Barrier Resources System a tract of land in South Carolina that was added to the System without notice to the county in which the tract is located, and for other purposes; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATFIELD:

S. 806. A bill to amend the Public Health Service Act to provide grants to entities in rural areas that design and implement innovative approaches to improve the availability and quality of health care in such rural areas, and for other purposes; to the Committee on Finance.

THE RURAL HEALTH IMPROVEMENT ACT OF 1995

● Mr. HATFIELD. Mr. President, during the last several years, Americans have heard a lot about the need to reform our health care system. Health care costs are soaring out of control—far outpacing the rate of inflation—and nearly 38 million Americans are without health care insurance. Solutions for reform are complex and will go through much debate and consensus building before implemented on a national level.

While local and regional health care systems have rushed to consolidate and integrate their services and resources over the last decade, rural entities, due to their shortage of physicians, the vulnerability of their hospitals, their geographical and technical isolation, and the demographics of their patient populations, have been largely unable to adjust in a similar way. As public concern over the national health care crisis grows and legislative bodies and policymaking agencies scramble to devise and implement far-reaching health care reform, the special health care needs of rural America must not be neglected.

Today I am reintroducing the Rural Health Improvement Act because I feel, given the current direction of the health care reform debate, that it provides an essential transition into comprehensive health care reform. Now, more than ever, health providers in rural communities are joining with their urban counterparts to create networks to assure that health care is accessible in rural areas. There are a number of obstacles, however, that create a disincentive for providers to participate in these efforts. I believe that the legislation that I am introducing today will remove these obstacles and help rural communities position themselves for comprehensive health care reform.

Mr. President, the Rural Health Improvement Act will help our rural communities in the following ways. First, this legislation provides grants to allow rural and urban providers to develop rural health extension networks to facilitate the delivery of health care in rural communities. It allows existing networks such as area health education centers to compete for these grants in order to prevent needless duplication and to assure that successful programs will have the ability to expand their capabilities. The goal of the rural health extension networks grant is to facilitate resource sharing within the network by providing education and training for health care providers in rural areas, creating linkages between rural and urban providers through the use of telecommunications and other consultative projects, and assisting rural providers in developing cooperative approaches to health care delivery.

Second, my bill provides grants for the creation of rural managed care cooperatives which will enhance the economic viability of health care providers in rural areas. The idea of health cooperatives in rural areas is not new. In 1929, the first health maintenance organization in the United States was developed in rural Elk City, OK, by the Farmers' Cooperative. Since 1929, there have been several attempts to create rural health cooperatives, however, they have suffered because they lacked sufficient startup support. My bill provides this startup support.

These cooperatives will be made up of health providers of all types including, but not limited to, hospitals, physicians, rural health clinics, nurse practitioners, physician assistants, and public health departments. By establishing an effective case management and reimbursement system designed to support the financial needs of rural hospitals and health care systems, cooperatives will provide an effective framework for negotiating contracts with payers and assuring a defined level of quality. The cooperatives will also help rural practitioners with a portion of their payments on malpractice premiums.

Due to the concerns about possible antitrust problems that might arise in the formation of the rural health extension networks and the rural managed care cooperatives, the bill includes language which would protect providers who participate in these entities from antitrust law. This exemption from antitrust law should facilitate the development of network and cooperatives in rural areas.

Third, the bill allows the Secretary of Health and Human Services to award competitive grants to develop and implement mental health outreach programs in rural areas. The bill emphasizes the needs of the elderly and children in rural areas. Grant recipients are encouraged to form relationships with rural managed care cooperatives to enhance the delivery of these services.

Fourth, my bill provides stipend grants under the Area Health Education Centers [AHEC] Program to health care providers and trainees in rural communities as an incentive to provide health care services in those areas. While the stipends envisioned in this legislation will not completely relieve the financial burden young providers face, especially physicians, it is my hope that they will provide enough of an incentive to attract and retain health care providers in rural areas.

It has been 20 years since the AHEC Program was enacted and we now have a network of 48 AHEC Programs in 38 States. In my own State of Oregon, we have an excellent statewide AHEC program with five centers now operating to meet the challenges of both rural and urban areas. State studies have shown that AHEC's have an excellent record in addressing the primary health care profession needs of underserved areas. In fact, since AHEC's inception more than 1.5 million students, residents, and preceptors have been trained in medicine, allied health, dentistry, nursing, and pharmacy.

Finally, this year I have included a nonrefundable tax credit for qualified providers in rural and underserved areas. This tax credit is similar to the tax credit proposed in health care reform legislation last session. Under this provision qualified providers will be eligible for a tax credit if they serve in rural or underserved areas for 5 years. A similar tax credit program in Oregon has enjoyed great success. In a recent survey by the Oregon Office of Rural Health, rural providers indicated that the Oregon Tax Credit Program is the most important program offered that keeps them practicing in rural areas.

Mr. President, our rural communities are facing a crisis in health care delivery. Nationwide, 141 rural community hospitals closed between 1989 and 1993. In Oregon, five rural hospitals have closed since 1986 and several other rural facilities are threatened with imminent closure. These hospitals simply cannot compete with their urban counterparts. I believe my legislation will give rural health care providers the tools to build rural health care delivery systems which meet the health needs of their communities. This is the first step in developing an infrastructure of providers who will support and sustain comprehensive health care reform and provide health care access for all Americans.

I'd like to take a moment to thank the National Rural Health Care Association, the Oregon Office of Rural Health, the Oregon Association of Hospitals, the Oregon Medical Association, the Oregon Nurses Association, and the Oregon AHEC Program Office for their support in developing this innovative legislation.

I urge my colleagues to take a careful look at this bill and consider it as a transition into comprehensive health care reform that can help our rural communities now.●

By Mr. BREAUX:

S. 808. A bill to extend the deadline for the conversion of the vessel M/V *Twin Drill,* and for other purposes; to the Committee on Commerce, Science, and Transportation.

M/V TWIN DRILL LEGISLATION

● Mr. BREAUX. Mr. President, I am introducing a bill today to extend the deadline for the completion of the conversion of the vessel M/V *Twin Drill.* This vessel is what is known as a SWATH or small waterplane area twin hull vessel of advanced design that provides for an unusually smooth operating platform. This vessel currently undergoing initial conversion in Louisiana to ready her for a complete conversion to a U.S.-flag day cruise service.

Under terms of section 601(d) of Public Law 103–206 the M/V *Twin Drill* was granted full coastwise privileges provided that the cost of major conversion work on the vessel in a U.S. shipyard was more than three times the purchase value of the vessel. Furthermore, the owners were required to commit to build a new vessel entirely within a U.S. shipyard. These requirements were to have been completed by certain dates. A number of delays resulted from the discovery of additional work that was necessary because of unknown conditions on the vessel slowed the project to the point where it will now be impossible to complete the conversion by the statutory deadline.

Given the significant investment to date, and the progress already made, it is only reasonable that we provide some additional time for this shipyard work to be completed. This will cost the Government nothing, but it will mean immediate jobs at the shipyard and long-term employment opportunities onboard the *Twin Drill.* Failure to act would also mean foregone job opportunities in the construction and operation of the new vessel as well. A similar provision was passed by the House of Representatives last fall as part of the Coast Guard authorization legislation which we were not able to act on before the end of the last session. It is time we finish the job and I urge my colleagues to support this legislation.●

By Mr. LAUTENBERG (for himself, Mr. HELMS, and Mr. BRADLEY):

S. 809. A bill to amend the Trade Act of 1974 to limit the eligibility for treatment under the generalized system of preferences in the case of countries that support international acts of terrorism, and for other purposes; to the Committee on Finance.

THE TRADE ACT OF 1974 AMENDMENT ACT OF 1995

● Mr. LAUTENBERG. Mr. President, I introduce a bill that would make our Nation's Generalized System of Preferences Development Program conform with out foreign aid program when it comes to eliminating benefits for countries that sponsor terrorism. I am pleased that Senators HELMS and BRADLEY are original cosponsors of this legislation.

Under this bill, a country would automatically lose its GSP benefits once the Secretary of State makes a determination under the Export Administration Act of 1979 that ''the government of that country has repeatedly provided support for acts of international terrorism.'' Under the Foreign Assistance Act of 1961, once the Secretary makes this determination and a country is added to the State Department's so-called ''terrorism list,'' it is no longer eligible to receive foreign assistance from the United States. Likewise, state sponsors of terrorism should be precluded from importing products into this country duty free under the GSP Program.

But they are not.

Syria is a case in point. Syria was designated by the State Department as a state-sponsor of terrorism on December 29, 1979, which made it ineligible to receive foreign assistance. Nonetheless, Syria continued to import products into the U.S. duty free under the GSP Program until August 16, 1992. At that time, Syria's eligibility was suspended due to concerns about workers' rights—not a concern about terrorism.

Technically, the GSP law prohibits the President from designating a country GSP eligible ''if such country aids or abets, by granting sanctuary from prosecution to any individual or group which has committed an act of international terrorism.'' But the law did nothing to prohibit Syria, a country our Government already recognized as a state-sponsor of terrorism, from benefiting from the United States Government's GSP Development Program. That is why I am proposing a change in the law.

Mr. President, once the Secretary of State determines that a country sponsors terrorism it ought to automatically lose its GSP benefits, just as it loses its foreign assistance. There is no sensible rationale for barring foreign assistance for state sponsors of terrorism while providing GSP benefits to those same state sponsors of terrorism. Like foreign aid, GSP is a benefit, not a right. It is development program with goals that are similar to those of the foreign aid program. Both programs ought to be governed by the same terrorism standard.

When it comes to fighting terrorism, our Government needs to speak with one voice. We need to make it crystal clear that the benefits of American friendship are not provided to countries that, by their presence on the terrorist list, have been found to have a consistent pattern of state support for terrorism.

Mr. President, by making the GSP Program conform with the foreign aid program when it comes to providing benefits to countries that support terrorism, this bill would add an important element of consistency to our antiterrorism foreign policy.

I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON DESIGNATION AS BENEFICIARY DEVELOPING COUNTRY.

Section 502(b)(6) of the Trade Act of 1974 (19) U.S.C. 2462(b)(6)) is amended to read as follows:

''(6) if—

''(A) such country aids or abets, by granting sanctuary from prosecution to any individual or group which committed an act of international terrorism, or

''(B) the Secretary of State makes a determination with respect to such country under section 6(j)(1)(A) of the Export Administration Act of 1979; and''.●

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 810. A bill to direct the Secretary of the Interior to remove from the Coastal Barrier Resources System a tract of land in South Carolina that was added to the System without notice to the county in which the tract is located, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE COASTAL BARRIER RESOURCES SYSTEM FAIRNESS ACT OF 1995

Mr. HOLLINGS. Mr. President, I rise today to introduce the Coastal Barrier Resources System Fairness Act of 1995. The bill is aimed at correcting a mistake in the Coastal Barrier Resource System. Without this correction, a portion of Colleton County, SC, will remain in the Coastal Barrier Resources System even though the county never had an opportunity to voice their objection to their inclusion.

In 1980 Congress directed the Secretary of the Interior to study and propose a Coastal Barrier Resources System. The aim was to create a system made up of relatively undeveloped low-lying coastal lands which, because of their susceptibility to flooding, would not be eligible for Federal flood insurance. Practically speaking, to be included in the CBRS means you can't sell or develop your property.

Soon after the passage of the 1980 act, the Department of the Interior created a study group charged with promulgating an inventory of coastal

properties—properties to be included in the CBRS. By the end of 1988, the study group had completed its work and the Department of the Interior submitted the CBRS proposal to Congress.

This proposed inventory was the culmination of 8 years work and included suggestions made during two public comment periods. The first public comments were made following the release of an initial draft inventory in 1985. Additional comments were made following the release of a second draft in the spring of 1987. The Department of the Interior received numerous comments on these draft inventories and incorporated many in their final report to Congress. This final report was the basis for the Coastal Barrier Resources System adopted in 1990.

I recite this history because without an understanding of it, Mr. President, one can't understand the intent of my legislation.

While the Department of the Interior was drafting this proposed system, a strip of coastal South Carolina was being annexed by Colleton County from Charleston County. Unfortunately, this annexation occurred in 1987 in the midst of the 1987 CBRA comment period. Unfortunately, the notice of this second draft inventory was not received by Colleton County. The county never received any notice. It appears, the draft inventory was provided to Charleston County, not Colleton County. In fact, the maps currently on file at the Department of the Interior, still, incorrectly show this tract in Charleston County—not Colleton County. Thus, the citizens of Colleton County, never having had an opportunity to comment on these proposed changes, now find this tract included in the CBRS. And for all practical purposes off limits for development.

This bill corrects that mistake. It rights that wrong. It does not drastically redraft the Coastal Barrier Resources System nor withdraw any lands included in the 1985 draft. The bill simply returns a small portion of Edisto Island, SC, to its 1985 status.

I urge my colleagues to support this bill.

ADDITIONAL COSPONSORS

S. 426

At the request of Mr. SARBANES, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 426, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 457

At the request of Mr. SIMON, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 457, a bill to amend the Immigration and Nationality Act to update references in the classification of children for purposes of United States immigration laws.

S. 495

At the request of Mrs. KASSEBAUM, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 495, a bill to amend the Higher Education Act of 1965 to stabilize the student loan programs, improve congressional oversight, and for other purposes.

S. 507

At the request of Mr. PRESSLER, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 507, a bill to amend title 18 of the United States Code regarding false identification documents, and for other purposes.

S. 578

At the request of Mr. D'AMATO, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 578, a bill to limit assistance for Turkey under the Foreign Assistance Act of 1961 and the Arms Export Control Act until that country complies with certain human rights standards.

S. 633

At the request of Mr. PRYOR, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 633, a bill to amend the Federal Deposit Insurance Act to provide certain consumer protections if a depository institution engages in the sale of nondeposit investment products, and for other purposes.

S. 641

At the request of Mrs. KASSEBAUM, the names of the Senator from Colorado [Mr. CAMPBELL], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

S. 667

At the request of Mr. BRYAN, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 667, a bill to amend the Securities Exchange Act of 1934 in order to reform the conduct of private securities litigation, to provide for financial fraud detection and disclosure, and for other purposes.

S. 681

At the request of Mr. HELMS, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 681, a bill to provide for the imposition of sanctions against Colombia with respect to illegal drugs and drug trafficking.

S. 770

At the request of Mr. DOLE, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 794

At the request of Mr. LUGAR, the names of the Senator from Ohio [Mr. DEWINE] and the Senator from Arizona [Mr. KYL] were added as cosponsors of S. 794, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to facilitate the minor use of a pesticide, and for other purposes.

S. 805

At the request of Mr. SIMPSON, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 805, a bill to improve the rural electrification programs under the Rural Electrification Act of 1936, to improve Federal rural development programs administered by the Department of Agriculture, to provide for exclusive State jurisdiction over retail electric service areas, to prohibit certain practices in the restraint of trade, and for other purposes.

SENATE JOINT RESOLUTION 26

At the request of Mr. SIMPSON, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of Senate Joint Resolution 26, a joint resolution designating April 9, 1995, and April 9, 1996, as ''National Former Prisoner of War Recognition Day.''

AMENDMENTS SUBMITTED

THE SOLID WASTE DISPOSAL ACT OF 1995

MURRAY (AND GORTON) AMENDMENT NO. 1079

Mrs. MURRAY (for herself and Mr. GORTON) proposed an amendment to the bill (S. 534) to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes; as follows:

Title II, following section (f) State Solid Waste District Authority, add the following section (g) and reletter all the following subsections accordingly:

''(g) STATE MANDATED SOLID WASTE MANAGEMENT PLANNING.—A political subdivision of a state may exercise flow control authority for municipal solid waste, and for voluntarily relinquished recyclable material that is generated within its jurisdiction, if State legislation enacted prior to January 1, 1990 mandated the political subdivision to plan for the management of solid waste generated within its jurisdiction, and if prior to January 1, 1990 the State delegated to its political subdivisions the authority to establish a system of solid waste handling, and if prior to May 15, 1994:

''(1) the political subdivision had, in accordance with the plan adopted pursuant to such State mandate, obligated itself through contract (including a contract to repay a debt) to utilize existing solid waste facilities or an existing system of solid waste facilities; and

''(2) the political subdivision is currently undertaking a recycling program in accordance with its adopted waste management plan to meet the State's solid waste reduction goal of fifty percent; and

''(3) significant financial commitments have been made, or bonds have been issued, a major portion of which, were used for the construction of solid waste management facilities.''

On page 65, line 10, strike ''or (e)'' and insert ''(e) or (f).''

THE ALASKA POWER ADMINISTRATION SALE ACT TRANS-ALASKA PIPELINE AMENDMENT ACT OF 1995

MURKOWSKI AMENDMENTS NOS. 1080–1082

Mr. MURKOWSKI proposed three amendments to the bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and for other purposes; as follows:

AMENDMENT NO. 1080

Strike title I and insert in lieu thereof a new title I:

''TITLE I

''SEC. 101. SHORT TITLE.

''This title may be cited as the ''Alaska Power Administration Asset Sale and Termination Act''.

''SEC. 102. SALE OF SNETTISHAM AND EKLUTNA HYDROELECTRIC PROJECTS.

''(a) The Secretary of Energy is authorized and directed to sell the Snettisham Hydroelectric Project (referred to in this Act as ''Snettisham'') to the State of Alaska in accordance with the terms of this Act and the February 10, 1989, Snettisham Purchase Agreement, as amended, between the Alaska Power Administration of the United States Department of Energy and the Alaska Power Authority and the Authority's successors.

''(b) The Secretary of Energy is authorized and directed to sell the Eklutna Hydroelectric Project (referred to in this Act as ''Eklutna'') to the Municipality of Anchorage doing business as Municipal light and Power, the Chugach Electric Association, Inc., and the Matanuska Electric Association, Inc. (referred to in this Act as ''Eklutna Purchasers''), in accordance with the terms of this Act and the August 2, 1989, Eklutna Purchase Agreement, as amended, between the Alaska Power Administration of the United States Department of Energy and the Eklutna Purchasers.

''(c) The heads of other Federal departments and agencies, including the Secretary of the Interior, shall assist the Secretary of Energy in implementing the sales authorized and directed by this Act.

''(d) Proceeds from the sales required by this title shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

''(e) There are authorized to be appropriated such sums as may be necessary to prepare, survey, and acquire Eklutna and Snettisham assets for sale and conveyance. Such preparations and acquisitions shall provide sufficient title to ensure the beneficial use, enjoyment, and occupancy by the purchaser.

''SEC. 103. EXEMPTION AND OTHER PROVISIONS.

''(a)(1) After the sales authorized by this Act occur, Eklutna and Snettisham, including future modifications, shall continue to be exempt from the requirements of the Federal Power Act (16 U.S.C. 791a et seq.) as amended.

''(2) The exemption provided by paragraph (1) does not affect the Memorandum of Agreement entered into among the State of Alaska, the Eklutna Purchasers, the Alaska Energy Authority, and Federal fish and wildlife agencies regarding the protection, mitigation of, damages to, and enhancement of fish and wildlife, dated August 7, 1991, which remains in full force and effect.

''(3) Nothing in this title or the Federal Power Act preempts the State of Alaska from carrying out the responsibilities and authorities of the Memorandum of Agreement.

''(b)(1) The United States District Court for the District of Alaska shall have jurisdiction to review decisions made under the Memorandum of Agreement and to enforce the provisions of the Memorandum of Agreement, including the remedy of specific performance.

''(2) An action seeking review of a Fish and Wildlife Program (''Program'') of the Governor of Alaska under the Memorandum of Agreement or challenging actions of any of the parties to the Memorandum of Agreement prior to the adoption of the Program shall be brought not later than ninety days after the date on which the Program is adopted by the Governor of Alaska, or be barred.

''(3) An action seeking review of implementation of the Program shall be brought not later than ninety days after the challenged act implementing the Program, or be barred.

''(c) With respect to Eklutna lands described in Exhibit A of the Eklutna Purchase Agreement:

''(1) The Secretary of the Interior shall issue rights-of-way to the Alaska Power Administration for subsequent reassignment to the Eklutna Purchasers—

''(A) at no cost to the Eklutna Purchasers;

''(B) to remain effective for a period equal to the life of Eklutna as extended by improvements, repairs, renewals, or replacements; and

''(C) sufficient for the operation of, maintenance of, repair to, and replacement of, and access to, Eklutna facilities located on military lands and lands managed by the Bureau of Land Management, including lands selected by the State of Alaska.

''(2) If the Eklutna Purchasers subsequently sell or transfer Eklutna to private ownership, the Bureau of Land Management may assess reasonable and customary fees for continued use of the rights-of-way on lands managed by the Bureau of Land Management and military lands in accordance with existing law.

''(3) Fee title to lands at Anchorage Substation shall be transferred to Eklutna Purchasers at no additional cost if the Secretary of the Interior determines that pending claims to, and selections of, those lands are invalid or relinquished.

''(4) With respect to the Eklutna lands identified in paragraph 1 of Exhibit A of the Eklutna Purchase Agreement, the State of Alaska may select, and the Secretary of the Interior shall convey to the State, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85–508, 72 Stat. 339, as amended), and the North Anchorage Land Agreement dated January 31, 1983. This conveyance shall be subject to the rights-of-way provided to the Eklutna Purchasers under paragraph (1).

''(d) With respect to the Snettisham lands identified in paragraph 1 of Exhibit A of the Snettisham Purchase Agreement and Public Land Order No. 5108, the State of Alaska may select, and the Secretary of the Interior shall convey to the State of Alaska, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85–508, 72 Stat. 339, as amended).

''(e) Not later than one year after both of the sales authorized in section 102 have occurred, as measured by the Transaction Dates stipulated in the Purchase Agreements, the Secretary of Energy shall—

''(1) complete the business of, and close out, the Alaska Power Administration;

''(2) submit to Congress a report documenting the sales; and

''(3) return unobligated balances of funds appropriated for the Alaska Power Administration to the Treasury of the United States.

''(f) The Act of July 31, 1950 (64 Stat. 382) is repealed effective on the date, as determined by the Secretary of Energy, that all Eklutna assets have been conveyed to the Eklutna Purchasers.

''(g) Section 204 of the Flood Control Act of 1962 (76 Stat. 1193) is repealed effective on the date, as determined by the Secretary of Energy, that all Snettisham assets have been conveyed to the State of Alaska.

''(h) As of the later of the two dates determined in subsection (f) and (g), section 302(a) of the Department of Energy Organization Act (42 U.S.C. 7152(a)) is amended—

''(1) in paragraph (1)—

''(A) by striking subparagraph (C); and

''(B) by redesignating subparagraphs (D), (E), and

''(F) as subparagraphs (C), (D), and (E) respectively; and

''(2) in paragraph (2) by striking out ''and the Alaska Power Administration'' and by inserting ''and'' after ''Southwestern Power Administration,''.

''(i) The Act of August 9, 1955, concerning water resources investigation in Alaska (69 Stat. 618), is repealed.

''(j) The sales of Eklutna and Snettisham under this title are not considered disposal of Federal surplus property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or the Act of October 3, 1944, popularly referred to as the ''Surplus Property Act of 1944'' (50 U.S.C. App. 1622).

''(k) The sales authorized in this title shall occur not later than 1 year after the date of enactment of legislation defining 'first use' of Snettisham for purposes of section 147(d) of the Internal Revenue Code of 1986, to be considered to occur pursuant to acquisition of the property by or on behalf of the State of Alaska.''.

AMENDMENT NO. 1081

Strike the text of title II and insert the following text:

''TITLE II

''SEC. 201. SHORT TITLE.

''This title may be cited as ''Trans-Alaska Pipeline Amendment Act of 1995''.

''SEC. 202. TAPS ACT AMENDMENTS.

''Section 203 of the Act entitled the 'Trans-Alaska Pipeline Authorization Act,' as amended (43 U.S.C. 1652), is amended by inserting the following new subsection (f):

''(f) EXPORTS OF ALASKAN NORTH SLOPE OIL.—

''(1) Subject to paragraphs (2) through (6), of this subsection and notwithstanding any other provision of law (including any regulation), any oil transported by pipeline over right-of-way granted pursuant to this section may be exported after October 31, 1995 unless the President finds that exportation of this oil is not in the national interest. In evaluating whether the proposed exportation is in the national interest, the President—

''(A) shall determine whether the proposed exportation would diminish the total quantity or quality of petroleum available to the United States; and

''(B) shall conduct and complete an appropriate environmental review of the proposed exportation, including consideration of appropriate measures to mitigate any potential adverse effect on the environment, within four months after the date of enactment of this subsection.

''The President shall make his national interest determination within five months

after the date of enactment of this subsection or 30 days after completion of the environmental review, whichever is earlier. The President may make his determination subject to such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that the exportation is consistent with the national interest.

''(2) Except in the case of oil exported to a country pursuant to a bilateral international oil supply agreement entered into by the United States with the country before June 25, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over right-of-way granted pursuant to this section, shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

''(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exportation of the oil.''.

''(4) The Secretary of Commerce shall issue any rules necessary for implementation of the President's national interest determination within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

''(5) If the Secretary of Commerce finds that anticompetitive activity by a person exporting crude oil under authority of this subsection has caused sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused sustained material adverse employment effects in the United States, the Secretary of Commerce may recommend to the President appropriate action against such person, which may include modification of the authorization to export crude oil.

''(6) Administrative action with respect to an authorization under this subsection is not subject to sections 551 and 553 through 559 of title 5, United States Code.

''SEC. 203. ANNUAL REPORT.

''Section 103(f) of the Energy Policy and Conservation Act (42 U.S.C. 6212(f)) is amended by adding at the end thereof the following:

''In the first quarter report for each new calendar year, the President shall indicate whether independent refiners in Petroleum Administration for Defense District V have been unable to secure adequate supplies of crude oil as a result of exports of Alaskan North Slope crude oil in the prior calendar year and shall make such recommendations to the Congress as may be appropriate.''.

''SEC. 204. GAO REPORT.

''The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope crude oil exports, if any, on consumers, independent refiners, and shipbuilding and ship repair yards on the West Coast. The Comptroller General shall commence this review four years after the date of enactment of this Act and, within one year after commencing the review, shall provide a report to the Committee on Energy and Natural Resources in the Senate and the Committee on Resources in the House of Representatives. The report shall contain a statement of the principal findings of the review and such recommendations for consideration by the Congress as may be appropriate.

''SEC. 205. EFFECTIVE DATE.

''This title and the amendments made by it shall take effect on the date of enactment.''.

AMENDMENT NO. 1082

''TITLE II

''SEC. 201. SHORT TITLE.

''This title may be cited as 'Trans-Alaska Pipeline Amendment Act of 1995'.

''SEC. 202. TAPS ACT AMENDMENTS.

''Section 203 of the Act entitled the 'Trans-Alaska Pipeline Authorization Act,' as amended (43 U.S.C. 1652), is amended by inserting the following new subsection (f):

''(f) EXPORTS OF ALASKAN NORTH SLOPE OIL.—

''(1) Subject to paragraphs (2) through (6), of this subsection and notwithstanding any other provision of law (including any regulation), any oil transported by pipeline over right-of-way granted pursuant to this section may be exported after October 31, 1995 unless the President finds that exportation of this oil is not in the national interest. In evaluating whether the proposed exportation is in the national interest, the President—

''(A) shall determine whether the proposed exportation would diminish the total quantity or quality of petroleum available to the United States; and

''(B) shall conduct and complete an appropriate environmental review of the proposed exportation, including consideration of appropriate measures to mitigate any potential adverse effect on the environment, within six months after the date of enactment of this subsection.

The President shall make his national interest determination within five months after the date of enactment of this subsection or 30 days after completion of the environmental review, whichever is earlier. The President may make his determination subject to such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that the exportation is consistent with the national interest.

''(2) Except in the case of oil exported to a country pursuant to a bilateral international oil supply agreement entered into by the United States with the country before June 25, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over right-of-way granted pursuant to this section, shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

''(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exportation of the oil.''.

''(4) The Secretary of Commerce shall issue any rules necessary for implementation of the President's national interest determination within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

''(5) If the Secretary of Commerce finds that anticompetitive activity by a person exporting crude oil under authority of this subsection has caused sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused sustained material adverse employment effects in the United States, the Secretary of Commerce may recommend to the President appropriate action against such person, which may include modification of the authorization to export crude oil.

''(6) Administrative action with respect to an authorization under this subsection is not subject to sections 551 and 553 through 559 of title 5, United States Code.

''SEC. 203. ANNUAL REPORT.

''Section 103(f) of the Energy Policy and Conservation Act (42 U.S.C. 6212(f)) is amended by adding at the end thereof the following:

''In the first quarter report for each new calendar year, the President shall indicate whether independent refiners in Petroleum Administration for Defense District V have been unable to secure adequate supplies of crude oil as a result of exports of Alaskan North Slope crude oil in the prior calendar year and shall make such recommendations to the Congress as may be appropriate.''.

''SEC. 204. GAO REPORT.

''The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope crude oil exports, if any, on consumers, independent refiners, ad shipbuilding and ship repair yards on the West Coast. The Comptroller General shall commence this review four years after the date of enactment of this Act and, within one year after commencing the review, shall provide a report to the Committee on Energy and Natural Resources in the Senate and the Committee on Resources in the House of Representatives. The report shall contain a statement of the principal findings of the review and such recommendations for consideration by the Congress as may be appropriate.

''SEC. 205. EFFECTIVE DATE.

''This title and the amendments made by it shall take effect on the date of enactment.''.

THE SOLID WASTE DISPOSAL ACT OF 1995

KEMPTHORNE AMENDMENT NO. 1083

Mr. CHAFEE (for Mr. KEMPTHORNE) proposed an amendment to the bill (S. 534) to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes; as follows:

On page 35, line 5, after the word, ''agreements'', insert the words, ''or permits authorizing receipt of out-of-State municipal solid waste''.

On page 45, lines 15 and 16, after the word, ''tax'', strike the words, ''assessed against or voluntarily''; on lines 16 and 17, after the word, ''subdivision'', insert the following: '', or to the extent that the amount of the surcharge is offset by voluntarily agreed payments to a State or its political subdivision''.

THE ALASKA POWER ADMINISTRATION SALE ACT TRANS-ALASKA PIPELINE AMENDMENT ACT OF 1995

MURRAY AMENDMENTS NOS. 1084–1091

(Ordered to lie on the table.)

Mrs. MURRAY submitted eight amendments intended to be proposed by her to the bill S. 395, supra; as follows:

AMENDMENT NO. 1084

On page 17, strike lines 9 through 11 and insert the following:

SEC. 9. LICENSES AUTHORIZING EXPORTS.

Any license that is required under any law authorizing an export of Alaskan North Slope oil under section 203(f) of the Trans-Alaska Pipeline Authorization Act, as added by section 202, shall not be made effective as of any date that is earlier than January 1, 1997.

AMENDMENT NO. 1085

On page 14, strike line 15 and all that follows through page 17.

AMENDMENT NO. 1086

At the appropriate place, insert the following:

SEC. . OIL POLLUTION PREVENTION AND EMERGENCY TOWING AND RESCUE VESSEL.

(a) IN GENERAL.—The Secretary of Transportation shall purchase, by not later than January 1, 1996, and cause to be refurbished, equipped, crewed, and placed in operation by the Coast Guard, by not later than July 1, 1996, a vessel to be used for oil spill prevention and protection of the Olympic Coast National Marine Sanctuary and for emergency towing and rescue operations in the Strait of Juan de Fuca and the adjacent Pacific coast.

(b) PAYMENT OUT OF THE OIL SPILL LIABILITY TRUST FUND.—The Secretary of Transportation shall pay, out of the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986—

(1) not more than $10,000,000 for the purchase, refurbishment, and equipping of the vessel under subsection (a); and

(2) not more than $5,000,000 for the maintenance and operation of the vessel for a period of 5 years.

(c) CAPABILITIES.—The vessel provided under subsection (a) shall be capable of providing—

(1) emergency towing service to a vessel of up to 265,000 deadweight tons;

(2) initial oil spill response, a platform for initial salvage assessment, marine fire fighting response and support, and intervention support for the Coordinated Vessel Traffic Service; and

(3) enforcement support for the Department of Fisheries and National Oceanic and Atmospheric Agency.

AMENDMENT NO. 1087

On page 15, between lines 5 and 6 insert the following:

''(2)(A) No license that is required under any law authorizing an export of oil under this subsection may be granted unless the Secretary of Commerce, based on advice from the Attorney General, makes and publishes a finding that the export will not have an anticompetitive effect that is likely to harm independent refiners or consumers.

''(B) A license described in subparagraph (A) shall have a duration of not longer than 1 year, and any renewal or extension of such a license shall be based on a new finding made and published in accordance with subparagraph (A).

''(C) A license described in subparagraph (A) shall be revoked if the Secretary of Commerce determines, based on advice from the Attorney General, that the finding on which the license is based is no longer valid.

AMENDMENT NO. 1088

On page 15, between lines 5 and 6 insert the following:

''(2) The total average daily volume of exports allowed under this subsection in any calendar year shall be limited to the portion of the oil delivered through the trans-Alaska oil pipeline system that—

''(A) is owned by the State of Alaska; or

''(B) is in excess of the following amounts:

''(i) 1,600,000 barrels per calendar day in 1995.

''(ii) 1,500,000 barrels per calendar day in 1996.

''(iii) 1,400,000 barrels per calendar day in 1997.

''(v) 1,600,000 barrels per calendar day in 1998.

''(vi) Such an amount per calendar day in any year after 1998 as the President determines to be in the national interest.

AMENDMENT NO. 1089

On page 15, strike lines 6 through 16 and insert the following:

''(2)(A) Except in the case of oil exported to a country pursuant to a bilateral international oil supply agreement entered into by the United States with the country before June 25, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, and subject to subparagraph (B), oil exported under this subsection shall be transported by a vessel documented under the laws of the United States that is eligible to engage in the coastwise trade.

''(B) A vessel shall not be eligible to transport oil under this subsection if, during a voyage on which such oil is transported, any repair on the vessel is performed in a foreign shipyard other than an emergency repair that is necessary in order to allow the vessel to complete the voyage safely.

''(3) Any license that is required under any law authorizing an export of Alaskan North Slope oil under this subsection shall not be made effective as of any date that is earlier than January 1, 1997.

AMENDMENT NO. 1090

At the appropriate place, add the following new title:

TITLE ___—JUSTICE FOR WARDS COVE WORKERS ACT

SEC. ___. APPLICATION OF CIVIL RIGHTS PROTECTIONS.

(a) SHORT TITLE.—This title may be cited as the ''Justice for Wards Cove Workers Act''.

(b) AMENDMENTS.—Section 402 of the Civil Rights Act of 1991 (42 U.S.C. 1981 note) is amended—

(1) in subsection (a) by striking ''(a) IN GENERAL.—''; and

(2) by striking subsection (b).

(c) APPLICATION AND CONSTRUCTION.—

(1) APPLICATION.—For purposes of determining the application of the amendments made by the Civil Rights Act of 1991, such amendments shall apply to a case that was subject to section 402(b) of the Civil Rights Act of 1991 (as in effect on the day before the date of enactment of this Act) in the same manner and to the same extent as such amendments apply to any case brought under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) that was not subject to section 402(b) of the Civil Rights Act of 1991.

(2) CONSTRUCTION.—Nothing in this title shall be construed to alter, or shall be considered to be evidence of, congressional intent regarding the application of such amendments to any case that was not subject to section 402(b) of the Civil Rights Act of 1991.

AMENDMENT NO. 1091

At the end of the bill, add the following:

TITLE III—UNITED STATES CRUISE VESSELS

SEC. 301. SHORT TITLE.

This title may be cited as the ''United States Cruise Vessel Development Act of 1995''.

SEC. 302. PURPOSE.

The purpose of this title is to promote construction and operation of United States flag cruise vessels in the United States.

SEC. 303. COASTWISE TRANSPORTATION OF PASSENGERS.

Section 8 of the Act entitled ''An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes'', approved June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 289), is amended to read as follows:

''SEC. 8. COASTWISE TRANSPORTATION OF PASSENGERS.

''(a) IN GENERAL.—Except as otherwise provided by law, a vessel may transport passengers in coastwise trade only if—

''(1) the vessel is owned by a person that is—

''(A) an individual who is a citizen of the United States; or

''(B) a corporation, partnership, or association that is a citizen of the United States under section 2(a) of the Shipping Act, 1916 (46 App. U.S.C. 802(a));

''(2) the vessel meets the requirements of section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883); and

''(3) for a vessel that is at least 5 net tons, the vessel is issued a certificate of documentation under chapter 121 of title 46, United States Code, with a coastwise endorsement.

''(b) EXCEPTION FOR VESSEL UNDER DEMISE CHARTER.—

''(1) IN GENERAL.—Subsection (a)(1) does not apply to a cruise vessel operating under a demise charter that—

''(A) has a term of at least 18 months; and

''(B) is to a person described in subsection (a)(1).

''(2) EXTENSION OF PERIOD FOR OPERATION.—A cruise vessel authorized to operate in coastwise trade under paragraph (1) based on a demise charter described in paragraph (1) may operate in that coastwise trade during a period following the termination of the charter of not more than 6 months, if the operation—

''(A) is approved by the Secretary; and

''(B) is in accordance with such terms as may be prescribed by the Secretary for that approval.

''(c) EXCEPTION FOR VESSEL TO BE REFLAGGED.—

''(1) EXCEPTION.—Subsection (a)(2) and section 12106(a)(2)(A) of title 46, United States Code, do not apply to a cruise vessel if—

''(A) the vessel—

''(i) is not documented under chapter 121 of title 46, United States Code, on the date of enactment of the United States Cruise Vessel Development Act of 1995; and

''(ii) is not less than 5 years old and not more than 15 years old on the first date that the vessel is documented under that chapter after that date of enactment; and

''(B) the owner or charterer of the vessel has entered into a contract for the construction in the United States of another cruise vessel that has a total berth or stateroom capacity that is at least 80 percent of the capacity of the cruise vessel.

''(2) TERMINATION OF AUTHORITY TO OPERATE.—Paragraph (1) does not apply to a vessel after the date that is 18 months after the date on which a certificate of documentation with a coastwise endorsement is first issued for the vessel after the date of enactment of

the United States Cruise Vessel Development Act of 1995 if, before the end of that 18-month period, the keel of another vessel has not been laid, or another vessel is not at a similar stage of construction, under a contract required for the vessel under paragraph (1)(B).

''(3) EXTENSION OF PERIOD BEFORE TERMINATION.—The Secretary of Transportation may extend the 18-month period under paragraph (2) for an additional period of not to exceed 6 months for good cause shown.

''(d) LIMITATION ON OPERATIONS.—A person (including a related person with respect to that person) who owns or charters a cruise vessel operating in coastwise trade under subsection (b) or (c) under a coastwise endorsement may not operate any vessel between—

''(1) any 2 ports served by another cruise vessel that transports passengers in coastwise trade under subsection (a) on the date the Secretary issues the coastwise endorsement; or

''(2) any of the islands of Hawaii.

''(e) PENALTIES.—

''(1) CIVIL PENALTY.—A person operating a vessel in violation of this section shall be liable to the United States Government for a civil penalty of $1,000 for each passenger transported in violation of this section.

''(2) FORFEITURE.—A vessel operated in knowing violation of this section, and its equipment, shall be liable to seizure by and forfeiture to the United States Government.

''(3) DISQUALIFICATION FROM COASTWISE TRADE.—A person that is required to enter into a construction contract under subsection (c)(1)(B) with respect to a cruise vessel (including any related person with respect to that person) may not own or operate any vessel in coastwise trade after the period applicable under subsection (c)(2) with respect to the cruise vessel, if before the end of that period a keel is not laid and a similar stage of construction is not reached under such a contract.

''(f) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

''(1) COASTWISE TRADE.—The term 'coastwise trade' includes transportation of a passenger between points in the United States, either directly or by way of a foreign port.

''(2) CRUISE VESSEL.—The term 'cruise vessel' means a vessel that—

''(A) is at least 10,000 gross tons (as measured under chapter 143 of title 46, United States Code);

''(B) has berth or stateroom accommodations for at least 200 passengers; and

''(C) is not a ferry.

''(3) RELATED PERSON.—The term 'related person' means, with respect to a person—

''(A) a holding company, subsidiary, affiliate, or association of the person; and

''(B) an officer, director, or agent of the person or of an entity referred to in subparagraph (A).''.

SEC. 304. CONSTRUCTION STANDARDS.

Section 3309 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) A vessel described in paragraph (3) is deemed to comply with this part and part C of this subtitle.

''(2) The Secretary shall issue a certificate of inspection under subsection (a) to a vessel described in paragraph (3).

''(3) A vessel is described in this paragraph if—

''(A) the vessel meets the standards and conditions for the issuance of a control verification certificate to a foreign vessel embarking passengers in the United States;

''(B) a coastwise endorsement is issued for the vessel under section 12106 after the date of enactment of the United States Cruise Vessel Development Act of 1995; and

''(C) the vessel is authorized to engage in coastwise trade by reason of subsection (c) of section 8 of the Act entitled 'An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes', approved June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 289).''.

SEC. 305. CITIZENSHIP FOR PURPOSES OF DOCUMENTATION.

Section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802), is amended—

(1) in subsection (a) by inserting ''other than primarily in the transport of passengers,'' after ''the coastwise trade''; and

(2) by adding at the end the following new subsection:

''(e) For purposes of determining citizenship under subsection (a) with respect to operation of a vessel primarily in the transport of passengers in coastwise trade, the controlling interest in a partnership or association that owns the vessel shall not be deemed to be owned by citizens of the United States unless a majority interest in the partnership or association is owned by citizens of the United States free from any trust or fiduciary obligation in favor of any person that is not a citizen of the United States.''.

SEC. 306. AMENDMENT TO TITLE XI OF THE MERCHANT MARINE ACT, 1936.

Section 1101(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271(b)) is amended by striking ''passenger cargo'' and inserting ''passenger, cargo,''.

SEC. 307. PERMITS FOR VESSELS ENTERING UNITS OF NATIONAL PARK SYSTEM.

(a) PRIORITY.—Notwithstanding any other provision of law, the Secretary of the Interior may not permit a person to operate a vessel in any unit of the National Park System except in accordance with the following priority:

(1) First, any person that—

(A) will operate a vessel that is documented under the laws of, and the home port of which is located in, the United States; or

(B) holds rights to provide visitor services under section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(a)).

(2) Second, any person that will operate a vessel that—

(A) is documented under the laws of a foreign country, and

(B) on the date of the enactment of this Act is permitted to be operated by the person in the unit.

(3) Third, any person that will operate a vessel other than a vessel described in paragraph (1) or (2).

(b) REVOCATION OF PERMITS FOR FOREIGN-DOCUMENTED VESSELS.—The Secretary of the Interior shall revoke or refuse to renew permission granted by the Secretary for the operation of a vessel documented under the laws of a foreign country in a unit of the National Park System, if—

(1) a person requests permission to operate a vessel documented under the laws of the United States in that unit; and

(2) the permission may not be granted because of a limit on the number of permits that may be issued for that operation.

(c) RESTRICTIONS ON REVOCATION OF PERMITS.—The Secretary of the Interior may not revoke or refuse to renew permission under subsection (b) for any person holding rights to provide visitor services under section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(a)).

(d) RETURN OF PERMITS.—Any person whose permission to provide visitors services in a unit of the National Park System has been revoked or not renewed under subsection (b) shall have the right of first refusal to a permit to provide visitors services in that unit of the National Park System that becomes available when the conditions described in subsection (b) no longer apply. Such right shall be limited to the number of permits which are revoked or not renewed.

DOMENICI (AND OTHERS) AMENDMENT NO. 1092

Mr. DOMENICI (for himself, Mr. KEMPTHORNE, and Mr. SMITH) proposed an amendment to the bill S. 534, supra; as follows:

On page 69, line 22, strike '' ''.''

On page 69, between lines 22 and 23, insert the following new provision:

''(5) FURTHER REVISIONS OF GUIDELINES AND CRITERIA.—Not later than April 9, 1997, the Administrator shall promulgate revisions to the guidelines and criteria promulgated under this subchapter to allow states to promulgate alternate design, operating, landfill gas monitor, financial assurance, and closure requirements for landfills which receive 20 tons or less of municipal solid waste per day based on an annual average, provided that such alternate requirements are sufficient to protect human health and the environment.''.

HATFIELD AMENDMENT NO. 1093

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the bill S. 395, supra; as follows:

At the appropriate place in title II, add the following new section:

SEC. . RETIREMENT OF CERTAIN COSTS INCURRED FOR THE CONSTRUCTION OF NON-FEDERAL PUBLICLY OWNED SHIPYARDS.

(a) IN GENERAL.—The Secretary of Energy shall—

(1) deposit proceeds of sales out of the Naval Petroleum Reserve in a special account in amounts sufficient to make payments under subsections (b) and (c); and

(2) out of the account described in paragraph (1), provide, in accordance with subsections (b) and (c), financial assistance to a port authority that—

(A) manages a non-Federal publicly owned shipyard on the United States west coast that is capable of handling very large crude carrier tankers; and

(B) has obligations outstanding as of May 15, 1995, that were issued on June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds.

(b) ACQUISITION AND REFURBISHMENT OF INFRASTRUCTURE.—The Secretary shall provide, for acquisition of infrastructure and refurbishment of existing infrastructure, $10,000,000 in fiscal year 1996.

(c) RETIREMENT OF OBLIGATIONS.—The Secretary shall provide, for retirement of obligations outstanding as of May 15, 1995, that were issued on June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds—

(1) $6,000,000 in fiscal year 1996;
(2) $13,000,000 in fiscal year 1997;
(3) $10,000,000 in fiscal year 1998;
(4) $8,000,000 in fiscal year 1999;
(5) $6,000,000 in fiscal year 2000;
(6) $3,500,000 in fiscal year 2001; and
(7) $3,500,000 in fiscal year 2002.

DASCHLE (AND OTHERS) AMENDMENT NO. 1094

(Ordered to lie on the table.)

Mr. DASCHLE (for himself, Mr. BAUCUS, Mr. WELLSTONE, and Mr. DORGAN) submitted an amendment intended to be proposed by them to the bill S. 395, supra; as follows:

On page 14, between lines 14 and 15 insert the following:

SEC. 104. DECLARATION CONCERNING OTHER HYDROELECTRIC PROJECTS AND THE POWER MARKETING ADMINISTRATIONS.

Congress declares that—

(1) the circumstances that justify authorization by Congress of the sale of hydroelectric projects under section 102 are unique to those projects and do not pertain to other hydroelectric projects or to the power marketing administrations in the 48 contiguous States; and

(2) accordingly, the enactment of section 102 should not be understood as lending support to any proposal to sell any other hydroelectric project or the power marketing administrations.

HARKIN (AND AKAKA) AMENDMENT NO. 1095

(Ordered to lie on the table.)

Mr. HARKIN (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by them to the bill S. 395, supra; as follows:

At the appropriate place, insert the following:

TITLE III

SECTION 301. SHORT TITLE.

This Act may be cited as the ''Hydrogen Future Act of 1995''.

SEC. 302. FINDINGS.

Congress finds that—

(1) fossil fuels, the main energy source of the present, have provided this country with tremendous supply but are limited;

(2) additional research, development, and demonstration are needed to encourage private sector investment in development of new and better energy sources and enabling technologies;

(3) hydrogen holds tremendous promise as a fuel because it can be extracted from water and can be burned much more cleanly than conventional fuels;

(4) hydrogen production efficiency is a major technical barrier to society's collectively benefiting from 1 of the great energy carriers of the future;

(5) an aggressive, results-oriented, multiyear research initiative on efficient hydrogen fuel production and use should be maintained; and

(6) the current Federal effort to develop hydrogen as a fuel is inadequate.

SEC. 303. PURPOSES.

The purposes of this Act are—

(1) to provide for a research, development, and demonstration program leading to the production, storage, transport, and use of hydrogen for industrial, residential, transportation, and utility applications; and

(2) to provide advice from academia and the private sector in the implementation of the Department of Energy's hydrogen research, development, and demonstration program to ensure that economic benefits of the program accrue to the United States.

SEC. 304. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 305. RESEARCH AND DEVELOPMENT.

(a) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Pursuant to this section, the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401 et seq.), and section 2026 of the Energy Policy Act of 1992 (42 U.S.C. 13436), and in accordance with the purposes of this Act, the Secretary shall conduct a hydrogen energy research, development, and demonstration program relating to production, storage, transportation, and use of hydrogen, with the goal of enabling the private sector to demonstrate the feasibility of using hydrogen for industrial, residential, transportation, and utility applications.

(2) PRIORITIES.—In establishing priorities for Federal funding under this section, the Secretary shall survey private sector hydrogen activities and take steps to ensure that activities under this section do not displace or compete with the privately funded hydrogen activities of the United States industry.

(b) SCHEDULE.—

(1) SOLICITATION.—Not later than 180 days after the date of the enactment of an Act providing appropriations for programs authorized by this Act, the Secretary shall solicit proposals from all interested parties for research and development activities authorized under this section.

(2) DEPARTMENT FACILITY.—The Secretary may consider, on a competitive basis, a proposal from a contractor that manages and operates a department facility under contract with the Department, and the contractor may perform the work at that facility or any other facility.

(3) AWARD.—Not later than 180 days after proposals are submitted, if the Secretary identifies 1 or more proposals that are worthy of Federal assistance, the Secretary shall award financial assistance under this section competitively, using peer review of proposals with appropriate protection of proprietary information.

(c) COST SHARING.—

(1) RESEARCH.—

(A) IN GENERAL.—In the case of a research proposal, the Secretary shall require a commitment from non-Federal sources of at least 25 percent of the cost of the program.

(B) BASIC OR FUNDAMENTAL NATURE.—The Secretary may reduce or eliminate the non-Federal requirement under subparagraph (A) if the Secretary determines that the research and development are of such a purely basic or fundamental nature that a non-Federal commitment is not obtainable.

(2) DEVELOPMENT AND DEMONSTRATION.—

(A) IN GENERAL.—In the case of a development or demonstration proposal, the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the costs that directly and specifically relate to the program.

(B) TECHNOLOGICAL RISKS.—The Secretary may reduce the non-Federal requirement under subparagraph (A) if the Secretary determines that—

(i) the reduction is necessary and appropriate considering the technological risks involved in the project; and

(ii) the reduction serves the purpose and goals of this Act.

(3) NATURE OF NON-FEDERAL COMMITMENT.—In calculating the amount of the non-Federal commitment under paragraph (1) or (2), the Secretary shall include cash and the fair market value of, personnel, services, equipment, and other resources.

(d) CONSULTATION AND CERTIFICATIONS.—Before financial assistance is provided under this section or the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401 et seq.)—

(1) the Secretary shall determine, in consultation with the United States Trade Representative and the Secretary of Commerce, that the terms and conditions under which financial assistance is provided are consistent with the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreement Act (19 U.S.C. 3511(d)(12)); and

(2) an industry participant shall be required to certify that—

(A) the participant has made reasonable efforts to obtain non-Federal funding for the entire cost of the project; and

(B) full non-Federal funding could not be reasonably obtained.

(e) DUPLICATION OF PROGRAMS.—The Secretary shall not carry out any activity under this section that unnecessarily duplicates an activity carried out by another government agency or the private sector.

SEC. 306. TECHNOLOGY TRANSFER.

(a) EXCHANGE.—The Secretary shall foster the exchange of generic, nonproprietary information and technology developed pursuant to section 5 among industry, academia, and government agencies.

(b) ECONOMIC BENEFITS.—The Secretary shall ensure that economic benefits of the exchange of information and technology will accrue to the United States economy.

SEC. 307. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Secretary shall transmit to Congress a detailed report on the status and progress of the Department's hydrogen research and development program.

(b) CONTENTS.—A report under subsection (a) shall include—

(1) an analysis of the effectiveness of the program, to be prepared and submitted by the Hydrogen Technical Advisory Panel established under section 108 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12407); and

(2) recommendations of the Panel for any improvements in the program that are if needed, including recommendations for additional legislation.

SEC. 308. COORDINATION AND CONSULTATION.

(a) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall—

(1) coordinate all hydrogen research and development activities in the Department with the activities of other Federal agencies, including the Department of Defense, the Department of Transportation, and the National Aeronautics and Space Administration, that are engaged in similar research and development; and

(2) pursue opportunities for cooperation with those Federal entities.

(b) CONSULTATION.—The Secretary shall consult with the Hydrogen Technical Advisory Panel established under section 108 of the Spark M. Matsunaga Hydrogen Research, development, and Demonstration Act of 1990 (42 U.S.C. 12407) as necessary in carrying out this Act.

SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $25,000,000 for fiscal year 1996;

(2) $35,000,000 for fiscal year 1997; and

(3) $40,000,000 for fiscal year 1998.

JOHNSTON AMENDMENT NO. 1096

(Ordered to lie on the table.)

Mr. JOHNSTON submitted an amendment intended to be proposed by him to the bill S. 395, supra; as follows:

Insert the following new title III:

TITLE III—OUTER CONTINENTAL SHELF DEEP WATER ROYALTY RELIEF

SEC. 301.—This title may be referred to as the ''Outer Continental Shelf Deep Water Royalty Relief Act''.

SEC. 302. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.—Section 8(a) of the Outer Continental Shelf Lands Act, (43 U.S.C. 1337(a)(3)), is amended by striking paragraph (3) in its entirety and inserting the following:

''(3)(A) The Secretary may, in order to—

''(i) promote development or increased production on producing or non-producing leases; or

''(ii) encourage production of marginal resources on producing or non-producing leases; through primary, secondary, or tertiary recovery means, reduce or eliminate any royalty or net profit share set forth in the lease(s). With the lessee's consent, the Secretary may make other modifications to the royalty or net profit share terms of the lease in order to achieve these purposes.

''(B)(i) Notwithstanding the provisions of this Act other than this subparagraph, with respect to any lease or unit in existence on the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act meeting the requirements of this subparagraph, no royalty payments shall be due on new production, as defined in clause (iv) of this subparagraph, from any lease or unit located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, until such volume of production as determined pursuant to clause (ii) has been produced by the lessee.

''(ii) Upon submission of a complete application by the lessee, the Secretary shall determine within 180 days of such application whether new production from such lease or unit would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph. In making such determination, the Secretary shall consider the increased technological and financial risk of deep water development and all costs associated with exploring, developing, and producing from the lease. The lessee shall provide information required for a complete application to the Secretary prior to such determination. The Secretary shall clearly define the information required for a complete application under this section. Such application may be made on the basis of an individual lease or unit. If the Secretary determines that such new production would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph, the provisions of clause (i) shall not apply to such production. If the Secretary determines that such new production would not be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i), the Secretary must determine the volume of production from the lease or unit on which no royalties would be due in order to make such new production economically viable; except that for new production as defined in clause (iv) (aa), in no case will that volume be less than 17.5 million barrels of oil equivalent in water depths of 200 to 400 meters, 52.5 million barrels of oil equivalent in 400–800 meters of water, and 87.5 million barrels of oil equivalent in water depths greater than 800 meters. Redetermination of the applicability of clause (i) shall be undertaken by the Secretary when requested by the lessee prior to the commencement of the new production and upon significant change in the factors upon which the original determination was made. The Secretary shall make such redetermination within 120 days of submission of a complete application. The Secretary may extend the time period for making any determination or redetermination under this clause for 30 days, or longer if agreed to by the applicant, if circumstances so warrant. The lessee shall be notified in writing of any determination or redetermination and the reasons for and assumptions used for such determination. Any determination or redetermination under this clause shall be a final agency action. The Secretary's determination or redetermination shall be judicially reviewable under section 10(a) of the Administrative Procedures Act, 5 U.S.C. Sec. 702, only for action filed within 30 days of the Secretary's determination or redetermination.

''(iii) In the event that the Secretary fails to make the determination or redetermination called for in clause (ii) upon application by the lessee within the time period, together with any extension thereof, provided for by clause (ii), no royalty payments shall be due on new production as follows:

''(I) For new production, as defined in clause (iv)(I) of this subparagraph, no royalty shall be due on such production according to the schedule of minimum volumes specified in clause (ii) of this subparagraph.

''(II) For new production, as defined in clause (iv)(II) of this subparagraph, no royalty shall be due on such production for one year following the start of such production.

''(iv) For purposes of this subparagraph, the term 'new production' is—

''(I) any production from a lease from which no royalties are due on production, other than test production, prior to the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or

''(II) any production resulting from lease development activities pursuant to a Development Operations Coordination Document, or supplement thereto that would expand production significantly beyond the level anticipated in the Development Operations Coordination Document, approved by the Secretary after the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act.

''(v) During the production of volumes determined pursuant to clauses (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for Light Sweet crude oil exceeds $28.00 per barrel, any production of oil will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clause (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $28.00. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

''(vi) During the production of volumes determined pursuant to clause (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for natural gas exceeds $3.50 per million British thermal units, any production of natural gas will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clauses (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $3.50. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

''(vii) The prices referred to in clauses (v) and (vi) of this subparagraph shall be changed during any calendar year after 1994 by the percentage, if any, by which the implicit price deflator for the gross domestic product changed during the preceding calendar year.''

SEC. 303. NEW LEASES—

Section 8(a)(1) of the Outer Continental Shelf Lands Act, as amended, (43 U.S.C. 1337(a)(1)) is amended as follows:

(1) Redesignate section 8(a)(1)(H) as section 8(a)(1)(I); and

(2) Add a new section 8(a)(1)(H) as follows:

''(H) cash bonus bid with royalty at no less than 12 and ½ per centum fixed by the Secretary in amount or value of production saved, removed, or sold, and with suspension of royalties for a period, volume, or value of production determined by the Secretary. Such suspensions may vary based on the price of production from the lease.''

SEC. 304. LEASE SALES.—For all tracts located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, any lease sale within five years of the date of enactment of this title, shall use the bidding system authorized in Section 8(a)(1)(H) of the Outer Continental Shelf Lands Act, as amended by this title, except that the suspension of royalties shall be set at a volume of not less than the following:

(1) 17.5 million barrels of oil equivalent for leases in water depths of 200 to 400 meters;

(2) 52.5 million barrels of oil equivalent for leases in 400 to 800 meters of water; and

(3) 87.5 million barrels of oil equivalent for leases in water depths greater than 800 meters.

SEC. 305. REGULATIONS.—The Secretary shall promulgate such rules and regulations as are necessary to implement the provisions of this title within 180 days after the enactment of this Act.

BOXER AMENDMENTS NOS. 1097–1100

(Ordered to lie on the table.)

Mrs. BOXER submitted four amendments to the bill S. 395, supra; as follows:

AMENDMENT NO. 1097

On page 15, line 5, strike ''exported,'' and insert: ''exported, except that no crude oil from any oil exploration and development effort, or from any established oil well within the current borders of the Arctic National Wildlife Refuge shall be transported or delivered through the Trans-Alaska Pipeline System under any circumstances,''

AMENDMENT NO. 1098

On page 15, line 5, strike ''exported.'' and insert: ''exported, unless the President has determined that such export would not be consistent with the requirements of the National Environmental Policy Act of 1970.''

AMENDMENT NO. 1099

On page 15, line 5, strike ''exported.'' and insert: ''exported, except that in no case shall the total average daily volume of exports allowed under this section in any calendar year exceed the amount by which the total average daily volume of oil delivered through the Trans-Alaska Pipeline System during the preceding calendar year exceeded 1.35 million barrels per calendar year.''

AMENDMENT NO. 1100

On page 15 between lines 22 and 23, insert the following:

''(4) There shall be no exports of Alaskan North Slope oil until the Secretary of the Department of Interior certifies to the Congress full compliance by Alyeska Pipeline Service Company with the Trans-Alaska Pipeline right-of-way ageement. This certification shall also include a full accounting that all problems identified in the 1993 and subsequent audits conducted on behalf of the Bureau of Land Management, including but not limited to monitoring, compliance with applicable codes and standards, quality assurance and inspection program, electrical systems integrity, and other nonconforming items have been corrected. Another audit conducted by an independent accounting firm shall be required in 12 months following such certification and thereafter, audits shall be required every 5 years.''

JOHNSTON (AND OTHERS) AMENDMENT NO. 1101

Mr. JOHNSTON (for himself, Mr. MURKOWSKI, and Mr. BREAUX) proposed an amendment to the bill S. 395, supra; as follows:

At the appropriate place in the bill, insert the following as a new title III:

TITLE III—OUTER CONTINENTAL SHELF DEEP WATER ROYALTY RELIEF

SEC. 301. This title may be referred to as the ''Outer Continental Shelf Deep Water Royalty Relief Act''.

SEC. 302. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.—Section 8(a) of the Outer Continental Shelf Lands Act, (43 U.S.C. 1337 (a)(3)), is amended by striking paragraph (3) in its entirety and inserting the following:

''(3)(A) The Secretary may, in order to—

''(i) promote development or increased production on producing or non-producing leases; or

''(ii) encourage production of marginal resources on producing or non-producing leases;

through primary, secondary, or tertiary recovery means, reduce or eliminate any royalty or net profit share set forth in the lease(s). With the lessee's consent, the Secretary may make other modifications to the royalty or net profit share terms of the lease in order to achieve these purposes.

''(B)(i) Notwithstanding the provisions of this Act other than this subparagraph, with respect to any lease or unit in existence on the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act meeting the requirements of this subparagraph, no royalty payments shall be due on new production, as defined in clause (iv) of this subparagraph, from any lease or unit located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, until such volume of production as determined pursuant to clause (ii) has been produced by the lessee.

''(ii) Upon submission of a complete application by the lessee, the Secretary shall determine within 180 days of such application whether new production from such lease or unit would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph. In making such determination, the Secretary shall consider the increased technological and financial risk of deep water development and all costs associated with exploring, developing, and producing from the lease. The lessee shall provide information required for a complete application to the Secretary prior to such determination. The Secretary shall clearly define the information required for a complete application under this section. Such application may be made on the basis of an individual lease or unit. If the Secretary determines that such new production would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph, the provisions of clause (i) shall not apply to such production. If the Secretary determines that such new production would not be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i), the Secretary must determine the volume of production from the lease or unit on which no royalties would be due in order to make such new production economically viable; except that for new production as defined in clause (iv) (aa), in no case will that volume be less than 17.5 million barrels of oil equivalent in water depths of 200 to 400 meters, 52.5 million barrels of oil equivalent in 400-800 meters of water, and 87.5 million barrels of oil equivalent in water depths greater than 800 meters. Redetermination of the applicability of clause (i) shall be undertaken by the Secretary when requested by the lessee prior to the commencement of the new production and upon significant change in the factors upon which the original determination was made. The Secretary shall make such redetermination within 120 days of submission of a complete application. The Secretary may extend the time period for making any determination or redetermination under this clause for 30 days, or longer if agreed to by the applicant, if circumstances so warrant. The lessee shall be notified in writing of any determination or redetermination and the reasons for and assumptions used for such determination. Any determination or redetermination under this clause shall be a final agency action. The Secretary's determination or redetermination shall be judicially reviewable under section 10(a) of the Administrative Procedures Act, 5 U.S.C. Sec. 702, only for actions filed within 30 days of the Secretary's determination or redetermination.

''(iii) In the event that the Secretary fails to make the determination or redetermination called for in clause (ii) upon application by the lessee within the time period, together with any extension thereof, provided for by clause (ii), no royalty payments shall be due on new production as follows:

''(I) For new production, as defined in clause (iv)(I) of this subparagraph, no royalty shall be due on such production according to the schedule of minimum volumes specified in clause (ii) of this subparagraph.

''(II) For new production, as defined in clause (iv)(II) of this subparagraph, no royalty shall be due on such production for one year following the start of such production.

''(iv) For purposes of this subparagraph, the term 'new production' is—

''(I) any production from a lease from which no royalties are due on production, other than test production, prior to the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or

''(II) any production resulting from lease development activities pursuant to a Development Operations Coordination Document, or supplement thereto that would expand production significantly beyond the level anticipated in the Development Operations Coordination Document, approved by the Secretary after the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act.

''(v) During the production of volumes determined pursuant to clauses (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for Light Sweet crude oil exceeds $28.00 per barrel, any production of oil will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clause (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $28.00. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

''(vi) During the production of volumes determined pursuant to clause (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for natural gas exceeds $3.50 per million British thermal units, any production of natural gas will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clause (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $3.50. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

''(vii) The prices referred to in clauses (v) and (vi) of this subparagraph shall be changed during any calendar year after 1994 by the percentage, if any, by which the implicit price deflator for the gross domestic product changed during the preceding calendar year.''

SEC. 303. NEW LEASES—

Section 8(a)(1) of the Outer Continental Shelf Lands Act, as amended, (43 U.S.C. 1337(a)(1) is amended as follows:

(1) Redesignate section 8(a)(1)(H) as section 8(a)(1)(I); and

(2) Add a new section 8(a)(1)(H) as follows:

''(H) cash bonus bid with royalty at no less than 12 and ½ per centum fixed by the Secretary in amount or value of production saved, removed, or sold, and with suspension of royalties for a period, volume, or value of production determined by the Secretary. Such suspensions may vary based on the price of production from the lease.''

SEC. 304. LEASE SALES.—For all tracts located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, any lease sale within five years of the date of enactment of this title, shall use the bidding system authorized in Section 8(a)(1)(H) of the Outer Continental Shelf Lands Act, as amended by this title, except that the suspension of royalties shall be set at a volume of not less than the following:

(1) 17.5 million barrels of oil equivalent for leases in water depths of 200 to 400 meters;

(2) 52.5 million barrels of oil equivalent for leases in 400 to 800 meters of water; and

(3) 87.5 million barrels of oil equivalent for leases in water depths greater than 800 meters.

SEC. 305. REGULATIONS.—The Secretary shall promulgate such rules and regulations as are necessary to implement the provisions of this tile within 180 days after the enactment of this Act.

MURKOWSKI AMENDMENT NO. 1102

Mr. MURKOWSKI proposed an amendment to the bill S. 395, supra; as follows:

Strike title I and insert in lieu thereof a new title I:

''TITLE I

''SEC. 101. SHORT TITLE.

''This title may be cited as the ''Alaska Power Administration Asset Sale and Termination Act''.

''SEC. 102. SALE OF SNETTISHAM AND EKLUTNA HYDROELECTRIC PROJECTS.

''(a) The Secretary of Energy is authorized and directed to sell the Snettisham Hydroelectric Project (referred to in this Act as ''Snettisham'') to the State of Alaska in accordance with the terms of this Act and the February 10, 1989, Snettisham Purchase Agreement, as amended, between the Alaska Power Administration of the United States Department of Energy and the Alaska Power Authority and the Authority's successors.

''(b) The Secretary of Energy is authorized and directed to sell the Eklutna Hydroelectric Project (referred to in this Act as ''Eklutna'') to the Municipality of Anchorage doing business as Municipal Light and Power, the Chugach Electric Association, Inc., and the Matanuska Electric Association, Inc. (referred to in this Act as ''Eklutna Purchasers''), in accordance with the terms of this Act and the August 2, 1989, Eklutna Purchase Agreement, as amended, between the Alaska Power Administration of the United States Department of Energy and the Eklutna Purchasers.

''(c) The heads of other Federal departments and agencies, including the Secretary of the Interior, shall assist the Secretary of Energy in implementing the sales authorized and directed by this Act.

''(d) Proceeds from the sales required by this title shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

''(e) There are authorized to be appropriated such sums as may be necessary to prepare, survey, and acquire Eklutna and Snettisham assets for sale and conveyance. Such preparations and acquisitions shall provide sufficient title to ensure the beneficial use, enjoyment, and occupancy by the purchaser.

''SEC. 103. EXEMPTION AND OTHER PROVISIONS.

''(a)(1) After the sales authorized by this Act occur, Eklutna and Snettisham, including future modifications, shall continue to be exempt from the requirements of the Federal Power Act (16 U.S.C. 791a et seq.) as amended.

''(2) The exemption provided by paragraph (1) does not affect the Memorandum of Agreement entered into among the State of Alaska, the Eklutna Purchasers, the Alaska Energy Authority, and Federal fish and wildlife agencies regarding the protection, mitigation of, damages to, and enhancement of fish and wildlife, dated August 7, 1991, which remains in full force and effect.

''(3) Nothing in this title or the Federal Power Act preempts the State of Alaska from carrying out the responsibilities and authorities of the Memorandum of Agreement.

''(b)(1) The United States District Court for the District of Alaska shall have jurisdiction to review decisions made under the Memorandum of Agreement and to enforce the provisions of the Memorandum of Agreement, including the remedy of specific performance.

''(2) An action seeking review of a Fish and Wildlife Program (''Program'') of the Governor of Alaska under the Memorandum of Agreement or challenging actions of any of the parties to the Memorandum of Agreement prior to the adoption of the Program shall be brought not later than ninety days after the date on which the Program is adopted by the Governor of Alaska, or be barred.

''(3) An action seeking review of implementation of the Program shall be brought not later than ninety days after the challenged act implementing the Program, or be barred.

''(c) With respect to Eklutna lands described in Exhibit A of the Eklutna Purchase Agreement:

''(1) The Secretary of the Interior shall issue rights-of-way to the Alaska Power Administration for subsequent reassignment to the Eklutna Purchasers—

''(A) at no cost to the Eklutna Purchasers;

''(B) to remain effective for a period equal to the life of Eklutna as extended by improvements, repairs, renewals, or replacements; and

''(C) sufficient for the operation of, maintenance of, repair to, and replacement of, and access to, Eklutna facilities located on military lands and lands managed by the Bureau of Land Management, including lands selected by the State of Alaska.

''(2) If the Eklutna Purchasers subsequently sell or transfer Eklutna to private ownership, the Bureau of Land Management may assess reasonable and customary fees for continued use of the rights-of-way on lands managed by the Bureau of Land Management and military lands in accordance with existing law.

''(3) Fee title to lands at Anchorage Substation shall be transferred to Eklutna Purchasers at no additional cost if the Secretary of the Interior determines that pending claims to, and selections of, those lands are invalid or relinquished.

''(4) With respect to the Eklutna lands identified in paragraph 1 of Exhibit A of the Eklutna Purchase Agreement, the State of Alaska may select, and the Secretary of the Interior shall convey to the State, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85–508, 72 Stat. 339, as amended), and the North Anchorage Land Agreement dated January 31, 1983. This conveyance shall be subject to the rights-of-way provided to the Eklutna Purchasers under paragraph (1).

''(d) With respect to the Snettisham lands identified in paragraph 1 of Exhibit A of the Snettisham Purchase Agreement and Public Land Order No. 5108, the State of Alaska may select, and the Secretary of the Interior shall convey to the State of Alaska, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85–508, 72 Stat. 339, as amended).

''(e) Not later than one year after both of the sales authorized in section 102 have occurred, as measured by the Transaction Dates stipulated in the Purchase Agreements, the Secretary of Energy shall—

''(1) complete the business of, and close out, the Alaska Power Administration;

''(2) submit to Congress a report documenting the sales; and

''(3) return unobligated balances of funds appropriated for the Alaska Power Administration to the Treasury of the United States.

''(f) The Act of July 31, 1950 (64 Stat. 382) is repealed effective on the date, as determined by the Secretary of Energy, that all Eklutna assets have been conveyed to the Eklutna Purchasers.

''(g) Section 204 of the Flood Control Act of 1962 (76 Stat. 1193) is repealed effective on the date, as determined by the Secretary of Energy, that all Snettisham assets have been conveyed to the State of Alaska.

''(h) As of the later of the two dates determined in subsection (f) and (g), section 302(a) of the Department of Energy Organization Act (42 U.S.C. 7152(a)) is amended—

''(1) in paragraph (1)—

''(A) by striking subparagraph (C); and

''(B) by redesignating subparagraphs (D), (E), and ''(F) as subparagraphs (C), (D), and (E) respectively; and

''(2) in paragraph (2) by striking out ''and the Alaska Power Administration'' and by inserting ''and'' after ''Southwestern Power Administration,''.

''(i) The Act of August 9, 1955, concerning water resources investigation in Alaska (69 Stat. 618), is repealed.

''(j) The sales of Eklutna and Snettisham under this title are not considered disposal of Federal surplus property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or the Act of October 3, 1944, popularly referred to as the ''Surplus Property Act of 1944'' (50 U.S.C. App. 1622).

''(k) The sales authorized in this title shall occur not later than 1 year after the date of enactment of legislation defining 'first use'' of Snettisham for purposes of section 147(d) of the Internal Revenue Code of 1986, to be considered to occur pursuant to acquisition of the property by or on behalf of the State of Alaska.''.

DASCHLE AMENDMENT NO. 1103

Mr. JOHNSTON (for Mr. DASCHLE) proposed an amendment to amendment No. 1102 proposed by Mr. MURKOWSKI the bill S. 395, supra; as follows:

At the end of the pending amendment insert the following:

SEC. . DECLARATION CONCERNING OTHER HYDROELECTRIC PROJECTS AND THE POWER MARKETING ADMINISTRATIONS.

Congress declares that—

(1) the circumstances that justify authorization by Congress of the sale of hydroelectric projects under section 102 are unique to those projects and do not pertain to other hydroelectric projects or to the power marketing administrations in the 48 contiguous States; and

(2) accordingly, the enactment of section 102 should not be understood as lending support to any proposal to sell any other hydroelectric project or the power marketing administrations.

MURKOWSKI AMENDMENT NO. 1104

Mr. MURKOWSKI proposed an amendment to the bill S. 395, supra; as follows:

Strike the text of Title II and insert the following text:

''TITLE II

''SEC. 201. SHORT TITLE.

''This Title may be cited as ''Trans-Alaska Pipeline Amendment Act of 1995''.

''SEC. 202. TAPS ACT AMENDMENTS.

''Section 203 of the Act entitled the ''Trans-Alaska Pipeline Authorization Act,'' as amended (43 U.S.C. 1652), is amended by inserting the following new subsection (f):

''(f) EXPORTS OF ALASKAN NORTH SLOPE OIL.—

''(1) Subject to paragraphs (2) through (6), of this subsection and notwithstanding any other provision of law (including any regulation), any oil transported by pipeline over right-of-way granted pursuant to this section may be exported after October 31, 1995 unless the President finds that exportation of this oil is not in the national interest. In evaluating whether the proposed exportation is in the national interest, the President—

''(A) shall determine whether the proposed exportation would diminish the total quantity or quality of petroleum available to the United States; and

''(B) shall conduct and complete an appropriate environmental review of the proposed exportation, including consideration of appropriate measures to mitigate any potential adverse effect on the environment, within four months after the date of enactment of this subsection.

''The President shall make his national interest determination within five months after the date of enactment of this subsection or 30 days after completion of the environmental review, whichever is earlier. The President may make his determination subject to such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that the exportation is consistent with the national interest.

''(2) Except in the case of oil exported to a country pursuant to a bilateral international oil supply agreement entered into by the United States with the country before June 25, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over right-of-way granted pursuant to this section, shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

''(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exportation of the oil.''.

''(4) The Secretary of Commerce shall issue any rules necessary for implementation of the President's national interest determination within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

''(5) If the Secretary of Commerce finds that anticompetitive activity by a person exporting crude oil under authority of this subsection has caused sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused sustained material adverse employment effects in the United States, the Secretary of Commerce may recommend to the President appropriate action against such person, which may include modification of the authorization to export crude oil.

''(6) Administrative action with respect to an authorization under this subsection is not subject to sections 551 and 553 through 559 of title 5, United States Code.

''SEC. 203. ANNUAL REPORT.

''Section 103(f) of the Energy Policy and Conservation Act (42 U.S.C. 6212(f)) is amended by adding at the end thereof the following:

''In the first quarter report for each new calendar year, the President shall indicate whether independent refiners in Petroleum Administration for Defense District V have been unable to secure adequate supplies of crude oil as a result of exports of Alaskan North Slope crude oil in the prior calendar year and shall make such recommendations to the Congress as may be appropriate.''.

''SEC 204. GAO REPORT.

''The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope crude oil exports, if any, on consumers, independent refiners, and shipbuilding and ship repair yards on the West Coast. The Comptroller General shall commence this review four years after the date of enactment of this Act and, within one year after commencing the review, shall provide a report to the Committee on Energy and Natural Resources in the Senate and the Committee on Resources in the House of Representatives. The report shall contain a statement of the principal findings of the review and such recommendations for consideration by the Congress as may be appropriate.

''SEC. 205. EFFECTIVE DATE.

''This title and the amendments made by it shall take effect on the date of enactment.''.

HATFIELD AMENDMENT NO. 1105

Mr. MURKOWSKI (for Mr. HATFIELD) proposed an amendment to amendment No. 1104 proposed by Mr. MURKOWSKI to the bill the bill S. 395, supra; as follows:

At the end of the amendment add the following new section:

SEC. 206. RETIREMENT OF CERTAIN COSTS INCURRED FOR THE CONSTRUCTION OF NON-FEDERAL PUBLICLY OWNED SHIPYARDS.

(a) IN GENERAL.—The Secretary of Energy shall—

(1) deposit proceeds of sales out of the Naval Petroleum Reserve in a special account in amounts sufficient to make payments under subsections (b) and (c); and

(2) out of the account described in paragraph (1), provide, in accordance with subsections (b) and (c), financial assistance to a port authority that

(A) manages a non-Federal publicly owned shipyard on the United States west coast that is capable of handling very large crude carrier tankers; and

(B) has obligations outstanding as of May 15, 1995, that were issued on June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds.

(b) ACQUISITION AND REFURBISHMENT OF INFRASTRUCTURE.—The Secretary shall provide, for acquisition of infrastructure and refurbishment of existing infrastructure, $10,000,000 in fiscal year 1996.

(c) RETIREMENT OF OBLIGATIONS.—The Secretary shall provide, for retirement of obligations outstanding as of May 15, 1995, that were issued on June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds—

(1) $6,000,000 in fiscal year 1996;
(2) $13,000,000 in fiscal year 1997;
(3) $10,000,000 in fiscal year 1998;
(4) $8,000,000 in fiscal year 1999;
(5) $6,000,000 in fiscal year 2000;
(6) $3,500,000 in fiscal year 2001; and
(7) $3,500,000 in fiscal year 2002.

MURRAY AMENDMENT NO. 1106

Mrs. MURRAY proposed an amendment to amendment No. 1106 proposed by Mr. MURKOWSKI to the bill S. 395, supra; as follows:

At the end of the pending amendment add the following new section:

Title VI of the Oil Pollution Act of 1990 (Pub. L. 101–380; 104 Stat. 554) is amended by adding at the end thereof the following new section:

''SEC. 6005. TOWING VESSEL REQUIRED.

(a) IN GENERAL.—In addition to the requirements for response plans for vessels established in section 311(j) of the Federal Water Pollution Control Act, as amended by this Act, a response plan for a vessel operating within the boundaries of the Olympic Coast National Marine Sanctuary or the strait of Juan de Fuca shall provide for a towing vessel to be able to provide assistance to such vessel within six hours or a request for assistance. The towing vessel shall be capable of—

(1) towing the vessel to which the response plan applies;

(2) initial firefighting and oilspill response efforts; and

(3) coordinating with other vessels and responsible authorities to coordinate oilspill response, firefighting; and marine salvage efforts.

''(b) EFFECTIVE DATE.—The Secretary of Transportation shall promulgate a final rule to implement this section by September 1, 1995.''.

MURRAY AMENDMENT NO. 1107

Mrs. MURRAY proposed an amendment to amendment No. 1106 proposed by Mr. MURKOWSKI to the bill S. 395, supra; as follows:

On page 2, insert after line 12, of the pending amendment the following:

(C) shall consider after consultation with the Attorney General and Secretary of Commerce whether anticompetitive activity by a person exporting crude oil under authority of this subsection is likely to cause sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels for independent refiners that would cause sustained material adverse employment effects in the United States.

On page 3, insert after line 12 after the word ''implementation;'': ''including any licensing requirements and conditions,''.

On page 4, line 2 after ''President'' insert ''who may take''.

On page 4, line 3 after ''modification'' insert ''or revocation''.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. STEVENS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Thursday, May 18, 1995, at 9:30 a.m., to receive testimony on the Smithsonian Institution: Management Guidelines for the Future.

For further information concerning this hearing, please contract Christine Ciccone of the committee staff on 224–5647.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate that the hearing scheduled before the Subcommittee on Energy Production and Regulation will also include S. 801, a bill to extend the deadline under the Federal Power Act applicable to the construction of two hydroelectric projects in North Carolina, and for other purposes.

The hearing will be held on Thursday, May 18, 1995 at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, May 16, 1995 at 9:30 a.m., in SR–332, to discuss rural development and credit.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, May 16, 1995 session of the Senate for the purpose of conducting an oversight hearing on NASA's space shuttle and reusable launch vehicle program at 9:30 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, May 16, 1995, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to review Nuclear Regulatory Commission licensing activities with regard to the Department of Energy's civilian nuclear waste disposal program and other matters within the jurisdiction of the Nuclear Regulatory Commission.

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

COMMITTEE ON FINANCE

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet on Tuesday, May 16, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on Medicare solvency.

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

SUBCOMMITTEE ON DISABILITY POLICY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Disability Policy of the Committee on Labor and Human Resources be authorized to meet for a hearing on the Individuals with Disabilities Education Act, during the session of the Senate on Tuesday, May 16, 1995 at 9:30 a.m.

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

SUBCOMMITTEE ON READINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet at 9 a.m. on Tuesday, May 16, 1995, in open session, to receive testimony on Department of Defense Financial Management in Review of S. 727, the National Defense Authorization Act for Fiscal Year 1996, and the future years defense program.

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

SUBCOMMITTEE ON SEAPOWER

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, May 16, 1995, in open session, to receive testimony on the requirements for continued production of nuclear submarines, submarine industrial base issues, procurement strategy, and associated funding in review of S. 727, the Defense Authorization Act for Fiscal Year 1996 and the future years defense program.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet on Tuesday, May 16, 1995 at 2 p.m. in closed/open session to receive testimony on the Department of Energy weapons activities, nonproliferation and national security programs in review of S. 727, the National Defense Authorization Act for Fiscal Year 1996 and the future years defense program.

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

ADDITIONAL STATEMENTS

KOREA—BOTH SIDES OF THE LINE

● Mr. INOUYE. Mr. President, I would like to share with my colleagues and all Americans a poem, ''Korea—Both Sides of the Line,'' written by Mr. Ernst E. Banfield, a former sergeant in the United States Marine Corps who served in the Korean conflict. I believe Mr. Banfield's poem poignantly depicts our Nation's commitment to this conflict, and ask that it be printed in the RECORD.

The poem follows:

KOREA—BOTH SIDES OF THE LINE

It's over now or so some may say.
Will silence prevail while some turn to prayer?
Some will cheer, others a disbelief will share.
Is it true no bugles will sound this day?

We had our differences, Army . . . Navy . . . Marines
But we stood or fell together blood red,
All feeling anger, pain and warm tears when our brothers bled,
Knowing for them this day there would be no future dreams.

We made the landing and headed north,
Most with our inner thoughts and a touch of fear.
Some will swagger while their hearts ache for loved ones dear,
But now's the time to put it aside and prove our worth.

We were all of one purpose that brief space in time,
And I'll always remember my brothers and sisters.
Yes, you heard right when I said, ''Sisters'',
For the women were there too, doing their share to hold the line.

It's long past time to mourn our fallen comrades I say,
But praise is overdue for the sacrifice they made.
Forgive me, my friends, for the long delay, and may a wreath in honor of you be laid,
And finally a lasting tribute is dedicated to all this day.

For freedoms sake, let this valiant band
Remember how we prevailed, . . . Both sides of the line.●

HONORING MAJ. GEN. RONALD E. BROOKS

● Mr. LUGAR. Mr. President, I rise today to honor the accomplishments of Maj. Gen. Ronald E. Brooks. General Brooks' patriotism and service to our country have been impressive. America should be proud of his dedication and hard work around the world. I would like to elaborate a moment on General Brooks' tremendous career, which he will complete this fall.

General Brooks grew up in Tennessee and began his military service in the Reserve Officers Training Corps at East Tennessee State University. In 1961, he earned the bachelor of science degree in business administration from that institution and was commissioned in the U.S. Army. He later earned the master of business administration degree from Butler University. General Brooks has also studied at the Army War College and the U.S. Army Command and General Staff College.

General Brooks has a military record of distinction. Beginning as a platoon leader in the 2d Infantry Division, General Brooks rose steadily in a number of administrative positions. In addition to service throughout the United States, he has served as commander of the transfer and reception station in Puerto Rico, and as an adjutant general in Vietnam and in Europe. The culmination of his distinguished work came in 1990, when he assumed command of the U.S. Army Soldier Support Center at Fort Benjamin Harrison in Indiana.

Mr. President, I am pleased today to pay tribute to a great American. General Brooks stands as a symbol of American military achievement, and it is my privilege to salute his life and work.●

CHILDREN ARE THE VICTIMS OF NATIONAL POLICIES

● Mr. SIMON. Mr. President, Abigail Trafford of the Washington Post wrote a commentary recently that I ask be printed in the RECORD at the end of my remarks. She writes that we as a Nation care immensely when tragedies involving individual children come to our attention, but we fail to care enough for children who are hurt by our national policies.

A recent example of this is our national sense of outrage and compassion regarding the children killed in the

Oklahoma City bombing. We were all rightfully outraged that innocent children were killed in this senseless act of violence. But we cannot and should not accept the fact that millions of innocent children do not have adequate health care, which results in the premature death and disability of many, many children. Perhaps if we were able to put a face on every single child who suffers from lack of access to health care, we would have a national policy that ensures all children would have their health care needs met.

There are important reasons why we need to act soon. A report released a few months ago by the Employee Benefit Research Institute shows that between 1992 and 1993, the number of uninsured people increased 17.8 percent to 40.9 million. The most alarming finding, however, is that children account for the largest proportion of the increase in the number of the uninsured. In 1993, 11.1 million children did not have health care coverage.

In addition, if the enormous cuts in the Medicaid Program that have been proposed by some of my colleagues are enacted, there will be a tremendous increase in the number of uninsured children. That is because Medicaid currently provides health care coverage to approximately 13.5 million children whose families could not otherwise afford to take their children to a doctor.

To address this problem, I will introduce legislation next month to ensure that all children, beginning with children under 7, and pregnant women have affordable coverage for comprehensive, high-quality health care. My proposed maximizes State flexibility while ensuring full accountability for results, and relies on the private sector to deliver the highest quality care at the lowest price.

If you agree that we need to protect our children, I welcome your interest and urge you to help me develop a proposal that all of us can support. Dr. Birt Harvey of the Stanford University Medical School states in Ms. Trafford's article, ''We care about children as individuals. We don't care about them as a nation.'' I hope we can work together to change that.

The article follows:

[Washington Post, May 9, 1995]

WE LOVE THE CHILD, BUT WHAT ABOUT THE CHILDREN?

(By Abigail Trafford)

It was the baby in the firefighter's arms—little Baylee Almon covered with dust and blood—who became the symbol of the nation's agony in the Oklahoma City bombing. Long after rubble from the bombing is cleared, we remember Baylee and the others in the doomed day-care center.

Suffer the children.

We are a nation that loves children. Obsesses about children. The child in pain, the child in triumph—we hang on every detail. We open our hearts—and our pocketbooks—to help a high-profile child in need. Children are our conscience.

Or are they?

You would certainly think so from the way we respond to children in the news. We have a track record for turning the child in the public spotlight into a metaphor of what kind of people we are and who we care about most.

We held our breath when Jessica, the 18-month-old toddler of Midland, Tex., was buried for 2½ days in an abandoned well in 1987. And cheered when she was hauled out by a crane into the glare of television lights and cameras.

We agonized over David, the boy in the bubble. Born with a rare immune disease, he died in 1984 after spending most of his 12 years of life inside a sterile plastic cage that kept him away from common germs—and away from human touch.

And last year, we grieved for Michael, 3, and Alexander, 14 months, the two boys of Susan Smith, the young South Carolina mother who confessed to sending her sons to a water grave.

Suffer the children.

Every child who makes the news taps into the public's huge reservoir of concern for children in trouble, for children who are victims. But this outpouring of anguish and generosity usually stops with the high-profile case.

The fact is that as a nation we neglect our children, particularly the ones who are sick and poor. That was the conclusion of a 1991 bipartisan national commission on children. ''. . . at every age, among all races and income groups, and in communities nationwide, many children are in jeopardy,'' stated the commission in its executive summary. ''If we measure success not just by how well most children do, but by how poorly some fare, America falls far short.''

Advocates for children like to point out that the United States is the only industrialized country that doesn't have a national policy to support children. While a patchwork of government and private programs help certain groups of children, there is no comprehensive commitment to the young the way there is to the elderly. As Sara Rosenbaum, co-director of the George Washington University Center for Health Policy Research, explains: ''Children are the most vulnerable segment of society. They don't have the clout that other population groups have. If children are falling apart, it has tremendous consequences for the nation.''

To be sure, the prime responsibility for the health and safety of children rests with the family. But some families cannot provide the basic supports. The needs, according to the bipartisan report, involve many aspects of children's lives including housing, education and protection from abuse.

One of the biggest needs is health insurance. An increasing number of children do not have health coverage from private or public sources. There is no national health plan for children that automatically covers them as the Medicare program does for the elderly.

''We care about children as individuals. We don't care about them as a nation,'' says Birt Harvey, professor emeritus at the Stanford University Medical School and past president of the American Academy of Pediatrics.

''It's a crisis of conscience and it's a crisis of consciousness,'' adds Susan S. Aronson, clinical professor of pediatrics at the Medical College of Pennsylvania and Hahnemann University. ''We've lost our perspective as a society that we are responsible for children.''

Statistics tell the dismal story. Since 1991, the number of uninsured children has risen from 9.5 million to 11.1 million in 1993, according to an analysis by the Employee Benefit Research Institute. The percentage of uninsured children has also increased and of the additional 1.1 million Americans who have recently lost health coverage, more than 920,000 are children. This increase occurred despite expanded coverage of children under Medicaid.

What's more, private coverage of children has declined. The largest jump in uninsured children took place in families where the father was working for a small firm with fewer than 10 employees, researchers found.

Three basic options to cover all children and pregnant women have been circulating in the backwaters of the nation's capital for some years: provide subsidies for the uninsured to purchase health coverage, create a Medicare type program for children, and open up Medicaid to more families. While there is a general consensus that all children ought to have access to basic medical services, there is not a lot of agreement on how to get there. And right now there's very little apparent interest in Congress or the Clinton administration to do much of anything. As Harvey observes: ''It doesn't seem like a high priority—it doesn't seem like a priority at all.''

Suffer the children.●

RETIREMENT OF DEPUTY CHIEF JOHN F. MORIARTY

● Mr. LIEBERMAN. Mr. President, I rise today to honor Deputy Chief John F. Moriarty on his retirement from 50 years of service to the Stamford Police Department in Stamford, CT, where he was honored on April 29, 1995. Deputy Chief Moriarty was born and raised in Stamford, CT. Jack's career began as a special constable with the former town police department on June 15, 1944, and he served in this capacity until his appointment as a regular police officer 5 years later on November 17, 1949.

Jack Moriarty served during the consolidation of the city of Stamford and the town of Stamford Police Departments into what has now become the Stamford Police Department. During his long and honorable tenure, he served with 8 police chiefs, 13 mayors and 1 first selectman. His dedication, intelligence, and foresight to duty, all contributed to Jack's many promotions throughout the years, including sergeant, lieutenant, captain, and ultimately deputy chief in November 1981. His final assignment was as commanding officer, administration and support services, where he served with distinction until his retirement on December 30, 1994.

Jack continues to reside in Stamford, and is a life long member of Saint Mary's Roman Catholic Church where he is one of the two lay trustees and a member and past president of the church's Holy Name Society. He also has a membership to an assorted selection of groups including the Knights of Columbus, Saint Augustine Council No. 41, the board of directors of Saint Camillus Health Center, Stamford Police Association, Inc., and the Police Association of Connecticut. He and his beloved wife Jean, have four children and seven grandchildren, all with Irish first names. Jack's work and commitment to helping those in need has been an inspiration to those who know him. I salute Deputy Chief John Moriarty on his retirement for his never-ending energy and steadfast devotion to the Stamford Police Department.●

NATIONAL POLICE WEEK

● Mrs. BOXER. Mr. President, this week is National Police Week, 7 days we set aside to honor the men and women who put themselves in harm's way—every day—so that our neighborhoods and communities can be safer places to live.

National Police Week was proclaimed by President John F. Kennedy in 1963. On the first day of this important week, designated as Peace Officer Memorial Day, we pay tribute to the brave officers killed in the line of duty. At a special ceremony yesterday in our Nation's Capital, the names of those men and women who gave their lives in 1994 were engraved into a memorial and candles were lit in their honor. Our hearts go out to the families and loved ones of those who made the ultimate sacrifice to protect and preserve our way of life.

This year, in addition to offering our deep gratitude, we should give our police officers a helping hand. While we have won some important victories in the war on crime—through the passage last year of the crime bill and legislation to keep guns off the streets—we still have a long way to go.

We know that our streets will not be safe as long as our police officers are outgunned and outnumbered. Last year, 13 California police officers were killed in the line of duty. Seven California officers have died in the line of duty in the first 4½ months of 1995. They gave their lives to protect ours. Knowing they put themselves at such great risk every day, we cannot in good conscience send a single officer out on the street without doing everything possible to give them the tools they need to protect us.

I urge everyone take a stand for the safety of our Nation's peace officers. Call upon your legislators to continue to enact tough crime measures, and to oppose any weakening of the crime bill or the assault weapons ban. Do it to honor the brave men and women who help keep our streets safe, and do it for your community and those you love.

I ask that a list of the brave California peace officer killed in the line of duty in 1994 be printed at this point in the RECORD.

The list follows:

IN MEMORIUM

Officer Clarence W. Dean, Los Angeles Police Department.

Captain Michael W. Tracy, Palos Verdes Estates Police Department.

Sergeant Vernon T. Vanderpool, Palos Verdes Estates Police Department.

Officer Christy Lynne Hamilton, Los Angeles Police Department.

Group Supervisor Arnold C. Garcia, Los Angeles County Probation Department.

Reserve Officer Ted H. Brassinga, Palo Alto Police Department.

Officer William E. Lehn, Fresno Police Department.

Officer Miquel T. Soto, Oakland Police Department.

Officer Richard A. Maxwell, California Highway Patrol, Bakersfield.

Officer Charles D. Heim, Los Angeles Police Department.

Officer Michael A. Osornio, La Habra Police Department.

Officer James L. Guelff, San Francisco Police Department.

Officer Thomas B. Worley, Los Angeles County Safety Police.●

ORDER OF PROCEDURE

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. 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. LOTT. Mr. President, I have a number of unanimous consent requests. These have been cleared with the leadership on the other side of the aisle.

UNANIMOUS-CONSENT AGREEMENT—WHITEWATER RESOLUTION

Mr. LOTT. Mr. President, I ask unanimous consent that at 10:30 a.m. on Wednesday, May 17, the Senate turn to the consideration of a resolution to be offered by Senator D'AMATO establishing a special committee to conduct an investigation involving the Whitewater, and it be considered under the following time agreement: 2 hours, to be equally divided between the chairman and the ranking minority member of the Banking Committee; that no amendments or motions be in order; and that, following the conclusion or yielding back of time, the Senate proceed to vote on the resolution without any intervening action or debate.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate go into executive session and immediately proceed to the consideration of Executive Calendar Nos. 31, 113, 115, and 116, en bloc; I further ask unanimous consent that the nominations be confirmed en bloc; that the motions to reconsider be laid upon the table en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD; and that the President be immediately notified of the Senate's actions.

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

The nominations considered and agreed to en bloc are as follows:

INTERNATIONAL BANKS

Robert E. Rubin, of New York, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank; United States Governor of the African Development Fund; United States Governor of the European Bank for Reconstruction and Development.

INTER-AMERICAN DEVELOPMENT BANK

Lawrence Harrington, of Tennessee, to be United States Alternate Executive Director of the Inter-American Development Bank.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The following officer, NOAA, for appointment to the grade of Rear Admiral (0–8), while serving in a position of importance and responsibility as Director, Office of NOAA Corps Operations, National Oceanic and Atmospheric Administration, under the provisions of Title 33, United States Code, Section 853u:

Rear Adm. William L. Stubblefield, NOAA

EXECUTIVE OFFICE OF THE PRESIDENT

Jeffrey M. Lang, of Maryland, to be Deputy United States Trade Representative, with the rank of Ambassador.

TREATY WITH PANAMA ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS—TREATY DOCUMENT 102–15

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the following treaty on the Executive Calendar: Calendar No. 3, Treaty Document 102–15.

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

Mr. LOTT. I further ask unanimous consent that the treaty be considered as having been passed through its various parliamentary stages up to and including the presentation of resolution of ratification; that the two committee provisos be considered and agreed to, and no other provisos, reservations, or understandings be in order; that any statements be printed in the CONGRESSIONAL RECORD as if read; that when the resolution of ratification is agreed to, the motion to reconsider be laid upon the table; that the President be notified of the Senate's action; and that following disposition of the treaty, the Senate return to legislative session.

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

Mr. LOTT. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. All those in favor of the resolution of ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

In the opinion of the Chair, on a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification is as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty between the United States of America and

the Republic of Panama On Mutual Assistance in Criminal Matters, With Annexes and Appendices, signed at Panama on April 11, 1991. The Senate's advice and consent is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

Nothing in this Treaty requires or authorizes legislation, or other action, by the United States of America prohibited by the Constitution of the United States as interpreted by the United States.

Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in or facilitates the production or distribution of illegal drugs.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

MEASURE READ FOR THE FIRST TIME—H.R. 1045

Mr. LOTT. Mr. President, I inquire of the Chair if H.R. 1045 has arrived from the House of Representatives.

The PRESIDING OFFICER. The Senator will be advised it has.

Mr. LOTT. I, therefore, ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1045) to amend the Goals 2000: Educate America Act to eliminate the National Education Standards and Improvement Council, and for other purposes.

Mr. LOTT. Mr. President, I now ask for its second reading, and I object to that second reading.

The PRESIDING OFFICER. Objection is heard. The bill will have a second reading on the next legislative day.

ORDERS FOR WEDNESDAY, MAY 17, 1995

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:45 a.m. on Wednesday, May 17, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak for up to 5 minutes each, except for the following: Senator FAIRCLOTH for 15 minutes and Senator DORGAN for 30 minutes.

I further ask unanimous consent that at the hour of 10:30 a.m., the Senate begin consideration of the Senate resolution regarding Whitewater, under the provisions of the previous consent agreement.

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

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, tomorrow morning the Senate will begin consideration of the Whitewater resolution under a 2-hour time limitation. It may also be the intention of the majority leader to turn to the consideration of H.R. 483, the Medicare select bill. Senators should, therefore, be aware that rollcall votes can be expected throughout the day on Wednesday.

RECESS UNTIL 9:45 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:25 p.m., recessed until 9:45 a.m., Wednesday, May 17, 1995.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 16, 1995:

INTERNATIONAL BANKS

ROBERT E. RUBIN, OF NEW YORK, TO BE U.S. GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE ASIAN DEVELOPMENT BANK; U.S. GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; U.S. GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

INTER-AMERICAN DEVELOPMENT BANK

LAWRENCE HARRINGTON, OF TENNESSEE, TO BE U.S. ALTERNATE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK.

EXECUTIVE OFFICE OF THE PRESIDENT

JEFFREY M. LANG, OF MARYLAND, TO BE DEPUTY U.S. TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

THE FOLLOWING OFFICER, NOAA, FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (0-8), WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY AS DIRECTOR, OFFICE OF NOAA CORPS OPERATIONS, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, UNDER THE PROVISIONS OF TITLE 33, UNITED STATES CODE, SECTION 853U:

REAR ADM. WILLIAM L. STUBBLEFIELD, NOAA.