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Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

Gracious Father, we claim Your promise given through Isaiah, "Your ears shall hear a word behind you saying, 'This is the way, walk in it'"—Isaiah 30:21. We humbly ask for that kind of clear guidance for everything we do today. We know that it comes as a result of seeking Your direction, listening carefully to Your answers communicated through our thoughts, and being faithful in following Your leading. We confess anything that may stand in the way of receiving Your inspiration. Make us clear channels for the flow of Your spirit. Maximize our native intelligence with Your wisdom, our analytical skills with Your discernment, and our agendas with Your priorities. You know how pressured life becomes. Therefore, give the Senators clear minds and trusting hearts. You have called them to greatness through Your grace and goodness. With them, we dedicate all that we have and are to You and our beloved Nation. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from New Mexico, is recognized.

Mr. DOMENICI. Thank you, Mr. President.

SCHEDULE

Mr. DOMENICI. Mr. President, for the information of all Senators, this morning the Senate will resume debate on the Interior appropriations bill with Senator BOXER being recognized to offer an amendment regarding oil roy-

alties. There will be 3 hours for debate on the amendment. At the conclusion or yielding back of time, the Senate will proceed to a vote on a motion to table the Boxer amendment. Following that vote, it is expected that further amendments to the Interior bill will be offered and debated. Therefore, Members should expect rollcall votes throughout today's session and into the evening in relation to the Interior bill or any other legislation or executive items cleared for action. The leader expresses his thanks to colleagues for their attention.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER (Mr. ALLARD). The Senate will now resume consideration of S. 2237, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Daschle amendment No. 3581, to provide emergency assistance to agricultural producers.

Mr. DOMENICI. Mr. President, we are awaiting Senator BOXER. 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.

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

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

Under the previous order, the Senator from California is recognized to offer an amendment related to oil royalties in which there shall be 3 hours for debate equally divided.

The Senator from California is recognized.

Mrs. BOXER. Thank you very much, Mr. President.

AMENDMENT NO. 3594

(Purpose: To strike the section delaying issuance of a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes)

Mrs. BOXER. 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 assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. BUMPERS, Mr. DASCHLE, Mr. DURBIN and Mr. WELLSTONE, proposes an amendment numbered 3594.

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

Mr. DOMENICI. Reserving the right to object, is it a short amendment?

Mrs. BOXER. Pardon me?

Mr. DOMENICI. Is it a short amendment?

Mrs. BOXER. Yes.

Mr. DOMENICI. I would like it read.

Mrs. BOXER. That is no problem with us at all.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

On page 74, strike lines 13 through 20.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I said it was a short amendment. It is in fact a short amendment. It is a very straightforward amendment. It would actually strike a rider that has been placed in this bill that deals with oil royalty payments that are due Federal taxpayers.

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



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Mr. President, Senator BUMPERS, Senator DURBIN, Senator DASCHLE and Senator WELLSTONE are joining me today to offer an amendment to repeal a special interest rider that has been attached to the Interior appropriations bill. And I think, to put it in very, very straightforward terms, the taxpayers are being robbed. Now, that is a pretty strong statement, but I can back it up. They are being robbed to the tune of \$5.5 million a month, and that is a lot of money, Mr. President. It adds up real fast to many, many millions of dollars, and over years, hundreds of millions of dollars.

If any one of us were standing outside on the street and we saw someone's purse being snatched, and we saw somebody grab that purse and take the money out and pocket it, we would act like good Samaritans and we would say that is wrong. Well, I think it is wrong when we see the most powerful companies in this country—only 5 percent of the oil companies in this country are doing this—not paying their fair share of royalty payments.

How do I know this is a fact? Because there have been lawsuits, Mr. President. All over this country the oil companies have, in fact, settled and admitted—admitted—they underpaid their royalties.

I am very pleased that the Senator from Illinois has wound his way over here because he and I have worked on this together, as well as Senator BUMPERS and Senator WELLSTONE. I was very proud that in the committee my motion to remove this rider got the support of Senator BYRD. And that is because wrong is wrong and right is right. It is wrong for the powerful oil companies, with teams of lawyers, to be able to take away the rightful funds of taxpayers.

Now, what does this rider do?

The rider prevents the Interior Department from acting to ensure that oil companies pay their fair share of royalties for oil drilled on public lands.

Now, if you are asking what a royalty payment is, it is very simple. It is like a rent payment. The oil companies drill on Federal land, they have to pay a royalty payment, 12.5 percent of the value of the oil that they find on Federal land. What do we do with it in the Federal Government? It goes straight to the Land and Water Conservation Fund, which is the fund that purchases parks, to the Historic Preservation Fund, and a share of it goes to the States. What do the States do with it? They do with it what State law requires. In the case of my State of California, those royalty payments go directly to the schools.

So this amendment that I am offering, if we are fortunate enough to pass it and we can strip this rider out, will mean more money for schoolchildren and more money for the Land and Water Conservation Fund.

Now, this royalty payment is not a tax. It is a payment that the oil companies sign on to pay. They sign on to

an agreement, just as you do if you lease an apartment. It says:

The value of production for purposes of computing royalty on production from this lease shall never be less than the fair market value of the production.

Keep that in mind. The oil companies have signed on to a lease that says that their royalty payments "shall never be less than the fair market value of the production."

What has been happening? A small percentage of oil companies are paying a royalty not on the fair market value of the production, but on a made up price. A price that they, themselves, make up. I will explain that later. As a result of this phantom price system, they value the oil at a lower price than the market price. Taxpayers, therefore, are getting 12.5 percent of a lower price. Taxpayers are getting robbed, plain and simple. Only 5 percent of the oil companies are doing this, 95 percent are not. We want to make sure those 5 percent, the bad actors, pay their fair share.

That is what our amendment will do. It will strip out a rider that says to the Interior Department, "Stop what you are doing to fix this problem." The rider in this bill says to the Interior Department, essentially, "Stop what you are doing to fix this problem." The Interior Department is trying to get millions of dollars back for taxpayers. They are being stopped by a rider in an appropriations bill.

It is a very simple issue. Believe me, it will be contorted to make it look complicated, but it isn't complicated. For years, oil companies have been cheating the American taxpayers out of millions, if not billions, of dollars. The Department of Interior took action to stop the cheating. And now, the Senate Appropriations Committee, pretty much on a party line vote, said to the Interior Department, "You can't fix the problem." What we are doing in our amendment is saying, "Yes, you can, Interior Department, fix the problem. Do it in a fair way, go after the 5 percent of the oil companies that are cheating the people. Fix the problem."

Now, how do we know that they are cheating? First of all, common sense will tell you. We have a chart that shows the difference between the posted price and the market price. We know that the Interior Department has already billed 12 companies over \$260 million for past royalty underpayments. So we know there is a problem. The Interior Department wouldn't do that if they didn't think they had proof that there has been cheating. There have been settlements in five States on royalty underpayments. California has collected \$350 million; Alaska, \$2.5 billion; Texas, \$17.5 million; Louisiana collected \$10 million; New Mexico collected \$8 million. So the States are ahead of us on this. They are suing the companies because the States know they are being cheated, and they are collecting.

Just 2 weeks ago, Mobil Oil paid an additional \$56.5 million in settlement.

Now, oil companies would not have settled for these large sums of money if they truly believed they could justify their royalty payments. You don't go and say, "Here are millions of dollars. I'm really innocent, but let's just get this over with." I don't know of any company that would turn over \$56 million, or \$2.5 billion, if they didn't think they were liable for it.

Here is the issue. This chart shows ARCO as an example. This is the market price of oil in the west Texas market, in the blue on this chart. This is what ARCO said the price was. It is very easy to see the chart and see the difference, the area where we should be collecting money. Another chart shows the Koch Oil Company, the same thing. This is the market price in the blue line in the Louisiana market, and the red line is what they said the market price was.

We also know that in February 1998 the Department of Justice intervened in a lawsuit under the False Claims Act, accusing five major oil companies of knowingly undervaluing oil extracted from public land and thus paying lower royalties. The suit was originally filed in the U.S. district court in Lufkin, TX, by three private parties. The Justice Department entered the suit because of the overwhelming evidence against the companies. These lawsuits are still pending, and the Justice Department is continuing its investigation of the remaining seven companies that have been billed by the Interior Department. Under the False Claims Act, the United States may recover, on behalf of taxpayers, three times the amount of its losses plus civil penalties.

If anyone comes on this floor and says there is no cheating—and they will—if anyone comes on this floor and says, "There is nothing there, Senator BOXER; what is the fuss?" I will show them exactly what the fuss is all about. And that is the underpayment of royalties that the oil companies promised to pay. Remember:

The value of production for purposes of computing royalty on production from this lease shall never be less than the fair market value of the production.

And we know what the fair market value is because there is an open market on these prices.

Who benefits from this rider that is on this appropriations bill that Senator DURBIN, Senator WELLSTONE, Senator BUMPERS, and I, and others are trying to remove? Who wins? Five percent of the oil companies.

If you hear someone come on this floor and say this is an attack on small oil companies, this is an attack on the mom-and-pop oil companies, that is just not true. Five percent of the oil companies, the biggest oil companies, are the only ones who are affected by this rule; 95 percent of them are not, and there is no change. So we are talking about a rider that protects 5 percent of the oil companies—namely, the biggest oil companies in the country

who make billions of dollars and who are not paying their fair share of royalties and basically have admitted it in lawsuit after lawsuit after lawsuit—maybe not technically, but when you

settle for those amounts of money, you know they don't want to go to court about it.

Mr. President, I ask unanimous consent to have printed in the RECORD the

names of the companies who are affected by this rule.

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

| Companies | (Oil and gas J.) | (Oil and cond.) | Paid vs. revenue (percent) | Under the rule | Liability v. revenue (percent) |
|---|------------------|-----------------|----------------------------|----------------|--------------------------------|
| Shell Total | \$29,151,000,000 | \$213,008,437 | 0.73 | \$19,459,159 | 0.07 |
| Exxon Corp. USA, Total | 134,249,000,000 | 154,531,037 | 0.12 | 7,993,222 | 0.01 |
| Chevron USA, Inc. Total | 43,893,000,000 | 159,611,684 | 0.36 | 7,111,509 | 0.02 |
| Texaco Exploration & Prod., I Total | 45,500,000,000 | 87,370,721 | 0.19 | 6,375,000 | 0.01 |
| Marathon Oil Company Total | 16,356,000,000 | 53,593,234 | 0.33 | 5,225,380 | 0.03 |
| Mobil Explor. & Prod. U.S. Total | 81,503,000,000 | 55,511,623 | 0.07 | 3,978,051 | 0.00 |
| Conoco Inc. Total | 20,579,000,000 | 30,562,431 | 0.15 | 2,444,738 | 0.01 |
| Phillips Petroleum Co. Total | 15,807,000,000 | 10,527,634 | 0.07 | 2,334,420 | 0.01 |
| BP Exploration and Oil Inc. Total | 17,165,000,000 | 46,819,366 | 0.27 | 2,138,002 | 0.01 |
| Amerada Hess Corporation Total | 8,929,711,000 | 12,271,849 | 0.14 | 1,446,901 | 0.02 |
| Amoco Production Company Total | 36,112,000,000 | 31,030,184 | 0.09 | 1,427,185 | 0.00 |
| Pennzoil Products Co. Total | 2,486,846,000 | 23,858,522 | 0.96 | 1,416,140 | 0.06 |
| Unocal Exploration Total | 9,599,000,000 | 36,205,793 | 0.38 | 1,358,282 | 0.01 |
| Murphy Oil Company U.S.A. Total | 2,022,176,000 | 16,445,805 | 0.81 | 778,351 | 0.04 |
| Arco Western Energy Total | 19,169,000,000 | 50,363,676 | 0.26 | 718,384 | 0.00 |
| Coastal Oil & Gas Corporation Total | 12,166,900,000 | 4,364,577 | 0.04 | 470,939 | 0.00 |
| Total Petroleum, Inc.—Oil Total | 34,526,000,000 | 3,059,110 | 0.01 | 364,045 | 0.00 |
| Koch Oil Co. Total | Unavailable | 3,214,012 | | 342,222 | |
| Fina Oil & Chemical Company Total | 4,078,502,000 | 1,393,795 | 0.03 | 156,560 | 0.00 |
| Hunt Oil Company Total | Unavailable | 8,256,498 | | 125,731 | |
| Howell Petroleum Corporation Total | 712,501,000 | 1,581,010 | 0.22 | 122,669 | 0.02 |
| Frontier Oil & Refining Co. Total | 3,379,000 | 486,634 | 14.40 | 47,853 | 1.42 |
| Giant Refining Company Total | Unavailable | 945,403 | | 46,854 | |
| Citgo Petroleum Corp. Total | Unavailable | 600,941 | | 45,755 | |
| Navajo Crude Oil Mktg Co. Total | Unavailable | 2,598,096 | | 45,063 | |
| BHP Petroleum (Americas), I Total | 135,180,000 | 6,266,511 | 4.64 | 34,020 | 0.03 |
| Barrett Resources Corp. Total | 202,572,000 | 306,239 | 0.15 | 32,719 | 0.02 |
| ANR Production Total | Unavailable | 402,039 | | 13,801 | |
| Petro Source Total | Unavailable | 919,725 | | 12,049 | |
| Berry Petroleum Company Total | 57,095,000 | 132,733 | 0.23 | 9,711 | 0.02 |
| Sinclair Oil Corp. Total | Unavailable | 181,480 | | 5,949 | |
| Ashland Exploration, Inc. Total | 13,309,000,000 | 47,270 | 0.00 | 3,825 | 0.00 |
| Big West Oil & Gas Inc. Total | Unavailable | 1,877,664 | | 3,415 | |
| Sun Refining & Marketing Co. Total | Unavailable | 73,075 | | 2,683 | |
| Pride Energy Company Total | Unavailable | 113,116 | | 2,389 | |
| Cenex, Inc. Total | Unavailable | 140,119 | | 2,267 | |
| Sunland Refining Corp. Total | Unavailable | 4,034 | | 1,919 | |
| Diamond Shamrock Ref. & Mktg. Total | Unavailable | 6,805 | | 226 | |
| Montana Refining Company Total | Unavailable | 2,923 | | 213 | |
| Gary-Williams Energy Corp. Total | Unavailable | 27,848 | | 8 | |
| Grand Total—40 Companies | | | | 66,097,612 | |

Mrs. BOXER. Mr. President, let the RECORD show that we have 1½ pages of companies that are affected by the rule, and we literally have 34 pages of all the companies that are not affected by this rule. So we, in this amendment, are going after only the 5 percent of oil companies that are cheating the taxpayers, and 95 percent of them are unaffected by this rule. So the only one that is benefited by this rider, as it stands in the bill, is big oil.

The delays caused by this and other riders will cost taxpayers—hold on to your hats—\$82 million in taxpayer money lost by this rider—\$5.5 million a month for 15 months, from June of 1998 when the rules were expected to be finalized and this problem was supposed to be taken care of.

I would like to share with you an editorial in the USA Today about this issue. I am going to read it because I think it is worth reading. It is one thing when I say this; it is another thing when an USA Today editorial says it.

Today's debate: oil, politics and money. Time to clean up big oil's slick deal with Congress.

Industry's Effort to Avoid Paying Full Fees Hurts Taxpayers, Others.

Imagine being able to compute your own rent payments and grocery bills, giving yourself a 3 to 10 percent discount off the market price. Over time, that would add up to really big bucks. And imagine having the political clout to make sure nothing threatened to change that cozy arrangement.

According to government and private studies, that's the sweet deal the oil industry is fighting to protect: the right to extract crude oil from public land and pay the government not the open market price, but a lower posted price based on private deals the oil companies can manipulate for their own benefit.

Big oil has contributed more than \$35 million to national political committees and congressional candidates in that time—a modest investment in protecting the royalty pricing arrangement that's enabled the industry to pocket an extra \$2 billion.

This is USA Today speaking. I don't associate myself with that thought. I think there are people here who are not motivated by this. But I think it is interesting that that is the perception of USA Today. They go on about the lost payments:

That's millions missing in action from the battle to reduce the Federal deficit and from accounts for the land and water conservation, historical preservation, and several Native American tribes. In addition, public schools in 24 States have been shortchanged. States use their share of Federal royalties for education funding.

But the taxpayers have been getting the unfair end of this deal for far too long. One major producer, Atlantic Richfield, has already adopted market pricing for calculating its royalty payments.

In other words, Atlantic Richfield has stepped out and done the right and corporate-responsible thing.

Instead of protecting industry recalcitrants and campaign contributors, the Congress should protect the public interest.

I want to identify and associate myself with that thought. I know col-

leagues believe it is in the best interest of America to stop the Interior Department from moving ahead with their rule. But if you really look at it and you see that we are being shortchanged by \$6 million—\$5.5 million to be exact—every month, that hurts taxpayers. As I said, it is just the same as seeing a purse being snatched and a little lady running after the criminal saying, "Give me back my money." Well, we can do a cartoon here of the oil companies—only 5 percent of them, the bad actors here—snatching the taxpayers' purse to the tune of \$66 million each and every year, and having the taxpayers say, "Wait a minute, that's ours. You signed a royalty agreement and you said it shall never be less than the fair market value of the production."

I know there are many others who wish to speak, Mr. President, so I will soon conclude my remarks. But I want to make one point about why this is happening. The big oil companies are so large that they have affiliates to whom they sell. The problem is that if they sell to their own affiliates, that is called a "non-arm's-length transaction." So if I have a product to sell on the market, because I don't own an affiliate, it is a very easy way to calculate the royalty. You go out on the marketplace, sell it to the highest bidder—you know what the market price is—and you pay a royalty payment of 12.5 percent on that price. If you own your own affiliate, you can pay whatever you want. So they sell it at a

lower price because they control the price, and then they go ahead and pay the royalty payment on the lower price that they control. It is very much like what the USA Today said about being able to manipulate the price. They say, "Imagine being able to compute your own rent payments and your own grocery bill." That is a pretty good deal.

But if you are the landlord and you pay yourself rent, you could pay yourself any amount and you won't evict yourself. That is what is happening here. They are selling the oil at a lower price because they control the affiliate, and then they pay the royalty payment on the lower price. Whereas, the oil companies that are smaller, that don't own the affiliate, have to go by the market price.

Let's show that chart one more time. Here you have a case of a company that owns its affiliate and sells to its own affiliate at the posted price—the red line—when the market price that all the smaller companies have to pay is up here. The difference between the red and blue lines is the area of cheating. That is what we are trying to recover.

So, Mr. President, I am honored that I have been able to offer this amendment. I am very pleased that Senator GORTON showed me great courtesy in allowing me to open up the debate this morning because it is an issue that is very important. Frankly, when it came up in the Appropriations Committee, we had to struggle to even get a minute or two to discuss it. It was almost as if people didn't want it to be discussed. I am very proud today that we now have time so Senator DURBIN can speak on its behalf, as well as Senator WELLSTONE, and others, and some on the other side can have a chance to be heard.

In concluding this portion of my remarks, let me thank my colleagues for their interest. Let me say that there aren't too many straightforward issues around here, and people are going to tell you this isn't straightforward. But for over 2½ years the Interior Department has tried to come up with a fair way to make sure the oil companies pay their fair share of royalty payments. They have done so.

In my next series of remarks I will read you the accolades the Interior Department is getting for the way they went about this. And what do we do in the face of finally straightening out a mess that has caused lawsuits, has meant that kids in California are not getting payments into the classroom, has meant that the Land and Water Conservation Fund and Native Indian tribes and the Historic Preservation Fund have been cheated out of funds? We get a rider that says to the Interior Department: Sorry, we don't like what you are doing. Stop short right here, and let's not do anything to recover these royalty payments.

Mr. President, I think that is wrong. I would like to see the Interior Department be allowed to do its job and,

therefore, we offer this amendment with the best of intentions to allow the Interior Department to move forward on this rule.

I yield the floor.

I will later participate in the debate.

Thank you very much.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me ask the Senator from California, Is there any urgency on her side to conclude her remarks? We can wait. We have others who want to speak.

Mrs. BOXER. There are several others.

Mr. DOMENICI. The Senator from California has 1½ hours. We have 1½ hours. I am not sure we will use all of ours. I don't know whether the Senator from California will use all of theirs. I have a few Senators who want to speak.

Mrs. BOXER. I think we will be using our time.

Mr. DOMENICI. Mr. President, I yield myself just 5 minutes for some opening remarks.

From our standpoint, I would like very much the distinguished Senator from Louisiana to take a few minutes of my time because the Senator from California spoke longer than 5 minutes. I will yield time to the Senator from Louisiana for his comments.

First of all, Mr. President, it is too bad that the MMS, the Federal agency that is establishing these rules, doesn't have better credibility with those that they are proposing rulemaking against. You need not have the industry that you regulate think that you are totally against them—arbitrary, or somewhat capricious—in order to get your job done.

As Senator BOXER has indicated on at least three occasions, this only affects 5 percent of the oil companies. That is MMS's view. That is the agency of the Federal Government that thinks these rules are wonderful.

From my standpoint, I would like to tell you what the independent producers say. Frankly, I believe this is as valid as an MMS evaluation. The IPAA—that is the independents across America—say that the percentage of oil producers impacted by the oil royalty rule is 100 percent. In fact, this is their principal concern this year, that these proposed regulations, if adopted, will have a serious impact on many, many independent producers. Frankly, I believe that is the case.

First all, MMS, the regulating agency, has permitted so broad a latitude under the rubric of unreasonable that I believe they can do almost anything. It is not certain what the rules will be when they are completed. They will be very uncertain. Litigation will not disappear. It will become more rampant.

I would like the statement from the independent oil and gas producers—many of them from my home State, many very small, many going broke today because of low oil prices—be printed in the RECORD.

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

PERCENTAGE OF OIL PRODUCERS IMPACTED BY OIL ROYALTY RULE: 100 PERCENT

It's time to debunk the mistruths surrounding the proposed oil royalty rule. Opponents of the oil industry and the Minerals Management Service claim that America's independent oil producers will not be affected by the proposed rulemaking. Not true.

RULEMAKING WILL CRIPPLE INDEPENDENT PRODUCERS

Before exposing the sham on this issue, it's necessary to state the position of independent producers on the proposed oil royalty rulemaking. Under the current proposal, no oil producer will be certain that royalty payments to the government are final. In other words, the Interior Department will have license to knock on the doors of independent producers years down the road and demand additional tax payments for oil drilled on federal lands. Not only is the rule a violation of the lease contract between government and industry, it will badly impact the health of independent oil companies who are already on its knees because of the devastatingly low oil prices.

The proposed rulemaking will most certainly lead to years of litigation and audit. In fact, IPAA's Board of Governors, who represent over 8,000 independent oil and gas companies, voted yesterday to pursue options to litigation should this rulemaking be implemented. A proposed rule promoting more government and less certainty should not be finalized. Fighting it in the courts is an expensive proposition, but independents are impacted by the rule and will have no choice but to pursue costly litigation for survival.

DEBUNKING MORE LIES

Opponents of the oil industry claim the industry-backed moratorium is anti-environmental. Not true. In 1997, the oil industry generated more than \$4 billion in revenues from oil and natural gas production on federal lands, much of which is used for the Land and Water Conservation Fund. The rulemaking affects accounting procedures, not the environment.

Opponents claim the moratorium will cost taxpayers and school children \$60 million per year. Not true. Interior has the ability under the current rules to collect all they believe is due and owing regardless of a moratorium.

ALL INDEPENDENT OIL PRODUCERS IMPACTED

Many changes. Like new duty to market at no cost.

Second guessing, moving producers to alternative pricing.

Chasing arm's-length prices away from the lease.

Mr. DOMENICI. Mr. President, we are here on the floor of the Senate, it seems to me, proposing a set of rules that would like to gouge for oil bucks, gouge for oil royalties.

Let me state for the Senate a couple of facts about oil production in the United States and about the cost of oil that I believe are startling.

First of all, about 3 weeks ago—I don't know what the exact measurement is today—one of my staff members drew some comparisons in terms of what oil is worth today, what gasoline is worth today for our automobiles and for our Nation. If you go to a supermarket, I say to my friend from Illinois, or if your wife does, and she buys bottled water, she will pay more for a

gallon of bottled water than Americans are paying for gasoline for their cars. That is good economics for America, but it is bad economics for America's oil independents, for America's independent producers. Because, just as that truism indicates that gasoline and oil producers have been at an all-time low for the last 5, 6 or 7 years, oil production is going down in the United States. Many independents who have been stalwarts are literally saying they do not know if they can make their bank payments for 1 additional month.

Here we come to the floor with an amendment that is saying, let the regulators impose new regulations, and we sing the praises—at least the Senator from California does—that it is going to get more money out of the oil companies. That sounds wonderful. In fact, it is kind of alleged here this morning that, you know, they—these oil companies—are just taking money out of somebody's purse so we ought to go after them like we would go after somebody who took a purse away from somebody.

Mr. President, if you are going to take more money from the oil producers of this country—and we are already becoming more and more dependent on foreign oil, and the price of oil is going down and down—I ask you, won't you in about 3 or 4 or 5 years get less by way of oil royalties than you are getting today by shutting off American production and causing some more of them to get closed? Where will the royalty come from as we produce less oil, rather than more?

So whether it is \$60 million, \$70 million, \$80 million or \$100 million that allegedly will come in, that is not the test of whether the rules are fair. If we imposed those kinds of regulations on any industry we regulated, could we stand up and say we just got \$50 million from the patent applicants of the United States because we just increased the fee? But you have to ask, what is fair, what is right, what is just, not just are the regulators right because they picked up more money.

Before we are finished, we will go through a litany of arbitrary, confusing regulations that they intend to pursue. They are just looking for a little window—I can tell you these regulators are—because there is a moratorium right now. They are hoping against hope that they will get an 8- or 10-day window when there is no moratorium so they can slap on these.

I want to tell them here and now that they are going to have a hard time doing that, because I believe we will prevail today, and I believe we will make sure that any bill that goes to the President for signature is going to have this on it.

Having said that, I reserve the remainder of my time, excepting I would yield whatever amount of time that Senator BREAUX from Louisiana desires.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Illinois.

Mr. DURBIN. Mr. President, thank you.

The PRESIDING OFFICER. Who yields time to the Senator?

Mrs. BOXER. I yield time to the Senator, 15 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mrs. BOXER. Mr. President, how much remaining time do I have?

The PRESIDING OFFICER. The Senator has 56 minutes remaining.

The distinguish Senator from Illinois is recognized for 15 minutes.

Mr. DURBIN. Thank you, Mr. President. I thank my colleague from the State of California.

Let me say at the outset that this is about more money for California schools. It is about more money for land and water conservation, which funds the acquisition of park space and green space across America. It is about more money for historic preservation. It is about more money for Indian tribes, Native Americans, who receive benefits from these royalties. This is about a matter of principle on which the Senator from California is taking the floor to lead the fight. I salute her at the outset, and say to those who are listening to this debate that we are fortunate to have people of the caliber of Senator BOXER from the State of California who are willing to wage these battles, because, you see, it would have been so easy for us to really kind of look the other way with a wink and nod and let this one slip by.

This is not an issue that went before a committee with a lot of investigation, witnesses and hearings so that America could tune in and be part of the debate. This was done on a disaster bill for tornado victims—a bill that was also designed to buy emergency funds for our troops in the Middle East.

You say, What could that possibly have to do with the royalties oil companies pay for drilling on Federal land? The honest answer is that it had nothing to do with it. It was put on at a late moment with no hearings and with little publicity.

I have been around legislatures for about 32 years—State and Federal. I can tell you there are two things to keep your eye open for toward the close of business: find out if there is something that just got popped on a bill without any hearings, and find out whether it benefits some large special interest group. Guess what? Bingo. That is what we are talking about here. Senator BOXER caught it, brought it up in the Appropriations Committee, and said to her colleagues, Please don't do this. At least for the taxpayers of this country, take a close look at what is going on here.

I salute her for doing that. Her leadership is important, and this issue is important. It is about \$66 million a year. And I guess by Federal standards people say, wait a minute, in a budget that is dealing with \$1.5 trillion, what does this mean?

Well, it means a lot, because for schoolchildren in her State and a lot of

other States and for the people I mentioned earlier who are dependent on these royalties, this is an important amount of money.

I think what is more important than the money involved is the principle that is involved in this. Consider for a moment, you own a piece of property and someone comes to you and says, "I want to rent from you under one condition, and that is I decide how much rent I am going to pay you." Well, you say, "Well, at least let's have some standard. Let's have some objective standard." And they said, "Yes, I will tell you what the objective standard will be. I will ask my Uncle Louie what's fair." And you say to yourself, "Why would we sign such a lease?"

That is what has happened here. The land that they are drilling for oil on is land that we own, ladies and gentlemen. It is the land of the people of the United States. It is not land owned by oil companies. They come on our land with our permission to drill oil from our land to make profits for their companies. That is what this is all about. And we say to them, "Make a profit. That's fine. That's the American way. But we want one-eighth of your profit. We want one-eighth of the cost of the oil." Those who are involved in the oil business know that is not an unusual request. The owner of the land gets an eighth.

The problem here is that the oil companies have said, "We will determine an eighth of what. We will determine what Uncle Louie says is an eighth." And in this situation they won't take a market price that they are supposed to take. They take a price they have absolutely fabricated. They have made it up. They trade among themselves. They post prices and say, "This is the price," and we know better.

The charts the Senator from California brought to us make it clear the taxpayers are being cheated, because a handful of oil companies are declaring a price that they are basing the royalty on which is a phony, false price. State after State has turned around and sued them successfully for this sort of cheating. And now we are trying to promulgate a law here on Capitol Hill in the Senate which condones this cheating, saying, "Keep on reaching in Uncle Sam's pocket, pull out all the money you need, play us for Uncle Sucker, and we are going to look the other way."

I do not think we should do that. I do not think that is fair to a lot of people. And I really am, in a way, surprised that a lot of oil companies that have extraordinarily good business reputations would be involved in this chicanery.

I listened to the Senator from New Mexico give a speech. His speech is, as far as I am concerned, very accurate. The oil industry in this country does suffer some problems, particularly independent producers. They come from my State. Illinois is not a major production State, but we have a lot of

producers there who have come to see me. And it is a fact that the price of oil and the products of oil are so low that many of them cannot survive. It has domestic and international ramifications; I don't question that. But to argue that that situation with the oil industry in general means that we should give a handful of oil companies, 5 percent of them, an opportunity to reach in the Federal Treasury and pull more money out at the expense of taxpayers begs the question. If you let this 5 percent turn around and absolutely drill the oil for free and not pay the taxpayers a penny, it would not create a recovery in the oil sector. I am afraid that is what the other side is arguing. We are dealing with a small percentage here.

And let me tell you what these royalties mean to these large companies that are drilling on taxpayers' land. The additional royalties represent approximately 1–100th of 1 percent of the \$461 billion in 1996 revenues for these companies. We have crocodile tears in the Chamber here about these struggling oil companies at a time when we look at their balance sheets, and many of them are making billions of dollars and would say to the taxpayers of this country, "No, we can't pay you a royalty based on the real market price; we want to create some fiction." And so not in the dark of night but in the darkness of a conference committee room, along comes a provision which basically says the Department of Interior may not investigate, may not determine whether there is fairness in the price that is being charged. No. The Senate of the United States will shut them down and tell them, keep their noses out of these corporate boardrooms.

Mrs. BOXER. Will the Senator yield for 1 minute?

Mr. DURBIN. I will be happy to yield.

Mrs. BOXER. I wanted to know if the Senator was aware, when the Senator from New Mexico read from the independent oil producers, the director of the Minerals Management Service sent us over an announcement that I am going to put on everyone's desk that says:

We understand that information is being provided to Congressional Members indicating that the proposed Federal oil valuation rule will put independent oil companies out of business. This is untrue. The rule will have no impact on independents who sell on the open market.

And it goes on that only 5 percent of the companies will be impacted.

The reason I interrupted my friend was to see if the Senator had seen this, because I think this is the key part of the debate. We know that the companies that are impacted in fact have billions of dollars of revenue. I just wanted to make sure that Senator DURBIN from Illinois had seen this, and we will be putting it on everyone's desk.

Mr. DURBIN. I am happy that the Senator from California brought up the point, and I have this in my possession.

I do not believe we can allow these major oil companies to hide behind the skirts of these independent oil producers who are struggling to survive.

A letter from Secretary Babbitt that was sent to USA Today on this subject says that his data tells an entirely different story.

Business is booming in the Gulf of Mexico. The industry recently paid more than \$1.3 for new deep water leases in the gulf. Published reports claim there are more jobs available than workers to fill them.

This is hardly an industry on its knees. And we are talking here about those who will come on our land, the taxpayers' land, the Federal land, draw oil from our land to make a profit, who are unwilling to pay a fair share of that profit back to the taxpayers of this country.

Right outside of this Chamber in the corridor is the bust of a man who I consider to be a real inspiration in public life, Theodore Roosevelt. I would like to hear Theodore Roosevelt in this debate. If you take a look at this bust here, if you have a chance to see it, it looks like he is about to charge right off the pedestal; that is the kind of man he was. And then when you read the sign below it, it says they picked the more common, thoughtful pose; there was one that was more aggressive. I can imagine Theodore Roosevelt in this Chamber talking about the public lands and the exploitation of these lands by special interest groups and big corporations at the expense of the taxpayers of this country.

I might say to my friend from New Mexico, I believe that that Senator, if he were one, would have been on your side of the aisle making our argument, and thank goodness he was there to set the tone in this century for the profit relationship between corporations and the public good. Thank goodness the Senator from California has the courage to stand up here and take on the oil giants when it comes to this issue.

This is simple and straightforward. Will the taxpayers receive a fair amount from those who would come on our land to drill oil from the taxpayers' resources and whether or not this is going to pass.

I say to my colleague from California and those who support her that she has taken on an important issue, one that is critically important not just for the money for those who would receive it but one principle: If this position that is being espoused by the other side is so right and so good, why did we not have a hearing? Why did this not come before us with witnesses so that all could hear both sides of the stories, that the oil companies' executives who are making these billions of dollars could sit there in the chairs before the cameras and the microphones and explain it?

They could not face the music. They could not take that kind of scrutiny, and neither can this program. Let the Department of the Interior go forward on behalf of the taxpayers. Let them

make sure that we receive a fair amount for those who would take profits from America's lands.

I yield back the remainder of my time. I yield the time back to the Senator from California.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I yield to Senator BREAU from Louisiana as much time as he desires.

Before I do that, I just want to make an observation. I just read a most authentic history of Theodore Roosevelt, and my observation to the Senator from Illinois is he wouldn't take this case so he wouldn't be down here arguing on anything because he would look at the facts, and he would say I don't want to be on the wrong side of the facts. He wouldn't be down here anti-anything. He would leave the argument to somebody else.

I yield to the Senator.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAU. Mr. President, it is interesting. During the time I have been in the Senate and Congress, a lot of times when you don't have the facts on your side you have to create an enemy and talk about the enemy. I think this is exactly the case here. It is easy to find an enemy in the oil and gas industry. The oil and gas industry are the first people in the world to admit that they, on any kind of a popularity chart, would probably be right at the bottom—or probably right above the Members of Congress. The oil industry right in front of us, and we would be at the bottom.

The point is, if you do not have the facts, you have to get somebody to argue against, somebody who people don't generally like. And I agree, people don't generally like oil and gas companies. So, let's make them the big bogeyman in this and argue about how bad they are. Fortunately, that is not the issue in this case. The issue in this case is really very simple. The issue is, how do you determine the proper value for oil that is discovered on Federal lands, and what is the royalty that companies who explore and develop should pay the Federal Government? It is very clear that companies do not determine how much they have to pay—we do. We passed the OCS Lands Act in 1976 and innumerable other Federal acts in Congress to determine what royalties should be. Congress makes that decision and we have made it many times.

The question before the Interior Department in which they, I think, made a mistake is how do you determine the value of the oil. We know what the percentage is. Interestingly, companies made a proposal to the Federal Government and said let us quit fighting over what the value of the oil is; let us just give you the oil. If you are entitled to 15 percent of the oil, and we have 100 barrels, let us just give you 15 barrels

of oil and let you go sell it and you determine what the price is by selling it in the marketplace.

The Federal Government said we don't want to do that. We think that is too complicated—and it is complicated. The problem before this Congress is what do we do, in trying to work with the Interior Department, in helping to determine what is the proper value. How do we find the proper value for oil?

Someone said we ought to have hearings on this. We did. We had a hearing. We had two hearings. We had hearings in the Senate Energy Committee. We had hearings in the House Resources Committee. Minerals Management Service came and testified, members of the oil and gas industry came and testified and talked about how they were trying to work this problem out. I also hosted, along with Senator HUTCHISON from Texas, Senators DOMENICI and BINGAMAN from New Mexico and Senator LANDRIEU from my State and others, meetings between oil industry representatives and Interior officials to try to get them to sit at the same table and try to come to a resolution of the very complicated technical problem of determining how do you find out what the proper value of a barrel of oil.

The oil is brought to the surface in the middle of the Gulf of Mexico. You can determine what the price is, if you look at what it is at the wellhead. One problem in this proposed rule is that we look at different prices and at a different time to determine the value. We don't look at what its value is in the middle of the Gulf of Mexico, but we look at it after it is brought onshore. How do you determine what are the legitimate transportation deductions in reaching the royalty value of crude oil? And, should companies have to pay all of the costs to this point onshore. If it is the Government's oil, shouldn't the Government pay the transportation cost of its share? Therefore, one of the real conflicts is how do you determine a proper transportation deduction?

Companies will argue that the entire pipeline system is part of the cost of transporting oil. They say, "If we do not have this elaborate system out there, we cannot transport it to the place onshore where the Government takes ownership, so that should be deductible." Minerals Management says "No, you should not deduct all of that; it should be less." So this is a battle of what you should deduct and how you reach a legitimate price. There is nothing mysterious about this. Nobody is trying to rob anyone of anything.

Oil and gas companies have paid more in royalties to the Federal Government than they have received in the price of oil they have taken from the Federal lands in terms of taxes they have paid and royalties that they have paid over the years since we have had an offshore oil and gas industry—companies have paid more to the U.S. Treasury than they have made in finding oil in the Gulf of Mexico. Eventu-

ally, in the future, it will turn around. They will start making more money than they have paid. That is why they are in the business. Up until this point they have still paid more to the Federal Treasury in royalties and taxes and benefits to the U.S. Government than they have made in selling the oil that they have found.

We tried to have meetings with Minerals Management Service to resolve this. This rider is not the best way to handle it. I would admit that. But I think it is appropriate that when Congress sees something happening that is not consistent with what is good policy and what is the law, then Congress has an obligation to say "hold it," "stop," "slowdown," "let's continue to try to work this out." That is exactly what an appropriation rider has done. We have told Interior Department, in the Interior appropriations bill, that this rule is fundamentally flawed. It is not correct. It is not right. It does not allow for the legitimate deductions in the costs of transportation that should be allowed, and therefore don't go forward with a rule that is fundamentally flawed. Give Congress and the Interior Department time to come to an agreement on what is appropriate and proper.

That is the argument. That is the issue. We can talk about how bad the oil companies are. That is a easy thing to say if you don't like oil companies. I happen to like them. They employ hundreds of thousands of people in my State and provide the energy for people to drive to work in the morning. It is part of our national economic security and part of the national defense in our country. They do an important service for this country of ours. So the issue is not whether or not you like oil companies. The issue is very simple. Is this a good rule? The answer is no. Should it be stopped? The answer is yes. Should this amendment be tabled? The answer is also yes. I think when this amendment is tabled it will allow the administration and the Department to continue to work with those who are interested in trying to resolve this and come to a resolution that makes sense. Companies will continue to pay.

It is interesting, when they had the hearings over in the House, when the administration testified concerning this argument about how much we are losing in lost revenue. The Director of the Minerals Management Service, when she testified at the House Resources Committee on February 26, 1998, said that these regulations "are intended to simplify the royalty payments, make valuation methods reflective of modern market conditions, offer the industry more flexibility, reduce administrative costs, and maintain revenue neutrality."

When MMS proposed the rule, as flawed as it was, it wasn't to increase the amount of money they would get. At least that is what they said. It is simply to "maintain revenue neutrality." Now the argument is we are

losing millions of dollars every month. The whole purpose of the rule was to make the way we determine the value of the oil simpler and reflect modern market conditions. It doesn't do that. Therefore we should say stop, slowdown, let's continue to negotiate to come up with something that makes sense.

That is what the bill before the Senate does. It should not be changed, and the amendment should be tabled.

I yield back the time to the distinguished Senator from New Mexico.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota. Who yields time?

Mr. WELLSTONE. Mr. President, Senator BOXER stepped out. She yielded me 15 minutes.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 15 minutes.

Mr. DOMENICI. Mr. President, I ask the Senator, may I ask a parliamentary question, please?

Mr. WELLSTONE. Yes.

Mr. DOMENICI. Mr. President, how much time has been used by each side?

The PRESIDING OFFICER. The Senator from California, Senator BOXER, has 55 minutes. The Senator from New Mexico has 74 minutes.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, the Boxer amendment would simply let the Interior Department do its job, which is making sure that oil companies pay full royalties for the oil they are drilling on Federal or Indian lands. That is what this amendment does.

Right now, some of these companies are not paying the money that they owe, and several are being sued for it. Amazingly, there is a rider in this bill, the same rider put in during the conference committee on this spring's supplemental appropriations bill, that stops Interior from doing its job. That is what this is about. This rider stops Interior from issuing rules to collect these royalties. No wonder Senator BOXER has sounded the alarm.

As a Senator from Minnesota, I am glad that we have Senators who are willing to stand up to oil companies. There are not that many Senators who will do so. The Senator from California has the courage to do so.

This kind of sweetheart deal—and that is exactly what it is—is simply outrageous. It is corporate welfare of the worst kind. And even worse, in many cases this money is being taken away from our children's schools. In 24 States, the State's share of the royalties is used to fund public education, so when the oil companies underpay their royalties, education is the loser.

In addition, the Federal share of these royalties goes to the Land and Water Conservation Fund and the National Historic Preservation Fund.

If the Boxer amendment is adopted, the money will go where it should be

going—to public education, the environment, historic preservation, and to Native American communities—instead of corporate bank accounts.

Mr. President, this is an unbelievable story. The Interior Department's Mineral Management Service—MMS—simply wants to collect the money these companies owe the public. Interior Secretary Babbitt says:

Many of the industry's largest companies are underpaying royalties.

Just recently, Mobil Oil agreed to a \$56.5 million settlement of Federal and State lawsuits alleging underpayment of royalties. That is what has been going on. And there has been a flurry of such settlements: \$2.5 billion in Alaska, \$350 million in California, \$17.5 million in Texas, \$10 million in Louisiana, and \$8 million in New Mexico. MMS has now billed 12 of these companies \$260 million for overdue royalties. Now the Justice Department has joined a lawsuit under the False Claims Act alleging fraud. According to Justice, several of these oil companies have been deliberately underpaying their royalties.

Remember, this oil belongs to the public and to Native American tribes. We are leasing the mineral rights to them, but only under one condition. We are saying, "Go ahead, take the oil; all we ask is a 12.5 percent cut on the fair market value." I don't think that is too much to ask. Nor do the people of this country think it is too much to ask. But apparently the oil companies do.

Let me be clear about one thing. This has already come up in the debate. Senator DURBIN spoke to it, and Senator BOXER spoke to it as well. We are not talking about all the oil companies. We are not talking about mom-and-pop independents. We are talking about the large integrated companies who sell to affiliates at undervalued prices. They make up only 5 percent of all the oil companies drilling on Federal land, but they account for 68 percent of all Federal production.

For over 2 years, the Interior Department has been developing regulations to put a stop to this highway robbery. This is not new authority. Interior already has statutory authority to collect royalties on the "fair market value" of this oil, but the new regulations would keep oil companies from manipulating "fair market value" to underpay their royalties. The oil companies don't like that.

Here is the question I ask colleagues: Do these companies, do these huge integrated oil companies, really deserve our sympathy? I don't think so. They have been caught—let me repeat that—they have been caught underpaying their royalties.

Since when do we have such tremendous sympathy in the U.S. Senate for people who are cheating the public? It is interesting to me. We pass crime bills all the time. Now we have the Juvenile Justice Act—a crackdown on children. Very little sympathy there.

Put children in adult corrections facilities; very little sympathy for these children.

We passed a welfare bill. We don't really know what is happening. We know women have been taken off the welfare rolls. We know the children have been taken off the rolls. But we don't know what kind of jobs they have, what kind of wages. We don't know whether there is good child care for those children. Very little sympathy for these families either.

We tried to bring an amendment to the floor to increase the minimum wage so that working people can make a decent living. There is very little sympathy on the floor of the Senate for any of these folks.

But in through the door walks a CEO from one of these oil companies—large integrated oil companies that have been underpaying their royalties, oil companies who happen to be heavy campaign contributors—and all of a sudden we have sympathy to spare. We have sympathy coming out the wazoo. We feel their pain. All of a sudden it is, "At your service, sir. What can we do for you, sir? How can we serve you better?"

These companies have been caught red-handed. The cops are after them. Law enforcement is closing in. They are in deep trouble, and they are desperate for someone to come to their rescue, and fast.

So who do they call? They call their friends. They call the U.S. Congress. And guess what. Congress answers the call without a moment's hesitation. With a rider in this bill, Congress comes to the rescue and rewards them with a "get out of jail free" card.

The Boxer amendment would revoke this sweetheart deal that lets oil companies keep ripping off the public, lets them keep shortchanging education, even after they have been caught cheating. If there ever was a time to be tough on crime, this is it. In fact, I say this is a time for zero tolerance. The rider in this bill sends law enforcement on paid holiday. The Boxer amendment puts the cops back on the beat.

I say to my colleagues, we have to ask ourselves a question: What is our purpose here? Are we elected to fight for people or for the oil companies? Were we elected to fight for good government or for corporate welfare? Are we going to do what the public wants us to do, or are we going to do what the oil companies want us to do?

I urge my colleagues to join in a broad coalition that opposes this \$66 million corporate welfare giveaway. That is what this amendment speaks to. That is what this debate is all about, and all of us will be held accountable.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 7 minutes left.

Mr. WELLSTONE. With the indulgence of my colleagues, I ask for a couple of minutes. I have been trying to

give a speech for 3 days on what is happening in Burma. It will take me about 4 minutes. I ask unanimous consent that I have 4 minutes as in morning business.

Mr. DOMENICI. At this moment?

Mr. WELLSTONE. I am not taking near the 15 minutes.

Mr. DOMENICI. And you are not going to take the rest of the 15 minutes?

Mr. WELLSTONE. No. I thought my colleague wanted to hear me repeat the statement.

The PRESIDING OFFICER. If there is no objection, the Senator is recognized for 4 minutes.

Mr. WELLSTONE. I think this is a statement with which every single Senator will agree.

BURMA

Mr. WELLSTONE. Mr. President, I rise to express my outrage at threats toward Burmese opposition leader Aung San Suu Kyi made Tuesday in the government-controlled press in Rangoon. Completely without justification the press called for Aung San Suu Kyi to be deported from Burma. The regime has again made the ridiculous charge that Aung San Suu Kyi is not entitled to Burmese citizenship. This charge is made on the xenophobic and insulting basis that she married a foreigner. The regime has long tried to discredit Aung San Suu Kyi with the Burmese people with this type of nonsense—it hasn't worked.

The Burmese people voted for Aung San Suu Kyi's party overwhelmingly in 1990—electing opposition candidates to 80 percent of the parliament seats. She remains the hope of a repressed people longing for democracy and human rights. The military regime, which used to call itself the SLORC, has tried to improve its image by changing its name to the State Peace and development Council. But it is the same regime. It has had to prevent Aung San Suu Kyi from speaking publicly because she was drawing huge crowds to the front of her home. It has had to prevent her from traveling freely to visit her supporters since they fear her popularity.

Far from being a foreigner, Aung San Suu Kyi embodies the very history of Burma. She is the daughter of the founder of the Burmese army and the leader of Burma's independence movement, General Aung San. Like her father, Aung San Suu Kyi has devoted years of her life to the Burmese people at great personal sacrifice.

The Burmese people strongly identify Aung San Suu Kyi with her father's legacy and his struggle to bring independence and ethnic unity to Burma. In fact, displaying pictures of General Aung San has become a symbolic act of defiance and show of support for the opposition. University students began demonstrations in 1996 and again in 1998 by displaying portraits of Aung San as a rallying signal. The authorities can't take action against those

displaying his picture since he is also revered by the regime as the nation's founder.

The regime rightly fears the power of these symbols but their attempts to separate Aung San Suu Kyi from her legacy and deprive her of citizenship will fail. The Burmese people see through it. The people clearly do not want her deported.

I urge the regime to treat this courageous woman with the respect she deserves and to ensure that no harm comes to her. She has stood up to the repressive tactics of the military regime for over 10 years now. In recent months, she has sacrificed her personal comfort and risked her health facing down the authorities. When denied the ability to travel freely she spent 10 days waiting in her car for the authorities to allow her to move. Her exceptional fortitude and her commitment to challenging the regime through non-violent actions are an inspiration to those working for human rights around the world.

I also express my concern about recent detentions of several hundred of Aung San Suu Kyi's supporters. Last week, the regime reacted with typically heavy-handed tactics to prevent her party from convening the members of parliament elected in free and fair elections held in 1990. The regime has never allowed the parliament elected in 1990 to take office because the voters overwhelmingly elected opposition members. Aung San Suu Kyi recently called on the regime to convene the parliament. When that request was ignored her party decided to convene a "People's Parliament" on its own. The reaction of the military junta was predictable. They simply rounded up any opposition politician who might attend the planned events and "detained" them. Hundreds of party members are still being held.

This outrageous tactic violates the rights of the Burmese people to exercise freedom of assembly and political expression. Although this behavior is nothing new or unexpected for this repressive regime we must persist in condemning it. I call on the regime to immediately release all opposition party members detained and to enter into genuine dialogue with the opposition and ethnic minority group about restoring democracy to Burma.

And, again, I call on the military regime to treat Aung San Suu Kyi with respect as the legitimate leader of the opposition and to withdraw the threat of deportation and respect her rights as a Burmese citizen.

To reiterate, Mr. President, I want to go on record. I express my outrage, and I think it is outrage of Democrats and Republicans, at the threats toward the Burmese opposition leader, Aung San Suu Kyi, made last Tuesday by a Government-controlled press. They are now talking about the possibility of deporting her from Burma.

She is a very, very courageous woman. The people overwhelmingly

elected her in 1990. What has happened since is that this military regime, which used to call itself SLORC, which has now tried to improve its image by calling itself the State Peace and Development Council, has been just full of brutal repression for the people there.

I rise to express my concern about what is happening to this very courageous woman who has been trying to travel, has been trying to have an opportunity to speak out in her country and meet with other people. She spent recently 10 days just in her car trying to cross a bridge to meet with people, to speak with people in her own country. This regime really has her under house arrest.

In addition, this past week, what happened is that many of the people in her party decided that they would convene a people's parliament, since their elections were nullified when this repressive military government took over. They held a meeting, and hundreds of them have been rounded up and are now in prison.

I come to the floor of the Senate today to simply say that this is an outrageous practice of repression by this Government. I condemn it on the floor of the U.S. Senate. It is not always that I think I speak for almost every single Senator, but I believe Democrats and Republicans agree on this. I call on this military regime to treat this courageous woman with respect as a legitimate leader of the opposition and to release people whom they have unlawfully put in jail.

Aung San Suu Kyi is a courageous woman. She stands for the very best of what our country stands for, which is respect for human rights and democracy. We need to speak out on the floor of the Senate, and we need to send a message to this repressive Government in Burma, that not only will we not do business with you as usual—and we are not doing that—but we, as a Government, we as the U.S. Senate, will continue to speak out and condemn your actions, and we will continue to support people in Burma, those people who stand up for democracy and stand up for human rights.

I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mr. MURKOWSKI addressed the Chair.

AMENDMENT NO. 3594

The PRESIDING OFFICER. Who yields time to the Senator from Alaska?

Mr. DOMENICI. Mr. President, I would like to ask Senator BOXER—we have been going back and forth. Senator MURKOWSKI just wants to speak for 3 minutes, and I wonder if we could then have Senator THOMAS speak for up to 10 minutes.

Mrs. BOXER. Absolutely.

Mr. DOMENICI. Then we would go to your side.

Mrs. BOXER. Fine.

Mr. DOMENICI. I yield to the two Senators in that order.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I rise as chairman of the Committee on Energy and Natural Resources. I would like to advise my colleagues that we had an oversight hearing in June on the MMS oil valuation issue. The results of that hearing indicated that we should initiate a dialogue with the principals. That dialogue was entered into. I felt gratified that we were making progress relative to this complex issue and was chagrined to find at a later date that the advances we thought we were making simply had been overturned by the policymakers of the Department of the Interior and the administration.

As a consequence, this conversation about corporate welfare, big oil, and big business is incorrect because we are talking about small companies in many cases. The oil and gas industry has lost a quarter of a million jobs. This is an industry that now finds itself moving overseas where there is a favorable climate for exploration and production.

As evidence of that, Mr. President, in 1973 and 1974, we were 37-percent dependent on imported oil; today, we are 52-percent dependent. The Department of Energy suggests we are going to be 66-percent dependent in the year 2004 or 2005.

The amendment offered by Senator DOMENICI and Senator HUTCHISON during committee markup would delay the implementation of the final rules on Federal oil valuation until October 1999, or until a negotiated rule can be achieved.

The oil and gas industry is struggling in a declining market. This is an industry where we have lost a quarter of a million jobs. We are talking about implementation of regulations that would drive this industry out of the United States and make us more dependent on imported oil. It is unconscionable. The taxes paid by this industry and mortgage payments made by industry employees in their communities are contributions being overlooked in this general climate of "well, throw it out—because somehow big business is cheating," if you will. And that is simply unconscionable, Mr. President.

As Senator DOMENICI and Senator HUTCHISON indicated, they personally met twice with Interior Department officials and industry executives to resolve what amounts to a handful of issues concerning the rulemaking. It is rather interesting, because if you look at the MMS proposal, it attempts to set the oil royalty away from the lease; that is, downstream, almost near the burner, not as required by law, and set it on the value added by the companies

through their extraordinary efforts to market the product. And by denying the companies an allowance for reasonable marketing costs, MMS unnecessarily and artificially raises the price of oil on which the royalty is based. That is what they are doing here.

So, Mr. President, do not be misled by these generalities that somehow this is corporate welfare. This is an effort to help an industry be competitive. The policy of the Department of the Interior to mandate royalty valuation, through rulemaking, would be detrimental and not resolve the issue, and would leave many unanswered questions relative to the industry's ability to be internationally competitive. It is beyond me, Mr. President.

I thought when the Interior officials met, they were going to meet in good faith. It appears that Interior did little more than pay lipservice to that effort. The rule is just as unfair now as it was when discussions of it took place. Only now, Interior is trying to put its spin on the issue by saying, "We gave the industry its meeting. We addressed their concerns. Why do we need to have any further delay?"

Mr. President, it appears the Interior Department is going to continue to base its oil royalty on market factors away from the lease. Any attempts to strip the Domenici amendment away should be opposed. And there are three specific reasons. Then I will conclude.

First, contrary to what Interior claims, the amendment was scored by CBO as having zero effect on the current baseline. Interior's claim that it will save \$65 million a year is simply puffery and nothing more.

Second, with world oil prices depressed, we do not need to add what amounts to a new tax on this industry, particularly the independents, the small oil companies. Do not talk to me about big business.

Third, delaying oil valuation rules is nothing new. Congress did it in 1987. Delay will allow better public policy to be formulated.

So I urge my colleagues to join in opposing the removal of the oil valuation amendment from the Interior appropriations bill.

I yield the floor to Senator THOMAS.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President.

I rise in strong opposition to the Boxer amendment. Contrary to what we have heard over there about withdrawal and cheating and all these things, there are some real issues here, issues that many of us, particularly those of us who live in public land States, have been working on for a very long time.

That is the question—how do you have regulations that extract one-eighth of the value of Federal oil into the Federal Treasury? Nobody objects to that. That is the law. Nobody argues with that. There are some real issues here.

For instance, what is the value in Chugwater, WY, as compared to Oklahoma City? What is the value when you are close to a collection point as opposed to having to carry the oil for a very long time? Where do you apply the value? Do you have to pay for the transportation to where it is going in order to have one-eighth of it? There are some real issues here, and we have not been able to come together with the bureaucracy to have a satisfactory solution. And that is why this amendment is there—to have a moratorium on time so that this can, indeed, be resolved.

I have been involved in some of these meetings here in which we have tried to find a solution. I, by the way, have not seen any of my friends from the other side of the aisle there participating in trying to find a solution. All they do is come up and complain. I am, frankly, a little offended at the idea that seems to be promoted that somehow if you are not for this it is because you may have gotten a contribution from an oil company. I am offended by that.

People believe in what they are doing here. They believe it is important to their communities and to their States. They believe there ought to be jobs. They believe we ought to have a domestic oil industry. These are beliefs. I do not hear anyone saying they are where they are because the environmentalists are having TV ads to support their candidacy. I suppose you could say that. I do not think that is a great idea.

What we have is some real confusion. Let me give you a little example. We had an independent who was brought back before the agency because they did what someone in the agency told them to do. They did what the employee told them to do. And the director of MMS says, "Well, you can't go by that because that might not be what the Assistant Secretary meant to happen." Give me a break. You mean a citizen who goes to an employee of an agency cannot rely on the information they get there because it might not be consistent with what someone said who is Assistant Secretary? That is the kind of thing we are dealing with here and the kind of thing we need to get resolved.

We have met with MMS on a number of occasions. I must tell you, I have been working with this since I was in the House 4 years ago, where I suggested, and would suggest again, that the States do the actual collection of the mineral royalty and share it with the Feds. We are duplicating it now.

MMS is one of the most inefficient agencies we have in this Government in terms of their cost. It is not clear what it is that they are doing. It is clear that it is not a workable situation. When you take the NYMEX and apply it to a place in Oklahoma City, and out in Wyoming, that is not a workable way to determine what the market value is. We need to do something about that.

Mr. President, I do not think we ought to be fooled by arguments of the proponents that they are not getting a fair share of the royalties. This amendment is not about reasonable valuation, collection. This amendment is not about schoolchildren. This amendment is quite simply one that wants to attack the oil industry by those who are critical of business, those who think that this is some kind of an environmental question. And it is not.

It is important that the MMS rule be understood, that it does not only impact large petroleum producers. If that were the case, why would the independents be involved? Why would the independents be interested in bringing some kind of court action? It is because they are very much impacted.

We have also heard over the last several days that the Governors are not for this. I just bring to the attention of my colleagues a letter by the Governor of Wyoming.

... I strongly object to Senator Barbara Boxer's amendment to the Department of Interior's Appropriations Bill. ... The amendment would allow the Department to implement new and untested federal royalty crude oil pricing regulations.

And it goes on, in opposition to that.

Minerals Management has proposed rules that are complicated, that are unworkable, that result in hardship to the producer, result in a loss of jobs, a loss to the economy of our State of Wyoming, and I think a security issue to this country when we have 55, nearly 60 percent of our oil imported. We have an opportunity here.

Simply put, this valuation rule is a job killer. We ought not to go forward without having some time to make it work.

I think the current language in the appropriations bill is fair and reasonable. Instead of taking reckless actions and getting up in broad generalities and talking about the evils of business, we ought to craft some rules that work. We can, in fact, do this.

Again, I urge my friends in the Senate to vote against the Boxer amendment and continue to resolve the question in a way that is workable and a way that really deals with some regulations that will cause us to be able to collect these royalties, as we are all willing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, as we agreed before, I will speak 5 minutes now and then I will yield 20 minutes to Senator DORGAN.

There were many misstatements made here, but I will start from the top. The Senator from Wyoming said that he didn't see me or any Members on this side at some closed-door meetings that were held between oil companies, the Department of Interior, and Members of the Senate.

A, I was never invited to even one of those meetings. B, had I been invited, I wouldn't have gone, because I don't

think it is right for Senators to meet with regulators and companies that are being regulated by those regulators. A, I wasn't invited; and B, I wouldn't have gone, and I would have expressed my opinion as to why I declined the invitation.

There were comments made by the Senator saying those of us who oppose the rider in this bill are antibusiness. I want to make something clear: 95 percent of the oil companies are doing right by the American people. They are paying their fair share of royalties. I applaud that. As a matter of fact, Atlantic Richfield has stepped away from the big oil companies and said, "You know what? We will be a good corporate citizen. We are going to pay the right royalty based on the market price."

So, please, let no one say that this Senator is antibusiness when I support 95 percent of the oil companies in this particular matter.

I also want to point out that we have a letter addressed to Senator BINGAMAN, which I ask unanimous consent to have printed in the RECORD, from a number of commissioners of public land, including New Mexico, Texas, Arkansas, South Dakota, Montana, North Dakota, Colorado, and Robert Hight from California, who support the Boxer amendment, as well as a letter to Senator GORTON.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WESTERN STATES
LAND COMMISSIONS ASSOCIATION,
September 4, 1998.

Hon. JEFF BINGAMAN,
*U.S. Senator, Hart Senate Office Building,
Washington, DC.*

DEAR SENATOR BINGAMAN: We, the undersigned Lands Commissioners who are members of the Western States Lands Commissions Association, urge your support for Senator Barbara Boxer's amendment to the Department of Interior's Appropriations Bill, S. 2237, to allow the Department of Interior to implement new federal royalty crude oil pricing regulations. The Department's proposed regulations would ensure that oil companies would pay no more and no less than fair market value for federal royalty oil. S. 2237 currently includes a provision which continues the ban on implementing the proposed regulations for the next fiscal year. This delay is costing taxpayers \$5 Million per month.

The state agencies that are members of the Western States Land Commissioner's Association have a strong interest in ensuring that oil companies pay the market value of federal royalty oil. The member states of the Association share in the revenues collected by the Department of Interior. The failure of the oil companies to pay market value for federal royalty crude reduces the revenues obtained by the federal government and the states.

The Department's Mineral Management Service (MMS) has been eminently fair in proposing its new regulations. MMS has held numerous public and private meetings for over two and a half years to allow the industry to comment and the industry has filed over two thousand pages of comments. Based on industry concerns, MMS has revised its proposed regulations a number of times to take into account industry's suggestions and

criticisms. For example, MMS has revised its proposed regulations to recognize regional differences, particularly for the Rocky Mountain Area.

The proposed MMS regulations are very reasonable. If oil companies sell royalty crude on arm's-length transactions, they pay on the basis of the prices they receive. If they do not sell the oil on arm's-length transactions, they pay on the basis of prices at market centers, adjusted for location and quality differences, which are universally recognized to result from competition among innumerable buyers and sellers.

Oil companies presently use their posted prices to value royalty oil. Posted prices are unilaterally set by individual oil companies less than the market value of those crudes. In contrast, the market prices proposed by MMS to value royalty crude not sold by arm's-length transactions are set by innumerable buyers and sellers and are publicly reported on a daily basis.

MMS' proposed switch from posted prices to market prices is not a radically new concept:

(1) The State of Alaska uses the spot price of Alaska North Slope crude oil quoted for delivery in the Los Angeles Basin as the basis for royalties;

(2) Arco, since the early 1990's, uses spot prices as the basis of payments of royalties throughout the country;

(3) The recent State of Texas Chevron and State of Texas Mobil settlements rely on the use of spot prices for royalty valuation purposes.

Mobil recently settled for \$45 million a case brought by The United States Department of Justice that Mobil had underpaid federal royalties throughout the United States.

The Department's comprehensive proposal is the logical alternative to posted prices.

Industry's efforts to require the federal government to take and sell its royalty oil-in-kind should be rejected. MMS, numerous states and more recently the General Accounting Office (GAO) have voiced legitimate objections to industry's proposal. Mandatory sales of royalty-in-kind oil would not work for the thousands of federal leases which produce low volumes of crude and in remote locations. Moreover, the federal government's lack of easy access to pipelines, and the major oil companies' unwillingness to pay more than posted prices for their crude oil, would also mean that the mandatory in-kind sales would generate even less revenue than are presently generated.

Thank you for your consideration.

Sincerely,

Ray Powell, Commissioner of Public Lands, New Mexico State Land Office; Curt Johnson, Commissioner, South Dakota Office of School and Public Lands; Jeff Hasener, Administrator, Montana Department of Natural Resources & Conservation; Robert C. Hight, Executive Officer, California State Lands Commission; Garry Mauro, Commissioner, Texas General Land Office; Charlie Daniels, Commissioner, Arkansas Commissioner of State Lands; Robert J. Olheiser, North Dakota Commissioner of University and School Lands; John Brejcha, Deputy Director, Colorado State Board of Land Commissioners.

DEPARTMENT OF NATURAL RESOURCES,
Olympic, WA, September 3, 1998.

Hon. SLADE GORTON,
*U.S. Senator, Hart Senate Office Building,
Washington, DC.*

DEAR SENATOR GORTON: I'm writing to urge your support for Senator Barbara Boxer's amendment to the Department of the Inte-

rior's Appropriations Bill, S. 2237, to allow the Department of the Interior to implement new federal royalty crude oil pricing regulations. The department's proposed regulations would ensure that oil companies would pay no more and no less than fair market value for federal royalty oil. S. 2237 currently includes a provision that continues the ban on implementing the proposed regulations for the next fiscal year. This delay is costing taxpayers \$5 million per month.

The members of the Western States Land Commissioners Association, of which the State of Washington is a member, have a strong interest in ensuring that oil companies pay the market value of federal royalty oil. The association's member states share in the revenues collected by the Department of the Interior. The failure of oil companies to pay market value for federal royalty crude reduces the revenues obtained by the federal government and the states.

The Department of the Interior's Mineral Management Service has been eminently fair in proposing its new regulations. The service has held numerous public and private meetings for over two and a half years to allow the industry to comment and the industry has filed over two thousand pages of comments. Based on industry concerns, the service revised its proposed regulations a number of times to take into account industry's suggestions and criticisms. For example, the service revised its proposed regulations to recognize regional differences, particularly for the Rocky Mountain area.

The proposed Mineral Management Service regulations are very reasonable. If oil companies sell royalty crude by means of arm's-length transactions, they pay on the basis of the prices they receive. If they do not sell the oil by arm's-length transactions, they pay on the basis of prices at market centers, adjusted for location and quality differences, which are universally recognized to result from competition among innumerable buyers and sellers.

Many companies presently use their posted prices to value royalty oil. Posted prices are unilaterally set by individual oil companies and are set at a level lower than the market value of those crudes. In contrast, the market prices proposed by the Mineral Management Service to value royalty crude not sold by arm's-length transactions are set by innumerable buyers and sellers and are publicly reported on a daily basis.

The service's proposed switch from posted prices to market prices is not a radically new concept:

(1) The State of Alaska uses the spot price of Alaska North Slope crude oil quoted for delivery in the Los Angeles Basin as the basis for royalties;

(2) ARCO, since the early 1990s, uses spot prices as the basis of payments of royalties throughout the country; and

(3) The recent State of Texas/Chevron settlement relies on the use of spot prices for royalty valuation purposes.

The Department of the Interior's comprehensive proposal is the logical alternative to posted prices.

Industry's efforts to require the federal government to take and sell its royalty oil-in-kind should be rejected. The Mineral Management Service, numerous states, and, more recently, the General Accounting Office, have voiced legitimate objections to industry's proposal. Mandatory sales of royalty-in-kind oil would not work for the thousands of federal leases that produce low volumes of crude and in remote locations. Moreover, the federal government's lack of easy access to pipelines, and the major oil companies' unwillingness to pay more than posted prices for their crude oil, would also mean that the mandatory in-kind sales would generate even less revenue than is presently

generated. In addition, it makes sense to evaluate the results of the current Mineral Management Service demonstration program before requiring an approach nationwide to locations that are likely to lose money.

The bottom line for states is: These are assets that belong to the beneficiaries of the states' trust lands and they should be fairly compensated when those assets are sold. Thank you for your consideration of my position on Senator Boxer's amendment.

Sincerely,

JENNIFER M. BELCHER,
Commissioner of Public Lands.

Mrs. BOXER. Mr. President, I also will read into the RECORD the groups that support the Boxer amendment: American Association of School Administrators, American Bioenergy Association, Americans for Clean Energy, American Wind Energy Association, Arkansas State Lands Commission, California State Lands Commission, California State Superintendent of Public Instruction, Colorado State Board of Land Commissioners, Council of Chief State School Officers, Friends of the Earth, Global Biorefineries, Inc., Montana Department of Natural Resources and Conservation, National Association of State Boards of Education, National Education Association, National Parent-Teachers Association—the PTA—National School Boards Association, The Navajo Nation, National Trust for Historic Preservation, New Mexico State Lands Commissioner, Project on Government Oversight, Public Citizen, Safe Energy Communication Council, South Dakota State Lands Commissioner, SUN DAY Campaign, Taxpayers for Common Sense, Texas State Lands Commissioner, U.S. Public Interest Research Group, The Wilderness Society, and the Washington State Lands Commissioner.

Later, after Senator DORGAN has finished and colleagues on the other side have had a chance to speak, I want to read what the States are saying as to how they view this rule and how they support the fact that there is a process going on to make sure that the largest of the oil companies—5 percent—pay their fair share of royalty payments so that the taxpayers get what is due them.

Those who are supporting the Boxer amendment are standing with the taxpayers. That is very, very clear. I am very honored to have been able to offer this amendment.

Again, I want to thank Senator GORTON for his indulgence in allowing us to have adequate time to debate this amendment.

I yield up to 20 minutes to Senator DORGAN.

Mr. DOMENICI. Senator BOXER, I thought when I proposed that we go next, that I had little statements, not 20-minute ones, and three of them could go because they were short.

Mrs. BOXER. If Senator DORGAN would yield—I thought it was only two.

Mr. DOMENICI. I wanted Senator BURNS to discuss his 5-minute statement.

Mrs. BOXER. I ask unanimous consent, when Senator BURNS completes

his statement, Senator DORGAN get 20 minutes.

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

The distinguished Senator from Montana is recognized.

Mr. BURNS. I thank my friend from New Mexico. I will not be long, I say to my friend and neighbor from North Dakota.

I want to put some things in perspective. Yes, the lands belong to the United States of America and are held in trust for the citizens of this country. But the citizens of this country and the taxpayers in this country do not participate in the expense of drilling the well. There is no argument on the eighth that is the royalty that goes to the surface owner. After all, the oil companies did buy the leases. They paid hard money for those leases. If there is a resource—in this case, oil—under the ground, they go and find it.

That is not to say that every well they put in the ground is successful. We have more dry wells than we have wells producing. The American people did not make any investment in drilling that so-called dry hole, and they didn't even participate in footing the bill; the expense of putting the well down is a producer's.

There is no argument with the eighth. I can simplify this very easily. "In kind" would be right. If you want to participate in the value added to compute your royalty, as the chairman of the Energy Committee said is being attempted by MMS, then MMS should participate in the transportation and the cost of the value added. That is only fair.

Now, if that is not fair, then I suggest that the Interior Department go out to the well site, take their truck, and every eight buckets of oil that come out of the ground, they get the eighth one, put it in their truck, and do with it whatever they want to do with it—go on open markets, like the independents or even the big companies do. It doesn't make any difference. That is their eighth. They have been paid. The market goes up, the market goes down; the risk is the same for the surface owner as it is for the one who is bringing it up. That is very simple. No argument with the eighth.

What we are saying is: Fair is fair. If you want to collect the royalty on the value-added product, then there has to be expense incurred by those who want to participate in that part of the process of getting oil to gasoline and the energy that we need in this country.

Senator DOMENICI brought up the point a while ago that people are paying more for their bottled water in the grocery store than they are for their gasoline. There is another aspect of this—and I think Senator DORGAN from North Dakota will agree with this—in this economy today, nobody who produces a raw product is making any money. Our farmers understand that. I will give my old "F-U" line here, old farmers union line they call it: Go and

price Wheaties at the grocery store at \$3.75 a pound and the farmer can't even get \$1.75 for a 60-pound bushel of wheat.

Something is out of whack here. So we are not arguing about the eighth. We are arguing where do you take the eighth and what our investment or our part of the expense should be. You can't let everybody else pay all the expenses and you just participate in the harvest of those dollars. It is a very, very simple thing. There is nothing difficult about understanding that. But I think that is what we ought to do. Yes, we are worried about children in schools. I sure am. I am worrying about the children of those folks who work awfully hard in the oil patch to feed their families, participate in their communities, and take care of the obligations they have as citizens of the United States of America.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, this is an interesting debate.

Mr. DOMENICI. Mr. President, if the Senator will yield briefly, I ask unanimous consent that the next speaker on our side be Senator NICKLES and he be allowed 10 minutes.

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

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, this is an interesting debate that likely will get very little attention, given the proclivity of the press to cover other things going on in our country these days.

I rise today to support the amendment offered by Senator BOXER. There is a charming quote from Abraham Lincoln that came during his debates with Douglas. At one point, very exasperated because he simply could not get Douglas to understand a point he was making, Lincoln turned to Douglas and said, "Tell me, how many legs does a cow have?" Douglas said, "Four, of course." Lincoln said, "Now, assume that the tail were a leg; how many legs would the cow have?" Douglas said, "Five." Lincoln said, "You see, that's where you are wrong. Just calling it a leg doesn't make it a leg at all."

As I heard members discuss this amendment on the floor of the Senate, saying this amendment affects independent oil companies, I thought it was easy to say, but it was totally removed from the facts. This bill has no impact on independent oil companies. It does not have an impact on independent oil companies. It has nothing to do with the fact that commodity prices are collapsing which is true on the farm and true for energy companies. It has nothing to do with that either. In fact, the lower the price for oil, the less royalty fee would be required to be paid by the oil industry. So that is not what this issue is about.

A lot of folks want to confuse the issue. It is not about that. It is not

about independent oil companies who are not affected, and not about the price of oil. When the price of oil goes down, royalty fees go down.

Let me describe what it is about. It is very simple. The companies who drill for oil on Federal lands pay a 12-percent royalty to the American people for the privilege of doing that on the oil that they bring up out of those lands and sell. They are required, because they are drilling on lands that are owned by the American people, to pay a royalty fee. That is fair. I suppose some think they ought to drill and keep all the money. But it is fair.

Over many years, we have decided that if they are going to get something the public has, they will pay a fee. That is the 12-percent royalty fee. A fair portion of that fee that goes to the States is used for education. That is an important part of the revenue base of our States. A large part, no, but an important part. How much do we get from these royalties? When someone wants to produce oil on public lands, how much do we get from the royalties of 12 percent? Well, it is 12 percent of the price of the oil. What is the price of the oil with respect to the independent oil companies that produce it and sell it? That sale price is the price of the oil. They are then required to pay a royalty fee on the price of the oil. So an arm's length transaction between a willing buyer and a willing seller establishes the market price for oil. That is not a problem. That is not a matter of contention.

But what about a company that is a large integrated company that produces oil and then, as a producer, sells it to itself as a wholesaler or a retailer and it produces the oil and prices it and sells it to itself? What about that company? What then is the price of the oil, and how much in royalty payments do the American people get from that transaction? The answer is, the price of that oil in a large integrated oil company is whatever the company says the price of the oil is.

What if they say, gee, well, the price of our oil is \$4 a barrel, and you get 12 percent of that? Are we being cheated if, in fact, oil is selling for \$12 a barrel and they say, "Ours is only worth \$4 because we are selling it to ourselves, and we have artificially priced it because we want to avoid paying your fees, avoid paying our fair share to the American people?"

Are we being cheated? Of course we are being cheated. The question is, Who cares about that in here? Does anybody care? Does anybody care if the American people get taken to the cleaners by somebody that wants to underprice something they sell to themselves and, as a result, pay the American people something less than they were supposed to pay? Does anybody care about that? A few of us do. We will have a vote on it to see who cares.

So what is the royalty fee we get? It is 12 percent times the value of the oil. Who establishes the value of the oil? In

most cases—95 percent of the cases, with all of the independents and some others—it is the fair market value, a willing buyer and a willing seller in an open market transaction, which establishes a price upon which a 12-percent royalty payment is made.

This amendment isn't even a close call, by any standard. I want to use this example to talk about two other things that relate exactly to this, which give me as much concern as this does. In fact, this is not a very large issue. It is an issue of \$66 million a year; \$66 million is a lot of money, but in the construct of a trillion dollars, or a trillion and a half—the \$1.6 trillion budget that we have, and the \$135 billion of revenue here and there—I mean, it is not that big an issue. Yet, they are waging a fight; the major integrated oil companies are waging a fight, and you would think you were taking away their last oil truck.

Let me tell you about an exact replica of this debate. We lost it on the floor of the Senate. We have the exact same issue on taxation—corporations, especially foreign corporations, but domestic as well, that sell to themselves and then tell us at what price they sell the product to themselves, a wholly owned subsidiary, and therefore how much profit they made and how much income tax they will pay to the Federal Government. And 65 percent of the foreign corporations doing business in this country, most of whose names you will recognize, do tens of billions of dollars of business in America and pay zero in income tax—not a penny. Zero. How do they do that? Let me give you one example. A company sells a piano to its affiliated subsidiary and prices it at \$50. Would you like to buy a piano for \$50? It is exactly the same thing we are talking about with pricing oil you sell yourself—undervalue it and pay a tax, or in this case, a royalty, based on evaluation that is artificially low so you can avoid paying the royalty, or as in the case I described, avoid paying the income tax.

How about a tractor tire? I don't know if anybody in here buys and sells tractor tires. Probably not, but \$7.60 is the price of a tractor tire in a transaction between a corporation—a foreign corporation—and its wholly owned subsidiary in the U.S. Why \$7.60? The company artificially prices it low so that it doesn't pay income taxes in the U.S. We voted on that. We voted on something that corrects that problem. We have people in this Chamber, sufficient numbers, who have said, "We don't want to correct that. We don't even want to debate whether it is cheating. We don't want to deal with it because big business doesn't want that to be changed."

We don't intend to change it. It is the same principle here. Big, integrated oil companies sell to themselves, underprice what they are selling to themselves, and, therefore, cheat the American people out of royalty payments that they ought to be making.

Then members come to the floor of the Senate and say to us, "Gee, you are being unfair." We are not being unfair. We are required to stand up for the interests of the American people. They own that land. They own that land on which drilling takes place. They are owed the 12-percent royalty based on a fair computation of the price of that oil.

I will tell you one more story. I served in State office before I came here. In our State, we assess a tax on railroads. It is exactly the same principle we are talking about here today. We assess a tax on railroads. When I assumed office as Tax Commissioner, which was an elective office, and assumed responsibility for that tax, I asked one of the folks who were responsible for that tax—which is an ad valorem property tax on the railroad system—"How do you do that?" He said, "Sit down and I will show you." He said, "Because the railroads aren't bought and sold, you look at all of the stocks and all of the debt. Assuming you bought all of their stock and debt, that is the value of the railroad." I said, "Tell me a little more about that." He said, "Here is the stock. I sell you this railroad. Here is the stock." I said, "Gee, what price are you using, par value?" "Par value," he said.

Remember, we have been doing that for 25 years. The railroads indicated to us that that is the value. Using the par value, of course, is absolutely ridiculous. Par value has nothing to do with the value of the railroad stock. But the industry had convinced the people in our State who value railroads to use an artificially low, absurd value for the railroad stock. They were fat and happy for dozens of years underpaying their taxes. They loved it. The minute I decided to change it, they said "Holy cow. What are you doing to us? Why on Earth are you being unfair to us?" I said, "I am not being unfair. I am asking you to do what every other American does—pay your fair share of the taxes."

That is the principle and the issue on which we will be voting. The principle and the issue here is not about ma and pa. It is not about independents and not whether you support the oil industry. I do. I have cast a lot of votes on behalf of the independents, and support the majors as well, because I think they play an important contributing role for this country in providing energy for our future. But in cases like this where you have integrated companies who are undervaluing their oil so they can underpay the royalty fee they owe to the people of the United States, I say let's correct it.

Some of my colleagues say that underpayment is not happening.

Let's take a look at the rates. Alaska settled with the oil companies for over \$2.5 billion. Is that because somebody was making arithmetic errors? I don't think so. California, \$350 million; Texas, \$17.1 million.

My point is that the States have been plodding their way through this issue with respect to royalties owed to the States. Can we not have the strength to stand up here and say to the integrated oil companies, "You have a responsibility to be fair to the people of the United States? We are not asking for more than you owe. Your oil prices have declined. Therefore, you should pay the new price." We understand that. "We are not asking for more than you owe; not a penny more. We are asking you on behalf of the people of this country to pay your fair share."

What is happening today—and in this bill that came to the floor of the Senate—is an attempt to intercept a rule that will require these folks to pay their fair share of royalties. And a bunch of folks here in the Senate stand up and say, "No, no, no. We want to protect the old order." The old order is to let people sell oil to themselves, to underprice it, undervalue it, and avoid paying the American people what they owe them in royalty fees. That is what is wrong.

If we turned out the lights and voted on this, people in this Chamber would express that view. I hope when we have a vote on this we will all decide that there is a right and wrong answer. The right answer is to just ask the integrated majors who sell oil to themselves to price it fairly and abide by the new MMS rules. They have been studied and worked on and they are fair. Do this the right way.

The Senator from California is not on the floor trying to attack an industry. The Senator from California is not offering an amendment that in any way affects the independent oil producers. Ninety-five percent of the oil producers in this country will be unaffected by this amendment, 95 percent of them. In fact, some of those who have been unaffected have been convinced to send us letters saying that they are going to be affected by it. I assume they have been convinced by their bigger cousins, or bigger uncles. But the fact is, it is wrong. Calling a tail a leg doesn't make it a leg at all, as Lincoln said. Saying this affects independents doesn't make it affect independents. It does not. It is a very simple, direct approach to say to the integrated oil companies who sell oil to themselves that they have a responsibility to price oil fairly so that the American people get what they deserve.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. DOMENICI. Mr. President, will Senator NICKLES yield for an inquiry?

Mr. NICKLES. Certainly.

Mr. DOMENICI. Mr. President, I would like to state for anybody who would like to speak in opposition to the Boxer amendment that we have a few minutes left. I would like to ask unanimous consent that on our side, when appropriate, that the following

order for our speakers be the order: Following Senator NICKLES, who will speak for 10 minutes, the Senator from Louisiana will speak for up to 5 minutes; then Senator HUTCHISON for 25 minutes. That will leave some additional time for additional Senators, or for me. We would like to do it in that order pursuant to the rotation from one side to another.

I ask unanimous consent that be the order.

Mrs. BOXER. Mr. President, may I ask the Senator? That sounds fine to me. In other words, all of your three speakers will include Senator HUTCHISON, and we will finish up with our time. Is that what the Senator is suggesting?

Mr. DOMENICI. I don't want to do that. I said that Senator NICKLES will go next. If you have somebody, they will be next. If you don't, Senator LANDRIEU will go next, and back and forth. But our times are now set for three Senators. As Republicans are recognized, they will speak in that order.

Mrs. BOXER. That is fine.

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

Mr. DOMENICI. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I want to compliment my colleague, Senator DOMENICI, as well as Senator HUTCHISON, for their leadership on this issue.

Mr. President, I want to correct what I hear from my colleagues, the proponents of this amendment, and make a couple of statements that I think are factual.

One, I think I heard somebody say on the other side—Senator DURBIN—that there were not any hearings. We had a hearing. I conducted the hearing. I don't conduct hearings very often, but when this issue came up, I knew a hearing was needed. Some people have demagogued this issue and tried to use it for whatever purposes, political or otherwise. I wanted to know the facts. I am chairman of the relevant subcommittee in the Energy Committee so we scheduled a hearing. We had the hearing, I believe, in June of this year.

There are just a couple of points that I would like to make. One, in testimony before the House subcommittee, the director of MMS said the purpose of the regulations were not to raise money. She said, that the regulations are to be revenue neutral. I hear all of the list of the groups who are supposedly proponents of the Boxer amendment—schoolboards and so on—thinking they are going to get a lot more money. The proposed regulations are supposed to be revenue neutral. It is not supposed to raise any money. Proponents are saying, "Oh well. If we don't pass this amendment, the schoolboard is going to be out of some money," and so on. That is false. It is not the case. It is contrary to what the director of MMS has testified to.

I don't happen to agree with the director of MMS, or the Assistant Sec-

retary of the Interior in proposing this oil valuation regulation. I think they have gone too far. I happen to like Mr. Armstrong. But I don't think their regulation makes sense. That is one of the reasons we had hearings.

One of the things we don't do enough of in the Senate and House is we don't have oversight over our various agencies. A lot of times the agencies propose rules and regulations, and sometimes those rules and regulations don't make sense. They may be well intended, and they may have stated goals of simplicity, clarity, and definability, but they may do just exactly the opposite.

Unfortunately, the regulations that MMS has come up with—at least according to the people who work in the industry—the regulations won't clarify anything. They won't even raise the Government any money—maybe not as much money as they are raising right now. What they will raise is litigation. That doesn't help anybody. That doesn't help the Government. That doesn't help the schoolboard. That doesn't help the tribes. That doesn't help the States or anybody, except for maybe the lawyers who are involved in the litigation.

Some of us have looked at this. This is one of the regulations that we need to review. I mentioned that we had a hearing. Several of us have had meetings with members of the administration, the Department of the Interior, and MMS proponents of this regulation, and people who work in the industry. We tried to pull them together.

Both Senators from Louisiana, both Senators from New Mexico, Senator HUTCHISON from Texas, and myself have met with MMS and said, "Can't we figure this out? Can't we come up with workable, definable, clearly understandable regulations on how to determine royalty evaluations?" We have had interesting meetings. But, unfortunately, sometimes it appears that MMS is not really listening to some of the complaints and really hasn't made the necessary changes to the regulations to make them workable.

I would take issue with some of my colleagues who said, "Well, these big oil companies, they are cheating, they are selling to an affiliate, and they lowball the price, and they make more money, and the Government is being cheated."

I do not think that is the case. If it is the case, the government has every right to take the company to court, and maybe they can win.

What we want to do is have clarity. We want to have definability. We want people to pay exactly what they owe in royalties—not a dime more, not a dime less. And that is our objective. It is easier said than done. And the MMS came up with some proposed regulations. They said, "Oh, well, we will put out some prices that are on the exchange, and that will be what the royalty will be based on, on that given date."

But wait a minute. What if there is an arm's length transaction where somebody actually bought and sold? Maybe they didn't buy or sell at the same price posted on the exchange. Market valuation on some exchanges is based on some transactions, but you have some transactions below it and some above it; you have some transactions that might be a little higher because of a little different weight of oil or different grade of oil or a transportation problem or a little different sulfur content. There are lots of variables in the equation.

So to have some bureaucrat say, well, I am going to pick this market index or this posted price somewhere and that will be the value of what the Federal Government will be paid on instead of the actual value of an arm's length transaction, that doesn't make sense. I will tell you, in my own State we have several different prices on different types of oil. We have Texas crude; we have Oklahoma sweet, Texas sweet; we have Cushing prices; we have a lot of different prices, posted prices, and so on.

So I just mention to my colleagues, I don't think the oil companies are trying to cheat anybody. I think the proposed regulations are not clear; they need to be clarified. We need to work with MMS to try to come up with better regulations that are clear and work. They haven't done it yet. And their proposal leaves a lot to be desired. Their proposal would result in more litigation, and that is not going to help any schoolboard in the country.

And so I think we have the responsibility in Congress as maybe the countervailing branch of Government, the branch of Government that listens to our constituents when we find a regulatory agency that is not listening, that is not working, that is not promulgating regulations that will work, to get their attention. We have an obligation to make them work with us to come up with something that is reasonable and sound. And if they continue to come up with regulations that will not work, that do not make sense, then we should stop that. This is called checks and balances. It is called balance of power. We cannot allow regulatory agencies to run amok.

And so I think we have a constitutional responsibility to try to make some progress in this area. If we find regulatory agencies that are not doing what they are supposed to be doing, we should hold them in check. That is what this provision, that the Senator from California is trying to strike, strives to do. This provision doesn't say that MMS cannot go further on their proposed regulations. It basically says let's put out regulations that are reasonable and sound. And many of us have tried to facilitate meetings to make that happen.

My colleagues on the other side said that this proposed rule exempts 95 percent of the companies. Independents are not covered. Independents tell me

they are covered. The regulations are written for all oil producers; 100 percent of all oil producers are covered by these regulations. Some of my colleagues have said: Oh, no; it just applies to those companies who are selling to marketing affiliates. Guess what. More and more companies today are selling into a company that maybe they have a little piece of or something—a natural gas marketing company, an oil marketing company, and so on. They are banding together in these types of organizations. And so this regulation certainly reaches, I would say—I don't know what percentage, but according to the independent petroleum producers—I happen to think they would know more about it than anybody else—it says 100 percent. The independent producers say in a memo, "Percentage of oil producers impacted by the proposed oil royalty rule, 100 percent." I happen to think they know what they are talking about.

And so again I compliment my colleagues, Senator HUTCHISON and Senator DOMENICI, for including this provision in this bill. I think they are right in doing so. I think MMS needs to work with Congress and with the affected parties to make sure that every company pays exactly what they owe—no more, no less.

If colleagues are interested in trying to raise money, they should try to raise the royalty rate, and we can have a debate on that. That is certainly within their rights. I don't think they will be successful, but they have the right to try that. But to try to raise the royalty rates by changing the regulations or trying to change the regulations in a way so that they will raise money is a tax increase by a regulatory agency, I reject that emphatically. Congress has the power to raise taxes, not some unelected bureaucrat in the Minerals Management Service.

To all the arguments that our colleagues from California and others made, that this proposed regulation is going to raise so much money and it is going to help schools, and so on—no; what we have to do is make sure that every company pays exactly what they owe—no more, no less. The current system is not correct. It needs to be improved. However, the regulations proposed by the MMS do not fit the bill. They need to be revised. We are trying to get their attention so they will revise those rules in a workable, definable, understandable way that is clear, so that everyone will know exactly what should be paid and will pay that much and no more.

Mr. President, again I thank my colleagues for their efforts, and I urge my colleagues to support our effort to defeat the amendment of our colleague from California.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from California.

Mrs. BOXER. I would like to yield 10 minutes to my colleague from Arkan-

sas, Senator BUMPERS, but I want to just make a point on the comments of Senator NICKLES.

We have here a chart that shows how many meetings were held before this rule was put into place. I want to make sure that colleagues understand there were actually many, many months of proposals. That it is a fact that the purpose of this rule is not to raise additional revenue. But, if companies pay their fair share, the Mineral Management Service has shown us, if they do in fact pay the royalty payment on the market price rather than a made-up price when a company sells to its own affiliate, taxpayers will receive \$66 million in additional revenue. That is why all these various schoolboards are for it and many state land commissioners.

I wanted to point out, when the rule was beginning, there were very, very favorable comments from Louisiana, Wyoming, New Mexico, Alaska, and there is a reason for it. We see that these States have had to sue in the past, I say to my friend from Oklahoma, for the fair share of the royalty payments that they believed they were owed. And I think that the States are saying to us: "We don't want to go this route. We don't want to be litigious. We don't want to be in court every day. We want a fair rule." I know my friend from Oklahoma wants a fair rule. The issue is, How do you go about it? Do you go about it by shutting down the ability of the Interior Department to proceed on what many in the States are saying is fair, even New Mexico? The Tax Revenue Department said, "The MMS should be commended for the effort they have made in developing oil valuation regulations that are fair to all interested parties."

We can see that the oil companies settled for \$2.5 billion in Alaska; in New Mexico, \$8 million; in California, \$350 million; in Texas, \$17.5 million. The fact is, oil companies are settling because they are not in a strong position. When you pay a royalty payment based on a made-up price and not a market price, you open yourself up to lawsuits.

I also wanted to point out that if you really look at the companies that are affected by this—and we have put this in the RECORD—they make in the billions of dollars, and these royalty payments are a tiny percent. As a matter of fact, what we have learned is that one of the companies, Shell Oil, which would see the greatest increase in their royalty payment, that great "increase" is equal to 7–100ths of 1 percent of Shell Oil's revenue every year.

So, we are not talking about huge sums of money to these giant oil companies. What we are really fighting about here is the principle, the issue that they should pay their fair share. And even if \$66 million does not look like a lot of money to some of my colleagues, it is a lot of money when it goes into various States and into classrooms.

I yield 10 minutes to Senator BUMPERS at this time.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I thank the Senator from California for yielding to me.

Mr. President, just to put this thing in perspective, I call on all of my colleagues to recall the number of times they have appeared before their local chamber of commerce and Rotary Clubs and told them that, once they get to the U.S. Senate, or even the House of Representatives, it is going to be a new day. They are going to protect the people's rights. They are going to take care of their money. We have pledged: "I will treat your property and your money as though it were my own."

I have made that speech, and I dare say 99 other Senators have made it as well. So I say, we have to ask ourselves, are we fulfilling our commitment and our solemn vow to the people back home? Ask yourself this question: If you had an oil well, and you discovered that your lessee was selling your oil to an affiliate or a wholly-owned subsidiary, and they were selling it at a price considerably less than published spot prices of that oil—would that be acceptable to you as a private landowner? Let's assume your lessee is selling your oil to an affiliate for \$12 a barrel, but the spot price of that oil is \$14 a barrel—if you were the royalty owner, wouldn't you question that? Would you tolerate it?

I read a story in USA Today from which I quote:

States, native American tribes and landowners are suing for the full, open-market price fees, and a few oil companies have begun to cut settlement deals from Alabama to New Mexico, rather than face trial. According to the Watchdog Project on government oversight, there is more than \$2 billion in uncollected Federal royalties at open-market prices, and the total grows by \$1 million every week.

When you vote against Senator BOXER's amendment, are you keeping faith with the people back home who own this oil? It does not belong to the U.S. Senate, it belongs to the taxpayers of America. When the Secretary of the Interior signs a lease with Exxon, Mobil, or whoever, the lessees agree to pay a royalty, usually 12.5 percent, on the oil they take from the Federal land. However, having agreed to that, they now are not paying that. While I appreciate that oil prices are currently low, that does not provide justification to cheat the taxpayers of America out of the fair royalty on their oil.

If this case did not have any merit, why did Mobil recently settle with the U.S. Government for \$45 million on this very issue? They have essentially agreed to the very same thing Senator BOXER is saying they owe. Why are Native Americans suing for royalties? Why are States collecting big, big settlements with the oil companies? Precisely for the very reason Senator BOXER brought this amendment up. All she is saying is let's collect on the

lease for what the oil brings, not for some fictitious price created by selling to yourself, by selling to an affiliate. If you are going to treat the taxpayers' money as though it were your own, ask yourself what would you do? Why, you wouldn't tolerate this for 10 seconds, would you, if you found out that the oil company that had the lease on your land had been selling oil to a wholly-owned affiliate at \$2 under the spot price for which they could have sold it?

This reminds me of a coal case. We found out that Ohio Power Company, a utility company in Ohio, had been buying coal from one of its wholly owned affiliates for 100 percent more than they could have bought it on the open market. You talk about a cozy relationship. This was a slightly different situation, but I am just telling you, these things happen. So, if you vote against Senator BOXER's amendment, don't go home and tell people how you are treating their property as if it was your own, because you wouldn't tolerate it for a second.

Mr. President, the Minerals Management Service is the agency we depend on to manage royalties on Federal lands leased for oil and gas. We expect them to get the most for it they can get. Congress has set the royalties on oil here. We say the Secretary of the Interior cannot lease it for less than 12.5 percent, and then say to the Minerals Management Service, "But if you catch the oil companies pulling she-nanigans, don't do anything about it"? If Senator BOXER's amendment fails, that is what we are saying.

So I regret that the price of oil is low, and the Senator from Texas has made that point a number of times; oil prices are low. Most of you know I have spent 9 years trying to make the Federal Government make the hard rock mining companies pay royalty on the land we give them for \$2.50 an acre. I faced it. I am leaving here at the end of this year. I don't know what will happen after that, but I can tell you one thing, I tried for 9 years. I stood where I have been standing right now for 9 years and squealed like a pig under a gate, saying the same thing I am saying now: You are cheating the American taxpayers.

You think about us giving away 3.2 million acres of land in this country for the last 130 years for \$2.50 an acre, land that had billions and billions of dollars of minerals under it, and what did the taxpayers get back? They got 557,000 abandoned mine sites that are going to cost them \$70 billion to reclaim. Royalties? Zip. Nothing. Not a dime. I lose it every year, and the people who vote against me go back to the Chamber of Commerce and say, "Oh, I'll treat your property just as though it were my own." If you believe that is the truth, you ought to be in a mental institution. If that is your idea of treating property the way you would treat it if it were your own, you need a guardian. The situation here is essentially the same thing.

The other day when I tried to raise another issue, just an environmental issue on how we are going to mine these hard rock minerals, I lost. I got 40 votes. I knew I was going to lose. The same people who voted against me will go back home and say they are environmentalists, even though they do not want the Interior Department to regulate how we mine and how we reclaim the land after we mine. I just got killed on it, 58 to 40. As I say, I am leaving, so the other side won. I know a couple of people here who I think will take it on, and it will be in capable hands, but I forewarn you: "It ain't an easy battle." That is the most egregious case I have ever run across in my life—billions in gold and palladium and silver taken off the land over the years and taxpayers don't get a nickel for it. All they get is a big environmental Superfund site.

Mr. President, in this case I will plead with my colleagues, the States favor this. I understand Wyoming has kicked the traces over, but the rest of them favor this amendment, and they are cutting deals with the oil companies right now. Senator HUTCHISON said no, the United States is not going to cut a deal; if the Indian tribes and the States want to, that is their business, but oil prices are low, and we are just not going to bother with it.

Gold prices are low, too, and I know that.

Mr. President, I will close by simply reminding my colleagues that I have heard in the last 24 hours that one of the principal candidates planning to run for President says he is reconsidering because he doesn't know whether he wants to subject his family to what goes on up here.

Mr. President, I ask unanimous consent for 2 additional minutes.

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

Mr. BUMPERS. He says he doesn't want to subject his family to the kind of things to which politicians are being subjected. There are two sides to that story, and I understand that.

When I ran for Governor 28 years ago—I won the Democratic primary almost 28 years ago today—I had a slogan: "Let's get our State together." We had been bickering and nothing was happening in the State. I said, "Let's get our State together," and when I was Governor, I called people together, Republicans and Democrats, and we worked well together. We had 4 great years, if you will pardon a self-serving statement.

I always said politics is a noble profession. My father said it a long time before Jack Kennedy did. He believed it. He served in the legislature. He wanted his two sons to go into politics. How long has it been since a parent has said they want their son or daughter to go into politics?

In any event, he didn't say all politicians are noble, he said public service is an honorable, noble profession. I have always believed that. I think it

still is. I think what a tragedy it is that the country is in the situation it is right now and the effect that has on people and their willingness to serve and their wanting to serve as I did. I think about us voting on things here where it is obvious to me—I don't want to seem arrogant about this, but this is not even a debatable amendment about what is fair and what is right. We all know what it is. So I plead with you, do your duty. I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Louisiana is recognized.

Ms. LANDRIEU. Thank you, Mr. President.

Mr. DOMENICI. I ask the Senator if she will yield for 2 minutes.

Ms. LANDRIEU. Yes, I yield.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to Senator BUMPERS, in particular I speak of the last 2 minutes of his statement. I commend him for what he said and his concerns about the condition of our country, and in particular—I use a different word—but the cynicism that is generating by leaps and bounds about politicians and people in public life. We can't have our democracy and have that continue indefinitely. It will go right to the heart of it.

Having said that, I was going to say something a little bit more jovial and just suggest that your eloquence is going to be greatly missed, but the fact that you keep losing, could it mean that you happen to be wrong? I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I say to my wonderful colleague from Arkansas before I get into the substance of my remarks, I have tremendous respect for him for his tremendous fight over such a long period of time on issues like this. Yesterday, we were together in our arguments because we have very similar feelings, which I think is shared by many in this body, about paying the taxpayer their fair share when it comes to minerals. I say to Senator BUMPERS, he is going to be missed. I am going to pick up the fight, as I told him before, on hard rock mining, but there are some big differences between what we talked about on mining yesterday and what we are speaking about today.

One of those big differences is in hard rock mining there are no royalties paid. It is a system that cries out for reform and change. In this instance—and I know you say, "Well, there is LANDRIEU; she's from an oil and gas State. We knew she was going to say this." Trust me, when this issue first came up, I didn't know what I was going to say, for a number of reasons. Maybe I should say something about that first.

Before you came here, you were a Governor, but I was a State treasurer and I managed a billion dollars that

came from the Outer Continental Shelf. Because we are a poor State, because we haven't managed our resources as well as we could have in the past, and because of other issues—we didn't have computers in the classrooms—I managed that money more carefully than I manage my own. It came from these royalties, and I treasured every single penny, because with every dime, we could then hire a new teacher or put a computer in a classroom or buy software for kids. I am there with you on that 100 percent. We had that billion dollars, and it is growing every day and we are happy for it in Louisiana.

I believe as deeply as I can express that we want the taxpayers to receive their absolute fair share to the penny because these dollars can be put to good use, and I hope they will be put to better use, because the other point I want to make is I am getting ready to introduce—I hope with Senator BUMPERS and others and Senator HUTCHISON from Texas—a bill that will help redistribute these royalties that we get and have been getting since 1955 to the tune of \$120 billion, which the Federal Government has received from these royalties; to redistribute it in a better way; to invest it in our environment; to invest it in the expansion of our national parks; to invest it for the expansion of our urban parks; to prevent species from becoming endangered, a real investment in our environment, a real payback in the right and noble sense to the taxpayer.

I am 100 percent on the record for just royalties being paid, for substantial royalties being paid when appropriate, so I don't want there to be a question—and I so much respect the Senator for his fight—but this issue is about really litigation and lawsuits and unclear regulations. It is not necessarily an environmental or antienvironmental issue, and it shouldn't be a drilling or a nondrilling issue.

It is about whether we should adopt a rule that is either going to stop the litigation, or we are going to adopt this new rule that isn't going to stop the litigation. The rule that we have to consider for which we are now asking for a suspension is not going to do anything, as much respect as I have for Senator BOXER, in stopping the litigation.

To put this in perspective, let me say to my colleagues that last year, Minerals Management Service received \$6 billion from royalties. At issue here is \$66 million, which is less than 1 percent of the total. This isn't about oil companies not wanting to pay royalties. I say to the distinguished Senator from California, they sent to the Federal Treasury \$6 billion last year, and the year before it was \$4 billion, and since 1955 it has been \$120 billion. They are not opposed to sending their fair share, but because the regulations are complicated, they are difficult—the oil industry is reorganizing itself, driven by

technology and the pressures—may I have 2 more minutes?

Mr. DOMENICI. I yield 2 more minutes.

Ms. LANDRIEU. The oil industry is reorganizing itself in such a way that all it is asking for, I say to the Senator from California and others, is a fair rule that is clearly understood so that they can pay their fair share, get out of the courtrooms, cut their cost of their lawyers and accountants, pay the taxpayers their fair share, and get on with their business.

It is in nobody's interest for this to continue in this way—not for business, not for jobs, not for the taxpayer. That is what this argument is about, with all due respect to everyone who has said, I think, very tough things about oil companies wanting to cheat.

Most of the oil companies I know do not want to cheat. Most of the oil companies are happy to pay their tab, they just would like a clear signal about what tab it is that they owe. And they do not want to spend their time in court.

I am afraid if we let this rule go through, we are going to spend more time in court, waste more taxpayer money and not move us 5 feet down the ballfield on this subject. So that is why I am opposing Senator BOXER's amendment and supporting to give us additional time to work out some language so that everybody can pay their fair share, and the taxpayers can benefit, and we can all get out of the courtrooms and get on to running our businesses.

Thank you so much.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. Thank you very much.

I thank my dear colleague from Louisiana for giving us her perspective from her State. And I greatly respect it. I want to pick up on something she said. She said, "It's in nobody's interest to continue in this way." And what is "this way"? This way is lawsuit after lawsuit after lawsuit. And she is right, we should not continue in this way.

We have seen Louisiana sue the oil companies and collect \$10 million because the oil companies are cheating on their royalty payments. They settled. The oil companies would not have settled for these large sums were they not cheating. Alaska settled for \$2.5 billion; California \$350 million so far; New Mexico, \$8 million so far; private royalty interests \$15 million so far; and Texas \$17.5 million so far.

In other words, given the current status, without a change in the rule, which Interior is trying to put into place, we will continue in this way—lawsuit after lawsuit. And no one can say—I mean, you would have to be born on another planet to say that oil companies would settle for over \$2.5 billion

if they had not been making a mistake on their royalty payments which they send to the taxpayers of this great Nation.

I think the issue here is: Do we want to continue in this way, which is what the rider does? It keeps us for another 12 months, for a total delay of 15 months, in this way of litigation and lawsuit and aggravation and all the rest.

What we are saying with our amendment is: It is time to change the way we do things. And my friends are saying, "Oh, all we need to do is meet and we'll fix it up," and so on. "Everything will be fine. We know we can resolve this. We can negotiate it."

This rule started back in December of 1995. We are headed toward the end of 1998. There were 14 public hearings, 5 solicitations for comment, all sorts of things, to resolve this matter. The basic issue is this: Companies that sell to their affiliates are paying a royalty on a made-up price, a phantom price, rather than paying it on the fair market price—which 95 percent of the oil companies are doing.

Just 5 percent of the oil companies are involved in this and will have to pay a fair share. It is not the mom and pop folks. It is a list here, a page and a half long, compared to 34 pages long of those unaffected. Shell makes \$29 billion a year in total revenue, Exxon \$134 billion. We are talking about the biggest corporations who, in fact, themselves are admitting by settling all these myriad of lawsuits, that they have not paid their fair share to the States or to the Federal Government.

The PRESIDING OFFICER. The Senator has used her 3 minutes.

Mrs. BOXER. I ask for 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. Here is where we are. Here is the market price, the real price. You know, this is a capitalistic system. I am stunned by my friends on the other side of the aisle. I used to be a stockbroker, so I know what supply and demand means. A market price is supply and demand. It is the fair price. When the market price goes down, the royalty payment goes down. When the market price goes up, the royalty payment goes up.

But they are not paying on the market price, these 5 percent of the companies who own their affiliates and sell to their affiliates. They make up the price and they pay a royalty on that price. How would you like to be able to do that in your life? It is a pretty sweet deal; and it is wrong. I think that the various States are saying, thank you very much to the Minerals Management Service for moving forward. All of them here are saying: We commend you. "The Minerals Management Service must be complimented," said Wyoming's Governor in 1997. Louisiana said it, Alaska said it.

I withhold for the remainder of the debate.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized for 25 minutes.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Will the Senator from Texas permit me to use a minute off our time?

Mrs. HUTCHISON. Of course.

Mr. DOMENICI. Not off your time; off the bill.

Mr. President, let me just say, immediately after Senator LANDRIEU spoke, I wanted to get up, but I did not time-ly, so Senator BOXER spoke. But I commend her. I think she made a very brief statement today, but I think it was right on point. For those who are looking for a succinct wrap-up of what this issue is about, that 5 minutes is a very good summary.

The issue is whether the new set of rules is going to solve the problem of litigation and of making things clear and reasonable and easy to understand, or is it going to invite more litigation? And I think the industry, small and large, come down on the side that it is too complex, leaves too much to the subjectivity of the Mineral Management Service, and has a number of rules that are so arbitrary and onerous that this is not going to help us out of the mess we are in. I am saying it my way; I think Senator LANDRIEU said it her way. But before we are finished, we will talk about that some more.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I want to answer some of the arguments that have been made earlier in the debate. First, it keeps being said that the oil companies are not paying their fair share, that they are in lawsuits about it, and that they have been settling the lawsuits and therefore they must be guilty. All of this is totally separate from the amendment before us today.

There is a disagreement between the oil companies and several States about how the valuations under the present regulation have been made. I want the oil companies to pay their fair share. So does the Senator from California, so does the Senator from New Mexico, so does the Senator from Louisiana. These matters are in court, and they will be settled in court. They have nothing to do with the amendment before us today. In fact, as the Senator from New Mexico and the Senator from Louisiana have said, the oil royalty valuation process is very complicated.

The new MMS proposal is very complicated. In fact, I would make the case that we do not change anything in the process as far as making it clear what is owed. It is just a matter of the Mineral Management Service raising the rates on oil companies at a time when oil prices are at an all-time low. That is the issue.

A second argument has been made that this only affects big oil companies. I would just say that I have re-

ceived a memo from the Independent Producers Association of America that represents the small independent oil producers. And what they say is: "Percentage of oil producers impacted by proposed oil royalty rule—100 percent." Because everyone who is in this industry knows that whatever is the standard for royalties on public lands is also the standard throughout the industry.

So to say that we are only talking about 5 percent of the large oil companies in America is absolutely untrue. We are talking about small producers, independent producers, and we are talking about marginal producers. Those are the ones that are drilling 15 barrels or less a day. They are operating at very low margins. With the oil prices at 11- and 12-year lows, they are not even making a profit in many instances. So we are affecting oil jobs in our country.

Now, it was said by the Senator from Illinois that the amendment delaying the rule was put on an emergency supplemental appropriations bill. That is true. It was put on an emergency supplemental appropriations bill and passed by both Houses of Congress and signed by the President. The reason it was put on is because the Bureau of Mineral Management Services announced they were going to finalize a rule without going through the congressional process that they had been told they must do. There was no alternative but to immediately stop that. Otherwise, they were going to implement a rule without reporting to the appropriate congressional committees.

Of course, Congress exercised its prerogative to say no, that is not what we told you to do. After all, we do make the laws and the policies of this country. Raising taxes is the prerogative of Congress for a very good reason—because we are accountable to the people. If we are going to set the policies of this country, we must consider many things. We must consider jobs, we must consider crises, we must consider security, how much of our oil needs to be imported, is there a security issue in our country. The reason that elected representatives make policy is because we are accountable. We look at other factors such as how much of our oil we are importing, how many jobs are going to be affected, and what is the overall situation in the economy of our country.

I want to talk about the first part of a policy decision that Congress considers, and that is jobs. Oil prices are at a 12-year low in this country. I refer to a chart for the jobs at risk in our country if we now raise the cost of drilling on oil companies. Let's take some examples: In California, 115,000 jobs are at stake; in Missouri, 31,000 jobs are at stake; in Montana, over 9,000; New Hampshire, over 3,000; New Jersey, almost 30,000; Nevada, over 7,000; Ohio, 54,000; Pennsylvania, 48,000; Texas, 253,000; Virginia, almost 30,000.

Now, those are the jobs at stake.

Let me just read to Members recent articles that talk about the job layoffs

that are occurring right now because, of course, the industry is on its knees.

August 28, 1998:

J. Ray McDermott, a builder of offshore petroleum platforms, has laid off 41 employees in Houston [Texas], cutting about 10 percent of that office's staffing.

[McDermott] left open the possibility that more layoffs could result if the oil market remains in a slump.

August 29, 1998, Halliburton lays off 100:

The state of the oil industry is being blamed for the layoffs of about 100 employees at Halliburton Energy Services [in Oklahoma.]

August 12, 1998:

Schlumberger laid off several hundred people in the second quarter and plans further cuts, as falling oil prices lower demand for its services and products.

Schlumberger's news comes as a number of oil-field-service companies have been cutting staff in recent months. The industry is struggling with some of the lowest crude oil prices in 12 years.

Oil and Gas Journal, August 3, 1998:

Triton Energy Ltd., Dallas, laid off 65 employees from its Dallas office as a part of a corporate restructuring and cost-reduction plan. The move cuts Triton's Dallas staff by more than one third.

August 18, 1998:

Low prices particularly hurt small producers who rely on marginal, or stripper, wells producing less than 10 barrels of oil a day. Some 74 percent of New Mexico's 24,000 wells are considered marginal.

Some small producers have cut back or eliminated new drilling projects. . . .

Others have shut-in wells—stopping pumping, a solution intended to be temporary but which often results in permanent loss of production.

Tom Dugan of Dugan Production Corp. in Farmington [New Mexico], said, "Essentially our income has been cut in half within the last six or seven months."

Dick Frank, the state Department of Labor's area director in Lea County [New Mexico], said the unemployment rate in the oil rich county has been climbing, reaching 6.7 percent in June.

Oil and Gas Journal, July 20, 1998:

An independent Petroleum Association of Mountain States survey has found that the plunge in oil prices is forcing marginal well shut-ins in the U.S. Rocky mountains. Twenty producers have shut in more than 200 marginal wells. . . .

Big U.S. Independent Union Pacific Resources said it will slash its rig count from 49 to 18 for the balance of the year, further depressing an already shaking North America land rig market.

Oryx Energy batted down the hatches, July 28, saying it will cut its 1,000-worker payroll costs 20 percent, or \$14 million a year, and sell another 35 million of properties in response to continued weak oil prices.

I think it is very important that we look at the impact on people, on their families, their lives, on States that are not going to have sales tax revenue if people don't have jobs in States that will have to start paying unemployment compensation because people don't have jobs.

Yesterday, in the debate on the mining bill, Senator Harry REID from Ne-

vada said, "These are the best blue-collar workers in America," and he was talking about gold prices being the lowest in years. I can make the same arguments today. The Senate voted for keeping the mining industry intact yesterday. As Senator BUMPERS said, he lost his argument.

The same arguments apply today. We have oil prices at their lowest in 11 years and we have the best blue-collar jobs in America. In fact, oil and gas jobs are among the highest paid in our economy. In Montana, for example, the average oil and gas jobs pay \$32,380 compared to \$20,500, which is the average of jobs in Montana. Every oil industry job creates an average of 2.3 service-related jobs.

This is a very important issue for jobs in our country. As you can see, almost every State is affected. It not only creates jobs in the industry, but over two jobs in the service industry are related to oil production in our country. What could be bad about that? Yet, we are talking about raising fees and taxes on the companies that are on their knees, with low prices, that are laying people off as we speak. It doesn't make sense.

The other side has said, "We are losing \$5.5 million a month." In fact, I thought Senator LANDRIEU made a very important point. We are talking about \$6 billion in revenue to the Federal and State Governments, and they want to tear it down, saying they are going to add \$5 million a month. You would jeopardize a steady stream of revenue from an industry that is on its knees, that is shutting down wells as we speak, to try to gain \$5.5 million a month. Even if you thought you were going to get \$5.5 million a month, you would have to assure that the companies are going to stay in business.

If they go under, you are not going to get \$5.5 million a month; you could lose \$5.5 million a month, and those are jobs that we now have in place. Why would we jeopardize those and risk losing revenue, when you hope they will stay in business and gain revenue? That is not a very good hope when the industry is on its knees.

Let's talk about the policy of raising taxes. In fact, we have shown, both in Congress and in 13 States, that lowering the taxes on the oil and gas industry have actually increased revenues. In fact, the Congress passed the Offshore Drilling Deep Water Royalty Relief Act in 1995. They gave tax relief, they gave tax breaks, lowered taxes, to companies that would go out and do the expensive drilling in the water, especially the Gulf of Mexico. For doing this, the Government has received \$3.1 billion in bids on those leases in the gulf. This has created over 3,500 direct jobs to manage the increased activity. In fact, it has created \$3 billion in revenue. So we have shown that when we lower revenue, we increase the amount that comes into the Federal Government.

When we lower taxes, we increase revenue. This has been duplicated in

my State of Texas, where they have given tax relief to drill the marginal wells which are less than 15 barrels a day in Texas. Or if someone goes in and unplugs a plugged well, they will get a tax break. Here is what that has done in Texas: 6,000 wells were returned to production; \$1.65 billion came into the Texas economy; 10,000 direct and indirect jobs were created every year; and \$22 million more went into the Texas treasury—\$22 million by giving a tax break. Thirteen States have inactive well recovery programs that are doing the same thing.

Yet, the amendment before us today would go in exactly the opposite direction. It would increase the amount that the oil companies would have to pay, putting many of these small producers in jeopardy because that will be the industry standard, creating a loss of jobs and, I submit, a loss in revenue.

I have a chart that shows the economic effect of the abandonment of marginal wells just in 1997. The lost revenue to California was \$45 million; Kansas, \$24 million; Louisiana, \$8 million; New Mexico, \$19 million; Oklahoma, \$29 million; Texas, \$97 million. These are lost revenues because marginal wells went under. They had to plug the wells. This doesn't even address the lost jobs or the lost sales tax revenue to these States.

So I think we have the evidence that raising taxes is going to cost revenue to the Federal Government, not raise revenue to the Federal Government, because so many of the wells in this country are marginal; they produce under 15 barrels a day. So if they go under, these States are not going to get more money for their school-children, they are going to get less. That is what the amendment before us would do.

Let's talk about another policy issue that Congress must address when we increase taxes on an industry. We import over 50 percent of the oil that we need in this country—the oil we need to drive our cars to work, the oil we need to operate our plants, the oil we need to produce fuel for every home in America. Fifty percent is imported. This is a national security issue. It is an economic issue.

Does anybody remember what it was like when we had the severe oil shortage several years ago and people had lined up for 5 hours to get gas for their cars? They could not fill them up; they were limited. They were limited in the amount or the number of gallons they could put in because we had an oil shortage.

This country cannot depend on imports if we are going to have control of our own economy. How could we be talking about shutting down wells and causing our dependency to become greater? It does not make sense. It would be highly irresponsible of this Senate to do something that would jeopardize every person driving a car in this country, every plant that operates, and every home that depends on

oil or gas for its energy. We should not be even considering something so irresponsible.

I have letters of support from many organizations. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, September 10, 1998.

Hon. _____,
U.S. Senate
Washington, DC.

DEAR SENATOR: On behalf of the 600,000 members of Council for Citizens Against Government Waste, we respectfully ask you to oppose any efforts in the Senate to strike the provision in the Interior Appropriations Bill that delays the implementation of a final crude oil valuation rule, unless a resolution between MMS and industry can be reached. The Minerals Management Service (MMS) proposed new oil valuation rules that would eventually raise taxes on producers. The rulemaking effort has involved several revisions to the original proposal, but remains ambiguous, unworkable, and would create even greater uncertainty and unnecessary litigation.

Passage of this provision in the Interior Appropriations Bill will provide the time necessary for the MMS and the industry to reach a fair and workable agreement on the rule, benefiting both sides. The taxpayers have a vested interest in this issue, because the rule proposed by the MMS would lead to an unnecessary administrative burden for both the government and the private industry as auditors, accountants, and lawyers attempt to resolve innumerable disputes over the correct amounts due.

Please take this opportunity to prevent the current proposed rule, which benefits no one, from being implemented. We urge you to oppose any amendment to strike the provision for delay of final valuation rule in the Interior Appropriations Bill as it reaches the floor for debate in the full Senate this week.

It is my hope that you give this suggestion serious consideration. If I can be of further assistance, please do not hesitate to contact me.

Regards,

COUNCIL NEDD II,
Director, Government Affairs and Grassroots.

CITIZENS FOR A SOUND ECONOMY,
Washington, DC, September 11, 1998.

DEAR SENATOR: I write on behalf of the 250,000 members of Citizens for a Sound Economy regarding the Boxer amendment to S. 2337, the Interior Appropriations bill. This amendment allows the Executive branch to operate unchecked in its efforts to legislate through regulation.

Our members have long opposed the reckless regulating that is consuming some federal agencies. Historically, the cost of this type regulation is passed on to the consumer in the form of higher prices for commodities. Specifically, the Boxer amendment circumvents the authority of Congress to ensure that agencies of the federal government operate within the bounds of the law, and it will have the ultimate effect of increase the cost of oil and gas for every American. The appropriators have attempted to support sensible environmental policy through the appropriations process. The Boxer amendment will reverse their sensible policies.

As the Senate considers S. 2337, I ask you to consider the effect the Boxer amendment

will have on consumers and their wallets and vote to defeat the Boxer amendment.

Sincerely,

MATT KIBBE,
Executive Vice President.

NATIONAL BLACK
CHAMBER OF COMMERCE,
Washington, DC, June 10, 1998.

Re Oil Royalties.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: The membership of the NBCC wants to applaud you for your courageous stand taken against the Minerals Management Service attempt to totally control the method (or madness) of collecting oil royalties. Your leadership is certainly pro-business and ensures us of a continued prosperous economy.

The cost of fuel is extremely influential in most levels of our economy and our competitiveness in the global market. Any approach in how we assess royalties is very critical to each and every one of us. Congress should certainly be involved as they truly represent the people, not bureaucrats.

Thank you for your strong position and consider us your ally on this issue.

Sincerely,

HARRY C. ALFORD,
President and CEO.

PEOPLE FOR THE USA,
Pueblo, CO, September 4, 1998.

Hon. _____,
U.S. Senate,
Washington, DC.

DEAR SENATOR: We understand that when the full Senate debates the Interior Appropriations bill next week, there may be an effort to remove the provision which prevents the Minerals Management Service (MMS) from issuing a new ruling on oil royalty valuations until Oct. 1, 1999. On behalf of the 25,000 members of our grassroots People for the USA campaign, I am respectfully asking you to resist any such efforts to remove this provision.

We feel very strongly that this provision will be critical to helping devise a royalty collection system that is truly fair to the federal government and the oil industry. The provision requires the MMS to take the time to develop a more workable rule and not undermine Congress by changing yet another law through bureaucratic regulation.

The new rule proposed by MMS is far too complex and could lead to the loss of hundreds of thousands of jobs in the energy industry, where so many of our members are employed. Please oppose any amendment that would strip this provision out of the Interior Appropriations bill. Our members and their communities are counting on you.

Respectfully yours,

JEFFREY P. HARRIS,
Executive Director.

Mrs. HUTCHISON. First is Citizens Against Government Waste. In part, they write:

On behalf of the 600,000 members of the Council for Citizens Against Government Waste, we respectfully ask you to oppose any efforts in the Senate to strike the provision in the Interior Appropriations Bill that delays the implementation of a final crude oil valuation rule, unless a resolution between MMS and industry can be reached. The Minerals Management Service proposed new oil valuation rules that would eventually raise taxes on producers.

They go on to say:

Passage of this provision in the Interior Appropriations Bill will provide the time

necessary for MMS and the industry to reach a fair and workable agreement on the rule, benefiting both sides.

Here is a letter from the Citizens for a Sound Economy:

I write on behalf of the 250,000 members of Citizens for a Sound Economy regarding the Boxer amendment to the Interior Appropriations bill. . . . Historically, the cost of this type regulation is passed on to the consumer in the form of higher prices for commodities.

Of course, it makes sense that if we are going to raise the rates that producers have to pay, it is going to raise the price of every gallon of gas that you buy at the pump.

Specifically, the Boxer amendment circumvents the authority of Congress to ensure that agencies of the Federal Government operate within the bounds of the law, and it will have the ultimate effect of increasing the cost of oil and gas for every American.

This is in a letter from the National Black Chamber of Commerce:

The cost of fuel is extremely influential in most levels of our economy and our competitiveness in the global market. Any approach in how we assess royalties is very critical to each and every one of us. Congress should certainly be involved as they truly represent the people, not bureaucrats.

This is from the People for the USA:

The new rule proposed by MMS is far too complex and could lead to the loss of hundreds of thousands of jobs in the energy industry, where so many of our members are employed. . . .

On behalf of the 25,000 members of our grassroots People for the USA campaign, I am respectfully asking you to resist any such efforts to remove this provision.

Mr. President, we are talking about tax policy in this country. If you vote for the amendment before us today, we are saying that the Mineral Management Service can walk away from Congress and the congressional intent and congressional mandate that they report to us about any kind of fees or increases.

If they do this—and if we allow them to do this—we will shut down marginal wells throughout our country, which we have already seen happening because of the low prices. Thousands of people will be out of jobs. We will lose revenue in our States and our Federal Government, hurting the schoolchildren of our States when they are not able to have that income stream that is now steady—\$6 billion worth of steady income stream—which will become shaky from marginal producers because they cannot make ends meet. They are laying off people every day because of the low price of oil.

This is not the time to raise prices. We should not let unelected bureaucrats do it, and we should not jeopardize the energy independence of our country by allowing a bureaucracy to raise taxes when that is the prerogative of Congress.

Thank you. Mr. President, I thank Senator DOMENICI for his leadership, along with the bipartisan group that is trying to make sure we keep jobs and energy independence and gasoline pumps filled throughout our country.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, parliamentary inquiry. How much time does Senator BOXER have and how much time do I have?

The PRESIDING OFFICER. The time remaining for Senator BOXER is 7 minutes 15 seconds. The time remaining for the Senator from New Mexico is 13 minutes 10 seconds.

Mr. DOMENICI. Thank you. Mr. President, I thank Senator BOXER for agreeing to this unanimous consent. I very much appreciate it for some personal reasons.

I ask unanimous consent that when all debate time is consumed, or yielded, that the amendment be set aside until the hour of 5:50; and, at that time, there be 10 minutes for debate for closing remarks prior to the vote on the motion to table the Boxer amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, since I have considerably more time than the distinguished Senator from California, I would like to make a few remarks and then save a few minutes for Senator GORTON, the manager of the bill.

Mr. President, fellow Senators, first of all, there has been a lot of talk about lawsuits that are out there that have been going on for years on end. Essentially, fellow Senators, the reason that a new set of regulations and rules were supposed to be adopted was so we wouldn't have all of that litigation; so that we have a more clear-cut definition of what is market value for oil and gas, rather than leave so much to subjectivity, to arguments and disputes.

Let me suggest, if that is the case, that I can almost promise the U.S. Senate that if the rules that the Minerals Management Service is proposing to adopt are adopted that they will all be back in court over and over again, because they are unintelligible. They leave many opportunities for the Minerals Management Service to second-guess. They leave at times many opportunities to go back in an audit and even undo the market value as determined by a company upon the advice of people from the MMS.

Mr. President, when I was a Senator in the middle of the Iranian-prompted crisis where we had lines—Senator HUTCHISON's statement was that they even shot at each other in New York in one of those lines early in the morning because somebody thought one car was moving ahead of them. You might have been Governor, I say to the occupant of the Chair, when that happened. You may remember that.

During that period of time, a gentleman in my State, who is currently one of the most successful and marvelous businessmen in the retail marketing of oil and gas products in my

State, was down in a little office where his business was beginning. He begged me to come and see him. I went to see him. And a grown man was on the brink of falling apart. Whenever he would talk, he would cry, because the then-U.S. Government Energy Department had been told by Congress to enforce some very vague rules about gouging.

Here comes auditors to that man's office. He can't give them enough. They come back month after month, and his business is floundering. And they want more information. They want to go back further in time. They want him to bring in his customers and let them talk to the enforcing agency about the various arrangements.

I pledged to him right then that, not knowing the facts, I would see that he was treated fairly. He was. He succeeded in getting around that, and is surviving, as I have just indicated, bountifully.

Mr. President, what we don't want to let happen is we don't want a new set of regulations that permit a bureaucracy, however much we must rely on them—the MMS—to go into American energy producers in the manner that I have just described for my good friend down in Artesia, NM.

I contend that is what is going to happen, because, pursuant to congressional requests, some of us, Democrats and Republicans, sat down at the table with the MMS and the industry. And it is absolutely a cinch based upon the disagreements that occurred around that table and the failure on the part of the MMS to consider what many of us thought to be a very reasonable request; that if we let these get adopted, we haven't seen anything yet with reference to tying up this money in litigation and arguments. As a matter of fact, there is even a position in these new rules where the MMS can actually contend that a company would sell below market value to avoid the 12.5-percent royalty. Does that make sense to anyone? When you sell below market and give something away, you are giving away 12.5 percent to the Government, but you are keeping 87.5 percent of your own money. Right? But there is something in here to make sure they don't sell below market. There are so many nuances. I am not sufficiently expert. Again, I think I know when I see something that isn't going to work.

Let me conclude. Industry is not to blame for the current rule. The MMS wrote it. All producers are affected by it—not 5 percent. Under current law, MMS can collect the royalties that are fair market value. Nothing is stopping them. Anybody thinking we are going to stop collecting royalties is mistaken. We are going to keep on collecting them under a set of rules that are very unreasonable and complicated. But why substitute another set that we think is going to do equally as bad and maybe move even more arbitrarily against the producers of energy in this country? There is a con-

cept within it that you are guilty until proven innocent. There is, as I said before, a notion that producers will sell cheaply to avoid a royalty. Why would anybody do that? I just explained that to the Senate.

There is extensive opportunity for second-guessing. The scourge of the regulated is to have regulators second-guess. That is the scourge. You have one answer and you thought you were abiding by it. But they second-guess it and you get audited. And there is another set of rules. These rules are unworkable. One well, 10 different valuation calculations for on-shore oil; one well, 8 different valuation calculations for off-shore.

For whatever has been said here today about who we are working for in opposing the Boxer amendment, actually what I believe is happening is we are saying to a bureaucracy of the U.S. Government that we have had a good view of how you make rules, we think you are doing it in an unreasonable manner, and we would like you to do it better, so we are not going to give you any money to enforce what you have proposed to do.

Essentially, all the arguments have been made about how important gas and oil production is for our Nation. We understand that. But this is not an issue about anybody cheating. It is an issue about whether a new set of rules is better than the old ones when we firmly believe they are not.

I reserve the remainder of my time.

Mrs. BOXER. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from California is recognized for 7 minutes 15 seconds.

Mrs. BOXER. I would like to ask my friend if it is OK if when we come back I close the debate with 5 minutes. Would that be all right with the Senator from New Mexico?

Mr. DOMENICI. We each get 5 minutes.

Mrs. BOXER. Yes. I would like to close. I ask unanimous consent that I get to close the debate.

Mr. DOMENICI. When we do our 5 minutes each.

Mrs. BOXER. Yes.

Mr. DOMENICI. Of course.

Mrs. BOXER. I thank the Senator so much. I just want to say to my friends, Senator DOMENICI and Senator GORTON, again, how much I appreciate their courtesies. This is a very important issue.

Mr. President, I ask if you would advise me when I have 2 minutes remaining.

The PRESIDING OFFICER. The Chair will advise the Senator when she has used all but 2 minutes of her time.

Mrs. BOXER. Mr. President, I have really enjoyed this debate. I was saying to Senator GORTON I thought it was very important to have it because when it was raised in committee, it was a truncated debate. This has given us a chance to really show both sides.

I think another reason I have enjoyed the debate is because it goes to the

heart and soul of why I want to be in the Senate; and that is to look out for real people, the real people who make this country go, who get up every day and go to work and save to get a car and hopefully save to get a condominium or a home and to get the American dream.

I think there is another part of that American dream that sometimes gets overlooked, and that is our heritage; that we have much more as Americans than our personal possessions, important though they are. We own the parks. We own the waters, the coastal waters. And others cannot destroy those because they belong to us.

I think it is important for us to note that we are talking about the most powerful oil companies—5 percent of oil companies, some of which make in the many billions of dollars. And I pointed this out before. For example, Exxon, in 1996, generated \$134 billion in revenue from oil and gas. And the vast majority of the oil companies impacted by this rule are huge. The impact on Exxon, for example, would be one one-hundredth of 1 percent of their revenue.

My friend from Texas says that is going to cause a disaster. Well, the one good thing about royalty payments, as they are owed to the hard-working Americans of this country, because it is, in fact, oil drilled on their land which they own, that we all own as Americans, is that the royalty payments go down with the price of oil. So it is very fair. And here you see, again, the lease that is signed by the oil companies wherein they promise to pay a fixed royalty which is a percentage of the value of the production, and therefore when oil prices are up, the American people get more. It is a rent that is basically paid on a floating basis depending on the market price of oil.

Now, my friend from New Mexico, for whom I have the greatest respect and admiration, says it is very complicated to figure out what is the market price of oil. And as I said before, I was a stockbroker in a former life, and I know that oil prices are posted and listed every day. I would place into the RECORD this publication, "Platts Oil Price Report." If you look at it, you will see every single day, every single market. The market price listed here reflects the price of oil. So when my colleague worries that the Interior Department is off on the wrong track, I would say I agree with the New Mexico Tax Revenue Department which said:

The MMS should be commended for the effort they have made in developing oil valuation regulations that are fair to all interested parties. They should also be commended for recognizing an issue and following through with it to resolution, in an environment where litigation abounds, unfounded criticism is made public and political mechanisms are used to mandate positions.

You cut through that and what they are saying is very clear, that the MMS is, in fact, working hard to come up with a solution to this problem.

Now, I showed before, I think, the most telling chart of all. Mr. President, this is where we are. The oil companies sign a lease with us, the American people, promising to pay rent, in essence, for drilling on Federal lands. It is supposed to be based on market price, and here you see with ARCO in the west Texas market, the market price very clearly shown and the ARCO posted price, which is their, in essence, made-up price.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mrs. BOXER. I thank you, Mr. President. I will take another 30 seconds and withhold. What we are going after is this difference. We think the taxpayers deserve to have the fair royalty payment paid. That is why I raise this issue.

I will reserve the remainder of my time to close this debate.

Mr. DOMENICI. I yield 3 minutes to Senator GORTON and the remaining time to Senator GRAMM of Texas.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. I have been in the Chamber through most of this debate as I am the manager of the bill under discussion now. I believe that I am the only one, at least on this side of the issue, who has no immediate constituent interest in the subject. But I do have certain observations from listening to the debate on the part of others.

The Senator from Oklahoma, Mr. NICKLES, mentioned at one point that the Minerals Management Service had said that this was a revenue-neutral proposal, although in fact it seems not to be that case. The proponents of this amendment emphasize that there is a lot of money involved here for schools and for parks and for other purposes.

It occurs to me that if this is a debate over revenues to the Federal Government, we are in effect talking about a tax, a tax on certain companies engaged in the oil business. And if we are speaking about a tax, it seems to me we ought to be deciding that question here in the Congress of the United States. Under our Constitution, taxes are not levied by regulatory agencies of the Government. They are determined and they are levied by the Congress.

If, in fact, this amendment will produce tens of millions of dollars for various governmental purposes, then it is inevitable that someone is going to pay for those purposes. One of two things is going to happen, it seems to me. And one of my colleagues can correct me if I am wrong. Either it will be reflected in the price of gasoline and other petroleum products that every consumer in the United States pays and will be in effect an increase in the gas tax, or if these companies can simply import more and produce less domestically, it will simply drive American producers out of business because their cost of business will be increased.

But one of those two consequences seems to me to be inevitable. Either

this is going to be a tax on the American people by increasing the cost of their gasoline, or it is going to increase our dependence on foreign oil and drive American producers out of business. I think that conclusion is absolutely inevitable. I think that is a policy decision that should be made by the Congress of the United States and not by an obscure Federal agency, and for that reason I oppose the amendment.

Mr. DOMENICI. Mr. President, I send a letter to the desk and ask unanimous consent it be printed in of the RECORD from the Revenue Department of New Mexico indicating they support the oil moratorium.

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

STATE OF NEW MEXICO,
TAXATION AND REVENUE DEPARTMENT,
Santa Fe, NM, July 20, 1998.

Hon. PETE DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: Thank you for giving me the opportunity to comment on your appropriation rider placing a moratorium on MMS oil valuation regulations. After careful consideration, we have determined that the moratorium would allow MMS and the industry more time to reach a consensus, therefore we are in favor of the moratorium.

If I can be of further assistance, please contact me.

Sincerely,

JOHN J. CHAVEZ,
Secretary.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. I congratulate my colleagues, especially my dear colleague from New Mexico and my fellow Senator from Texas, for doing an outstanding job. I think anybody who has listened to the debate, and who started the debate with an open mind that was not totally empty, would conclude that you are right and this amendment should be tabled.

My opposition to the amendment is very simple. Congress should make decisions about collecting fees and imposing taxes. Article I, section 8, clause 1 of the Constitution says, "The Congress shall have the power to lay and collect taxes, duties, imposts and excises."

We should not be granting our constitutional powers to faceless bureaucrats who have agendas that may not reflect the will of the American people. If our colleagues wanted to mandate by law that we raise royalty fees, that would be one thing. But to simply set a process in place where bureaucrats are going to effectively raise taxes, I think, is fundamentally wrong. So I want to urge my colleagues to reject this amendment, and I want to especially congratulate those who I believe have made an excellent case in opposition to the amendment.

I reserve the remainder of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. There is little time remaining. I just want to say again what

the USA Today editorial said, because I think it sums it up beautifully and it doesn't come up with the same conclusion that the Senator from Texas, Mr. GRAMM, comes up with. It comes up with another conclusion, and that is, "Industry's effort to avoid paying full fees hurts taxpayers and others."

Since 1920 when Congress passed the Mineral Leasing Act, the MMS has been acting to set the rules that guide the payments of royalties. So, now, all of a sudden we have a move to say this is wrong. I think is kind of interesting, all of a sudden it is wrong, something that has been in place since 1920. This is what the MMS is supposed to do. So I think this editorial really says it.

Imagine being able to compute your own rent payments and grocery bills, giving yourself a 3 percent to 10 percent discount off the market price. Over time, that would add up to really big bucks. And imagine having the political clout to make sure that nothing threatened to change that cozy arrangement.

And they basically say, "Taxpayers have been getting the unfair end of this deal for far too long."

Mr. President, I say to Senators, we have an opportunity to end this cozy deal today. I know some of my colleagues feel they need more time, they want to work on a more fair way to collect these royalties. I cannot imagine, as someone who knows supply and demand—I am an economics major, I was a stockbroker—it is pretty simple. You have the market price. Pay the royalty based on the market price. This is a capitalistic system. We do not have industry executives sitting in and deciding what the market price is in the dead of night in the back of their corporate headquarters. These 5 percent of oil companies, the oil giants, are the ones who are getting away with thievery. Let's end it now. Support this amendment.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, has all time now been used on this amendment?

The PRESIDING OFFICER. All but 8 seconds.

Mr. GORTON. We yield back that 8 seconds.

What now is the order before the Senate?

The PRESIDING OFFICER. The amendment is set aside until 5:50, at which time there will be 10 minutes equally divided between the parties for debate.

AMENDMENT NO. 3581

Mr. GORTON. Then what is the matter before the Senate at this point?

The PRESIDING OFFICER. The matter before the Senate at this time is the Daschle amendment to S. 2237.

Mr. DASCHLE addressed the Chair.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

Mr. GORTON. Objection.

The PRESIDING OFFICER (Mr. THOMAS). Objection is heard.

The assistant legislative clerk continued to call the roll.

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

Mr. DORGAN. Mr. President, I object.

The PRESIDING OFFICER (Mr. SANTORUM). Objection is heard.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 3]

| | | |
|-----------|------------|------------|
| Allard | Frist | Leahy |
| Ashcroft | Gorton | Lott |
| Baucus | Gramm | Lugar |
| Bond | Gregg | McCain |
| Boxer | Hagel | McConnell |
| Burns | Harkin | Mikulski |
| Conrad | Hutchinson | Murkowski |
| Craig | Inhofe | Reed |
| Daschle | Jeffords | Roberts |
| Domenici | Kempthorne | Santorum |
| Dorgan | Kennedy | Smith (OR) |
| Faircloth | Kyl | Warner |

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

Mr. LOTT. Mr. President, I move to instruct the Sergeant at Arms to request the attendance of absent Senators.

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 question is on agreeing to the motion of the Senator from Mississippi.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Alabama (Mr. SESSIONS), and the Senator from Alabama (Mr. SHELBY) are necessarily absent.

Mr. FORD. I announce that the Senator from Arkansas (Mr. BUMPERS) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

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

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—94

| | | |
|----------|-----------|-----------|
| Abraham | Bond | Cleland |
| Akaka | Boxer | Coats |
| Allard | Brownback | Cochran |
| Ashcroft | Bryan | Collins |
| Baucus | Burns | Conrad |
| Bennett | Byrd | Coverdell |
| Biden | Campbell | Craig |
| Bingaman | Chafee | D'Amato |

| | | |
|------------|---------------|-------------|
| Daschle | Inhofe | Murray |
| DeWine | Inouye | Nickles |
| Dodd | Jeffords | Reed |
| Domenici | Johnson | Reid |
| Dorgan | Kempthorne | Robb |
| Durbin | Kennedy | Roberts |
| Enzi | Kerrey | Rockefeller |
| Faircloth | Kerry | Roth |
| Feingold | Kohl | Santorum |
| Feinstein | Kyl | Sarbanes |
| Ford | Landrieu | Smith (NH) |
| Frist | Lautenberg | Smith (OR) |
| Glenn | Leahy | Snowe |
| Gorton | Levin | Specter |
| Graham | Lieberman | Stevens |
| Gramm | Lott | Thomas |
| Grams | Lugar | Thompson |
| Grassley | Mack | Thurmond |
| Gregg | McCain | Torricelli |
| Hagel | McConnell | Warner |
| Harkin | Mikulski | Wellstone |
| Hatch | Moseley-Braun | Wyden |
| Hutchinson | Moynihan | |
| Hutchison | Murkowski | |

NAYS—1

Breaux

NOT VOTING—5

| | | |
|---------|----------|--------|
| Bumpers | Hollings | Shelby |
| Helms | Sessions | |

The motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

The majority leader.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, the Senate has been on this Interior bill now for 6 session days and has not really scratched the surface of the bill. This is the 11th appropriations bill that the Senate has considered in preparation for the end of the fiscal year, which is September 30.

Members will recall last week we spent most of our time on the campaign finance reform issue. This week there have been farm amendments as well as other amendments that are unrelated to Interior that are waiting in the wings. It looks like it will be very hard to keep focused on the Interior appropriations bill itself and get it completed. And, of course, that will affect the next two appropriations bills.

AMENDMENT NO. 3581

I offered a consent agreement to debate the pending amendment for 2 hours. That is the amendment that Senator DASCHLE offered, with no action occurring, and then lay aside the amendment to consider a Kempthorne amendment relative to the Endangered Species Act. I understand some discussions are still going back and forth on the ESA amendment. That agreement has not been worked out and there are various reasons that it has been objected to.

Therefore, I ask for the yeas and nays on the pending amendment, 3581.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

CHILD CUSTODY PROTECTION
ACT—MOTION TO PROCEED

Mr. LOTT. I now call for regular order with respect to the child custody bill.

The PRESIDING OFFICER. Pending is a motion to proceed postcloture.

Is there further debate?

Mr. LOTT. Mr. President, our manager is on his way to proceed with this.

QUORUM CALL

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

Mr. GORTON. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

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

Mr. GORTON. Objection.

The PRESIDING OFFICER (Ms. COLLINS). Objection is heard. The clerk will continue the call of the roll.

The assistant legislative clerk continued with the call of the roll.

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

Mr. GORTON. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

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

The PRESIDING OFFICER (Mr. FAIRCLOTH). In the Chair's capacity as the Senator from North Carolina, I object.

The legislative clerk continued with the call of the roll.

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

Mr. DORGAN. Mr. President, I object.

The PRESIDING OFFICER (Mr. BENNETT). The Senator objects to the quorum call being rescinded?

Mr. DORGAN. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The assistant legislative clerk continued with the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 4]

| | | |
|---------|----------|-----------|
| Abraham | Campbell | Enzi |
| Akaka | Chafee | Faircloth |
| Baucus | Coats | Feingold |
| Bennett | Collins | Ford |
| Boxer | Daschle | Frist |
| Breaux | Dodd | Gorton |
| Bryan | Dorgan | Gramm |
| Byrd | Durbin | Gregg |

| | | |
|------------|------------|-------------|
| Hagel | Kerry | Rockefeller |
| Harkin | Lautenberg | Roth |
| Inhofe | Leahy | Santorum |
| Inouye | Lott | Specter |
| Kempthorne | Mack | Stevens |
| Kennedy | Reed | Torricelli |

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

Mr. LOTT. Mr. President, I move to instruct the Sergeant at Arms to request the attendance of absent Senators, 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 of the Senator from Mississippi. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLINGS) is necessarily absent.

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—97

| | | |
|-----------|------------|---------------|
| Abraham | Feingold | Mack |
| Akaka | Feinstein | McCain |
| Allard | Ford | McConnell |
| Ashcroft | Frist | Mikulski |
| Baucus | Glenn | Moseley-Braun |
| Bennett | Gorton | Moynihan |
| Biden | Graham | Murkowski |
| Bingaman | Gramm | Murray |
| Bond | Grams | Nickles |
| Boxer | Grassley | Reed |
| Brownback | Gregg | Reid |
| Bryan | Hagel | Robb |
| Chafee | Harkin | Roberts |
| Bumpers | Hatch | Rockefeller |
| Burns | Byrd | Roth |
| Byrd | Hutchinson | Santorum |
| Campbell | Hutchison | Sarbanes |
| Chafee | Inhofe | Sessions |
| Cleland | Inouye | Shelby |
| Coats | Jeffords | Smith (NH) |
| Cochran | Johnson | Smith (OR) |
| Collins | Kempthorne | Snowe |
| Conrad | Kennedy | Specter |
| Coverdell | Kerrey | Stevens |
| Craig | Kerry | Thomas |
| D'Amato | Kohl | Thompson |
| Daschle | Kyl | Thurmond |
| DeWine | Landrieu | Torricelli |
| Dodd | Lautenberg | Warner |
| Domenici | Leahy | Wellstone |
| Dorgan | Levin | Wyden |
| Durbin | Lieberman | |
| Enzi | Lott | |
| Faircloth | Lugar | |

NAYS—1

Breaux

NOT VOTING—2

Helms

Hollings

The motion was agreed to.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

SUPERFUND RECYCLING EQUITY
ACT

Mr. LOTT. Mr. President, over the past three decades, concern for our en-

vironment and natural resources has grown—as has the desire to recycle and reuse. You may be surprised to learn that one major environmental statute actually creates an impediment to recycling. Superfund has created this impediment, although unintended by the law's authors.

Because of the harm that is being done to the recycling effort by the unintended consequence of law, the distinguished Minority Leader, Mr. DASCHLE, and I introduced The Superfund Recycling Equity Act (S. 2180). This bill removes Superfund's recycling impediments and increases America's recycling rates.

We had one and only one purpose in introducing the Superfund Recycling Equity Act—to remove from the liability loop those who collect and ship recyclables to a third party site. The bill is not intended to plow new Superfund ground, nor is it intended to revamp existing Superfund law. That task is appropriately left to comprehensive reform, a goal that I hope is achievable in the 106th Congress.

While the bill proposes to amend Superfund, Mr. President, it is really a recycling bill. Recycling is not disposal and shipping for recycling is not arranging for disposal—it is a relatively simple clarification, but one that is necessary to maintain a successful recycling effort nationwide. Without this clarification, America will continue to fall short of its recycling goal.

S. 2180 was negotiated in 1993 between representatives of the industry that recycles traditional materials—paper, glass, plastic, metals, textiles and rubber—and representatives of the Environmental Protection Agency, the Department of Justice, and the national environmental community. Similar language has been included in virtually every comprehensive Superfund bill since 1994. In fact, the original agreement, upon which the bill is based, has remained intact for five years. With over 40 Senate cosponsors, support for the bill has been both extensive and bipartisan. The companion House bill has almost 300 co-sponsors.

Mr. President, since Senator DASCHLE and I introduced S. 2180, some have argued that we should not “piece-meal” Superfund. They argue that every part of Superfund should be held together tightly, until a comprehensive approach to reauthorization is found.

I generally agree that keeping popular, non-controversial provisions in an omnibus bill makes the more controversial provisions easier to swallow. And given the broad-based support for the recycling piece across both parties, some think it should be held as a “sweetener” for some of the more difficult issues. Superfund's five-year history suggests, however, that the recycling provisions—as sweet as they are—have done little, if anything, to help move a comprehensive Superfund bill forward. Rather, “sweeteners” like brownfields and municipal liability are what keep all parties at the table.

Holding the recyclers hostage to a comprehensive bill has not helped reform Superfund, and continuing to hold them hostage will not ensure action in the future. What it does ensure is that recycling continues to be impeded and fails to attain our nation's goals.

Mr. President, this recycling fix is minuscule compared to the overwhelming stakeholder needs regarding Superfund in general, but so significant for the recycling industry itself. It is easy to see why this bill has achieved such widespread bi-partisan support among our colleagues.

S. 2180 address only one Superfund issue—the unintended consequence of law that holds recyclers responsible for the actions of those who purchase their goods.

Therefore, S. 2180 does not address the very contentious and important issues of cleanup standards or natural resource damages.

It does not deal with orphan shares or municipal liability. The goal of this bill is to remove the liability facing recyclers, not to establish who should be responsible for those shares if the unintended liability is removed.

It does not deal with municipal liability specifically, but if municipalities ship materials for recycling, they would be treated the same as any other recycler. Thus, municipalities are provided some relief under S. 2180 for recycling transactions.

It does not deal with owner/operator liability because such liability was intended by Superfund. Any changes in owner/operator liability should be considered within the context of comprehensive Superfund reform.

Likewise, issues of relief for generators who ship for disposal, rather than for recycling, are not addressed by S. 2180. Waste disposal—indeed proper, environmentally sound waste disposal—is a basic tenet of Superfund. Reforms should be considered within the context of comprehensive Superfund revisions.

Senator DASCHLE and I have heard from various parties who want to add minor provisions outside the scope of the bill. Although many have presented interesting and often compelling arguments, I find that none of these parties has been able to demonstrate the broad base of support that has made the Superfund Recycling Equity Act so unique. No group has been able to demonstrate the support of the broad-based, truly non-partisan group that has long recognized the need for recycling reform. I will continue to ask that any party wishing to enlarge the narrow focus of S. 2180 show support on both sides of the aisle, as well as from the Administration and the environmental community.

Mr. President, much time, energy and expertise went into crafting an agreement where few thought it was possible. That agreement has been maintained through three separate Congresses where all sorts of attempts to modify it have failed. Congress

should accept this delicately crafted product.

S. 2180 shows Congress' commitment to protect and increase recycling.

S. 2180 repeats what we all know and support—that continued and expanded recycling is a national goal.

S. 2180 removes impediments to achieving this goal, impediments Congress never intended to occur.

Mr. President, the 40+ Senators who have already co-sponsored this bill recognize the need to amend Superfund for the very important purpose of increasing recycling in the public interest. Let's act this year.

TRIBUTE TO VIVIAN DUBREUIL

Mr. LOTT. Mr. President, a constituent of mine, Vivian Dubreuil from Jackson, MS, passed away this morning. Vivian worked for Senator Jim Eastland for more than 22 years. She also worked for the Secretary for the Majority's Office and the Secretary of the Senate. After a long and successful career in the Senate, she retired to care for her mother in Jackson. She was very much a lady who performed many kindnesses for all who came in contact with her. She will be missed by her friends here in Washington and her family and friends in Jackson.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I join baseball fans everywhere in congratulating Mark McGwire of the Cardinals and Sammy Sosa of the Cubs on already breaking the single season home run record this year. I hope that the House will soon pass the bill that we named for another extraordinary man, who once wore number 21 for the Cardinals. Coincidentally, Curt Flood wore number 21, which is Sosa's uniform number, and played for the Cardinals, which is the team for which McGwire now plays. The Curt Flood Act, to end what is left of baseball's antitrust exemption has passed the Senate and is awaiting action by the House. Baseball's resurgence is being fueled by the outstanding efforts of a number of players should be aided by enactment of our legislation.

I came to the Senate floor in early July to note the possibility that the single-season record for home runs might be broken this year. I noted that at this year's All-Star break, Mark McGwire had 37 homers, Ken Griffey, Jr. 35 and Sammy Sosa 33, as they headed toward Roger Maris' record 61. I urged the Senate to find inspiration in the outstanding seasons that these and other players and teams were having and to improve the Senate's effort in meeting its responsibilities with respect to judicial vacancies.

I went on to compare the Senate's pace in confirming much-needed federal judges to Mark McGwire's home run pace. It is time for an update. Today, McGwire's season total stands at 63. Over the weekend Sammy Sosa

thrilled Chicago and baseball fans everywhere by passing the marks set by Babe Ruth and Roger Maris and totaling 62. Ken Griffey, Jr., now leads the American League with 52 homers, making this first season in major league baseball history in which three players have hit as many as 50 home runs.

Unfortunately, the Senate confirmation total is stalled at 39. As recently as 1994, the last year in which the Senate majority was Democratic, the Senate confirmed 101 judges. It has taken the Republican Senate three years to reach the century mark for judicial confirmations—to accomplish what we did in one session. As Chief Justice Rehnquist correctly observed in his year-end report last year: "The Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed in 1994."

The Senate has not even kept up with normal attrition over the past two years, let alone made a real difference in filling longstanding judicial vacancies. Both the Second Circuit and the Ninth Circuit have had to cancel hearings due to judicial vacancies. Chief Judge Winter of the Second Circuit has had to declare a circuit emergency and to proceed with only one circuit judge on their 3-judge panels. Recently, he has had to extend that certification of emergency.

Yet in spite of that emergency, the Senate continues to stall the nomination of Judge Sonia Sotomayor to the Second Circuit. Her nomination has been stalled on the Senate calendar for over six months. Chief Judge Winter's most recent annual report noted that the Circuit now has the greatest backlog it has ever had, due to the multiple vacancies that have plagued that court.

For a time Judge Sotomayor's nomination was being delayed because some feared that she might be considered as a possible replacement for Justice Stevens, should he choose to resign from the Supreme Court. Perhaps now that the Supreme Court term has ended and Justice Stevens has not resigned, the Senate will proceed to consider her nomination to the Second Circuit on its merits and confirm her without additional, unnecessary delay.

When confirmed she will be only the second woman and second judge of Puerto Rican descent to serve on the Second Circuit. Just as Sammy Sosa is a source of great pride to the Dominican Republic and to Latin players and fans everywhere, Judge Sotomayor is a source of pride to Puerto Rican and other Hispanic supporters and to women everywhere.

Judge Sonia Sotomayor is a qualified nominee who was confirmed to the United States District Court for the Southern District of New York in 1992 after being nominated by President Bush. She attended Princeton University and Yale Law School. She worked for over four years in the New York District Attorney's Office as an Assistant District Attorney and was in private practice with Pavia & Harcourt in

New York. She is strongly supported by Senator MOYNIHAN and Senator D'AMATO.

Ironically, it was Judge Sotomayor who issued a key decision in 1995 that brought an end to the work stoppage in major league baseball. If only the breaking of the single season home run record could signal the end of the work stoppage in the Senate with respect to her nomination.

Instead of sustained effort by the Senate to close the judicial vacancies gap, we have seen extensive delays continued and unexplained and anonymous "holds" become regular order.

I began this year challenging the Senate to maintain the pace it achieved in the last nine weeks of the last session when 27 judges were confirmed. Instead, the Senate has confirmed only 39 judicial nominees in 24 weeks in session. Had the Senate merely maintained the pace that it set at the end of last year, the Senate would have confirmed 72 judges—not 39 judges—by now.

Last week *The Washington Post* included an editorial critical of the Senate for holding nominees without a vote on the Senate calendar. It was right to do so. We have 12 qualified nominees on the Senate calendar awaiting action. Including those still pending before the Committee, we have a total of 45 judicial nominations awaiting action, some of whom were first received over three years ago.

The Senate continues to tolerate upwards of 74 vacancies in the federal courts with more on the horizon—almost one in 10 judgeships remains unfilled and, from the looks of things, will remain unfilled into the future. The Judiciary Committee needs to do a better job and the Senate needs to proceed more promptly to consider nominees reported to it.

Unfortunately, the only record that the Senate is on pace to set this year with respect to judicial nominations is the record for the amount of time it takes to be confirmed once the nomination is received by the Senate. For those few nominees lucky enough to be confirmed as federal judges the average number of days for the Senate confirmation process has continued to escalate. In 1994 and 1995 judicial nominees took on average 86 or 87 days from nomination to confirmation. In 1996, that number rose to a record 183 days on average.

Last year, the average number of days from nomination to confirmation rose dramatically yet again. From initial nomination to confirmation, the average time it took for Senate action on the 36 judges confirmed in 1997 broke the 200-day barrier for the first time in our history. It was 212 days.

Unfortunately, the time is still growing and the average is still rising to the detriment of the administration of justice. The average time from nomination to confirmation for judges confirmed this year is 259 days. That is three times the time it took before this partisan slowdown began in earnest.

I have urged those who have been stalling the consideration of the President's judicial nominations to reconsider and work to fulfill this constitutional responsibility. Those who delay or prevent the filling of these vacancies must understand that they are delaying or preventing the administration of justice. Courts cannot try cases, incarcerate the guilty or resolve civil disputes without judges.

The federal judiciary's workload was at least 60 percent lower than it is today when the Reagan-Bush administrations took office. The federal court's criminal docket alone is up from 28,921 cases in 1980 to 50,363 last year. That is an increase of over 70 percent in the criminal case filings in the federal courts.

During the Reagan and Bush administrations, Democratic and Republican Senates promptly considered and confirmed judges and authorized 167 new judgeships in response to the increasing workload of the federal judiciary. While authorized judgeships have increased in number by 25 percent since 1980, the workload of the federal courts has grown by over 60 percent during the same period. That is why the prolonged vacancies being perpetuated by delays in the confirmation process are creating such strains within the federal courts.

Unlike other periods in which judicial vacancies could be attributed to newly-created judgeships, during the past four years the vacancies crisis has been created by the Senate's failure to move quickly to consider nominees to longstanding vacancies.

In the early and mid-1980's, vacancies were between 25 and 34 at the beginning of each session of Congress. By the fall of 1983, the vacancies for the entire federal judiciary had been reduced to only 16.

With attrition and the 85 new judgeships created in 1984, vacancies reached 123 at the beginning of President Reagan's second term, but those vacancies were reduced to only 33 within two years, by the fall of 1986. A Democratic Senate in 1987 and 1988 reduced the vacancies still further to only 23 at the end of the 100th Congress.

It was not until additional judgeships were created in 1990 that the next significant increase in vacancies occurred and then, again, the Democratic Senate responsibly set about the task of helping fill those vacancies with qualified nominees. Although President Bush was notoriously slow to nominate, the Democratic Senate confirmed 124 nominees in President Bush's last two years and cut the vacancies in half.

With respect to the question of vacancies, it is also important to note that in 1997 the Judiciary Conference of the United States requested an additional 53 judgeships be created and the Republican Congress has refused to consider that workload justified request. My bill to meet that request, S. 678, the Federal Judgeship Act of 1997,

has received no attention since I introduced it over a year ago. Had those additional judgeships been created, as they were in 1984 and 1990 under Republican Presidents, current judicial vacancies would number 127 and total almost 14 percent of the federal judiciary.

No one should take comfort from the number of confirmations achieved so far this year. It is only in comparison to the dismal achievements of the last two years that 39 confirmations could be seen as an improvement. The President has been doing a better job of sending the Senate scores of nominees more promptly. Unfortunately, qualified and capable nominees are still being delayed too long and stalled without action.

In commending Mark McGwire, Sammy Sosa and the others major league players who have inspired the nation with their achievements, I pledge to continue to work for comparable achievements by the Senate in connection with judicial confirmations.

NATIONAL HISTORIC TRAILS INTERPRETIVE CENTER

Mr. THOMAS. Mr. President, I rise to discuss a project that is extremely important to the city of Casper and the State of Wyoming. The National Historic Trails Interpretive Center, located in Casper, is a unique project designed to showcase the importance of Wyoming as a center for a number of historic trails in the West. The site selected for the Center overlooks the place where the Oregon, California, Mormon and Pony Express Trails cross the North Platte River. In addition, the head of the Bridger Trail and a fork of the Bozeman Trail can be seen from the spot.

The city of Casper and the State of Wyoming have been working very hard to build an interpretive center that will attract visitors from throughout the nation and provide them with a quality recreational and educational experience. The facility will showcase the important role historic trails played in the development of the West and the incredible hardships faced by settlers as they migrated to all of the western states. The project is strongly supported throughout Wyoming and would be funded through a unique "public/private" funding program using local, state and federal sources.

Wyoming's congressional delegation has been working on obtaining federal funds for the Historic Trails Center for many years. Throughout my time in the Senate, as well as my years serving as Wyoming's only Congressman, I have worked hard to obtain planning and architectural money for the Center and requested assistance from the Appropriations Committee in obtaining the roughly \$5 million in federal funds needed to complete the project. Unfortunately, construction funds have never been included in the appropriations bill.

This year, the House of Representatives has included \$2.6 million in the fiscal year 1999 Interior appropriations bill for completion of the National Historic Trails Center. Although this is only half of the money necessary to complete the project, I am extremely pleased the House took this action and recognized the importance of constructing this facility. Currently, the Senate version of the Interior appropriations bill does not include funds for the Trails Center. I understand the difficult funding choices faced by the Interior Appropriations Subcommittee as this bill was crafted, but I am extremely disappointed that the Senate version of this legislation did not provide funds for the Center.

As the Senate completes its work on the Interior appropriations bill and this legislation moves to a conference with the House, I plan to do everything I can to ensure that funds for the Historic Trails Center are included in the final bill. Clearly, this project has merit and would be a valuable addition to our nation's cultural and historic landmarks. Over the coming days, I plan to work with Senators GORTON and BYRD to ensure that the House funding level is protected during the conference on this legislation.

The National Historic Trails Interpretive Center is a worthy project. I urge the Senate to recede to the House language on this important measure and begin the process of completing this outstanding facility.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 15, 1998, the federal debt stood at \$5,511,724,391,342.63 (Five trillion, five hundred eleven billion, seven hundred twenty-four million, three hundred ninety-one thousand, three hundred forty-two dollars and sixty-three cents).

One year ago, September 15, 1997, the federal debt stood at \$5,375,122,000,000 (Five trillion, three hundred seventy-five billion, one hundred twenty-two million).

Five years ago, September 15, 1993, the federal debt stood at \$4,388,003,000,000 (Four trillion, three hundred eighty-eight billion, three million).

Ten years ago, September 15, 1988, the federal debt stood at \$2,598,251,000,000 (Two trillion, five hundred ninety-eight billion, two hundred fifty-one million).

Fifteen years ago, September 15, 1983, the federal debt stood at \$1,354,786,000,000 (One trillion, three hundred fifty-four billion, seven hundred eighty-six million) which reflects a debt increase of more than \$4 trillion—\$4,156,938,391,342.63 (Four trillion, one hundred fifty-six billion, nine hundred thirty-eight million, three hundred ninety-one thousand, three hundred forty-two dollars and sixty-three cents) during the past 15 years.

CHILD CUSTODY PROTECTION ACT

Mr. COVERDELL. Mr. President, I rise today in support of S. 1645, the Child Custody Protection Act. This bill makes it a federal offense to knowingly transport a minor girl across state lines to circumvent her home state's parental consent or notification laws and obtain an abortion. This bill sends an important message that we will support those states that have tried to protect minors from making a decision of this magnitude without the involvement of the parents. We should do everything we can to ensure that parents are able to exercise the responsibilities of guiding and protecting their children, and I applaud Senator ABRAHAM for his leadership on this issue.

A few of my constituents raised some concerns about S. 1645 that I would like to address. First, the bill imposes no burden on the right to an abortion, and it adds no new provisions or restrictions on state laws. S. 1645 is designed merely to preserve the integrity of parental involvement laws in states that have chosen to enact them. Second, the legislation does not violate the constitutional right to travel. Like the recently enacted Deadbeat Parents Punishment Act, the Child Custody Protection Act only punishes travel that is undertaken with the intent of dodging legitimate state laws. Third, in cases where teenagers are afraid to tell their parents, there are judicial bypass procedures to address these situations. A study performed by the American Journal of Public Health of these bypass procedures found that only 1 out of 477 girls was denied judicial authorization. Fourth, S. 1645 recognizes the role of states in ensuring that legal abortions are safe—to allow valid state laws to be avoided is to undermine the safety of the procedure and endanger the health of those minors. Fifth, parental involvement laws enjoy the support of 74 percent of Americans according to a 1996 Gallup poll. While S. 1645 does not alter any state's laws regarding abortion, it does ensure that states that do have these popular laws have a more realistic chance of enforcing them.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 1996—PM 157

The PRESIDING OFFICER laid before the Senate the following message

from the President of the United States, together with an accompanying report; which was referred to the Committee on Agriculture, Nutrition, and Forestry.

To the Congress of the United States:

As required by the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1996.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 16, 1998.

MESSAGES FROM THE HOUSE

At 1:40 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2795. An act to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir.

H.R. 2993. An act to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes.

H.R. 3445. An act to establish the Commission on Ocean Policy, and for other purposes.

H.R. 3898. An act to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to conform penalties for violations involving certain amounts of methamphetamine to penalties for violations involving similar amounts cocaine base.

H.R. 3903. An act to provide for an exchange of lands located near Gustavus, Alaska, and for other purposes.

H.R. 4002. An act to designate the United States Postal Service building located at 5300 West Jefferson Street, Philadelphia, Pennsylvania, as the "Freeman Hankins Post Office Building".

H.R. 4003. An act to designate the United States Postal Service building located at 2037 Chestnut Street, Philadelphia, Pennsylvania, as the "Max Weiner Post Office Building".

H.R. 4079. An act to authorize the construction of temperature control devices at Folsom Dam in California.

H.R. 4166. An act to amend the Idaho Admission Act regarding the sale or lease of school land.

H.R. 4284. An act to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia.

H.R. 4382. An act to amend the Public Health Service Act to revise and extend the program for mammography quality standards.

H.J. Res. 117. Joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use.

The message also announced that the House disagrees to the amendment of

the Senate to the bill (H.R. 4101) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. SKEEN, Mr. WALSH, Mr. DICKEY, Mr. KINGSTON, Mr. NETHERCUTT, Mr. BONILLA, Mr. LATHAM, Mr. LIVINGSTON, Ms. KAPTUR, Mr. FAZIO of California, Mr. SERRANO, Ms. DELAULO, and Mr. OBEY as the managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4194) making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. LEWIS of California, Mr. DELAY, Mr. WALSH, Mr. HOBSON, Mr. KNOLLENBERG, Mr. FRELINGHUYSEN, Mr. NEUMANN, Mr. WICKER, Mr. LIVINGSTON, Mr. STOKES, Mr. MOLLOHAN, Ms. KAPTUR, Mrs. MEEK of Florida, Mr. PRICE of North Carolina, and Mr. OBEY as the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4328) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. WOLF, Mr. DELAY, Mr. REGULA, Mr. ROGERS, Mr. PACKARD, Mr. CALLAHAN, Mr. TIAHRT, Mr. ADERHOLT, Mr. LIVINGSTON, Mr. SABO, Mr. TORRES, Mr. OLVER, Mr. PASTOR, Mr. CRAMER, and Mr. OBEY as the managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. KOLBE, Mr. WOLF, Mr. ISTOOK, Mrs. NORTHUP, Mr. ADERHOLT, Mr. LIVINGSTON, Mr. MCDADE, Mr. HOYER, Mrs. MEEK of Florida, Mr. PRICE of North Carolina, and Mr. OBEY as the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4103) mak-

ing appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. YOUNG of Florida, Mr. MCDADE, Mr. LEWIS of California, Mr. SKEEN, Mr. HOBSON, Mr. BONILLA, Mr. NETHERCUTT, Mr. ISTOOK, Mr. CUNNINGHAM, Mr. LIVINGSTON, Mr. MURTHA, Mr. DICKS, Mr. HEFNER, Mr. SABO, Mr. DIXON, Mr. VISCLOSKEY, and Mr. OBEY as the managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4112) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. WALSH, Mr. YOUNG of Florida, Mr. CUNNINGHAM, Mr. WAMP, Mr. LATHAM, Mr. LIVINGSTON, Mr. SERRANO, Mr. FAZIO of California, Mr. HOYER, and Mr. OBEY as the managers of the conference on the part of the House.

At 5:57 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4300. An act to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times and placed on the calendar:

H.R. 2795. An act to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir.

H.R. 3903. An act to provide for an exchange of lands located near Gustavus, Alaska, and for other purposes.

H.R. 4382. An act to amend the Public Health Service Act to revise and extend the program for mammography quality standards.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-6942. A communication from the Special Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Standards: Unrealized Holding Gains on Certain Equity Securities" (Docket R-0982) received on September 15, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-6943. A communication from the Executive Director of the Federal Labor Relations Authority, transmitting, pursuant to law, the report of a rule entitled "Regulations Implementing Coverage of Federal Sector Labor Relations Laws to the Executive Office of the President" received on September 10, 1998; to the Committee on Labor and Human Resources.

EC-6944. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 12-420 dated July 7, 1998; to the Committee on Governmental Affairs.

EC-6945. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of two rules governing electronic filing by presidential candidates (11 C.F.R. 9003.1 and 9033.1) received on September 14, 1998; to the Committee on Rules and Administration.

EC-6946. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in the Southeastern States; Increased Assessment Rate" (Docket FV98-953-1 FIR) received on September 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6947. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Winter Pears Grown in Oregon and Washington; Increased Assessment Rate" (Docket FV98-927-1 FIR) received on September 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6948. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Arkansas Regulatory Program" (No. AR-030-FOR) received on September 14, 1998; to the Committee on Energy and Natural Resources.

EC-6949. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "North Dakota Regulatory Program" (No. ND-032-FOR) received on September 14, 1998; to the Committee on Energy and Natural Resources.

EC-6950. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Last-In, First-Out Inventories" (Rev. Rul. 98-48) received on September 14, 1998; to the Committee on Finance.

EC-6951. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interest on Bonds to Finance Certain Exempt Facilities" (Rev. Rul. 98-47) received on September 14, 1998; to the Committee on Finance.

EC-6952. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Transportation Equity Act for the 21st Century; Implementation of Guidance for Discretionary Program Funds for National Scenic Byways" (RIN2125-ZZ03) received on September 14, 1998; to the Committee on Environment and Public Works.

EC-6953. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Guidance for Fiscal Year 1999 Interstate Discretionary (ID) Funds" (RIN2125-ZZ02) received on September 14, 1998; to the Committee on Environment and Public Works.

EC-6954. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding Pennsylvania's enhanced I/M SIP revision (FRL6160-8) received on September 15, 1998; to the Committee on Environment and Public Works.

EC-6955. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Georgia: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL6161-5) received on September 15, 1998; to the Committee on Environment and Public Works.

EC-6956. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Enhanced Motor Vehicle Inspection and Maintenance Program" (FRL6160-6) received on September 15, 1998; to the Committee on Environment and Public Works.

EC-6957. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding requirements for standards of performance for new fossil-fuel fired steam generation units (FRL6159-2) received on September 15, 1998; to the Committee on Environment and Public Works.

EC-6958. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "State of Alaska Petition for Exemption From Diesel Fuel Sulfur Requirement" (FRL6159-1) received on September 15, 1998; to the Committee on Environment and Public Works.

EC-6959. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Control of Emissions of Air Pollution From Nonroad Diesel Engines" (FRL6155-3) received on September 15, 1998; to the Committee on Environment and Public Works.

EC-6960. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emissions Standards for Hazardous Air Pollutants for Source Category: Pulp and Paper Production" (FRL6157-1) received on September 15, 1998; to the Committee on Environment and Public Works.

EC-6961. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propyzamide; Pesticide Tolerances for Emergency Exemptions" (FRL6022-5) received on September 15, 1998; to the Committee on Environment and Public Works.

EC-6962. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Myclobutanil; Pesticide Tolerances for Emergency Exemptions" (FRL6025-1) received on September 15, 1998; to the Committee on Environment and Public Works.

EC-6963. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Desmedipham; Ex-

tension of Tolerances for Emergency Exemption" (FRL6026-4) received on September 15, 1998; to the Committee on Environment and Public Works.

EC-6964. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trichoderma Harzianum Strain T-39; Exemption from the Requirement of a Temporary Tolerance" (FRL6022-1) received on September 15, 1998; to the Committee on Environment and Public Works.

EC-6965. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Geographic Partitioning and Spectrum Disaggregation for the 220-222 MHz Service" (Docket 93-252) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6966. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule regarding the Commission's Finder's Preference Rules" (Docket 96-199) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6967. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Designated Critical Habitat; Green and Hawksbill Sea Turtles" (I.D. 110797B) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6968. A communication from the Director of the Office of Executive Assistance Management, Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, Other Non-Profit, and Commercial Organizations" (RIN0605-AA09) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6969. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Superior Air Parts, Inc., Piston Pins Installed on Teledyne Continental Motors Reciprocating Engines" (Docket 97-ANE-37-AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6970. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757-200 Series Airplanes" (Docket 97-NM-54-AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6971. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes" (Docket 97-NM-144-AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6972. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospatiale Model ATR72-212A Series Airplanes" (Docket 98-NM-159-AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6973. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Fitchburg, MA" (Docket 98-ANE-93) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6974. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Bennington, VT" (Docket 98-ANE-94) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6975. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CFM International CFM56-3, -3B, and -3C Series Turbofan Engines" (Docket 98-ANE-44-AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6976. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Textron Lycoming Fuel Injected Reciprocating Engines" (Docket 97-ANE-50-AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6977. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney PW4000 Series Turbofan Engines" (Docket 98-ANE-02-AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6978. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Stemme GmbH and Co. KG Model S10 Sailplanes" (Docket 93-CE-24-AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6979. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Bowman, ND" (Docket 93-CE-24-AD) received on September 14, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6980. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Withdrawal of Radiation Protection Program Requirement" (RIN2137-AD14) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6981. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Low Stress Hazardous Liquid Pipelines Serving Plants and Terminals" (RIN2137-AC87) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6982. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Model G-V Series Airplanes" (Docket 98-NM-230-AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6983. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace (Jetstream) Model

4101 Airplanes" (Docket 98-NM-167-AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6984. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320 Series Airplanes" (Docket 98-NM-01-AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6985. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757-200, -200PF, and -200CB Series Airplanes Equipped with Rolls-Royce Model RB211-535E4/E4B Engines" (Docket 98-NM-183-AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6986. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757-200 Series Airplanes" (Docket 98-NM-242-AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6987. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Expansion of Restricted Area R-6002, Poinsett-Sumter, SC" (Docket 94-ASO-9) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6988. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments" (Docket 29322) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6989. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes and Model MD-90-30 and MD-88 Airplanes" (Docket 98-NM-10-AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6990. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Johnson City, TX" (Docket 98-ASW-33) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6991. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class D Airspace; San Antonio, Kelly AFB, TX" (Docket 98-ASW-35) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6992. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Morgan City, LA" (Docket 98-ASW-36) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6993. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Cameron, LA" (Docket 98-ASW-37) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6994. A communication from the General Counsel of the Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Pascagoula, MS" (Docket 98-ASW-38) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6995. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Refugio, TX" (Docket 98-ASW-34) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6996. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Schweizer Aircraft Corporation and Hughes Helicopters, Inc. Model 269A, 269A-1, 269B, 269C, 269D, and TH-55A Helicopters" (Docket 96-SW-10-AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6997. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-90-30 Series Airplanes" (Docket 98-NM-255-AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6998. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320 Series Airplanes" (Docket 98-NM-18-AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6999. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Goodland, KS" (Docket 98-ACE-35) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7000. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Crosby, ND" (Docket 98-AGL-42) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7001. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Correction of Class E Airspace; Akron, CO" (Docket 98-ANM-10) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7002. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Models TB20 and TB21 Airplanes" (Docket 95-CE-64-AD) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7003. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Sheboygan River, WI" (Docket 9-98-003) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7004. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; City of Clarksville Riverfest; Cumberland River Mile 125.5 TO 127.0, Clarksville, TN" (Docket 8-96-058) received on September

15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7005. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Rising Sun Regatta; Ohio River Mile 505.0-507.0, Rising Sun, IN" (Docket 8-98-051) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7006. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Prairie Du Chien, WI" (Docket 98-AGL-32) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7007. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Theodore, AL" (Docket 98-ASW-39) received on September 15, 1998; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-542. A petition from a citizen of the State of Texas relative to a proposed term limits Constitutional Amendment; to the Committee on the Judiciary.

POM-543. A petition from a citizen of the State of Texas relative to the processing of petitions and memorials addressed to the United States Senate; to the Committee on Rules and Administration.

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. GRASSLEY (for himself and Mr. GRAHAM): S. 2477. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance may be obtained by Federal employees and annuitants; to the Committee on Governmental Affairs.

By Mr. GORTON:
S. 2478. A bill to direct the Secretary of Agriculture to convey certain land to FERC permit holders; to the Committee on Energy and Natural Resources.

By Ms. SNOWE:
S. 2479. A bill to establish the Commission on the Advancement of Women in Science, Engineering, and Technology Development; to the Committee on Labor and Human Resources.

By Mr. LEAHY:
S. 2480. A bill to prevent the introduction and spread of nonindigenous pests and pathogens through the importation of wood articles, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS (for himself, Mr. CHAFFEE, and Mr. WARNER):

S. 2481. A bill to amend the Public Buildings Act of 1959 to improve the process of constructing, altering, and acquiring public buildings, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COCHRAN:

S. 2482. A bill to amend the Internal Revenue Code of 1986 to designate certain entities organized to participate in States workmen's compensation assigned risk insurance plans as tax-exempt entities; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. HARKIN):

S. 2483. A bill to establish programs regarding early detection, diagnosis, and interventions for newborns and infants with hearing loss; to the Committee on Labor and Human Resources.

By Mr. LEAHY (for himself, Mr. DASCHLE, Mr. BIDEN, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. BINGAMAN, Mr. REID, Mrs. MURRAY, Mr. DORGAN, and Mr. TORRICELLI):

S. 2484. A bill to combat violent and gang-related crime in schools and on the streets, to reform the juvenile justice system, target international crime, promote effective drug and other crime prevention programs, assist crime victims, and for other purposes; to the Committee on the Judiciary.

By Mr. GORTON:

S. 2485. A bill to amend title XIX of the Social Security Act to allow States to use the funds available under the State children's health insurance program for enhanced matching rate for coverage of additional children under the medicaid program; to the Committee on Finance.

By Mr. KERREY:

S. 2486. A bill for the relief of Luis A. Gonzalez and Virginia Aguilla Gonzalez; to the Committee on the Judiciary.

By Mr. ASHCROFT:

S. 2487. A bill to amend The Equal Access Act to provide equal access for elementary and secondary school groups to expense reimbursement and materials, and to provide equal access for community groups to meeting space; to the Committee on Labor and Human Resources.

By Mrs. MURRAY:

S. 2488. A bill to establish the Northwest Straits Advisory Commission; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. BINGAMAN, Mrs. HUTCHISON, Mr. DASCHLE, Mr. MCCAIN, Mrs. BOXER, Mr. DOMENICI, Mr. DODD, Mr. ABRAHAM, Mr. HARKIN, Mr. BOND, Mr. KERRY, Mr. GRASSLEY, Ms. LANDRIEU, Mr. CHAFEE, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, and Mr. REID):

S. Res. 278. A resolution designating the 30th day of April of 1999, as "Dia de los Ninos: Celebrating Young Americans", and for other purposes; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. Con. Res. 118. A concurrent resolution authorizing the use of the Capitol Rotunda on September 23, 1998, for the presentation of the Congressional Gold Medal to Nelson Mandela; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. GRAHAM):

S. 2477. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance may be obtained by Federal employees and annuitants; to the Committee on Governmental Affairs.

CIVIL SERVICE LONG-TERM CARE INSURANCE BENEFIT ACT

• Mr. GRASSLEY. Mr. President, today I introduce the Civil Service Long-Term Care Insurance Benefit Act. This legislation is an important first step in helping Americans prepare for their long-term care needs.

I am pleased to have my colleague Senator GRAHAM of Florida join me as a cosponsor of this legislation, which has also been introduced in the House of Representatives by Representative JOHN MICA.

The Civil Service Long-Term Care Insurance Benefit Act will establish a program under which long-term care insurance may be obtained by current and former employees of the federal government. The premiums will not be subsidized by the government and will be paid for entirely by the employee or retiree. However, this legislation will make long-term care insurance more affordable to by using the government's purchasing power to negotiate volume discounts.

It is my belief that the participation of a large employer such as the federal government in the long-term care insurance market will act as a catalyst to encourage other large employers to offer similar plans. This legislation will establish a larger market for long-term care insurance and help ensure the availability of competitively priced, high quality insurance products.

This measure will encourage Americans to be pro-active and prepare for their long term care needs by making insurance more widely available and affordable. I urge my colleagues to support this legislation.

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. 2477

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 "Civil Service Long-Term Care Insurance Benefit Act".

SEC. 2. LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Subpart G of part III of title 5, United States Code, is amended by adding at the end the following:

"CHAPTER 90—LONG-TERM CARE INSURANCE

"Sec.

"9001. Definitions.

"9002. Availability of insurance.

"9003. Participating carriers.

"9004. Administrative functions.

"9005. Coordination with State laws.

"9006. Commercial items.

"§ 9001. Definitions

"For purposes of this chapter:

"(1) EMPLOYEE.—The term 'employee' has the meaning given such term by section 8901, but does not include an individual employed by the government of the District of Columbia.

"(2) ANNUITANT.—The term 'annuitant' means—

"(A) a former employee who, based on the service of that individual, receives an annuity under subchapter III of chapter 83, chapter 84, or another retirement system for employees of the Government (disregarding title XVIII of the Social Security Act and any retirement system established for employees described in section 2105(c)); and

"(B) any individual who receives an annuity under any retirement system referred to in subparagraph (A) (disregarding those described parenthetically) as the surviving spouse of an employee (including an amount under section 8442(b)(1)(A), whether or not an annuity under section 8442(b)(1)(B) is also payable) or of a former employee under subparagraph (A);

but does not include a former employee of a Government corporation excluded by regulation of the Office of Personnel Management or the spouse of such a former employee.

"(3) ELIGIBLE RELATIVE.—The term 'eligible relative', as used with respect to an employee or annuitant, means each of the following:

"(A) The spouse of the employee or annuitant.

"(B) The father or mother of the employee or annuitant, or an ancestor of either.

"(C) A stepfather or stepmother of the employee or annuitant.

"(D) The father-in-law or mother-in-law of the employee or annuitant.

"(E) A son or daughter of the employee or annuitant who is at least 18 years of age.

"(F) A stepson or stepdaughter of the employee or annuitant who is at least 18 years of age.

"(4) GOVERNMENT.—The term 'Government' means the Government of the United States, including an agency or instrumentality thereof.

"(5) GROUP LONG-TERM CARE INSURANCE.—The term 'group long-term care insurance' means group long-term care insurance purchased by the Office of Personnel Management under this chapter.

"(6) INDIVIDUAL LONG-TERM CARE INSURANCE.—The term 'individual long-term care insurance' means any long-term care insurance offered under this chapter which is not group long-term care insurance.

"(7) QUALIFIED CARRIER.—A carrier shall be considered to be a 'qualified carrier', with respect to a State, if it is licensed to issue group or individual long-term care insurance (as the case may be) under the laws of such State.

"(8) QUALIFIED LONG-TERM CARE INSURANCE CONTRACT.—The term 'qualified long-term care insurance contract' has the meaning given such term by section 7702B of the Internal Revenue Code of 1986.

"(9) STATE.—The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

"§ 9002. Availability of insurance

"(a) IN GENERAL.—The Office of Personnel Management shall establish and administer a program through which employees and annuitants may obtain group or individual long-term care insurance for themselves, a spouse, or, to the extent permitted under the terms of the contract of insurance involved, any other eligible relative.

“(b) GENERAL REQUIREMENTS.—Long-term care insurance may not be offered under this chapter unless—

“(1) the only insurance protection provided is coverage under qualified long-term care insurance contracts; and

“(2) the insurance contract under which such coverage is provided is issued by a qualified carrier.

“(c) REQUIREMENT THAT CONTRACT BE FULLY INSURED.—In addition to the requirements otherwise applicable under section 9001(8), in order to be considered a qualified long-term care insurance contract for purposes of this chapter, a contract must be fully insured, whether through reinsurance with other companies or otherwise.

“(d) COVERAGE NOT REQUIRED FOR INDIVIDUALS WHO WOULD BE IMMEDIATELY BENEFIT ELIGIBLE.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be made available in the case of any individual who would be immediately benefit eligible.

“§ 9003. Participating carriers

“(a) IDENTIFICATION OF PARTICIPATING CARRIERS.—The Office of Personnel Management shall, before the start of each year—

“(1) identify each carrier through whom any long-term care insurance may be obtained under this chapter during such year; and

“(2) prepare a list of the carriers identified under paragraph (1), and a summary description of the insurance obtainable under this chapter from each.

“(b) APPLICATION REQUIREMENTS, ETC.—In order to carry out its responsibilities under subsection (a), the Office shall annually specify the timetable (including any application deadlines) and other procedures that must be followed by carriers seeking to be allowed to offer long-term care insurance under this chapter during the following year.

“(c) INFORMATION TO PERMIT INFORMED DECISIONMAKING.—The Office shall in a timely manner before the start of each year—

“(1) publish in the Federal Register the list (and summary description) prepared under subsection (a) for such year; and

“(2) make available to each individual eligible to obtain long-term care insurance under this chapter such information, in a form acceptable to the Office after consultation with the carrier, as may be necessary to enable the individual to exercise an informed choice among the various options available under this chapter.

“(d) POLICY OR BENEFIT CERTIFICATE.—The Office shall arrange to have the appropriate individual or individuals receive a copy of any policy of insurance obtained under this chapter or, in the case of group long-term care insurance, a certificate setting forth the benefits to which an individual is entitled, to whom the benefits are payable, and the procedures for obtaining benefits, and summarizing the provisions of the policy principally affecting the individual or individuals involved. Any such certificate shall be issued instead of the certificate which the insurance company would otherwise be required to issue.

“§ 9004. Administrative functions

“(a) IN GENERAL.—Except as provided in section 9003, the sole functions of the Office of Personnel Management under this chapter shall be as follows:

“(1) ENROLLMENT PERIODS.—To provide reasonable opportunity (consisting of not less than one continuous 30-day period each year) for eligible employees and annuitants to obtain long-term care insurance coverage under this chapter.

“(2) WITHHOLDINGS.—To provide for a means by which the cost of any long-term care insurance coverage obtained under this

chapter may be paid for through withholdings from the pay or annuity of the employee or annuitant involved.

“(3) CONTRACT AUTHORITY RELATING TO GROUP LONG-TERM CARE INSURANCE.—To contract for a qualified long-term care insurance contract (in the case of group long-term care insurance) with each qualified carrier that offers such insurance, so long as such carrier submits a timely application under section 9003(b) and complies with such other procedural rules as the Office may prescribe.

“(b) LIMITATIONS ON AUTHORITY.—Nothing in this chapter shall be considered to permit or require the Office—

“(1) to prevent from being offered under this chapter any individual long-term care insurance under a qualified contract therefor; or

“(2) to prescribe or negotiate over the benefits to be offered, or any of the terms or conditions under which any such benefits shall be offered, under this chapter.

“§ 9005. Coordination with State laws

“(a) IN GENERAL.—The provisions of any contract under this chapter for group long-term care insurance may include provisions to supersede and preempt any provisions of State or local law described in subsection (b), or any regulation issued thereunder.

“(b) DESCRIPTION.—This subsection applies with respect to any provision of law which in effect carries out the same policy as section 5 of the long-term care insurance model Act, promulgated by the National Association of Insurance Commissioners (as adopted as of September 1997).

“§ 9006. Commercial items

“For purposes of the Office of Federal Procurement Policy Act, a long-term care insurance contract under this chapter shall be considered a commercial item, as defined by section 4(12) of such Act.”

(b) CONFORMING AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by adding at the end of subpart G the following:

“90. Long-Term Care Insurance 9001”.

SEC. 3. EFFECTIVE DATE.

The Office of Personnel Management shall take such measures as may be necessary to ensure that long-term care insurance coverage under title 5, United States Code, as amended by this Act, may be obtained in time to take effect beginning on the first day of the first applicable pay period beginning on or after January 1, 2000.●

● Mr. GRAHAM. Mr. President, I am pleased to join my colleague, Senator GRASSLEY, today in introducing legislation that will give many Americans a better chance of financial security in retirement, and make the Federal Government a role model for American companies.

The issue is long term care insurance. When starting to work on this legislation, several facts seemed most important:

In 1995 the average cost of nursing home care in the United States was \$37,000 per year. In some urban areas of the country, that cost can reach \$70,000 per year. Medicare provides short-term care coverage, but the average nursing home stay is two and one-half years. In fact, Medicare paid for only five percent of national nursing home costs.

Not all long term care occurs in nursing homes—85 percent of nursing home care is non skilled care. Again, Medicare does not cover non skilled care, so

all of these costs must be covered by the patient and his or her family members.

Medicaid will provide nursing home and some non skilled care coverage, but an individual must be extremely low income, or become low income, to qualify for Medicaid. This program currently pays for over half of nursing home expenses in the United States. But who wants to see their lifetime savings, and their children's inheritance, wiped out to pay for the cost of a catastrophic long term illness.

Unfortunately, many of us will face this circumstance. It is estimated that the majority of women and one-third of men who reach the age of 60 will need nursing home care before the end of their life. Many of the baby boom generation are already facing this issue as they deal with their parents' needs.

Long term care is one of the most important retirement security issues facing us today. According to a 1997 survey sponsored by the National Council on the Aging, more Americans (69 percent) were worried about how to pay for long term care than were worried about how they would pay for their retirement (56 percent). This level of concern was true for all age groups and income levels among those surveyed.

Although many companies are considering offering this insurance to their employees, as of 1996 only 13.2 percent of long-term care plans were employer-sponsored.

Today, Senator GRASSLEY and I are moving the Federal Government into a leadership role by creating a model long term care insurance program for Federal employees. I am very pleased to be working, once again, with Senator GRASSLEY to develop another proposal in our ongoing efforts to improve retirement security for all Americans.

We are introducing today the Civil Service Long-Term Care Insurance Benefit Act, a companion to the legislation by our colleague in the House, Representative JOHN MICA of Florida.

We will offer private companies the opportunity to compete to provide long-term care insurance to Federal employees. Our plan will not be at a high cost to taxpayers; premiums will be fully paid by Federal employees—however, by pooling the numbers of workers in the federal government, lower group rates are achieved.

Only plans qualified under the Health Insurance Portability and Accountability Act of 1996 may offer this insurance to Federal workers through our legislation, but beyond that, we will let the marketplace determine the cost and services of plans employees may purchase. Flexibility is important in this relatively young industry as insurance companies are still in the process of determining how to most effectively provide this product. Competition among the various carriers, group discounts and volume of sales will keep these premiums affordable.

Eleven million individuals, including employees and retirees, their spouses,

parents, and in-laws would be eligible under our proposal. This bill is just a first step, but an important one. In encourage your support as we continue to improve retirement security, in all of its aspects, for all Americans.●

By Mr. GORTON:

S. 2478. A bill to direct the Secretary of Agriculture to convey certain land to FERC permit holders; to the Committee on Energy and Natural Resources.

MOUNT BAKER SNOQUALMIE NATIONAL FOREST
LEGISLATION

● Mr. GORTON. Mr. President, in recent years, I have become increasingly frustrated with the inability of the Forest Service to complete work on several small hydroelectric projects located on the Mount Baker/Snoqualmie National Forest in my State. The Service's inability to make important decisions on these renewable energy resources is based on an inaccurate interpretation of the President's Northwest Forest Plan ("ROD") which has stopped these projects from going forward.

The President's Northwest Forest Plan states clearly that multipurpose uses of the federal forests are not precluded, and that the plan must follow existing law applying to such uses. Yet, since its adoption in 1994, the Forest Service has and continues to paralyze the development of small hydroelectric projects by ignoring laws applying to multipurpose. This inaction has delayed and stifled review of such projects by the Federal Energy Regulatory Commission—the agency responsible for issuing federal licenses for hydroelectric projects.

Forest Service interpretation of the ROD intrudes directly on the ability of the Commission to perform its hydroelectric licensing function of balancing development and nondevelopment issues. Both the Commission, when determining consistency with the purpose of a national forest under Section 4(e) of the Act, and the Forest Service, when determining whether to issue a special use permit, must apply existing law fairly. Forest Service inaction on pending projects (some of which have been under review for over a decade) prevents FERC from completing its licensing responsibilities.

In terms of federal forest management, the six small hydroelectric projects proposed for the Mount Baker/Snoqualmie National Forest are virtually inconsequential. All are located well above areas affecting anadromous fish, and would occupy a total of 10 to 40 acres each, with most of the sites being untouched except for the portions needed for project facilities. Adverse impacts to fish, wildlife or other environmental resources are subject to mitigation by FERC and the Forest Service.

Project proponents in my state have spent millions of dollars to secure approval of six projects located in the Mount Baker/Snoqualmie National

Forest, including project design and environmental analysis necessary to gain approval from the Forest Service and FERC. In spite of the fact that the 1994 ROD instructs the Forest Service to use "transition" provisions to approve pending projects, it has not done so, and continues to add project review requirements not allowed by the ROD or existing law. As a result, the Forest Service is stopping FERC from making timely licensing decisions on these projects. Shifting standards of review and delay by the Forest Service have deprived project proponents of their right to rely upon clear standards for project approval before expending funds in reliance on such standards.

Many aspects of these projects were found to be in compliance with prior forest regulations and other environmental laws, and are being subjected to duplicative and inconsistent review. Provisions of the ROD developed for application to extremely large-scale timber harvest are not meant to impact small-scale hydroelectric projects. Timber management regulations are totally disproportionate with the scale of any potential environmental impacts of small-scale hydroelectric facilities. In fact, the ROD itself explicitly recognizes that uses other than timber harvest do not require the same level of restrictions.

The Forest Service continues to use the ROD as a reason for imposing new study requirements, increasing mitigation demands, and ignoring agreements on project compliance with forest plan standards and FERC requirements. Each new requirement adds onerous financial burdens on project proponents, delays project approval, and undermines the regulatory need for an end to project review so a final licensing decision can be made by FERC.

Actions by the Forest Service have placed that agency in direct conflict with FERC, a result not intended by the ROD. FERC's jurisdiction over hydroelectric project licensing is unaltered by the ROD, which itself calls for increased interagency cooperation, not confrontation.

Mr. President, I have tried in recent years through my position as Chairman of the Senate Interior Appropriations Subcommittee responsible for funding the Forest Service's annual budget to get some answers from this agency as to why it was holding up these hydroelectric projects. In 1995, I inserted language directing the Forest Service to "conduct an expeditious review" of projects covered by the ROD. In subsequent hearings, I have continued to ask agency witnesses for a status report. To date, none of the responses from the Forest Service have satisfied my concerns or adequately addressed this issue.

For this reason, I am introducing legislation today that would expedite the hydroelectric project review process. It will require the Forest Service to convey to permit holders and license applicants for these projects at fair market

value the parcels of land necessary for development of these projects. While I would prefer and am still hopeful that this issue can be resolved in negotiations between the project proponents and the agency, clearly this process is broken and needs to be fixed. This legislation should serve as a catalyst for resolving outstanding hydroelectric project review issues. Project proponents deserve at least that much.●

By Ms. SNOWE:

S. 2479. A bill to establish the Commission on the Advancement of Women in Science, Engineering, and Technology Development; to the Committee on Labor and Human Resources.

THE ADVANCEMENT OF WOMEN AND MINORITIES
IN SCIENCE, ENGINEERING AND TECHNOLOGY
DEVELOPMENT ACT

● Ms. SNOWE. Mr. President, today I am introducing legislation to create a commission on the advancement of women and minorities in science, engineering and technology development. The House version, H.R. 3007, introduced by my good friend, Congresswoman MORELLA, passed the House under suspension of the rules on Monday.

Six years ago, I testified before the House Education and Labor Committee in support of this legislation, as co-chair of the Congressional Caucus on Women's Issues. It was a priority for the Caucus in 1992, and it remains one of the top seven priorities for the Caucus this year.

Since the 102d Congress, when Congresswoman MORELLA first introduced this bill on behalf of the Caucus, we have learned more about the barriers facing women and minorities when they try to enter nontraditional jobs, such as engineering and research, but unfortunately the general facts haven't changed much.

For example, the National Science Foundation's 1996 report, "Women, Minorities and Persons with Disabilities in Science and Engineering," found that even those women who have obtained a degree and are teaching in science and engineering still face barriers to climbing up the ladder to success. The report found that a substantial salary gap exists between men and women with doctorates in science and engineering. It also found that among doctoral scientists and engineers, women are far more likely to be employed at 2 year institutions and, are far less likely to be employed in research universities, and are much more likely to teach part-time.

And the National Research Council's 1995 report, "Women Scientists and Engineers Employed in Industry: Why so Few?," found that women are still facing paternalism, sexual harassment, allegations of reverse discrimination, lower salaries and different standards for judging the work of men and women.

The purpose of the 11 member Commission created under this bill is to review the information on the problems

facing women and minorities in moving into the areas of science and engineering and make recommendations for changes in policy that would remove these artificial barriers which currently prevent women and minorities from entering and excelling in these fields.

We are all aware of the important role that technology plays in our economy today, and for the nation, a workforce possessing technological skills is more than just an earnings issue—it's an issue of meeting national employment needs. Today, experts agree that more than half of the new jobs being created require some form of technology literacy. And by the year 2000, six out of every 10 new jobs will require computer and networking skills currently possessed by only 22 percent of the labor force. We must bridge the gap between "skills demanded" and "skills known" if our Nation is to even fill the jobs that will be available just four years from today.

In order to meet those demands—which are crucial to the future economic growth of our country—we must ensure that women and minorities have access to, and are not kept from, jobs in the science, engineering and technology fields. The bill I am introducing today will help us find ways to level the playing field and take down artificial barriers that are keeping women and minorities from careers in these areas.●

By Mr. LEAHY:

S. 2480. A bill to prevent the introduction and spread of nonindigenous pests and pathogens through the importation of wood articles, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE INVASIVE PEST CONTROL ACT OF 1998

● Mr. LEAHY. Mr. President, today I introduce legislation to prevent additional introductions of invasive pests. Last fall, the Northeastern states were startled by reports of an Asian longhorned beetle infestation in Brooklyn and Amityville, New York. This summer, we heard of additional infestations in Chicago and the beetle has been found in wood packing material in South Carolina, California, New Jersey and Texas. Although the beetle has been found primarily in port cities, the shipment of wood packing materials across state lines could lead to the spread of this insect into forested areas across the country.

This beetle is a serious pest of hardwood trees in its native environment in China, where it has few natural enemies. Here, it has none. If this pest becomes established in our forests, it could turn into the gypsy moth of the 21st century. And, as we learned from the spread of the gypsy moth along the East Coast, repeated introductions of the Asian Long-Horned Beetle and its spread could have a staggering economic and ecological impact on our forests.

It also seems that the beetle has a sweet tooth—attacking mostly Norway

and sugar maples. As Vermont and the Northeast begin the leaf peeping season this fall, the threat of an Asian longhorned beetle invasion has us all checking our trees for possible signs of the pest. Not only is the sugar maple the source of our world famous Vermont maple syrup, but it is also what turns our treasured Green Mountains brilliant yellow, orange and red each year. It is what attracts so many visitors to our state this time of year. The wood is also highly prized for furniture, paneling and wood flooring.

Without immediate attention, spread of this insect into forested areas of New York, Vermont and Massachusetts could threaten the important maple sugar and fall foliage industries of the Northeast. These things can chew trees into sawdust. The last thing I want to see in my backyard is one of these bark-eating, sap-sucking intruders from Asia.

What is even more alarming is that we do not yet have a way to treat this pest. The only way to get rid of it is by destroying all the infested trees. The best way to fight this pest, and similar non-native wood borers, is to make sure they do not get into our country in the first place. That is why I am introducing legislation today to prevent additional introductions of the beetle and other invasive pests into the United States.

The "Invasive Pest Control Act" will stiffen the requirements for treatment of imports that use solid wood products and wood packing material like pallets and crates. It will require that these imports either be debarked, kiln-dried or fumigated, depending on size, before they enter the United States. After five years, the use of these packing materials will be prohibited. This will give importers plenty of time to find alternative materials to ship their products. It will also give us a long-term insurance policy against future pest introductions.

I want to make clear that the Asian longhorned beetle is only one of many invasive pests that present a serious threat to our forests. Spruce bark beetle and Mediterranean pine engraver beetle are two other invasive pests that we should be concerned about. My legislation will help prevent all of these stowaways from sneaking into our ports and then into our forests.

This legislation is only a first step in preventing future introductions of these pests. We also need to increase funding for the Animal and Plant Health Inspection Service to increase the number of inspectors at our ports and improve shipping information on imports to track the source of these pests. We also need to launch a public awareness campaign to help detect any infestations within our country. In Vermont, we have beetle-identification cards to help the public spot the beetle in their backyards or sugarbushes. We need to do this in all the high-risk areas.

All of these steps will help protect our forests and forest economies from

the Asian longhorned beetle and other pests that could wreak havoc if they get their antennas in the door.

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. 2480

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 "Invasive Pest Control Act of 1998".

SEC. 2. FINDINGS.

Congress finds that—

(1) the importation of unprocessed logs, lumber, and other unmanufactured wood articles into the United States may result in the introduction of nonindigenous pests and pathogens to native North American forests;

(2) when environmental conditions are favorable, nonindigenous pests and pathogens may prey on and devastate native North American tree species, devastate habitat, disrupt other native species and the environment, and disrupt the economy of affected forest areas;

(3) the Comptroller General of the United States has reported that the potential economic disruption to communities affected by nonindigenous pests and pathogens entering the United States, including forest pests, costs an estimated \$41,000,000,000 annually in lost production and expenses for prevention and control;

(4) commercial forestry is estimated to lose forest products valued at \$4,000,000,000 each year due to infestations of nonindigenous pests and pathogens;

(5) once introduced into the United States on unprocessed logs, lumber, and other unmanufactured wood articles, nonindigenous pests and pathogens are unintentionally or unknowingly transported and introduced into inland forests and habitats by truck transport and train shipment to mills, consumers, and producers and by a variety of other means, including wind, water, and wildlife;

(6) examples of nonindigenous pests and pathogens infesting forests of the United States that have caused or have the potential to cause adverse economic and ecological effects include—

(A) Dutch Elm disease, which—

(i) was introduced into the United States in the 1920's with a shipment of European logs delivered to the Port of New York and then forwarded to the Midwest by train;

(ii) has spread throughout the United States, now to an estimated 1,000,000 trees; and

(iii) has decimated the American and other native elm species;

(B) the Gypsy Moth, which—

(i) has no natural predators in the United States;

(ii) spread rapidly and now infests Northeast forest in approximately 200,000 square miles, with smaller infestations occurring in several other areas from the Carolinas to British Columbia; and

(iii) feeds on hundreds of different tree species and during outbreaks can defoliate many hardwood and shrub species in their path, seriously weakening trees and stunting the growth of, and eventually killing, many of the trees;

(C) the Asian Long-Horned Beetle, which—

(i) is a new exotic pest that has been discovered at ports across the United States;

(ii) has no natural enemies and has attacked mostly Norway and sugar maples,

some of the most valuable trees in the Northeast; and

(iii) is considered a serious threat to the maple sugar industry, lumber industry, homeowner property values, and tourism in the Northeast; and

(D) more recent nonindigenous pests and pathogens that have become established in the forests of the United States and are causing economic and ecological degradation with respect to the natural forest resources of the United States, including the Port Orford Cedar Root Rot, the Pine Wilt disease, the Eurasian poplar rust fungus (discovered on the West Coast), and the pine shoot beetle (introduced in the Great Lakes area); and

(7) if preventive management measures are not taken in a timely manner throughout the United States to prevent nonindigenous pests and pathogens from entering the United States on unprocessed wood products or to control their entry, further introductions and infestations of nonindigenous plants and pathogens will occur.

SEC. 3. PURPOSES.

The purpose of this Act are—

(1) to prevent the unintentional introduction and dispersion of nonindigenous pests and pathogens into forests of the United States through the importation of unprocessed logs, lumber, and other unmanufactured wood articles;

(2) to preserve and protect the health of the forests of the United States, the forest-dependent economy of the United States, native North American tree species, and irreplaceable habitat from the potentially devastating effects of nonindigenous pests and pathogens;

(3) to coordinate federally conducted, funded, or authorized research, prevention, control, information dissemination, and other activities regarding forest pests and pathogens; and

(4) to understand and minimize the economic and ecological impact of nonindigenous pests and pathogens.

SEC. 4. DEFINITIONS.

In this Act:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(2) **TREATMENT.**—The term “treatment” means—

(A) in the case of—

(i) a wood article that is greater than 14 centimeters in diameter at the broadest point; and

(ii) wood chips, sawdust, wood mulch, and wood shavings; debarking and heating the wood article until the core reaches at least 71.1 degrees Celsius for at least 75 minutes; and

(B) in the case of a wood article that is less than 14 centimeters in diameter at the broadest point—

(i) fumigation with an effective fumigant;

(ii) kiln drying according to the Dry Kiln Operator's Manual, Agriculture Handbook No. 188; or

(iii) pressure treatment with an effective chemical preservative.

(3) **WOOD ARTICLE.**—The term “wood article” means a log, lumber, whole tree, cut tree or portion of a tree (not solely consisting of leaves), flower, fruit, bud, seed, bark, cork, lath, hog fuel, sawdust, painted raw wood product, excelsior (wood wool), wood chip, wood mulch, wood shaving, picket, stake, shingle, pallet, wood packing material, humus, compost, or litter, that is unprocessed or has received only primary processing.

SEC. 5. RESTRICTIONS ON MOVEMENT OF PLANTS, PLANT PRODUCTS, BIOLOGICAL CONTROL ORGANISMS, PLANT PESTS, NOXIOUS WEEDS, WOOD ARTICLES, AND MEANS OF CONVEYANCE.

(a) **IN GENERAL.**—Except as provided in subsection (b), the Secretary may prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of a plant, plant product, biological control organism, plant pest, noxious weed, wood article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into the United States or the interstate dispersion of a nonindigenous pest, pathogen, or noxious weed.

(b) **IMPORTED WOOD ARTICLES.**—Each wood article (other than a pallet, solid wood packing material, or dunnage) to be imported into the United States shall be—

(1) subject to treatment not more than 24 hours prior to importation, in the exporting country or a hold aboard a ship during transport; and

(2) subject to treatment not later than 24 hours after importation at the United States port of entry.

(c) **PALLETS AND SOLID WOOD PACKING MATERIALS.**—

(1) **TREATMENT DURING INTERIM PERIOD.**—During the 5-year period beginning on the date of enactment of this Act, each pallet, solid wood packing material, and dunnage composed of wood used to import an article into the United States shall be—

(A) subject to treatment in accordance with its dimensions prior to first importation into the United States; and

(B) marked with an international symbol designating the treatment method.

(2) **PROHIBITION AFTER INTERIM PERIOD.**—Effective beginning on the date that is 5 years after the date of enactment of this Act, the importation into the United States of a pallet, packing material, or dunnage composed of wood is prohibited.

SEC. 6. PLANT HEALTH AND ECOSYSTEM PROTECTION TASK FORCE.

(a) **IN GENERAL.**—There is established a “Plant Health and Ecosystem Protection Task Force”.

(b) **MEMBERSHIP.**—The membership of the Task Force shall consist of—

(1) the Secretary of Agriculture or a designee;

(2) the Administrator of the Animal and Plant and Health Inspection Service;

(3) a representative of each Federal agency with responsibility for managing natural resources (as determined by the President), appointed by the head of the agency, including—

(A) the Forest Service;

(B) the Bureau of Land Management;

(C) the National Park Service;

(D) the United States Fish and Wildlife Service;

(E) the National Oceanic and Atmospheric Administration;

(F) the Agricultural Research Service;

(G) the Agricultural Marketing Service;

(H) the Natural Resource Conservation Service; and

(I) the Environmental Protection Agency;

(4) a representative of the agency of each State responsible for managing natural resources in the State, appointed by the Governor of the State;

(5) a representative of each nongovernmental organization with an interest or expertise in plant health and ecosystem protection (as determined by the President), appointed by the head of the organization, including representatives of—

(A) public interest environmental groups;

(B) affected industry representatives;

(C) ecologists; and

(D) scientists in relevant disciplines.

(c) **DUTIES.**—The Task Force shall develop criteria for establishing precautionary phytosanitary procedures to minimize the likelihood of the introduction or dispersion of nonindigenous pests and pathogens in the course of international or interstate commerce or travel.

SEC. 7. FEES.

The Secretary of the Treasury shall—

(1) require a person that imports a wood article into the United States to obtain a permit before the article may be imported into the United States;

(2) require the person to pay an application fee for the permit, in an amount determined by the Secretary of Agriculture; and

(3) transfer all fees collected under paragraph (2) to the Fund established under section 8.

SEC. 8. PEST REDUCTION IN WOOD ARTICLES FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a revolving fund, to be known as the “Pest Reduction in Wood Articles Fund”, to be used in accordance with this section (referred to in this section as the “Fund”), consisting of—

(1) such amounts as are appropriated to the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund under subsection (d).

(b) **TRANSFERS TO FUND.**—There are appropriated to the Fund amounts equivalent to amounts collected as fees and received in the Treasury under section 7.

(c) **EXPENDITURES FROM FUND.**—

(1) **IN GENERAL.**—Subject to paragraph (2), on request by the Secretary of Agriculture, the Secretary of the Treasury shall transfer from the Fund to the Secretary of Agriculture such amounts as the Secretary of Agriculture determines are necessary to support the costs of certifying treatment facilities and conducting research to develop appropriate technology for the control of the importation of nonindigenous species on unprocessed logs, lumber, and other unmanufactured wood articles.

(2) **ADMINISTRATIVE EXPENSES.**—An amount not exceeding 10 percent of the amounts in the Fund shall be available in each fiscal year to pay the administrative expenses necessary of carrying out this Act.

(d) **INVESTMENT OF AMOUNTS.**—

(1) **IN GENERAL.**—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) **ACQUISITION OF OBLIGATIONS.**—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) **SALE OF OBLIGATIONS.**—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) **CREDITS TO FUND.**—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.●

By Mr. BAUCUS (for himself, Mr. CHAFEE, and Mr. WARNER):

S. 2481. A bill to amend the Public Buildings Act of 1959 to improve the process of constructing, altering, and acquiring public buildings, and for other purposes; to the Committee on Environment and Public Works.

THE PUBLIC BUILDINGS REFORM ACT OF 1998

• Mr. BAUCUS. Mr. President, today I am introducing the Public Buildings Reform Act of 1998. Let me start by expressing my thanks to the Chairman of the Environment and Public Works Committee, Senator CHAFEE, and the Chairman of the relevant subcommittee, Senator WARNER, for their support of this bill.

Mr. President, the Public Buildings Reform Act will go a long way to helping Congress make wise decisions on public buildings construction. It will help Congress achieve some discipline with respect to the cost of new Federal buildings and courthouses. Specifically, the bill will bring some sanity to the Federal building and courthouse construction program.

I have been working on Federal building issues for a number of years. And the more I have learned about the issue, the more concerned I have become. It is very important that we reform the Federal building and courthouse construction program. This bill will do just that.

Why do we need reform? Because of the amount of funding that is devoted each year to new courthouse and other Federal building projects. We need to spend this money wisely and only on those projects that are truly needed.

The Public Buildings Reform Act will help do just that. It accomplishes two major goals—prioritization of courthouse projects and other Federal buildings projects; and gaining control of the courthouse construction design guide.

The Public Buildings Reform Act of 1998 is similar to legislation I introduced a few years ago. At that time, the Environment and Public Works Committee unanimously passed this legislation—which then went on to pass the entire Senate.

However, the House failed to act on this legislation. So we find ourselves in the position of trying again. I and my colleagues introduce this legislation at this time so that the debate on public buildings reform will continue.

I have been pleased that GSA and the Administrative Office of the Courts have made numerous improvements to the public building approval process since 1995. But these improvements must be codified so that there is no question that they will be continued in the future. Also, there are further steps that need to be taken in the area of Federal Government asset management.

It is my hope that in the coming months, Congress will look hard at the public buildings approval process and will prepare legislation that can be enacted in the next Congress.

Working with GSA, the Courts and others, I am confident we can take the steps necessary to assure the taxpayers that there are appropriate cost controls in place. That is our job.

Mr. President, I ask unanimous consent that a copy 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. 2481

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 “Public Buildings Reform Act of 1998”.

SEC. 2. SITE SELECTION.

Section 5 of the Public Buildings Act of 1959 (40 U.S.C. 604) is amended by adding at the end the following:

“(d) CONSIDERATION OF COSTS.—In selecting a site for a project to construct, alter, or acquire a public building, or to lease office or any other type of space, under this Act, the Administrator shall consider the impact of the selection of a particular site on the cost and space efficiency of the project.”.

SEC. 3. CONGRESSIONAL OVERSIGHT OF PUBLIC BUILDINGS PROJECTS.

(a) IN GENERAL.—Section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606) is amended—

(1) in subsection (a)—
(A) by striking the last sentence;
(B) in the first sentence, by striking “In order” and inserting the following:

“(2) PREREQUISITES TO OBLIGATION OF FUNDS.—

“(B) APPROVAL REQUIREMENTS.—

“(i) CONSTRUCTION, ALTERATION, AND ACQUISITION.—In order”;

(C) in the second sentence, by striking “No” and inserting the following:

“(ii) LEASE.—No”;

(D) in the third sentence, by striking “No” and inserting the following:

“(iii) ALTERATION.—No”;

(E) by striking “SEC. 7. (a)” and inserting the following:

“SEC. 7. SUBMISSION AND APPROVAL OF PROPOSED PROJECTS.

“(a) IN GENERAL.—

“(1) PUBLIC BUILDINGS PLAN.—

“(A) IN GENERAL.—Not later than 15 days after the President submits to Congress the budget of the United States Government under section 1105 of title 31, United States Code, the Administrator shall submit to Congress a public buildings plan (referred to in this subsection as the ‘triennial plan’) for the first 3 fiscal years that begin after the date of submission. The triennial plan shall specify such projects for which approval is required under paragraph (2)(B) relating to the construction, alteration, or acquisition of public buildings, or the lease of office or any other type of space, as the Administrator determines are necessary to carry out the duties of the Administrator under this Act or any other law.

“(B) CONTENTS.—The triennial plan shall include—

“(i) a 5-year strategic management plan for capital assets under the control of the Administrator that—

“(I) provides for accommodating the office space and other public building needs of the Federal Government; and

“(II) is based on procurement mechanisms that allow the Administrator to take advantage of fluctuations in market forces affecting building construction and availability;

“(ii) a list—

“(I) in order of priority, of each construction or acquisition (excluding lease) project described in subparagraph (A) for which an authorization of appropriations is—

“(aa) requested for the first of the 3 fiscal years of the triennial plan referred to in subparagraph (A) (referred to in this paragraph as the ‘first year’);

“(bb) expected to be requested for the second of the 3 fiscal years of the triennial plan

referred to in subparagraph (A) (referred to in this paragraph as the ‘second year’); or

“(cc) expected to be requested for the third of the 3 fiscal years of the triennial plan referred to in subparagraph (A) (referred to in this paragraph as the ‘third year’); and

“(II) that includes a description of each such project and the number of square feet of space planned for each such project;

“(iii) a list of each lease or lease renewal described in subparagraph (A) for which an authorization of appropriations is—

“(I) requested for the first year; or

“(II) expected to be requested for the second year or third year;

“(iv) a list, in order of priority, of each planned repair or alteration project described in subparagraph (A) for which an authorization of appropriations is—

“(I) requested for the first year; or

“(II) expected to be requested for the second year or third year;

“(v) an explanation of the basis for each order of priority specified under clauses (ii) and (iv);

“(vi) the estimated annual and total cost of each project requested in the triennial plan;

“(vii) a list of each public building planned to be wholly vacated, to be exchanged for other property, or to be disposed of during the period covered by the triennial plan; and

“(viii) requests for authorizations of appropriations necessary to carry out projects listed in the triennial plan for the first year.

“(C) PRESENTATION OF INFORMATION IN PLAN.—

“(i) FIRST YEAR.—In the case of a project for which the Administrator has requested an authorization of appropriations for the first year, information required to be included in the triennial plan under subparagraph (B) shall be presented in the form of a prospectus that meets the requirements of paragraph (2)(C).

“(ii) SECOND YEAR AND THIRD YEAR.—

“(I) IN GENERAL.—In the case of a project for which the Administrator expects to request an authorization of appropriations for the second year or third year, information required to be included in the triennial plan under subparagraph (B) shall be presented in the form of a project description.

“(II) GOOD FAITH ESTIMATES.—

“(aa) IN GENERAL.—Each reference to cost, price, or any other dollar amount contained in a project description referred to in subsection (I) shall be considered to be a good faith estimate by the Administrator.

“(bb) EFFECT.—A good faith estimate referred to in item (aa) shall not bind the Administrator with respect to a request for appropriation of funds for a fiscal year other than a fiscal year for which an authorization of appropriations for the project is requested in the triennial plan.

“(cc) EXPLANATION OF DEVIATION FROM ESTIMATE.—If the request for an authorization of appropriations contained in the prospectus for a project submitted under paragraph (2)(C) is different from a good faith estimate for the project referred to in item (aa), the prospectus shall include an explanation of the difference.

“(D) REINCLUSION OF PROJECTS IN PLANS.—If a project included in a triennial plan is not approved in accordance with this subsection, or if funds are not made available to carry out a project, the Administrator may include the project in a subsequent triennial plan submitted under this subsection.”.

(F) in paragraph (2) (as designated by subparagraph (B))—

(i) by inserting after “(2) PREREQUISITES TO OBLIGATION OF FUNDS.—” the following:

“(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator

may not obligate funds that are made available for any project for which approval is required under subparagraph (B) unless—

“(i) the project was included in the triennial plan for the fiscal year; and

“(ii) a prospectus for the project was submitted to Congress and approved in accordance with this paragraph.”; and

(ii) by adding at the end the following:

“(C) PROSPECTUSES.—For the purpose of obtaining approval of a proposed project described in the triennial plan, the Administrator shall submit to Congress a prospectus for the project that includes—

“(i) a brief description of the public building to be constructed, altered, or acquired, or the space to be leased, under this Act;

“(ii) the location of the building to be constructed, altered, or acquired, or the space to be leased, and an estimate of the maximum cost, based on the predominant local office space measurement system (as determined by the Administrator), to the United States of the construction, alteration, or acquisition of the building, or lease of the space;

“(iii) in the case of a project for the construction of a courthouse or other public building consisting solely of general purpose office space, the cost benchmark for the project determined under subsection (d); and

“(iv) in the case of a project relating to a courthouse—

“(I) as of the date of submission of the prospectus, the number of—

“(aa) Federal judges for whom the project is to be carried out; and

“(bb) courtrooms available for the judges;

“(II) the projected number of Federal judges and courtrooms to be accommodated by the project at the end of the 10-year period beginning on the date;

“(III) a justification for the projection under subclause (II) (including a specification of the number of authorized positions, and the number of judges in senior status, to be accommodated);

“(IV) the year in which the courthouse in use as of the date of submission of the prospectus reached maximum capacity by housing only courts and court-related agencies;

“(V) the level of security risk at the courthouse in use as of the date of submission of the prospectus, as determined by the Director of the Administrative Office of the United States Courts; and

“(VI) the termination date of any lease, in effect as of the date of submission of the prospectus, of space to carry out a court-related activity that will be affected by the project.”; and

(G) by adding at the end the following:

“(3) EMERGENCY AUTHORITY.—

“(A) OVERRIDING INTEREST.—If the Administrator, in consultation with the Commissioner of the Public Buildings Service, determines that an overriding interest requires emergency authority to construct, alter, or acquire a public building, or lease office or storage space, and that the authority cannot be obtained in a timely manner through the triennial planning process required under paragraph (1), the Administrator may submit a written request for the authority to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The Administrator may carry out the project for which authority was requested under the preceding sentence if the project is approved in the manner described in paragraph (2)(B).

“(B) DECLARED EMERGENCIES.—

“(i) LEASE AUTHORITY.—Notwithstanding any other provision of this section, the Administrator may enter into an emergency lease during any period of emergency declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emer-

gency Assistance Act (42 U.S.C. 5121 et seq.) or any other law, or declared by any Federal agency pursuant to any applicable law, except that no such emergency lease shall be for a period of more than 5 years.

“(ii) REPORTING.—As part of each triennial plan, the Administrator shall describe any emergency lease for which a prospectus is required under paragraph (2) that was entered into by the Administrator under clause (i) during the preceding fiscal year.”;

(2) in subsection (b)—

(A) by striking “(b) The” and inserting the following:

“(b) INCREASES IN COSTS OF PROJECTS.—

“(1) INCREASE OF 10 PERCENT OR LESS.—The”;

(B) by adding at the end the following:

“(2) GREATER INCREASES.—If the Administrator increases the estimated maximum cost of a project in an amount greater than the increase authorized by paragraph (1), the Administrator shall, not later than 30 days after the date of the increase, notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the amount of, and reasons for, the increase.”;

(3) in subsection (c), by striking “(c) In the case” and inserting the following:

“(c) RESCISSION OF APPROVAL.—In the case”;

(4) by striking subsection (d) and inserting the following:

“(d) DEVELOPMENT OF COST BENCHMARKS.—

“(1) IN GENERAL.—The Administrator shall develop standard cost benchmarks for projects for the construction of courthouses, and other public buildings consisting solely of general purpose office space, for which a prospectus is required under subsection (a)(2). The benchmarks shall consist of the appropriate cost per square foot for low-rise, mid-rise, and high-rise projects subject to the various factors determined under paragraph (2).

“(2) FACTORS.—In developing the benchmarks, the Administrator shall consider such factors as geographic location (including the necessary extent of seismic structural supports), the tenant agency, and necessary parking facilities, and such other factors as the Administrator considers appropriate.”.

(b) REPORTS TO CONGRESS.—Section 11 of the Public Buildings Act of 1959 (40 U.S.C. 610) is amended—

(1) by striking “SEC. 11. (a) Upon” and inserting the following:

“SEC. 11. REPORTS TO CONGRESS.

“(a) REPORTS ON UNCOMPLETED PROJECTS.—Upon”;

(2) in subsection (b)—

(A) by striking “(b) The Administrator” and inserting the following:

“(b) BUILDING PROJECT SURVEYS AND REPORTS.—

“(1) IN GENERAL.—The Administrator”;

(B) in the second sentence of paragraph (1) (as so designated), by inserting before the period at the end the following: “, and shall specify whether the project is included in a 5-year strategic capital asset management plan required under section 7(a)(1)(B)(i) or a prioritized list required under section 7(a)(1)(B)”;

(C) by adding at the end the following:

“(2) INCLUSION OF REQUESTED BUILDING PROJECTS IN TRIENNIAL PLAN.—The Administrator may include a prospectus for the funding of a public building project for which a report is submitted under paragraph (1) in a triennial public buildings plan required under section 7(a)(1).”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606) is amended by striking “Committee on Public Works and Transportation” each place it appears and inserting “Committee on Transportation and Infrastructure”.

(2) Section 11(b)(1) of the Public Buildings Act of 1959 (as amended by subsection (b)(2)) is further amended by striking “Committee on Public Works and Transportation” and inserting “Committee on Transportation and Infrastructure”.

SEC. 4. FEDERAL GOVERNMENT ASSET MANAGEMENT.

Section 12 of the Public Buildings Act of 1959 (40 U.S.C. 611) is amended—

(1) by striking “SEC. 12. (a) The Administrator” and inserting the following:

“SEC. 12. FEDERAL GOVERNMENT ASSET MANAGEMENT.

“(a) DUTIES OF ADMINISTRATOR.—

“(1) IN GENERAL.—The Administrator”;

(2) in subsection (a), by adding at the end the following:

“(2) REPOSITORY FOR ASSET MANAGEMENT INFORMATION.—The Administrator shall use the results of the continuing investigation and survey required under paragraph (1) to establish a central repository for the asset management information of the Federal Government.”;

(3) in subsection (b)—

(A) by striking “(b) In carrying” and inserting the following:

“(b) COOPERATION AMONG FEDERAL AGEN-

CIES.—

“(1) BY THE ADMINISTRATOR.—In carrying”;

(B) by striking “Each Federal” and inserting the following:

“(2) BY THE AGENCIES.—Each Federal”;

(C) by adding at the end the following:

“(3) IDENTIFICATION AND DISPOSITION OF UNNEEDED REAL PROPERTY.—

“(A) IDENTIFICATION.—Each Federal agency shall—

“(i) identify real property that is or will become unneeded, obsolete, or underutilized during the 5-year period beginning on the date of the identification; and

“(ii) annually report the information on the real property described in clause (i) to the Administrator.

“(B) DISPOSITION.—The Administrator shall analyze more cost-effective uses for the real property identified under subparagraph (A) and make recommendations to the Federal agency concerning the more cost-effective uses.”;

(4) in subsection (c), by striking “(c) Whenever” and inserting the following:

“(c) IDENTIFICATION OF BUILDINGS OF HISTORIC, ARCHITECTURAL, AND CULTURAL SIGNIFICANCE.—Whenever”;

(5) in subsection (d), by striking “(d) The Administrator” and inserting the following:

“(d) REGARD TO COMPARATIVE URGENCY OF NEED.—The Administrator”.

SEC. 5. ADDRESSING LONG-TERM GOVERNMENT HOUSING NEEDS.

(a) REPORT ON LONG-TERM HOUSING NEEDS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and the end of each 2-year period thereafter, the head of each Federal agency (as defined in section 13(3) of the Public Buildings Act of 1959 (40 U.S.C. 612(3))) shall review and report to the Administrator of General Services (referred to in this Act as the “Administrator”) on the long-term housing needs of the agency. The Administrator shall consolidate the agency reports and submit a consolidated report to Congress.

(2) ASSISTANCE AND UNIFORM STANDARDS.—The Administrator shall—

(A) assist each agency in carrying out the review required under paragraph (1); and

(B) prepare uniform standards for housing needs for—

(i) executive agencies (as defined in section 13(4) of the Public Buildings Act of 1959 (40 U.S.C. 612(4))); and

(ii) establishments in the judicial branch of the Federal Government.

(b) **REDUCTION IN AGGREGATE OFFICE AND STORAGE SPACE.**—By the end of the third fiscal year that begins after the date of enactment of this Act, the Federal agencies referred to in subsection (a)(1) shall, to the maximum extent practicable, collectively reduce by not less than 10 percent the aggregate office and storage space used by the agencies (regardless of whether the space is leased or owned) on the date of enactment of this Act.

SEC. 6. DESIGN GUIDES AND STANDARDS FOR COURT ACCOMMODATIONS.

(a) **REPORT.**—Not later than 60 days after the date of enactment of this Act, the Administrator, in consultation with the Director of the Administrative Office of the United States Courts, shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that specifies the characteristics of court accommodations that are essential to the provision of due process of law and the safe, fair, and efficient administration of justice by the Federal court system.

(b) **DESIGN GUIDES AND STANDARDS.**—

(1) **DEVELOPMENT.**—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Director of the Administrative Office of the United States Courts and after notice and opportunity for comment, shall develop design guides and standards for Federal court accommodations based on the report submitted under subsection (a). In developing the design guides and standards, the Administrator shall consider space efficiency and the appropriate standards for furnishings.

(2) **USE.**—Notwithstanding section 462 of title 28, United States Code, the design guides and standards developed under paragraph (1) shall be used in the design of court accommodations.

SEC. 7. DESIGN OF FEDERAL COURTHOUSES.

The Act entitled "An Act establishing a Commission on Fine Arts", approved May 17, 1910 (36 Stat. 371, chapter 243; 40 U.S.C. 104), is amended by inserting after the second sentence the following: "It shall be the duty of the commission, not later than 60 days after submission of a conceptual design to the commission for a Federal courthouse at any place in the United States, to provide advice on the design, including an evaluation of the ability of the design to express the dignity, enterprise, vigor, and stability of the American Government appropriately and within the accepted standards of courthouse design.".

By Ms. SNOWE (for herself and Mr. HARKIN):

S. 2483. A bill to establish programs regarding early detection, diagnosis, and interventions for newborns and infants with hearing loss; to the Committee on Labor and Human Resources.

THE EARLY HEARING LOSS DETECTION, DIAGNOSIS AND INTERVENTION ACT OF 1998

• Ms. SNOWE. Mr. President, today I introduce the Early Hearing Loss Detection, Diagnosis and Intervention Act of 1998, which will serve as a companion bill to H.R. 2923, introduced in the House by Representative JIM WALSH. I am pleased to have, as the

lead cosponsor, my colleague from Iowa, Senator HARKIN, who has long been a champion of the hearing impaired.

We have a tendency to associate hearing problems with the aging process, and it is true that the largest group of Americans suffering from hearing impairment are those in the 65 to 75 year age range. At the other end of the spectrum, however, approximately 1.5 to 3 out of every 1000 children—or as many as 33 children per day—are born with significant hearing problems. According to the National Institute on Deafness and Other Communication Disorders, as many as 12,000 infants are born each year in the U.S. with some form of hearing impairment.

In the last several years, scientists have begun to tell us that the first years of a child's life are crucial to their future development. This makes early detection and intervention of hearing loss a necessity if we are to ensure that all our children get the strong start they deserve. Currently, the average age of diagnosis of hearing loss is close to three years of age. Yet it is believed that speech and oral language development can begin as early as 6 months of age. Without early diagnosis and intervention, these children are behind the learning curve—literally—before they have even started. They should not be denied a strong start in life simply for the lack of a simple screening test.

There are many causes of hearing loss, and in many states a newborn child is screened only if the physician is aware of some factor that puts that baby in a risk category. Our four states—Rhode Island, Hawaii, Colorado, and Mississippi—currently require the screening of all newborns. In 16 other states, babies are screened only if they are believed to be a risk. This screening process, while important, detects only 50 percent—or half—of the hearing problems in young children.

Universal screening is not a new idea. As early as 1965, the Advisory Committee on Education of the Deaf, in a report of the Secretary of Health, Education and Welfare, recommended the development and nationwide implementation of "universally applied procedures for early identification." In 1989, former Surgeon General C. Everett Koop used this year 2000 as a goal for identifying 90 percent of children with significant hearing loss before they are one year old. And just last year, the National Institutes of Health convened an expert panel at the National Institute on Deafness and Other Communication Disorders, and the panel made a recommendation that the first hearing screening be carried out before three months of age to ensure that treatment can begin before six months of age.

It is time to move beyond the recommendations and achieve the goal of universal screening. In addition to the

four states that require screening, the Bureau of Maternal and Child Health, in conjunction with the Centers for Disease Control, is helping 17 states commit to achieving universal hearing screening by the year 2000. This plan will lead to the screening of more than 1 million newborns a year, but it still leaves more than half the states without universal screening programs.

The purpose of the bill I am introducing today is to provide the additional assistance necessary to help all the states in implementing programs to ensure that all our newborns are tested and to ensure that those identified with a hearing impairment get help. Specifically, the bill:

(1) Authorizes \$5 million for the Secretary of Health and Human Services to work with the states to develop early detection, diagnosis and intervention networks;

(2) Authorizes \$5 million for the Centers for Disease Control to provide technical assistance to State agencies and to conduct applied research related to infant hearing detection, diagnosis and treatment/intervention; and

(3) Authorizes \$3 million for the National Institutes of Health to carry out research on the efficacy of new screening techniques and technology.

A baby born today will be part of this country's future in the 21st century. Surely we owe it to that child to give them a strong start on that future by ensuring that if they do have a hearing impairment it is diagnosed and treatment started well before their first year of life is completed. I urge my colleagues to join me and Senator HARKIN in supporting the Early Hearing Loss Detection, Diagnosis and Intervention Act of 1998.

• Mr. HARKIN. Mr. President, I am pleased to introduce, along with my colleague, Senator SNOWE, the "Early Hearing Loss Detection, Diagnosis, and Intervention Act of 1998."

The Early Hearing Loss Act would help States establish programs to detect and diagnose hearing loss in every newborn child and to promote appropriate treatment and intervention for newborns with hearing loss. The Act also would fund research by the National Institutes of Health to determine the best detection, diagnostic, treatment and intervention techniques and technologies.

Every year, about 12,000 children in the United States are born with a hearing impairment. Most of them will not be diagnosed as hearing impaired until after their second birthday. The consequences of not detecting early hearing impairment are significant, but easily avoidable.

Late detection means that crucial years of stimulating the brain's hearing centers are lost. It may delay speech and language development. Delayed language development can retard a child's educational progress, minimize his or her socialization skills, and as a result, destroy his or her self-esteem and confidence. On top of all that,

many children are diagnosed incorrectly as having behavioral or cognitive problems, simply because of their undetected hearing loss.

In 1988, the Commission on Education of the Deaf reported to Congress that early detection, diagnosis, and treatment were essential to improving the status of education for people who are deaf in the United States. This Act is our opportunity to finally implement that common-sense recommendation.

Mr. President, this Act would help states develop programs that many of them already are working on; it would not impose a single federal mandate. Eight states already have mandatory testing programs; nine others have legislation pending to establish such programs. Other states have achieved universal newborn testing voluntarily. These programs can work; they deserve federal help.

One of the highlights of my Congressional career, indeed, of my life, has been working on policies and laws to ensure that people with disabilities have an equal opportunity to succeed in our society. This is especially meaningful to me, because my brother Frank became deaf as a child.

I watched Frank grow up, and I saw how few options and support services were available for people who were deaf. I remember the frustrations and challenges Frank faced, and I told myself early on that I would do all I could to break down the barriers in our society that prevented people who were deaf from reaching their potential. By supporting early screening, diagnosis, and treatment programs, this Act would go a long way toward accomplishing that goal.

I would like to thank Senator SNOWE for her hard work and support of this Act, and I hope our colleagues will join us in this worthy effort.●

By Mr. LEAHY (for himself, Mr. DASCHLE, Mr. BIDEN, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. BINGAMAN, Mr. REID, Mrs. MURRAY, Mr. DORGAN, and Mr. TORRICELLI):

S. 2484. A bill to combat violent and gang-related crime in schools and on the streets, to reform the juvenile justice system, target international crime, promote effective drug and other crime prevention programs, assist crime victims, and for other purposes; to the Committee on the Judiciary.

SAFE SCHOOLS, SAFE STREETS AND SECURE BORDERS ACT OF 1998

Mr. LEAHY. Mr. President, today, joined by Senators DASCHLE, BIDEN, MOSELEY-BRAUN, MURRAY, and other Democratic Senators, I am introducing comprehensive crime legislation, the Safe Schools, Safe Streets, and Secure Borders Act of 1998, to keep the crime rate in this country going down. Past Democratic anti-crime initiatives, such as the 1994 Violent Crime Control and Law Enforcement Act, have resulted in an historic decrease in crime rates in the United States. The FBI re-

ports that violent crime in 1996 was at the lowest level since 1989, and that the overall crime rate was lower than any year since 1984. Preliminary figures for 1997 show that serious crime dropped an additional four percent last year. These are very good numbers.

Yet, according to recent reports in the Los Angeles Times, people still feel that crime is the number one public policy issue that needs attention. Americans still feel vulnerable to becoming crime victims, and want policy makers to do more. Thus, even with the decrease in crime rates, this is not the time to stop working on additional ways to reduce crime. Senate Democrats want to do more. We must do more to ensure that the crime rates continue their downward trend next year, the year after, and the years after that.

The Safe Schools, Safe Streets, and Secure Borders Act of 1998 builds on the successful programs we have implemented in the 1994 Crime Law and addresses emerging crime problems. The bill is comprehensive. It is realistic. It is fully funded, without reaching into any cookie jars. It is designed to be enacted, without partisan or ideological controversy. In fact, the bill contains a number of initiatives that enjoy bipartisan support. We have tried to avoid the easy rhetoric about crime that some have to offer in this crucial area of public policy. Here is a chance to actually make a difference. It is a "Can Do" Act.

The Safe Schools, Safe Streets, and Secure Borders Act targets violent crime in our schools, reforms the juvenile justice system, combats gang violence, cracks down on the sale and use of illegal drugs, enhances the rights of crime victims, and provides meaningful assistance to law enforcement officers in the battle against street crime, international crime and terrorism. The Act represents an important next step in the continuing effort by Senate Democrats to enact tough, common-sense and balanced reforms to our criminal justice system. That is why the International Brotherhood of Police Officers has endorsed this bill.

The bill has ten comprehensive titles to address crime in our schools, crime on our streets, and crime on our borders and abroad. I should note that the bill contains no new death penalties and no new or increased mandatory minimums. We can be tough without imposing the death penalty, and we can ensure certain punishment without removing all discretion from the judge at sentencing.

Title I of the bill deals with proposals for combating violence in schools and punishing juvenile crime. This title has four subtitles dealing with assistance to schools, reform of the federal juvenile system, assisting States on prosecuting and punishing juvenile offenders and reducing juvenile crime, and protecting children from violence, including violence from the misuse of guns.

Assistance to Schools. Americans are dismayed and grief-stricken at the re-

cent shootings at schools across the country. While homicides at American schools have remained relatively constant in recent years, the number of students who have experienced a violent crime in school increased 23 percent in 1995 compared to 1989. We need to make sure our children attend school in a safe environment that fosters learning, not fear.

The bill would provide COPS grants for school-based partnerships between schools and law enforcement to combat school-related crime. It contains a proposal developed by Senator BINGAMAN to establish a School Security Technology Center using expertise from the Sandia National Labs, and provide grants from the Safe and Drug Free Schools Program enabling schools to access technical assistance for school security.

Federal Prosecution of Serious and Violent Juvenile Offenders. The bill would also make important reforms to the federal juvenile system, without federalizing run-of-the-mill juvenile offenses and ignoring the traditional prerogative of the States to handle the bulk of juvenile crime. One of the significant flaws in the Republican juvenile crime bill, S. 10, is that it would—in the words of Chief Justice Rhenquist—"eviscerate this traditional deference to state prosecutions, thereby increasing substantially the potential workload of the federal judiciary." The Chief Justice has raised concerns about "federalizing" certain juvenile crimes and has urged that "federal prosecutions should be limited to those offenses that cannot and should not be prosecuted in the state courts." The Democratic proposals for reform of the Federal juvenile justice system heed this sound advice and respect our Federal system.

Among other reforms, the Safe Schools, Safe Streets, and Secure Borders Act would allow federal prosecution of juveniles when the Attorney General certifies that the State cannot or will not exercise jurisdiction, or when the juvenile is alleged to have committed a violent, drug or firearm offense.

Prosecutors would be given sole, non-reviewable authority to prosecute as adults 16 and 17 year olds who are alleged to have committed the most serious violent and drug offenses. Limited judicial review is provided for prosecutors' decisions to try as adults 13, 14 and 15 year old juveniles, and 16 and 17 year olds, who are charged with less serious federal offenses. These juveniles are permitted under strict time limits to ask a judge for a "reverse waiver" and transfer to juvenile, rather than adult, status.

Assistance to States for Prosecuting and Punishing Juvenile Offenders, and Reducing Juvenile Crime. The bill would authorize grants to the States for incarcerating violent and chronic juvenile offenders (with each qualifying State getting at least one percent

of available money), providing graduated sanctions, reimbursing States for the cost of incarcerating juvenile alien offenders, and a pilot program to replicate successful juvenile crime reduction strategies.

Protecting Children from Violence. The bill contains important initiatives to protect children from violence, including violence resulting from the misuse of guns. Given the recent tragic shootings committed by children, Americans want concrete proposals to reduce the risk of such incidents recurring. At the same time, I certainly do not want to demonize guns or the legitimate use of guns for protection and security or for sport.

The bill would impose a prospective gun ban for juveniles convicted or adjudicated delinquent for violent crimes. It would require revocation of a firearms dealer's license for failing to have secure gun storage or safety devices available for sale with firearms. The bill would enhance the penalty for possessing a firearm during the commission of a crime of violence or drug offense and for violation of certain firearm laws involving juveniles. In addition, the bill would authorize competitive grant programs for establishment of juvenile gun courts and youth violence courts.

Title II of the bill addresses the problem of gang violence. We all share a concern about the growing gang problem in our cities and in rural areas of this country. More than 665,000 gang members belong to 23,000 youth gangs in the United States, and the numbers are growing.

This part of the bill would crack down on gangs by making the interstate "franchising" of street gangs a crime. It will also increase penalties for crimes during which the convicted felon wears protective body armor or uses "laser-sighting" devices to commit the crime. The bill also doubles the criminal penalties for using or threatening physical violence against witnesses and contains other provisions designed to facilitate the use and protection of witnesses to help prosecute gangs and other violent criminals. For example, the bill would clarify that the federal gratuity statute does not apply to cooperation agreements, contrary to the Tenth Circuit's recent Singleton decision. The Act also provides funding for law enforcement agencies in communities designated by the Attorney General as areas with a high level of interstate gang activity.

Title III of the bill would set forth a number of initiatives in nine subtitles to combat violence in the streets. The Safe Schools, Safe Streets, and Secure Borders Act continues successful initiatives in the 1994 Crime Act by putting more police officers on our streets, providing for the construction of more prisons, preventing juvenile felons from buying handguns, and increasing the security of women and children against domestic violence. Specifically, the bill would extend COPS funding

into 2001 and 2002; increase the state minimum for Violent Offender Incarceration grants from .25 to .75 percent, establish a state minimum of .75 percent for Truth-in-Sentencing grants, and extend both these grant programs into 2001 and 2002; extend authorization for the Violence Against Women Act (VAWA) funding and local law enforcement grant programs.

A significant problem that arose this year was the loss of confidentiality that had previously attached to the important work of the U.S. Secret Service. The Departments of Justice and Treasury and even a former Republican President advise that the safety of future Presidents may be jeopardized by forcing U.S. Secret Service agents to breach the confidentiality they need to do their job by testifying before a grand jury. I trust the Secret Service on this issue; they are the experts with the mission of protecting the lives of the President and other high-level elected officials and visiting dignitaries. I also have confidence in the judgment of former President Bush, who has written, "I feel very strongly that [Secret Service] agents should not be made to appear in court to discuss that which they might or might not have seen or heard."

The Safe Schools Act provides a reasonable and limited protective function privilege so that in the future Secret Service agents are able to maintain the confidentiality they say they need to protect the lives of the President, Vice President and visiting heads of state. This title of the bill includes a number of provisions to address the following matters:

Domestic violence: In addition to extending authorized funding for VAWA, the bill would punish attempts to commit interstate domestic violence, expand the interstate domestic violence offense to cover intimidation, and punish interstate travel with the intent to kill a spouse.

Protecting Law Enforcement and Judiciary: The Act recognizes that law enforcement officers put their lives on the line every day. According to the FBI, over 1,000 officers have been killed in the line of duty since 1980. The Safe Schools, Safe Streets, and Secure Borders Act contains provisions to protect the lives of our law enforcement officers by extending the Bulletproof Vest Partnership grant program through 2003. It also establishes new crimes and increases penalties for killing federal officers and persons working with federal officers, including in the prison context, and for retaliation against federal officials by threatening or injuring their family members. The Act enhances the penalty for assaults and threats against Federal judges and other federal officials engaged in their official duties.

Cargo/Property Theft: The bill also contains an important initiative proposed by Senator LAUTENBERG to deter cargo thefts.

Sentencing Improvements: This subtitle doubles the maximum penalty for

manslaughter from 10 to 20 years, consistent with the Sentencing Commission's recommendation, applies the sentencing guidelines to all pertinent federal statutes (such as criminal prohibitions in statutes outside titles 18 and 21 of the United States Code), and other improvements.

Civil Liberties: The bill includes the "Hate Crimes Prevention Act," which was originally introduced by Senator KENNEDY and has the strong bipartisan support of over twenty Members, and other initiatives designed to bolster support for enforcement of civil rights.

These program initiatives are funded by extending the Violent Crime Reduction Trust Fund for two more years—from downsizing the Federal Government and not from touching the projected Federal budget surplus.

Title IV of the bill outlines a number of prevention programs that are critical to reducing juvenile crime. These programs include grants to youth organizations and "Say No to Drugs" Community Centers, reauthorization of the Runaway and Homeless Youth Act, Anti-Drug Abuse Programs and Local Delinquency Prevention Programs. Additional sections include a program suggested by Senator BINGAMAN to establish a competitive grant program to reduce truancy, with priority given to efforts to replicate successful programs.

The bill would also reauthorize the Juvenile Justice and Delinquency Prevention Act (JJDPA) similarly to H.R. 1818, which passed the House by an overwhelming majority last year. This section creates a new juvenile justice block grant program and retains the four core protections for youth in detention, while adopting greater flexibility for rural areas and modifies the membership of the state advisory groups.

The Republican juvenile crime bill, S. 10, would gut these core protections for juveniles in detention. Republican sponsors of this bill have scrambled to change this bill since they refused to fix it during Committee mark-up, but even as revised this bill remains seriously flawed. A letter sent just last week from the National Collaboration For Youth (comprised of the American Red Cross, Big Brothers, Big Sisters, Boy and Girl Scouts of America, United Way, the YMCA and the YWCA, and other prominent voluntary health and social welfare organizations), criticized the revised S. 10 for being "ill-conceived" and for exposing youngsters "to increased risk." According to these experts who work intensively with children, S. 10 as revised "could ironically lead to more juvenile crime—not less—if enacted." The Democratic crime bill puts ideology aside, and follows the advice of these experts.

Title V of the bill contains six subtitles on combating illegal drug use. Illegal drugs are too often at the heart of crime. This Act would help break the cycle of drug use by criminals, requiring States to test prisoners for drugs

and to provide drug treatment programs, so that the convicts would not return to the streets still addicted, and still caught up in a cycle of crime. It would protect our children by increasing penalties for selling drugs to kids and drug trafficking in or near schools, and crack down on "club drugs." It would go a step further and encourage pharmacotherapy research to develop medications for the treatment of drug addiction, a proposal Senator BIDEN has urged. It would fund drug courts, which subject eligible drug offenders to programs of intensive supervision. This title also would reauthorize the Drug Czar/Office of National Drug Control Policy, as Senator BIDEN has recommended in legislation he has introduced with bipartisan support.

Title VI of the bill deals with criminal history records and the use of new technologies for law enforcement purposes. We can not underestimate the usefulness of criminal history records, which can help solve crimes and help prevent crimes. The bill contains the "Interstate Identification Index" (III) Compact to decentralize the FBI's maintenance of the national criminal history database and provide access to criminal history records for non-criminal justice purposes in accordance with state rules. This provision has bipartisan support and has already passed the Senate.

The compact is a reciprocal, voluntary system of sharing criminal history records (including juvenile records) for noncriminal justice purposes among the States and FBI that is efficient, more accurate than the current system, promises to save money, and allows each participating State to effectuate its own access policies.

In addition, this title contains the "Crime Identification Technology Act," to provide \$250 million each year for five years in grants to States for identification and communications systems and forensic labs. This legislation has strong bipartisan support and has also already passed the Senate and is pending in the House.

Title VII of the bill is intended to increase the right of victims who unfortunately become involved in the criminal justice system. The criminal is only half of the equation. We would guarantee the rights of crime victims. All States have some victims' rights laws on the books, but they lack the training and resources to make those rights a reality. This bill provides a model Bill of Rights for crime victims in the federal system, and makes available to the States grants to fund the hiring of State and Federal victim-witness advocates, training, and the technology necessary for model notification system. This bill would make victims' rights a reality.

Specifically, this title reforms federal law and evidence to enhance victims' participation in all stages of criminal proceedings by giving victims a right to notice of detention hearings, plea agreements, sentencing, probation revocations, escapes or releases from prison, and to allocution at hearings,

as well as grants for obtaining state-of-the-art systems for providing notice. In addition, this title would provide grant programs to study effectiveness of restorative justice approach for victims and to study crimes against persons with developmental disabilities and for development of strategies to combat such crimes.

Title VIII of the bill details provisions for combating money laundering. Crime increasingly has an international face, from drug kingpins to millionaire terrorists, like Usama bin Laden. The money laundering provisions of this bill hit these international criminals where they live - in the pocketbook.

These provisions would prove to be a key tool in winning the war on drugs. We must have interdiction; we must have treatment programs; we must tell kids to say "No" to drugs. But we have to do more, and taking the profit away from the drug lords is an effective weapon. This Democratic crime bill would strengthen these laws.

FBI Director Freeh recently testified at a hearing before the Judiciary Committee that enhanced money laundering provisions would be an important tool against the likes of international terrorists, such as bin Laden. FBI Director Freeh praised the following provisions set forth in this title of the bill.

Fugitive Disentitlement to stop drug kingpins, terrorists and other international fugitives from using our courts to fight to keep the proceeds of the very crimes for which they are wanted. Criminals should not be able to use our courts at the same time they are evading our laws.

Immediate seizure of U.S. assets of foreign criminals, so terrorists and drug lords will not be able to keep their money one step ahead of the law enforcement.

Limits on Foreign Bank Secrecy to stop criminals from hiding behind foreign bank secrecy laws while they use U.S. courts.

These and other money laundering provisions in the bill should find bipartisan support for quick passage before the end of this Congress.

Title IX sets forth important proposals for combating international crime. In particular, the bill would punish violent crimes or murder against American citizens abroad, deny safe havens to international criminals by strengthening extradition, promote cooperation with foreign governments on sharing witnesses and evidence, and streamline the prosecution of international crimes in U.S. courts. Provisions include: giving the FBI authority to investigate and prosecute the murder or extortion of U.S. citizens and state and local officials involved in federally-sponsored programs abroad; providing for extradition under certain circumstances for offenses not covered in a treaty or absent a treaty; giving the Attorney General authority to transfer and share witnesses with foreign governments, and obtain and use foreign evidence in criminal cases; pro-

hibiting fugitives from benefitting from time served abroad fighting extradition; adding serious computer crimes as predicate offenses for which wiretaps may be authorized; and providing court order procedures for law enforcement access to stored information on computer networks.

Finally, Title X contains provisions to strengthen the air, land and sea borders of this country. The bill would punish violence at the borders, increase authority of maritime law enforcement officers at the borders, increase penalties for smuggling contraband and other products, strengthen immigration laws to exclude foreign fleeing felons, and persons involved in racketeering and arms trafficking. Specific sections include: punishing "port-running," which is driving or crashing through Customs entry ports; sanctions for not cooperating with maritime law enforcement officers by obstructing lawful boarding requests and commands to "heave to"; and denying admission into the U.S. of persons whom consular officials have reason to believe are involved in RICO acts, arms trafficking, or alien smuggling for profit, or are fleeing foreign prosecution.

The Safe Schools, Safe Streets, and Secure Borders Act is a comprehensive Act. Nothing in this bill is just for show or rhetorical flourish. Keeping our schools safe, keeping our streets safe, keeping our citizens safe when they go abroad, and keeping our borders secure are matters on which we can and should make progress. I look forward to working for passage of as many parts of this bill as possible in this Congress.

Mr. DASCHLE. Mr. President, today Democrats in the Senate are introducing a bill—The Safe Schools, Safe Streets, and Secure Borders Act of 1998, which builds on a legacy of success Senate Democrats have had in the area of anti-crime legislation.

The Safe Schools, Safe Streets, and Secure Borders Act of 1998 continues successful initiatives in the 1994 Crime Act, reforms the juvenile justice system, combats gang violence, cracks down on the sale and use of illegal drugs, ensures the rights of crime victims, and provides valuable tools to law enforcement officers as they battle international crime and terrorism.

While this bill goes a long way to fight crime in our communities and protect our borders, today I want to speak about the horrific and tragic acts of violence that have occurred in no less than 14 of our nation's schools over the past 18 months, most recently as schools were preparing to close for summer recess, less than 100 miles from our Nation's Capitol—in Richmond, Virginia—and how this bill targets this school-based violent crime.

Over the past 18 months, 18 children and four adults have been killed as a result of school shootings.

When is it going to stop? The nation had seen enough when two students in Jonesboro, Arkansas, ages 11 and 13, began shooting during a false fire alarm. Four girls and one teacher died on that terrible day in March. Since then, 8 more have fallen prey to these school killings.

The number of students who have experienced a violent crime in school continues to rise, with a 23 percent increase between 1989 and 1995.

Mr. President, if we are looking for reasons why our schools erupted in gunfire this year, we need only look at the annual survey released recently by the PRIDE organization, a respected non-profit group that works with young people and their families and communities to create drug-free and safe environments. Their annual PRIDE surveys have been used by 5,500 schools, the Office of National Drug Control Policy's Performance Measures of Effectiveness, and this Congress to monitor student drug use.

The results of the latest PRIDE survey are appalling. Almost a million students—some as young as 10—carry guns to school.

Even worse, half the students carrying guns are also carrying grudges—over half said they had threatened a teacher, and almost two-thirds had threatened to harm another student.

What's more, these students are bringing other problems.

Nearly two-thirds are monthly users of illicit drugs, such as cocaine, heroin, marijuana, and methamphetamine. According to Dr. THOMAS J. Gleaton, one of the authors of the study, this means that, on average, for every classroom in every school building in America, one student showed up with a gun this year. Out of these students, two-thirds were using drugs regularly and carrying grudges. Add together this volatile mix of drugs, guns, and hostility, and the result is what we have seen this year.

If you are not moved by the statistics, look at the shootings. Look at the horror visited on those school children in Rhode Island, Oregon, Washington, Arkansas, Virginia, Kentucky, and Tennessee. Look at Texas, or Mississippi, Missouri or California, or the tragic events last year in Alaska. This is a national plight afflicting all our communities. As leaders of our nation, we should all be saddened and discouraged by our lack of attention to this critical problem.

How many more children must die before we face up to this crisis?

How can we provide our children with hope for tomorrow if they fear for their life today?

I can think of no other issue closer to the hearts and minds of the American people than the safety of our children.

Mr. President, we know some things work to prevent youth violence, and we have included these measures in our bill.

This bill will establish partnerships between schools and local law enforce-

ment agencies to put specially trained community-oriented officers in schools. We know from the success of the COPS Program that a positive relationship between the community and law enforcement is critical to successful crime prevention. This approach will also benefit schools by providing additional protection and adult supervision to curb violence in schools. In addition, this bill creates a School Security Technology Center to serve as a national resource to local schools trying to make their schools as safe as possible for students.

The PRIDE survey contained some hopeful news as well, Mr. President. While drug use is still dangerously high, this past school year, for the first time in seven years, the use of alcohol, tobacco, and other drugs by young people decreased across the board. Students who were heavily involved in after-school activities were more than twice as likely to stay away from drugs than students who never participated in these activities.

Mr. President, we should support after-school programs. Let's give our kids coaches and mentors now—and they won't need wardens and judges later.

Our bill will protect children from becoming crime victims by providing additional funding for proven prevention programs in crime-prone areas and creating after school "safe havens" where children are protected from drugs, gangs and crime with activities including drug prevention education, academic tutoring, mentoring, and abstinence training.

We recognized the importance of community involvement when we passed a bill that I joined my colleagues in introducing—the Drug-Free Communities Act. That bill recognized that the entire community must become involved to prevent the proliferation of drugs.

This year, let's increase our support and encouragement for prevention programs that include parents and children, law enforcement and teachers, mentors and coaches.

I wish the events of the last 18 months told a different story, but unfortunately it has become evident that some safeguards are needed. If you doubt that, look at what happened in Greensboro, North Carolina, just four months ago when Carlos Gilmer was accidentally shot and killed at his sixth birthday party after he and his four-year-old playmate found a loaded gun in a purse.

No new crime bill program, by itself, will solve this problem of youth violence. But, we can do something. We know some things that work.

How will we feel if there is another Jonesboro, or Springfield? How will we look at ourselves if we have not done everything in our power to prevent such a tragedy? Let us act now, so we won't have to face those questions. The Safe Schools, Safe Streets, and Secure Borders Act of 1998 will go a long way

to prevent future acts of school violence.

There is much that divides our two parties. But the issue of our children's safety is—or should be—one area on which we can agree. We must protect our children from violence and prevent our children from becoming violent.

• Mr. KERRY. Mr. President, I want to voice my strong support for the tough, common sense approach to fighting crime that is embodied in the "Safe Schools, Safe Streets, and Secure Borders Act of 1998". I want to urge every one of my colleagues—Democrat and Republican—to stand behind this bill and in the closing weeks of this Congress to pass these measures to protect Americans from the crime in our streets, in our schoolyards, and around the world. With lives on the line, there is no time to wait, no time to hesitate, and no time to be partisan.

Four years ago we came together and passed a crime bill that was tough on crime and smart on prevention. I am proud to have helped lead the fight four years ago to put 100,000 cops on the street, and now it's working. Crime is down 22% in Massachusetts and communities tell you it's because we've restored the notion of community policing. In Boston, juvenile crime is down to levels we haven't seen since the 1950's—and Mayor Tom Menino is proving that a combination of tough punishment and outreach to at-risk young people is a prescription for safety, a prescription for crime prevention. None of this would have been possible if this Senate hadn't come together to get serious about crime. Now in America we need to get serious again about crime prevention.

This crime bill continues to build on the achievements of the 1994 Crime Bill, focusing on the new epidemic of crime in our schools, flaws in the juvenile justice system, the crisis of gang violence, and the sale and use of illegal drugs. We wrote this bill keeping in mind both those we are fighting for and those who lead the fight in our streets—that's why it enhances the rights of victims and gives more tools to law enforcement officers as they take on international crime and terrorism.

From expanding the COPS Program, providing additional funds for prisons and jails, helping the fight against violence against women, and creating partnerships between schools and law enforcement agencies, this bill targets resources on the ground where they're needed the most. This bill is smart and tough when it comes to building a better juvenile justice system—giving federal prosecutors the authority to prosecute some juvenile criminals as adults when they commit the most heinous of crimes; banning gun purchases by juveniles who have been convicted of violent crime; and providing the badly needed funds for youth violence courts. These measures respond to the demand from those brave social workers, prosecutors, and police working on juvenile

crime at ground zero with inadequate resources.

This bill also represents a critical response to the crisis of international crime and terrorism. Mr. President, we are facing a threat that is global in nature: transnational crime organizations that closely resemble multinational corporations; terrorist organizations that have pledged to send more and more Americans home in bodybags. This bill does more than send the message that we won't tolerate terrorism—it makes it clear that we're going to give our law enforcement personnel the tools to stop terrorists dead in their tracks.

Mr. President, the clock is ticking on this Congress. But even louder is the ticking time-bomb of crime in our schools, violence in our streets, and terrorism abroad. This Senate has the chance to act decisively to pass the "Safe Schools, Safe Streets, and Secure Borders Act" to fight crime, to defuse the threats before this nation. We have no reason to stall. The time is now to move forward with measures that are smart, tough, and effective.●

● Ms. MOSELEY-BRAUN. Mr. President, I am pleased to join my colleagues, Senators DASCHLE, BIDEN and LEAHY, in introducing the Safe Schools, Safe Streets, and Secure Borders Act of 1998. This comprehensive legislation, which will add to the success of the 1994 Crime Bill, is based on a tough, common-sense strategy: Put more police officers on the street, build more prisons for violent offenders, take guns out of the hands of felons, and protect families from the scourge of domestic violence.

In the wake of the historic 1994 Crime bill, we have seen a dramatic decline in crime rates across the nation. In 1996, we experienced the lowest violent crime rate since 1989. On the whole, the overall crime rate was lower than any year since 1984. And it appears that we will continue in this success: Preliminary figures released by the Federal Bureau of Investigation show that nationwide, serious crime dropped an additional four percent in 1997.

While these numbers are impressive, recent events have shown that there is still much that must be done in order to equip our nations law enforcement agencies and local communities with the tools they need to address the latest scourge of violence in our schools, in our nation's embassies around the world, and at our borders. This multifaceted legislation has many well-written, well-thought out proposals which I believe greatly help our nation continue winning the fight against crime and terrorism in our ever-changing world.

Among the many parts of this legislation, I am most excited about additional funding for continuing the fight against domestic violence. We first took up this issue with the historic passage of the Violence Against Women Act. This legislation, which improves on our commitment to fighting against

violence against women, will provide additional grants dedicated to the arrest and prosecution of batterers, shelter for 400,000 abused women and their children, and continued access to the National Domestic Violence Hotline. These initiatives are paramount in ensuring safety from crimes committed within the home.

And there are other parts of this legislation that I believe are especially poignant given the latest outbreak of violence in our nation's schools. This legislation finally brings the juvenile justice system up to date with the juvenile crime of the day, by giving Federal prosecutors sole, nonreviewable authority to prosecute 16 and 17 year olds as adults when they are alleged to have committed the most serious federal violent and drug offenses. It would also provide grants to States to incarcerate violent juvenile offenders, establish graduated sanctions, and encourage pilot programs to replicate successful juvenile crime reduction strategies. A proposal to further curb the threat of gang violence and crime and to reduce the drug-related crime has also been included in this bill. Finally, this legislation would provide grants for juvenile gun and youth violence courts, and for truancy prevention and comprehensive delinquency prevention activities.

I am most pleased, however, that this legislation contains two provisions that were included in my Safe Communities and Schools Act, which I introduced early this month. That legislation, which has been incorporated into this bill, will help put an additional 25,000 police officers on the street and create new grants under the COPS program for school and local law enforcement efforts against school-yard violence.

As you know, the COPS program has played a vital role in reducing our nation's crime rate. Since inception of the program in 1994, the Department of Justice has authorized an additional 76,000 police officers to walk the beat. These additional police officers have been instrumental in helping reduce crime and making people feel safe in their communities.

For example, in my home state of Illinois, the COPS program, which has put 4,113 police officers on streets across the state, has been extremely effective. Between the time that the Crime Bill was passed and the end of last year, serious crime fell by 17 percent. Recent statistics show that for the first six months of 1998, serious crime throughout Illinois is down 2.8 percent over 1997.

Despite the positive gains that have been made in the wake of the 1994 Omnibus Crime bill, the latest influx of violence in our nation's schools is evidence that there is still much work to be done. Although we are seeing record reductions in the incident of youth-on-youth crime, the extremely violent nature of crimes now being committed by juveniles is nothing short of stunning.

Extending the COPS program and making more funds available to communities to combat school violence will free the hands of local law enforcement and give them the opportunity to develop new and innovative ways of reducing youth crime.

Finally, this legislation seeks to place reasonable, Constitutional restrictions on gun purchases and gun ownership. It would ban prospective gun purchases by juveniles who have been adjudicated delinquent or convicted of violent crimes and would require gun dealers to make gun safety devices available for sale or have their licenses revoked. It would also impose tougher penalties for possession of guns during the commission of a crime of violence or drug offense.

Overall, this bill provides a holistic response to the varied nature of crime being committed at home and abroad against American citizens. It is a sensible approach to a devastating problem. I urge my colleagues to support this legislation, and to push for its immediate passage.●

● Mr. BINGAMAN. Mr. President, I rise in support of the Safe Schools, Safe Streets, and Secure Borders Act of 1998 introduced by my colleague, Senator LEAHY. I urge all my Senate colleagues to support it as well.

Mr. President, there no doubt are many issues that are on the minds of Americans. Certainly, crime, particularly juvenile crime, delinquency and drug and alcohol abuse, are issues that I hear most about when I am in my home state of New Mexico. Although recent crime statistics shows a clear downward trend in crime on our nation's streets, crime reduction must remain a priority at the federal level.

This bill comprehensively addresses the problem of juvenile crime, and it strikes a balance between the need to deal with serious juvenile offenders in a swift and meaningful way and the clear, practical necessity to prevent our youth from getting in trouble in the first place.

I am delighted that the managers of this bill have included two separate bills which I previously introduced, and I thank Senator LEAHY for his accommodation. The first, my Truancy Prevention and Juvenile Crime Reduction Act, deals with the problem of truancy, which long has been neglected as a root cause of juvenile crime. The second, my Safe Schools Security Act of 1998, addresses the problem of school violence and provides resources, such as technical expertise and security technology, to schools that are experiencing the most serious problems in their schools.

I first want to discuss truancy, which not many people realize is the top-ranking characteristic of criminals. High rates of truancy directly are linked to high daytime crime rates, including violence, burglary and vandalism. As much as 44 percent of violent juvenile crime takes place during school hours, and as much as 75 percent

of children ages 13 to 16 who are arrested and prosecuted for crimes are truants. It is startling to know that some cities report as many as 70 percent of daily student absences are unexcused, and the number of absences in single city can reach 4,000.

Moreover, society pays a very heavy social and economic price due to truancy. Only 34 percent of inmates have completed high school education, and we all are well aware of the staggering costs associated with incarcerating an individual. Sadly, as many as 17 percent of youth under the age of 18 that enter adult prisons have not completed eighth grade, 75 percent have not completed 10th grade.

Most studies indicate that when parents, schools, law enforcement and community leaders all work together to prevent truancy, to intervene at its early stages, and to create meaningful accountability, we can increase school attendance and reduce daytime crime rates.

One such program is the Daytime Curfew Program in Roswell, New Mexico, and the Truancy Intervention Project in Fulton County, Georgia, administered by Judge Glenda Hatchett. Another successful program included in this Act is the Grade Court, which is Farmington, New Mexico, administered by Judge Paul Onuska. All of these programs integrate parental involvement with schools, law enforcement, judiciary, and other community stakeholders in a collaborative effort to reduce truancy and juvenile crime. These are the kinds of programs I believe we should be encouraging, but unfortunately we in the Congress have not yet met the challenge.

This Act authorizes \$25 million per year targeted at building upon integral partnerships between local government, schools, law enforcement, and the courts. Without a doubt, \$25 million is a very small price to pay when you consider the dividends we expect when young people stay in school and out of trouble.

The Youth Law Center, the Children's Defense Fund, and the National Network for Youth, which has more than 500 community youth-serving organizations and personnel nationwide all agree with the importance of combating truancy and enthusiastically have voiced their support for this initiative.

The second provision of this bill I would like to discuss deals with the safety of our public schools. We spend a great deal of time here talking about improving academic achievement of our nation's school children, and I believe we are making great progress. I also believe, however, that we cannot expect a child to perform up to his or her potential in an environment in which they cannot feel safe and secure. Obviously, a learning environment has to be a safe environment. However, recent tragedies in Mississippi, Arkansas, Kentucky, Pennsylvania, and Oregon, for example, strongly suggest that we

can and should do much more to keep our school safe.

Recently, the Department of Education released the results of a comprehensive study called Violence and Discipline Problems in U.S. Public Schools: 1996-97. The study shows that 10 percent of schools surveyed had at least one serious violent crime during the 1996-97 school year. Also, during the 1996-97 school year, approximately 4,000 incidents of rape or other types of sexual battery were reported in public schools across the country. Additionally, there were approximately 11,000 incidents of physical attacks or fights in which weapons were used and approximately 7,000 robberies in schools that year.

As grim as the statistics are, we also must recognize the emotional effect that school crime has on our children. According to a separate study, 29 percent of elementary, 34 percent of junior high, and 20 percent of high school students say they are worried about becoming victims of crime at school. Seventy-one percent of children ages 7 to 10 say they worry they might get shot or stabbed at school. I cannot imagine how a child can be expected to achieve up to his or her potential if they are worried about their physical safety. Clearly, we must respond, and I believe this is an area in which we can make a significant difference, and we should take advantage of the resources we presently have to address this problem.

Many people are familiar with the fine work of our National Laboratories, which for decades have been leaders in energy and defense research and development. These Labs have many years of experience supporting and helping to protect high-risk facilities and assets for the Department of Energy, the Department of Defense, the Department of State, and many other federal agencies in some capacity, through the use of security technology. The result of this capability is that our nation's government facilities enjoy some of the finest security and safety programs in the world. This expertise should be fully utilized to improve the safety of our schools.

Alreacy Sandia Laboratories has taken the initiative. Two years ago Sandia began a pilot project at Belen High School in New Mexico, whereby Sandia security experts implemented a security regimen and installed a variety of security technology. Sandia is the first to admit that they do not know the first thing about running a public school, and Belen readily will admit to a lack of expertise in security. Nevertheless, the match was perfect. Working together, Sandia and Belen high school officials changed the school by utilizing a comprehensive security design and technology, including cameras, metal detectors, and sensors.

The results are very impressive. Since the pilot project was implemented at the school, on-campus violence is down 75 percent, truancy is

down 30 percent, theft from vehicles parked in the school parking lot is down 80 percent, vandalism is down 75 percent. These statistics are compelling, and with this level of success already demonstrated, the effort should be expanded to allow more schools to access the expertise and technology.

This technology is not cheap, and schools already are challenged to purchase basic educational materials and equipment. However, I believe that with the right technical assistance and technology, not only will this help schools become safe for the children, but schools will save money. Incredibly, the Belen school principal, Ron Marquez, reported to me that before the pilot went into effect, Belen high school had approximately \$50,000 per year in losses due to stolen school property. One year after the pilot, Belen has had only \$5,000 in insurance claims. The savings translates into, for example, less cost to repair vandalized property, or property that has been defaced by graffiti.

We must take advantage of this success and put this expertise to use where it certainly will have very positive results.

One other provision in this bill that I believe will make a tremendous difference to communities that are struggling to reduce juvenile crime is the provision that allows communities to replicate proven juvenile crime reduction strategies. Specifically, this bill provides resources to communities that collaborate with local, state, and federal agencies to address the juvenile crime problem. In my state of New Mexico, we are helping bring together community leaders, schools, judges, law enforcement agencies, prosecutors, and grass-roots community organizations in order to develop and implement the Boston Strategy to Reduce Juvenile Violence. As anyone would agree, when community leaders work and communicate with one another on a common problem, usually good things. The City of Boston has had great success in reducing its violent crime rate. For example, after being at or near the top of the list among cities in terms of homicide, Boston's juvenile homicide rate dropped to zero, and its overall homicide rate dropped by sixty percent between 1995 and 1997.

There is clear value to helping communities do the same kinds of things, and this bill helps in a substantial way.

I thank Senator LEAHY for his hard work to craft this important legislation and Senator DASCHLE for his leadership, and I am very pleased to support it. ●

By Mr. GORTON:

S. 2485. A bill to amend the title XIX of the Social Security Act to allow States to use the funds available under the State children's health insurance program for enhanced matching rate for coverage of additional children under the medicaid program; to the Committee on Finance.

CHILDREN'S HEALTH EQUITY ACT

• Mr. GORTON. Mr. President, last year, Congress and the President agreed to provide \$48 billion over the next 10 years as an incentive to states to provide health care coverage to uninsured, low-income children. To receive this money, states must expand eligibility levels to children living in families with incomes up to 200% of the federal poverty level.

Washington State has a strong record of ensuring that its low-income kids have access to health care. Four years ago, my state decided to do what Congress and the President have just last year required other states to do. In 1994, Washington expanded its child Medicaid eligibility level to 200% of the federal poverty level (FPL) all the way through to the age of 18.

During the negotiations of the 1997 Balanced Budget Act (BBA), Congress and the Administration recognized that certain states were already undertaking Medicaid expansions up to or above 200 percent of FPL, and that they should be allowed to use the new SCHIP funds. Unfortunately, this provision was limited to those states that enacted expansions on or after March 31, 1997 and disallowed Washington from accessing the \$230 million in SCHIP funds it had been allocated through 2002. As a result, Washington State cannot use its SCHIP allotment to cover the 90,000 children currently eligible, but not covered for health care at or below 200 percent of poverty. Exacerbating this inequity is the fact that many states have begun accessing their SCHIP allotments to cover kids at poverty levels far below Washington's current or past eligibility levels.

The bill I am introducing today, along with Senator MURRAY, corrects this technicality and is a top priority for the Washington State delegation as we near the end of the 105th Congress. Congresswoman DUNN has also introduced a companion measure in the House of Representatives that is cosponsored by the entire Washington delegation.

This bipartisan, bicameral initiative represents a thoughtful, carefully-crafted response to the unintended consequences of SCHIP and brings much-needed assistance to children currently at-risk. Rather than simply changing the effective date included in the BBA, this initiative includes strong maintenance of effort language as well as incentives for our state to find those 90,000 uninsured kids because we feel strongly that they receive the health coverage for which they are eligible.

This bill does not take money from other states nor does it provide additional federal subsidies for children the state is now covering, it simply allows Washington to continue to do the good work they have already started by focusing on new, uninsured children at low income levels first. •

• Mrs. MURRAY. Mr. President, I am pleased to join with my colleague Senator GORTON in introducing legislation

to improve access to health insurance for low income children in Washington State. This bill would amend the State Children's Health Insurance Program (SCHIP) to allow our State access to their allotment of federal funds to provide health coverage to an additional 90,000 eligible children.

This is not an effort to supplant state funds. This does not take funds from other states. It simply allows Washington to access their allotment of SCHIP funds to cover those children who currently lack any health security. Because of their lack of access to health insurance, these children have little or no access to health care and no access to preventive services.

These are children whose parents work hard but do not have access to health insurance or cannot afford the cost of premiums. These parents work hard and pay taxes, unfortunately they have little discretionary income to provide important health security for their children.

Last year, this Congress made a commitment to cover the 10 million uninsured children in this country. The Balanced Budget Act of 1997 included an expansion in children's health insurance benefits as a down payment on meeting the needs of these 10 million vulnerable children. This Congress took the right step in working to achieve the goal of guaranteeing every child in this country a healthy childhood. What we are attempting to do in this legislation that we are introducing today, is to honor this commitment to the children in Washington State.

In 1994 Washington State stood up for our vulnerable children. We implemented an expansion in our Medicaid program to cover children up to 200% of poverty. We knew at the time that it was a huge undertaking, but we recognized that investing in our children's health was a wise investment. Because of the final language adopted in the Balanced Budget Act, Washington could not access their SCHIP funds to cover newly enrolled children below the 200% of poverty threshold and above the federal Medicaid requirement.

As a result, Washington State was penalized for being a leader in children's health. We are here today proposing a technical fix that rewards Washington State and allows them to cover an additional 60,000 to 90,000 children. This is not done at the expense of other States, but rather by using Washington's existing allotment.

I can assure my colleagues that Washington State will honor our commitment to our children. But without access to these funds, enrolling these children will be almost impossible. If we all share the same goal of insuring these 10 million children, we must enact this legislation. The health care needs of low income children in Washington are just as great and just as important as they are for low income children in other states.

I am hopeful that we can act on this legislation. This technical remedy will

go a long way in meeting our shared goal of guaranteeing access to quality, and affordable health care for all children. •

By Mr. ASHCROFT:

S. 2487. A bill to amend the Equal Access Act to provide equal access for elementary and secondary school groups to expense reimbursement and materials, and to provide equal access for community groups to meeting space; to the Committee on Labor and Human Resources.

EQUAL ACCESS IMPROVEMENT ACT

Mr. ASHCROFT. Mr. President, I rise today to introduce a bill that furthers an important object of government—promoting religious liberty and the free exercise of religion. Specifically, I rise to introduce the Equal Access Improvement Act, a bill that would ensure that benefits currently provided to non-curricular school groups and community groups be extended on a non-discriminatory basis to all groups without regard to the religious nature of the organization.

This bill reflects and reinforces an important principle that pervades the Supreme Court's decisions concerning religious liberty—the principle of non-discrimination. The Supreme Court has recognized again and again that neutral laws that provide benefits without regard to the religious nature of recipients do not run afoul of our constitutional traditions. What is more, laws that specifically exclude religious entities from a class of beneficiaries are inconsistent with our Constitution's guarantee of the free exercise of religion. Laws that discriminate against specific religions or against religious organizations in general are incompatible with our nation's founding document and with a fundamental respect for people of faith.

The bill would ensure that student prayer clubs are provided the same access to school facilities as other non-curricular school clubs. Our schools reflect many of the problems that plague our larger culture. Just as in the larger culture, prayer can play an inimitable role in dealing with violence, drugs, and the other challenges in the schools. Denying access to school facilities for student prayer groups, while similar groups are granted access, sends precisely the wrong message. Prayer is an answer. Prayer is not the problem. There is no reason to deny benefits to a group because they engage in prayer or because they have some other religious component.

Nothing in this bill provides any special treatment to religious groups. The bill removes discrimination against religious groups and religious activities. It does not introduce any new discrimination in favor of religious groups. The bill enshrines the principal of neutrality that is at the heart of the Constitution's guarantees of religious liberty.

The Equal Access Improvement Act builds on the work of the 98th Congress, which passed the original Equal

Access Act. The bill extends those provisions to reflect subsequent Supreme Court and lower court decisions and to reflect the experience we have had with the Equal Access Act in the last fourteen years. I have consulted with organizations and individuals who have litigated cases under the Equal Access Act and incorporated many of their suggestions for improving the law.

Specifically, the bill extends the existing law's provision ensuring equal access to meeting space to include equal access to school facilities, including expense reimbursement. Just as a school prayer club should not be denied access to a class room when it is open to the chess club, so too if the school pays to print a newsletter or pays for refreshments for one club, it should not discriminate on the basis of the religious content of the group's speech or activities. In the same way that the original Equal Access Act extended and reinforced the Supreme Court's decision in *Windmar v. Vincent*, 454 U.S. 263 (1981), beyond the public university context, this legislation would extend and reinforce the Supreme Court's decision in *Rosenberger v. Rector and Visitors of the University of Virginia*, 515 U.S. 819 (1995).

The legislation also guarantees students a right to distribute literature without regard to the religious content of the literature. It guarantees access to community groups to school facilities on an equal basis without regard to the religious character of the group. Finally, the legislation extends equal access guarantees to intermediate school students.

Let me emphasize that this bill, like the original Equal Access Act, creates no obligation for a school to provide meeting space or other facilities to any non-curriculum based group or any community group. The legislation simply provides that if a school does make its facilities available to non-curriculum based groups or to community groups, then the school cannot discriminate against other groups on the basis of the religious content of their speeches or activities. What is more, the legislation expressly preserves the ability of schools to enforce content-neutral policies denying or limiting access to all groups.

Passage of this legislation would have many benefits. However, none more important than to reinforce the principle that nothing in the Constitution requires—or permits—the government to discriminate against groups on the basis of the religious nature of their speech or activities. As the Supreme Court recognized long ago, when the government accommodates religious practice and eliminates discrimination based on religion “it follows the best of our traditions.” *Zorach v. Clauson*, 343 U.S. 306, 314 (1952). I believe this bill also follows the best of our traditions, and I look forward to working toward its enactment.

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. 2487

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 “Equal Access Improvement Act”.

SEC. 2. EQUAL ACCESS TO EXPENSE REIMBURSEMENT.

(a) IN GENERAL.—Section 802 of The Equal Access Act (20 U.S.C. 4071) is amended—

(1) by redesignating subsections (d) through (f) as subsections (g) through (i), respectively; and

(2) by inserting after subsection (c), the following:

“(d)(1) Subject to subsection (i), it shall be unlawful for any public intermediate school or secondary school that—

“(A) receives Federal financial assistance;

“(B) maintains a limited open forum as described in subsection (b); and

“(C) provides for the reimbursement of the expenses of one or more noncurriculum-related student groups or students pursuing noncurriculum-related activities;

to deny equal treatment, to any student group or student, respectively, seeking reimbursement for similar expenses, on the basis of the religious, political, philosophical, or other content of the speech or activity engaged in by such student group or student, respectively.

“(2) Nothing in this subsection shall be construed to prevent a public intermediate school or secondary school from granting or denying a reimbursement request pursuant to a neutral policy administered without regard to the religious, political, philosophical, or other content of the speech or activity engaged in by the student group or student seeking the reimbursement.”.

(b) CONSTRUCTION.—Subsection (g) of section 802 of The Equal Access Act (20 U.S.C. 4071), as amended in subsection (a), is further amended—

(1) in paragraph (3), by inserting after “beyond” the following: “the reimbursement of expenses on a nondiscriminatory basis as provided for in subsection (d), and payment of”;

(2) in paragraph (4), by inserting “or activity” after “meeting” each place it appears; and

(3) in paragraph (5), by inserting “or activities” after “meetings”.

SEC. 3. EQUAL ACCESS FOR DISTRIBUTION OF MATERIALS.

Section 802 of The Equal Access Act (20 U.S.C. 4071) is amended by inserting after subsection (d), as added by section 2, the following:

“(e)(1) Subject to subsection (i), it shall be unlawful for any public intermediate school or secondary school that—

“(A) receives Federal financial assistance;

“(B) maintains a limited open forum as described in subsection (b); and

“(C) permits one or more noncurriculum-related student groups or students pursuing noncurriculum-related activities to distribute newsletters or other written materials;

to deny equal treatment, to any student group or student, respectively, seeking a similar opportunity to distribute newsletters or other written materials, on the basis of the religious, political, philosophical, or other content of the speech or activity engaged in by such student group or student, respectively.

“(2) Nothing in this subsection shall be construed to prevent a public intermediate

school or secondary school from granting or denying a request to distribute newsletters or other written materials pursuant to a neutral policy that—

“(A) is administered without regard to the religious, political, philosophical, or other content of the speech or activity engaged in by the student group or student making the request; and

“(B) imposes reasonable time, place, and manner restrictions on the distribution of newsletters or other written materials consistent with the first and 14th amendments to the Constitution.”.

SEC. 4. EQUAL ACCESS FOR COMMUNITY GROUPS.

(a) IN GENERAL.—Section 802 of The Equal Access Act (20 U.S.C. 4071) is amended by inserting after subsection (e), as added by section 3, the following:

“(f)(1) Subject to subsection (i), it shall be unlawful for any public elementary school, intermediate school, or secondary school that—

“(A) receives Federal financial assistance; and

“(B) has a limited community forum with respect to noncurriculum-related community groups or individuals from the community pursuing noncurriculum-related activities as described in paragraph (2);

to deny equal access to, or discriminate against, any community group or any individual from the community, respectively, who desires to conduct a meeting, or otherwise use school facilities, within that limited community forum, on the basis of the religious, political, philosophical, or other content of the speech or activity engaged in by such community group or individual, respectively.

“(2) In this subsection, a public elementary school, intermediate school, or secondary school has a limited community forum if such school grants an offering to or opportunity for one or more noncurriculum-related community groups or individuals from the community pursuing noncurriculum-related activities to meet on school premises or otherwise use school facilities during non-instructional time.

“(3) Nothing in this subsection shall be construed to prevent a public elementary school, intermediate school, or secondary school from granting or denying a request by a community group or individual from a community to meet on school premises or otherwise use school facilities pursuant to a neutral policy administered without regard to the religious, political, philosophical, or other content of the speech or activities engaged in by the community group or individual.

“(4) In this subsection, the term ‘elementary school’ means a school that provides elementary education, as defined by State law.”.

(b) CONSTRUCTION.—Subsection (g) of section 802 of The Equal Access Act (20 U.S.C. 4071), as amended in section 2, is further amended—

(1) in paragraph (3), by inserting “or meetings initiated by a community group or individual from a community” after “student-initiated meetings”; and

(2) in paragraph (6), by inserting “or community groups” after “groups of students”.

SEC. 5. EXTENSION OF EQUAL ACCESS GUARANTEES TO PUBLIC INTERMEDIATE SCHOOLS.

(a) IN GENERAL.—Section 802 of The Equal Access Act (20 U.S.C. 4071) is amended by striking subsections (a) through (c) and inserting the following:

“(a) Subject to subsection (i), it shall be unlawful for any public intermediate school or secondary school that receives Federal financial assistance and that has a limited

open forum with respect to noncurriculum-related student groups or students pursuing noncurriculum-related activities to deny equal access or a fair opportunity to, or discriminate against, any student group or student, respectively, who wishes to conduct a meeting, or otherwise use school facilities, within that limited open forum, on the basis of the religious, political, philosophical, or other content of the speech or activity at such meetings.

“(b) In this subsection, a public intermediate school or secondary school has a limited open forum if such school grants an offering to or opportunity for one or more noncurriculum-related student groups or students pursuing noncurriculum-related activities to meet on school premises or otherwise use school facilities during noninstructional time.

“(c) Schools shall be deemed to offer a fair opportunity to student groups and students who wish to conduct a meeting, or otherwise use school facilities, within its limited open forum if such school uniformly provides that—

“(1) the meeting or use of facilities is voluntary and student-initiated;

“(2) there is no sponsorship of the meeting or use of facilities by the school, the government, or its agents or employees;

“(3) employees or agents of the school or government are present at religious meetings or activities involving the use of facilities only in a nonparticipatory capacity;

“(4) the meeting or use of facilities does not materially and substantially interfere with the orderly conduct of educational activities within the school; and

“(5) nonschool persons may not direct, conduct, control, or regularly attend activities of student groups or students.”.

(b) DEFINITIONS.—Section 803 of the The Equal Access Act (20 U.S.C. 4072) is amended by adding at the end the following:

“(5) The term ‘intermediate school’ means a public school that provides education to students in grade 6 or higher and that does not provide education to students in grade 5 or lower.”.

By Mrs. MURRAY:

S. 2488. A bill to establish the Northwest Straits Advisory Commission; to the Committee on Commerce, Science, and Transportation.

THE NORTHWEST STRAITS MARINE
CONSERVATION INITIATIVE ACT

• Mrs. MURRAY. Mr. President, I rise today to join my colleague in the House, Representative JACK METCALF, to introduce the Northwest Straits Marine Conservation Initiative Act.

Mr. President, I have always believed that the best way to solve problems is to bring people together and find consensus on an issue. The Northwest Straits Marine Conservation Initiative Act is the direct outgrowth of just such an approach.

The Northwest Straits include the marine waters of the Strait of Juan de Fuca, the San Juan Islands, and the northern portion of Puget Sound. It is a scenic and unique ecosystem critical to a broad array of sensitive fish and wildlife, including orcas, sea birds, salmon, bottom fish, and bald eagles.

Recognizing the importance of this precious marine ecosystem, the Northwest Straits were proposed for inclusion in the National Marine Sanctuaries program in some capacity as far back as 1979 when the National Ma-

rine Sanctuary Program was in its infancy. Although the Northwest Straits lie entirely within state waters, the National Oceanic and Atmospheric Administration (NOAA) spent the next seventeen years evaluating the inclusion of this special area into the marine sanctuary program. This process involved substantial public participation. In recent years, it became clear there was insufficient local support to move forward with a Northwest Straits Marine Sanctuary designation for the area.

In response to these local concerns, Rep. METCALF and I included a provision in the 1996 reauthorization of the Marine Sanctuaries program barring final designation of a Northwest Straits Marine Sanctuary without Congressional approval. Having thus put the marine sanctuary process on hold, in the Spring of 1997 we established a Citizen's Advisory Commission (the Commission) to identify the key marine resources and values of the Northwest Straits, as well as the threats to them, and recommend appropriate protective measures and a means of coordinating related federal, state, and local actions. The Commission is broadly representative of local interests including County and Port Commissioners, environmental and conservation groups, shipping interests, academics, and Indian Tribes.

The Commission met diligently for eighteen months to fulfill their mission. In addition to the Commission members, a representative of Governor Gary Locke participated in meetings and federal, state, and local agencies provided information and technical assistance. All Commission meetings have been open to the public and interested parties. The Commission has researched and reviewed the issues surrounding the Northwest Straits exhaustively and presented their formal recommendation to Representative METCALF and myself on August 20.

The Commission has concluded that the very fabric of the Northwest Straits is unraveling, manifesting problems and trends that cross geographic and jurisdictional lines. While the ecosystem is complicated, the trends are simple: bottom fish, sea birds, invertebrates, salmon, and even some marine mammals have declined precipitously since 1980. This depletion of marine resources has hurt economies and communities around the Northwest Straits and further degradation portends far more serious impacts in the future. Existing management schemes, while sufficient in terms of legal authority, have failed to achieve the coordination and focus to change these trends.

While the Commission has not reached a consensus to endorse or reject any future alternative management scheme, the Commission recommends a set of steps that would not displace current management responsibilities but seek to compliment them by supplying key missing ingredients

for success: sound science and broad support for solutions. These steps include the establishment of a network of local, county-based Marine Resources Committees (MRCs) committed to making all possible progress at the local level to protect and conserve the resources of the Northwest Straits using existing state and local authorities, and based on sound scientific information and the overall needs of the Northwest Straits ecosystem. The MRCs will coordinate activities through a Northwest Straits Commission consisting of representatives of the MRCs, Indian Tribes, the scientific community, and state agencies. The Commission will provide technical assistance, integrate science, develop an ecosystem-level coordination, and coordinate funding.

In addition, the Commission will assess the performance of the MRCs against a series of benchmarks. These Benchmarks of Performance shall include the assessment and establishment of a scientifically-based regional system of Marine Protected Areas, the assessment and establishment of a scientifically-based regional system to protect nearshore habitat, a net gain in open shellfish harvest areas, and discernable increases in bottom fish and other key marine indicators. Should these benchmarks fail to be met, further consideration of alternative approaches, including a marine sanctuary designation may be resumed.

In addition, this bill calls for a review of the effort after 5 years by the National Research Council, with particular emphasis on the achievement of the Benchmarks of Performance. With the authorization for this “Local Marine Conservation Initiative” expiring in 6 years, this NRC report will help us assess the accomplishments of this effort to determine whether it should be continued.

Mr. President, the Northwest Straits Marine Conservation Initiative Act represents the right way to address environmental challenges. By pulling all of the interested parties together to analyze and research not only the issue, but each other's perspectives, partnerships can be forged that will provide long-term benefits. This pragmatic and achievable proposal will truly improve resource protection in the Northwest Straits. It is an innovative, exciting way to address the marine conservation challenges before us. I am excited about this approach and the way it empowers local communities and local citizens to take the initiative to protect their home waters. In many ways, this approach is a test or experiment. The local leaders have the next several years to demonstrate that a coordinated, informed, and empowered local decision-making process can provide true protection for the Northwest Straits. I believe they can meet this challenge. I look forward to Congress' timely consideration of this legislation.

Mr. President, I ask unanimous consent that a list of commission members

and a letter from Governor Gary Locke be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MURRAY/METCALF NORTHWEST STRAITS LOCAL CITIZEN'S ADVISORY COMMISSION MEMBERS

Lew Moore, co-facilitator.
 Dan Evans, co-facilitator.
 Brain Calvert, Friday Harbor Port Commissioner.
 Donn Charnley, former State Legislator.
 Dwain Colby, former County Commissioner.
 Jim Darling, Executive Director, Port of Bellingham.
 Kathy Fletcher, People for Puget Sound.
 Dave Fluharty, University of Washington/School of Marine Affairs.
 Don Hopkins, Port of Everett Commissioner/Longshoreman.
 Harry Hutchins, Steam Ship Operators.
 Cheryl Hymes, former State Legislator/Environmental Freedom Foundation.
 Phill Kitchel, Clallam County Commissioner.
 Mac McDowell, Island County Commissioner.
 Andrew Palmer, local marine conservationist.
 Doug Scott, Friends of the San Juans.
 Terry Williams, Northwest Indian Fisheries Commission/Tulalip Tribes.
 Dennis Willows, University of Washington/Friday Harbor Marine Labs.

TECHNICAL SUPPORT

Kelly Balcomb, Center for Whale Research.
 Tom Cowen, Puget Sound Water Quality Action Team.
 Daniel Farber, WA State Parks and Recreation Commission.
 Todd Jacobs, NOAA—Olympic Coast Marine Sanctuary Manager.
 Dan James, Pacific Northwest Waterways Association.
 Eric Johnson, WA Public Ports Association.
 Bob Nichols, Governor Gary Locke's Office.
 Lisa Randlette, WA State Dept. of Natural Resources.
 Terry Swanson, WA State Dept. of Ecology.
 Kathy Soudere, Naval Air Station—Whidbey Island.
 Shirley Waters, Office of Clallam County Commissioners.

STATE OF WASHINGTON,
 OFFICE OF THE GOVERNOR,
Olympia, WA, August 20, 1998.

Hon. PATTY MURRAY,
 Hon. JACK METCALF,
*Northwest Straits Citizens Advisory Commission,
 Padilla Bay National Estuarine Research
 Reserve, Mount Vernon, WA.*

DEAR SENATOR MURRAY, CONGRESSMAN METCALF, AND ADVISORY COMMISSION MEMBERS: I am writing to congratulate you on your success in developing a thoughtful, broadly-supported framework for restoring the marine resources of northern Puget Sound and the Strait of Juan de Fuca—the regional gem we call the Northwest Straits. I also want to express my appreciation for your willingness to dedicate so much of your time and talent over the last year-and-a-half to this effort.

This Commission's report has special credibility and value because its preparation engaged high-level community leaders representing a wide spectrum of interests. In joining forces across the political aisle to solve pressing regional problems, the convenors have followed the highest and best tradition of the Washington Congressional delegation.

I am pleased to see that the Commission has approached the problems of the Northwest Straits in a thoughtful and strategically targeted manner. Instead of proposing a new regulatory authority or layer of bureaucracy, you have wisely sought to complement the roles of existing federal, state, and local authorities by bringing in additional science and creating a forum to build the broad support necessary to advance resource protection.

Again, I want to commend you for your work in developing this proposed partnership to restore and protect the magnificent marine resources of the Northwest Straits. My administration and I look forward to working with you as you develop a congressional proposal and work to implement the report's recommendations.

Sincerely,

GARY LOCKE,
Governor. •

ADDITIONAL COSPONSORS

S. 361

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 361, a bill to amend the Endangered Species Act of 1973 to prohibit the sale, import, and export of products labeled as containing endangered species, and for other purposes.

S. 769

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 769, a bill to amend the provisions of the Emergency Planning and Community Right-To-Know Act of 1986 to expand the public's right to know about toxic chemical use and release, to promote pollution prevention, and for other purposes.

S. 842

At the request of Mr. INHOFE, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 842, a bill to provide for the immediate application of certain orders relating to the amendment, modification, suspension, or revocation of certificates under chapter 447 of title 49, United States Code.

S. 852

At the request of Mr. MACK, his name was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1180

At the request of Mr. KEMPTHORNE, the names of the Senator from Utah (Mr. HATCH), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1180, a bill to reauthorize the Endangered Species Act.

S. 1459

At the request of Mr. GRASSLEY, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Illinois (Ms. MOSELEY-BRAUN), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1459, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind and closed-loop biomass.

S. 2180

At the request of Mr. LOTT, the names of the Senator from Kentucky (Mr. MCCONNELL), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2190

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2190, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 2202

At the request of Mr. AKAKA, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 2202, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 2263

At the request of Mr. GORTON, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Kentucky (Mr. FORD) were added as cosponsors of S. 2263, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Institutes of Health with respect to research on autism.

S. 2291

At the request of Mr. GRAMS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2291, a bill to amend title 17, United States Code, to prevent the misappropriation of collections of information.

S. 2295

At the request of Mr. MCCAIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2296

At the request of Mr. FAIRCLOTH, his name was added as a cosponsor of S. 2296, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income.

At the request of Mr. MACK, the names of the Senator from Georgia (Mr. COVERDELL) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2296, *supra*.

S. 2364

At the request of Mr. CHAFEE, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from

Arkansas (Mr. BUMPERS) were added as cosponsors of S. 2364, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 2395

At the request of Mr. DOMENICI, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2395, a bill to provide grants to strengthen State and local health care systems' response to domestic violence by building the capacity of health care professionals and staff to identify, address, and prevent domestic violence.

S. 2426

At the request of Mr. COVERDELL, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2426, a bill to amend the Internal Revenue Code of 1986 to provide a 2-month extension for the due date for filing a tax return for any member of a uniformed service on a tour of duty outside the United States for a period which includes the normal due date for such filing.

SENATE RESOLUTION 260

At the request of Mr. GRAHAM, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from North Dakota (Mr. CONRAD), and the Senator from Nevada (Mr. REID) were added as cosponsors of Senate Resolution 260, a resolution expressing the sense of the Senate that October 11, 1998, should be designated as "National Children's Day."

SENATE RESOLUTION 274

At the request of Mr. FORD, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of Senate Resolution 274, a resolution to express the sense of the Senate that the Louisville Festival of Faiths should be commended and should serve as model for similar festivals in other communities throughout the United States.

SENATE CONCURRENT RESOLUTION 118—AUTHORIZING THE USE OF THE CAPITOL ROTUNDA ON SEPTEMBER 23, 1998, FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL TO NELSON MANDELA

Mr. D'AMATO submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 118

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the United States Capitol is authorized to be used on September 23, 1998, for the presentation of the Congressional Gold Medal to Nelson Rolihlahla Mandela. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

SENATE RESOLUTION 278—DESIGNATING THE 30TH DAY OF APRIL OF 1999, AS "DIA DE LOS NINOS: CELEBRATING YOUNG AMERICANS", AND FOR OTHER PURPOSES

Mr. HATCH (for himself, Mr. BINGAMAN, Ms. HUTCHISON, Mr. DASCHLE, Mr. MCCAIN, Ms. BOXER, Mr. DOMENICI, Mr. DODD, Mr. ABRAHAM, Mr. HARKIN, Mr. BOND, Mr. KERRY, Mr. GRASSLEY, Ms. LANDRIEU, Mr. CHAFEE, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, and Mr. REID) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 278

Whereas many of the nations throughout the world, and especially within the Western hemisphere, celebrate "Día de los Niños" on the 30th of April, in recognition and celebration of their country's future—their children.

Whereas children represent the hopes and dreams of the citizens of the United States;

Whereas children are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas Latinos in the United States, the youngest and fastest growing ethnic community in the nation, continue the tradition of honoring their children on this day, and wish to share this custom with the rest of the nation;

Whereas one in four Americans is projected to be of Hispanic descent by the year 2050, and there are now 10.5 million Latino children;

Whereas traditional Latino family life centers largely on its children;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas more than 500,000 children drop out of school each year and Hispanic dropout rates are unacceptably high;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and encourage children to explore, develop confidence, and pursue their dreams;

Whereas the designation of a day to honor the children of the Nation will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition of children of the United States will provide an opportunity to children to reflect on their future, to articulate their dreams and aspirations, and find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as "Día de los Niños: Celebrating Young Americans"—a day to bring together Latinos and other communities nationwide to celebrate and uplift children;

Whereas the children of a nation are the responsibility of all its citizens, and citizens should be encouraged to celebrate the gifts of children to society—their curiosity, laughter, faith, energy, spirit, hopes, and dreams: Now, therefore, be it

Resolved, That the Senate designates the 30th of April of 1999, as "Día de los Niños: Celebrating Young Americans" and requests that the President issue a proclamation calling on the people of the United States to join with all children, families, organizations, communities, churches, cities, and states across the nation to observe the day with appropriate ceremonies, beginning April 30, 1999, that include:

(1) Activities that center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our citizens;

(2) Activities that are positive, uplifting, and that help children express their hopes and dreams;

(3) Activities that provide opportunities for children of all backgrounds to learn about one another's cultures and share ideas;

(4) Activities that include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(5) Activities that provide opportunities for families within a community to get acquainted; and

(6) Activities that provide children with the support they need to develop skills and confidence, and find the inner strength—the will and fire of the human spirit—to make their dreams come true.

• Mr. HATCH. Mr. President, today I offer the following statement on behalf of myself and my colleagues KAY BAILLEY HUTCHISON, JOHN MCCAIN, PETE V. DOMENICI, SPENCER ABRAHAM, CHRISTOPHER S. BOND, and CHARLES E. GRASSLEY. Our purpose is twofold: to join our colleagues in recognizing the start of Hispanic Heritage Month, and to submit a resolution designating April 30, 1999, as "Día de los Niños: Celebrating Young Americans."

Since 1968, we have formally recognized and celebrated the tremendous contributions of Hispanic Americans to the history, strength, security, and development of our great nation. This year, we once again embark on this month-long celebration. It is right to honor more than five centuries of contributions by Hispanics to the development not only of our great nation, but of the Western Hemisphere and the world. It is also imperative that we recognize that the health and vitality of the Hispanic American community is pivotal to the strength and future of this nation.

Our own experience has shown us that Hispanic Americans are a strong and proud people, loyal, patriotic, courageous, and dedicated to their families, their country, and their communities. Hispanics have a strong work ethic and tremendous faith in the American dream. They have made great contributions to the advancement of all people in every area, to music, the arts, science, engineering, mathematics, and government.

I am thrilled to see so many wonderful Hispanic role models help light the way for Hispanic youth to attain the American Dream.

Jaime Escalante, a high school mathematics teacher, has been helping an unprecedented number of Hispanic students prepare for and pass advanced

placement tests in calculus. Amalia V. Betanzos, president of an alternative high school with tremendous success rates, has helped us all see what faith and encouragement can do for the soul. And Abraham Chavez, who established the El Paso Symphony, shares his musical talent with children on both sides of the U.S. border. Even with limited funds, he finds various ways to put instruments into the hands and music into the lives of young children.

Such great recording artists as Celia Cruz, Tito Puente, Los Lobos, the late Selena, Freddy Fender, and Gloria Estefan have brought joyous Latin rhythms into our homes and our hearts. Great authors, like Luis Valdez, Victor Villasenor, Nicholasa Mohr, and Luis Rodriguez and great screen artists like Andy Garcia, Jimmy Smits, Edward James Olmos, Rita Moreno, Martin Sheen, and the late Raul Julia have entertained while they inspired us.

The patriotism and courage of great Americans like Alfred Rascon, who immigrated to the United States from Mexico, should also be recognized. At age 20, a lawful permanent resident, he volunteered to serve in Vietnam. As a paratrooper combat medic, he twice used his own body to shield wounded comrades from enemy guns. Severely wounded, he refused to be evacuated until all the wounded were safe. He kept working until he collapsed, so hurt that a priest at the scene gave him last rites.

Dr. Antonia Novello, former U.S. Surgeon General, Raul Izaguirre, President and CEO of National Council of La Raza, Carmen Zapata, director and co-founder of the Bilingual Foundation of the Arts, and Astronauts Ellen Oschoa and Franklin Chang Diaz have helped lead the way for our children as they enter the 21st century.

Of course, Sammy Sosa, Rebecca Lobo, Nancy Lopez, ChiChi Rodriguez, Pedro Morales, Gigi Fernandez, and Trent Dimas are but seven of the many great athletes who have shared with us the pride and success born of great sacrifice and a hunger for perfection. We are proud of their accomplishments. When they win, all America cheers and shares in their victory.

Most importantly, let us not forget the many, many other Hispanic Americans, whose daily contributions often go unrecognized, but whose legacy continues to demonstrate the viability of the American dream.

But for all their contributions to the strength of our nation, many Hispanics have not yet fully shared in the dream. The national drop-out rate for Hispanics exceeds 30 percent (for non-Hispanics the rate is 11 percent, and for blacks, the rate is 12 percent), the highest for any ethnic group, and their educational attainment levels are among the lowest for any ethnic group. Hispanic children are most likely to be among America's poor, even though Hispanic males have the highest labor participation rates. Hispanics are most

likely to lack health insurance and access to regular health care, yet suffer disproportionately from certain diseases. We must do better.

As the youngest and fastest growing minority community in the nation, Hispanics must share equally in the benefits and opportunities of this great nation, so that our country grows stronger and can better compete in global markets. Indeed, by 2050, according to the latest census projections, one in four Americans will be of Hispanic descent. One thing is clear, the health and vitality of this nation depends in large part on the degree to which Hispanic Americans are prepared to meet the global market demands of the next century.

For this reason, in 1987, Senator JOHN CHAFEE and ORRIN G. HATCH established the U.S. Senate Republican Conference Task Force on Hispanic Affairs, which now numbers 27 senators. The task force provides a unique forum for Hispanic leaders to raise awareness and support on the national level for key issues facing the Hispanic community in the areas of education, economic development, employment and health. The task force is aided by a bipartisan, volunteer advisory committee, for whose service we are very grateful. We acknowledge their tremendous contributions, commitment, and dedication to this effort. We thank each of the members publicly for they are truly great Americans.

It was with their help and guidance this Congress that we were able to make small advances in addressing the needs of the Hispanic community, including providing access to health insurance to large numbers of children in poverty, making changes to the Higher Education Reauthorization Act, and supporting increased appropriations to strengthen institutions that provide higher education to low income and disadvantaged students, and reforming job training programs to better serve the latino community. We were also able to establish a federal charter for the American GI Forum, a national Hispanic Veterans organization. Indeed, we owe no small debt of gratitude to the men and women who have sacrificed and continue to sacrifice daily to preserve our freedoms and democratic government. Hispanic Americans are very proud of their record of military service—the highest number of medals of honor earned per capital for any ethnic community.

Additionally, we submitted an "English Plus" Resolution, encouraging citizens to master not only the English language, but other foreign languages. Enhancing our linguistic abilities will make for a more skilled and competitive labor force, and improve our communications. We hope to be able to pass the resolution before the end of the Congress.

It was our Advisory Committee that recommended we join the National Latino Children's Institute in calling upon the nation to designate April 30,

1999, as "Día de los Niños: Celebrating Young Americans"—a recommendation with which we wholeheartedly concurred.

In contributing to the celebration of Hispanic Heritage Month, we think it is most fitting to introduce a resolution calling on the citizens of our great nation to join with other nations of the world, and especially those of the western hemisphere in setting a day aside to honor our children. Much in the same way that we celebrate Mother's Day and Father's Day, we urge the American people to set aside a day to uplift children, to encourage them to dream, and help them to acquire the skills necessary to make those dreams come true. It is a custom throughout Latin America to celebrate "Día de los Niños" on the 30th of April each year. Let us share in this tradition.

Indeed, if we take time to listen, to encourage children to read, to stay in school, to dream, to plan and work hard to achieve their dreams, then America's future is guaranteed to be brighter. Latinos have made great strides, and they continue to progress. They have joined the ranks of public officials, managers, CEOs and presidents of corporations, teachers, doctors, lawyers, and congressmen. But there is much yet to be done. Let us take pride in the contributions of Hispanics to the history of this nation, let us recognize their gifts to America—their patriotism, devotion to family, love of God, and faith in the American dream—and let us invest in the dreams of their children. Let us extend Hispanic Heritage Month to include a day to honor and celebrate the gifts of all of the nation's children, a day in which we devote ourselves to uplifting and encouraging them to pursue their dreams. We invite our colleagues to join us as co-sponsors of this worthy resolution designating April 30, 1999, "Día de los Niños: Celebrating Young Americans."

Mr. President, I ask unanimous consent that the names of the volunteer advisory committee be printed in the RECORD, in recognition of their contributions.

there being no objection, the names were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE REPUBLICAN CONFERENCE TASK FORCE ON HISPANIC AFFAIRS—105TH CONGRESS ADVISORY COMMITTEE

The Members of the U.S. Senate Republican Conference Task Force on Hispanic Affairs wish to record their high esteem, gratitude and appreciation for the members of the advisory committee to the task force (listed below), for their expertise, hard work, and dedication to assisting task force Senators in better meeting the needs of the nation's Latino community.

Loretta Adams; Antonio Amador; George Antuna; Rodolfo Arredondo, Jr.; Patricia Asip; Zulma X. Barrios; Richard Bela; Philip Vincent Bernal; Rudy M. Beserra; Victor G. Cabral; Lorenzo Cervantes; Roxana Chahin; Adam Chavarria; Ana Colomar-O'Brien; Elaine Coronado; Mariam Cruz; Rafael Davila; Chris Diaz; Guarione Diaz; Rita

DiMartino; Ingrid Duran; Alma Rojas Esparza; Rafael Franchi; Tony Gallegos; Jane C. Garcia; Rafael Garcia; President; San F. Garza; Mary George; Steve John Gonzalez; Arthur Granado; Sheila Guadarras; Carmen Hansen-Rivera; Alida Hernandez; Farah Jimenez; Ed Juarez; Ben Lopez; Mimi Lozano Holtzman; Raymond Lozano; Herminio A. Martinez; J.V. Martinez; Julian Martinez; Kenneth A. Martinez; Robert Martinez.

Zaida L. Martinez, Ph.D.; Teresa McBride; John Medina; Denise Mendoza; Mike Montelongo; Velma Montoya, Ph.D.; Dionicio Morales; Isreal Moran; Emma Moreno; Pete Moreno; Anna Muller; Alfonso J. Perez; John Perez; Juan Perez; Jaime Ramon; Grace Ramos; Jorge Ramos; Salvador Ramos; Ramon E. Rasco; Ana Rivas-Beck; Jose Rivera; Nena Robreno; Ana Rodriguez de Sanchez; Edwin A. Rodriguez; Eric Rodriguez; Fred Rodriguez; M.J. Rodriguez; Marcos "Mark" Rodriguez; Mark Rodriguez; Rene F. Rodriguez; Rose Marie Rodriguez; Nelson Roman; Phil Roman; Margo Salazar; Celia M. Salomons; Orlando Sanchez; Angelica Santacruz; Marta Sotomayor; Thomas Tewksbury; Esteban Torres; Joyce Valdez; Diana M. Valverde; Selso Vargas; Octavio J. Viveros, Jr.; Sofia Garcia-Conde Zuckerman.●

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

BOXER (AND OTHERS) AMENDMENT NO. 3594

Mrs. BOXER (for herself, Mr. BUMPERS, Mr. DASCHLE, Mr. DURBIN, and Mr. WELLSTONE) proposed an amendment to the bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes; as follows:

On page 74, strike lines 13 through 20.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Wednesday, September 16, 2:00 p.m., Hearing Room (SD-406), regarding the use of methyl tertiary-butyl ether (MTBE) in gasoline and S. 1576.

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 16, 1998 at 9:30 a.m. to hold a joint hearing with the Caucus on International Narcotics Control.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Com-

mittee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, September 16, 1998 at 9:30 a.m. to receive testimony from the Architect of the Capitol on plans to renovate the Dirksen Senate Office Building and the Capitol Dome.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, September 16, 1998 at 10:00 a.m. to receive testimony on S. 2288, the Wendell H. Ford Government Publications Reform Act of 1998.

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 16, 1998 at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON IMMIGRATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, September 16, 1998 at 2:00 p.m. to hold a hearing in room 226, Senate Dirksen Office Building, on: "INS Oversight and Reform: Detention."

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

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mrs. HUTCHISON. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services to meet on Wednesday, September 16, 1998, at 2:00 p.m. for a hearing on "GAO Report on High Performance Computers."

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

SUBCOMMITTEE ON INVESTIGATIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent on behalf of the Permanent Subcommittee on Investigations of the Governmental Affairs Committee to meet on Wednesday, September 16, 1998, at 9:30 a.m. for a hearing on the topic of "The National Cancer Institute's Management of Radiation Studies."

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION/ MERCHANT MARINE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Surface Transportation/Merchant Marine Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet

during the session of the Senate on Wednesday, September 16, 1998, at 2:30 p.m. on "Fatigue: Trucking and Rail Industry."

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

ADDITIONAL STATEMENTS

CONGRATULATING KARL OHS

● Mr. BURNS. Mr. President, I rise today to congratulate Karl Ohs, who will receive the Federal Bureau of Investigation's highest honor later this month for his part in ending the 1996 Freeman standoff in Montana. A quiet, unassuming rancher from Harrison, Montana, Karl has displayed uncommon courage and leadership not only during the Freeman incident, but throughout his life as a public servant and community leader.

Born and raised in the farming town of Malta on Montana's Hi-Line, Karl was surrounded by agriculture from his birth. After graduating from Montana State University with a degree in agriculture, he began farming and ranching in Harrison. Karl quickly became an active member in the community, serving on the board of the local hospital and on the Harrison School Board.

Karl's dedication to his community and agriculture led him to run for the Montana House of Representatives in 1994. After only one term, his peers selected Karl to serve as the majority whip for the 1997 legislative session. In this capacity, Karl led fights to cut administrative costs, increase investment in Montana for our long-term growth, and save the historical sites of Virginia City and Nevada City, which otherwise would have been lost, destroying important reminders of our great state's heritage.

Unlike some of today's political leaders who preach virtues publicly while defying them privately, Karl has shown great courage and morality while not standing in front of a microphone or television camera. When Karl was approached by a friend to intervene in the Freeman standoff, he did so without a second thought. As a mediator during the standoff, Karl repeatedly put himself into dangerous situations because of his concern for human life, both of the Freeman and law enforcement officers. In the end, he was able to gain the trust of the Freeman and jumpstart negotiations that led to the end of the standoff. Without his invaluable service, a violent end to the situation would have been inevitable.

In a nation that is suffering from a lack of moral leadership, I am happy to know that we have people like Karl taking an active role in their communities. Karl serves as an example for all of us.

Again, Karl, congratulations on your award. We can all learn a lot from your model of courage and service, and I want you to know that you have my gratitude and that of the Nation.●

THE MARCH . . . COMING TOGETHER TO CONQUER CANCER

• Mr. LEVIN. Mr. President, I ask that the following joint statement of myself and my colleague from Michigan, Senator SPENCER ABRAHAM, be printed in the RECORD.

The joint statement follows:

JOINT STATEMENT OF SENATOR LEVIN AND SENATOR ABRAHAM IN RECOGNITION OF THE MARCH . . . COMING TOGETHER TO CONQUER CANCER

Mr. President, we are pleased to join today in recognition of the hundreds of thousands of people gathering here in Washington and in every state in the country on Saturday, September 26, 1998 for The March . . . Coming Together to Conquer Cancer.

Statistics tell us that cancer will affect the lives of virtually every American. According to the American Cancer Society, American men have a 1-in-2 lifetime risk of developing cancer, and American women have a 1-in-3 lifetime risk. It is estimated that more than 1.2 million new cancer cases will be diagnosed this year, and cancer kills Americans at a rate of more than 1,500 per day. In our state of Michigan, cancer is the second leading cause of death for all people, and is the leading cause of death for people between the ages of 35 and 49. In 1995, cancer took the lives of nearly 20,000 Michigan residents. What statistics cannot show us are the real people behind the numbers whose lives have been forever changed by cancer. They are parents and children, husbands and wives, sisters and brothers, friends and colleagues. They are counting on us, and on policymakers at all levels, to renew our commitment to the effort to develop a cure for this deadly disease.

We are proud that our home state of Michigan is a national leader of The March and in cancer research and treatment. The Karmanos Cancer Institute, one of the premier cancer treatment facilities in the country, is coordinating Michigan's March-related activities. The Michigan March will be held in Lansing to coincide with The March in Washington on September 26th. A steering committee, coordinated by the Karmanos Cancer Institute, is working hard to ensure that people from every corner of Michigan participate in The March in Lansing. Organizers are expecting 10,000 people in Lansing on September 26th, including cancer survivors, friends and family of survivors and of those who have lost their lives to cancer, health care professionals, government leaders, and many others. We know that even though they will be divided by geography, the 10,000 people in Lansing will feel a sense of unity with the hundreds of thousands of others gathering in cities throughout the country for a common purpose.

Mr. President, we have all been touched by cancer in one way or another. We all have friends, family, or loved ones who have been its victims. The March will give a voice to those whose voices have been silenced by cancer, and it will serve as a call to action in the war against this deadly disease. We are pleased to stand with those participating in The March in Lansing and in Washington, and encourage our colleagues to join us in expressing our profound respect and gratitude to The March participants for their courageous action.●

CELEBRATING 7 YEARS OF INDEPENDENCE FOR THE REPUBLIC OF MACEDONIA

• Mr. COATS. Mr. President, I rise today to express my support to the

Government of the Republic of Macedonia which on September 8th celebrated seven years of independence.

Many of us are encouraged with the activities the Government has enacted with respect to democracy, human rights and international peace.

Although a small nation of approximately two million people and the size of Vermont, the Republic of Macedonia, located in the very unstable region of the Balkans, has established itself as an example of peaceful, constructive, good neighborly country and our reliable ally.

The Republic of Macedonia is the only country that, following the dissolution of former Yugoslavia in 1991, gained independence in a peaceful and legitimate manner, by a way of a referendum and a new Constitution, refusing to take part in the war that was waged in the other parts of former Yugoslavia, thus showing that at the threshold of the 21st century, it is possible to become independent without bloodshed.

Not only did the Republic of Macedonia opt against policies of territorial aspirations, forceful changing of borders and ethnic cleansing, but also made it very clear that such policies are the cause for conflicts and wars in the ethnically intermixed Balkans.

Over the seven years of its independence, the Government of the Republic of Macedonia has instituted a series of economic reforms to control inflation, reduce debt, increase exports and foster growth.

Recently, many American investors have started to see South-Eastern Europe as an economic area of large potential with more than 60 million people, and the Republic of Macedonia as the most strategically located in the center of this large market.

The United States must continue its support for the Republic of Macedonia, especially having in mind the recent developments in neighboring Yugoslavia.●

RECOGNITION OF THE U.S. NATIONAL COMMISSION ON LIBRARIES

• Mr. DODD. Mr. President, I rise today in recognition of the efforts recently made by the U.S. National Commission on Libraries to mobilize resources for the purpose of curbing youth violence in this nation.

Youth violence in America is, undeniably, a serious and frightening problem today. The recent string of highly publicized school shootings has made this all too clear; over the last ten months, 15 people have died and 42 have been wounded. This terrifying epidemic has spread across the country—from Mississippi to Pennsylvania to Washington. As a result, cities such as Jonesboro, Arkansas, and Springfield, Oregon, will remain burned in the public mind, forever associated with terror, heartbreak, and inexplicable tragedy. When faced with the all too horri-

fying reality of children killing children, teachers, even parents, the nation is shaken to its core, as common associations of youth and innocence are violently broken. Citizens are left to mourn and to ask the inevitable question: Why?

But wondering why is not enough. Innovative action is required if future tragedies are to be prevented. And the U.S. National Commission on Libraries and Information Science is leading the way, having committed itself to just such action. The Commission is a permanent, independent agency of the federal government charged by Congress to advise the President and the Congress on national and international library and information policies and plans. On July 8, 1998, the members of the Commission unanimously approved a resolution that urges all of society—community officials, educators, parents, role models—to support efforts made by libraries to assist adults, youth, and children in finding, through valuable learning resources and experiences, solutions to this outbreak of violence. The Commission's recognition of the important and constructive role libraries can play in the lives of America's children is commendable. It is commitment like this that may help to curb the terrifying tide of violence—both in the school and in the home.

Mr. President, I ask that the Resolution of the Commission be printed in the RECORD and serve as a model to all of us and our community organizations as we struggle to come to terms with violence among our youth.

The Resolution follows:

U.S. NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Resolution in Recognition of the Important Role of Libraries in the Lives of American Children

WHEREAS we have seen the recent outbreak of children venting rage and anger by killing parents, teachers and schoolmates,

WHEREAS we know that mental development, positive socialization and emotional stabilization must begin at birth if children are to grow up with full success,

WHEREAS we are concerned about the needs of tens of thousands of young persons now in corrections or on probation who may return to destructive behaviors if they receive no redirection,

Be it Resolved That the U.S. National Commission on Libraries and Information Science urges that our society—officials and educators at all levels, community leaders, parents and other adult caregivers, confidantes and role models—utilize the vast potential of libraries and support the current and potential abilities and efforts of librarians in assisting adults, youth and children to seek positive outcomes through wise use of information, and

Be it Further Resolved: That, in seeking solutions through better parenting and learning experiences for young children and redirection for troubled older children and adolescents, libraries can be a major delivery point.●

NATIONAL ENDOWMENT FOR THE ARTS

• Mrs. FEINSTEIN. As the Senate considers appropriations for the National

Endowment for Arts and the Humanities Act, the primary source of federal support for the arts, humanities and museums, I wish to express my support for these programs.

ARTS AS PART OF OUR HISTORY

Mr. President, throughout this nation's history, the arts have been an integral part of our background and heritage. Over the years, music, dance, art, and personal expression have evolved to reflect our changing culture and attitudes. In a country of great diversity, from education and socioeconomic background to political perspective and religious views, all people should have the opportunity to experience America in its many forms, including the arts.

NEA IS A SUCCESS

In 1966, when Congress created the National Endowment of the Arts, the mission was to expose all people, across the nation, from California to Maine, from New York to North Dakota, of all backgrounds and origins, to music, dancing, theater, art and literature. Since then, the NEA has more than succeeded with its mission. The NEA helps support community festivals, rural chamber music, arts centers, galleries, arts libraries, town halls, children's organizations, and other social and civic institutions where families can experience the arts. NEA-sponsored programs build bridges of understanding among diverse groups of Americans.

ECONOMIC BENEFITS

The arts also stimulate local economies. By attracting tourist dollars, the arts stimulate business development, encourage urban renewal, attract new businesses, and improve the overall quality of life for our cities and towns. Nationally, nonprofit arts organizations generate an estimated \$37 billion in economic activity and return \$3.4 billion in federal income taxes to the U.S. Treasury each year. In other words, for every \$ 1.00 dollar spent by the NEA, \$34.00 are returned to the United States. Every \$1.00 spent by the NEA attracts \$12.00 to the arts from other sources.

INCREASED JOB OPPORTUNITIES

The arts also create job opportunities for more Americans. More than 1.7 million Americans are employed in the non-profit arts industry. This number is higher than any other profession including legal services, police and firefighting, mining, advertising, and forestry and logging. Since 1970 the number of artists employed in the U.S. has more than doubled. Even with this increase, the United States still spends nearly fifty times less on the arts than any of its major allies.

CREATES STATE AND FEDERAL PARTNERSHIPS

To ensure that people across the country have access to arts programs, the NEA promotes partnerships between the state and arts agencies, schools and local organizations. This cooperative system of arts support links local, state and regional associa-

tions in order to ensure that support and assistance is provided to organizations that work with culturally diverse populations, older adults, people with disabilities, and individuals living in institutions. Before the NEA, only 5 states had state-funded arts councils. Today, all 50 states do. Currently, the NEA sustains 25 partnerships with federal agencies including the Departments of Education and Justice, the Center for Substance Abuse Prevention, and the National Science Foundation.

EDUCATION BENEFITS

The arts can improve learning and be part of a well-rounded education. Research from 1995-97 from the College Entrance Examination Board shows that students who studied the arts scored an average of 83 points higher than non-arts students on the Scholastic Aptitude Test, the SAT. Children with a piano background have also scored better on math tests.

The NEA and the state arts agencies provide \$30 million in annual support for more than 7,800 arts education projects in more than 2,400 communities. In 1997, the NEA invested \$8.2 million, 10 percent of its annual grant dollars, in kindergarten through grade 12 arts programs. Arts education improves life skills including self-esteem, teamwork, motivation, discipline, and problem solving that help young people compete in a challenging and high-tech workforce.

NEA AFFECTS CALIFORNIA AND STATES NATIONWIDE

Cutting funding means cutting programs. NEA has supported many California efforts: programs such as the I Do Dance Not Drugs program in South Central Los Angeles that works with latch-key kids would be demolished; a grant to the Pacific Symphony Association in Santa Ana, California funds Class Act, 95 a program which supports and enhances music education for up to 17,000 students at 20 elementary schools in Orange County through a series of activities, including repeated interaction with an Orchestra musician and direct exposure and interactive experiences with the Orchestra and the music it performs, would not be possible without NEA funding; to support a comprehensive education program at Berkeley public elementary schools, the Berkeley Symphony Orchestra will help train teachers in music, encouraging student interaction with the composer, an introductory orchestral concert, classroom visits, and a culminating presentation at which students perform side by side with Berkeley Symphony Orchestra professional musicians; the California Arts Council supports arts education and the partnership project with the California Assembly of Local Art Agencies to strengthen the State's local art agencies; programs which support Native American artists in Eureka, California to put on workshops for students and citizens on art could be terminated.

PUBLIC SUPPORTS NEA

By a margin of 3 to 1, Americans support government-funded arts programs. Moreover, a 1996 Lou Harris poll states that 61 percent of Americans said they would be willing to pay \$5.00 more in taxes to fund the arts. This is important because private donations tend to support larger arts organizations, not smaller, independent projects and groups. The NEA works hard to fund a wide range of expression.

NEA REFORMS

With reforms now requiring grantees to adhere to strict guidelines, trying to address the concerns of some who worry that some projects are objectionable can rest assured. National panels of private citizens select grantees in a rigorous, democratic review process.

In conclusion, Mr. President, I would like to remind my colleagues that the total for arts and humanities-related spending for the 1997 fiscal year was less than 1% of the total budget. The National Endowment for the Arts costs each American about 36 cents per year. Arts institutions have affected millions of Americans. Whether its been watching a famous play, wandering through a beautiful museum, or having the opportunity to live a dream by singing on stage in a local theater company, the NEA fosters an excellence, diversity, and vitality of the arts in the United States which could never be matched by any other institution. It represents a national commitment to excellence our nation's culture, heritage, and, most important, its people. The NEA benefits our citizens, educational institutions, economy, and our spirits. We cannot, in good faith, deny Americans access to such a national treasure.●

75TH ANNIVERSARY OF ST. ROSE HIGH SCHOOL

● Mr. TORRICELLI. Mr. President, I rise today to recognize St. Rose High School as it celebrates its 75th Anniversary. This year marks the 75th year the high school will provide quality education to students in and around the Belmar area. It is a pleasure for me to recognize this important milestone.

St. Rose exists to educate high school age men and women so that they may realize their spiritual, academic, and social potential. St. Rose's mission, since beginning as a parish school in 1923, emanates from a tradition of Roman Catholic education administered by the Sisters of St. Joseph of Chestnut Hill. The staff of religious and lay faculty is responsive to the needs of a changing world. They have created a safe, supportive, disciplined atmosphere and curriculum that honors and nurtures the dignity, worth and capabilities of each student. The alumni go on to assume positions of leadership within their communities and professional fields.

This school has become an extraordinary educational institution that has improved the quality of life for the citizens of New Jersey, and it has long

been an example of the standard that we set for our nation's high schools. Through hard work and dedication, the faculty have illustrated their commitment to building the leaders of tomorrow, and their success over the past 75 years serve as an inspiration to all educators.

I am proud to recognize St. Rose on its anniversary, and I look forward to another 75 years of quality education from this institution.●

HISPANIC HERITAGE MONTH

● Mr. REID. Mr. President, I rise to pay tribute to Hispanic Americans, as we begin to celebrate Hispanic Heritage Month. Events will occur throughout the Nation during this month—which extends from September 15th to October 15th—to applaud the achievements of Hispanics everywhere.

The diverse contributions of Hispanics to society, culture, academics, and the economy of our Nation have greatly enriched America. For example, the first two Hispanic Americans to win the Nobel Prize, biochemist Severo Ochoa and physicist Luis Alvarez, in their gain of worldwide acclaim, added to America's greatness in their respective fields. Dr. Ochoa of New York, was awarded the Nobel Prize in Medicine in 1959 for his discovery of ribonucleic acid (RNA). According to a New York Times article of November 3, 1993, Dr. Arthur Kornberg shared the Nobel Prize with Dr. Ochoa and said upon his death that Dr. Ochoa was "a fine teacher, a person of great enthusiasm and optimism." The Nobel Prize in Physics was awarded to Dr. Alvarez in 1968 for discovering a subatomic particle that can exist for only fraction of a second. He was born in California and later died in Berkeley, California in 1968.

Another great American, Franklin Chang-Diaz, became the first Hispanic American in space when he flew on a 1986 space shuttle Columbia mission. Ellen Ochoa became the first Hispanic female astronaut when NASA selected her for that duty in 1990, after receiving her Masters and Ph.D. degrees in electrical engineering from Stanford University. These Americans have presented themselves as ideal role models for other Hispanic Americans aspiring to excel in science and technical fields.

Our country's Armed Forces have also been proud to have Hispanics serve to protect America's freedom and liberty. The U.S. Congressional Medal of Honor Society has so far presented 38 Hispanic Americans with the distinguished Medal of Honor for their valor and great bravery. Without the integrity and spirit exemplified by these individuals, Americans everywhere would be facing a less secure world. Latinos have been with us through the Revolution, expansion to the West, and every conflict we have faced as a Nation; more than 400,000 Hispanics served the U.S. during World War II, and nearly 25,000 served during the Persian Gulf War.

The leadership of this country is augmented by the voices of our Hispanic elected officials, many who have joined forces in the Congressional Hispanic Caucus. The Caucus has been working very hard to advance relevant legislation and educate their colleagues about the needs of the Hispanic community. As we review Congressional history, we discover that the first Latino to serve in Congress, Joseph Marion Hernández, entered our halls as a Delegate from Florida in 1822. Our body welcomed Octaviano Larrazolo as the first Hispanic U.S. Senator in 1928. Currently, I am honored to have the only Hispanic Chief of Staff in the U.S. Senate, my good friend Reynaldo Martinez. I feel that we should see more of these success stories as we reach the next millennium.

In the state of Nevada, Hispanics have shown their influence in all areas, especially in education, business, and politics. Nevada continues to be the fastest-growing state in the Nation, and Nevada's Hispanics have increased from 124,408 people out of 1.2 million in 1990, to 253,329 people out of 1.7 million in 1997, according to Census Bureau figures released last week. This is a large increase from 10.4 percent of the state population in 1990 to 15.1 percent in 1997.

Hispanics have been the largest minority in Nevada for years and will become the largest minority in the rest of the country in 2005. Overall in the U.S., Hispanics number more than 30 million people. Along with some of my colleagues, I worked to address urgent needs of this quickly growing segment of our U.S. population, forging inroads with various Hispanic organizations through our Senate Hispanic Working Group. The Working Group has met regularly throughout the past year, encouraging a two-way learning process in which we have come to better understand important concerns that Hispanic Americans have, while expressing to the Hispanic community our earnest desire to address these concerns. The group has forged ties with Hispanic organizations such as the National Council of La Raza, League of United Latin American Citizens, National Association of Latino Elected Officials, American GI Forum, Mexican American Legal Defense and Educational Fund, National Latino Children's Institute and MANA A National Latina Organization. I am very pleased that our Leader, Senator DASCHLE, asked me to work with Senator BINGAMAN and Senator JOHN KERRY in this effort.

Practical, everyday issues Democrats have worked to address for Hispanic Americans are many in number and quite varied. For instance, we united to pass an amendment to the education IRA bill which I offered, along with my colleague from New Mexico, Senator BINGAMAN, to help reduce the alarming number of high school dropouts in this country. Although the amendment was added to the bill, it was regrettably stripped in conference.

This effort was particularly aimed at addressing the disproportionately high rate of Hispanic high school dropouts—a rate which has hovered at 30 percent. This is by far the highest rate compared to all other racial and ethnic minority groups—a rate that is simply unacceptable. Nevada has also seen dropout rates among Hispanics of more than 16 percent. We must continue to find out why these students are left behind, and eventually feel compelled to curtail their learning opportunities. These are opportunities that could help these disenfranchised young people begin a career, support their families now and in the future, and make something of their lives.

My own life was transformed by the power of education. My father never received an education higher than elementary school and my mother never graduated from high school. But because I was lucky enough to have access to educational opportunities, the support of good teachers, and a supportive community, I was able to accomplish what my parents had dreamed for me. Democrats want to make sure that every American has the opportunity to obtain a good education and realize their full potential.

We have also been trying very hard to reform our health care system. Millions of Americans worry every day about health care as they fight all manner of illness and disease, or care for a loved one who is sick. Many Americans, including Hispanic Americans who make up almost one in every four uninsured individuals in the U.S., wonder about how they will obtain the care they need when they need it, how they will pay for it, whether or not the care is quality care, and how much control they will have over their own health care decisions. We have managed to elevate on the national level one comprehensive solution to many families' health care worries in Patients' Bill of Rights legislation. We did this because people want to change the way managed care works, or more accurately, doesn't work. Regrettably, partisans have fought against full consideration of managed care reform in the Patients' Bill of Rights that would address issues at the heart of Americans' health care concerns. Democrats will continue pushing to increase patient protections for all Americans.

We have also, time after time, come to this floor to talk about strengthening retirement security for current and future generations. I hear our young people's anxiety about their retirement—that nothing will be available to help them when it's time to leave the workforce. Unfortunately for Hispanics, out of the one in ten who are part of the workforce, only one in three or 32 percent of the 13.2 million working Hispanic Americans participate in employee pension plans. The participation rate for other minorities is 44 percent and for white Americans, 51 percent. The situation is bleaker for Hispanic women, who earn on average

only 57 cents for every dollar earned by men and are thus unable to build savings or save for retirement.

Our solution is the Retirement Accessibility, Security, and Portability Act of 1998, a comprehensive pension bill that includes a wide range of proposals designed to help Americans prepare for a secure retirement. This legislation would expand pension coverage, strengthen pension security, promote pension portability, and increase equity for women. We are also working to save Social Security—a program that has succeeded in keeping millions of older Americans out of poverty, helping people who don't have pension plans or inadequate pensions, and serving as a necessary safety net. Americans shouldn't face great anxiety in their golden years and should rather be free to enjoy their grandchildren, second or third careers, and as active a lifestyle as they desire.

We have accomplished other things with the support of Hispanic Americans during this Congress, such as halting an assault on the Disadvantaged Business Enterprise (DBE) program. During Senate consideration of ISTEA II, the comprehensive highway funding bill, Democrats succeeded in protecting the DBE program which helps to ensure that minority- and women-owned small businesses have a fair opportunity to compete for Federal-aid highway and transit construction projects. In my state, \$26.6 million or 11 percent of 1997 contracting dollars coming into Nevada went to minority- and women-owned businesses. In 1996, the DBE program brought in \$4.2 million for minority-owned firms, or 7.3 percent of Federal contracting funds. It is imperative that we continue our diligence in helping these businesses fight against discrimination and flourish in their respective industries.

This year, we fought for a restoration of Food Stamps to legal immigrants who unfairly lost their benefits. As my colleagues recall, the Republican welfare bill in 1996 introduced several provisions harmful to legal immigrants, including a prohibition that cut 935,000 individuals from the Food Stamp program alone. Although eligibility later was restored in 1997 for certain immigrants in selected Federal assistance programs, many others remained ineligible for necessary benefits in the Federal safety net that helps poorer families. We included a partial, \$818 million restoration in the agricultural research bill conference report, defeating a motion to recommit the conference report with instructions stating that Food Stamp benefits be restored only to refugees and asylees who were lawfully residing in the U.S. on August 22, 1996. Immigrants were inequitably subjected to an arbitrary cutoff of benefits that hurt them dearly and took food out of the mouths of young children. We made sure that at least part of this injustice was reversed.

I hope that a similar range of issues will be addressed in a statewide His-

panic Leadership Summit—the second one in a series—which will take place in Nevada this October. The first Hispanic summit I helped arrange in 1997 served as a catalyst for discussions in issue forums on education, health care, crime and community health, business and employment, and political awareness, and this year's summit will spur discussion on the same issues. In addition to identifying Nevadans to serve in leadership roles for the community in these areas, summit participants proposed solutions to various problems, such as educational programs to address high school dropout rates, alternatives to gangs, improved adult education and bilingual education/English as a Second Language programs, and better access to higher education. I encourage my colleagues to hold events such as this one in their own states, as a way to further encourage solidarity and real progress as the Nevada summits did for the Hispanic community in my state.

Many accomplishments of Hispanic Americans came to light at the summit, and Hispanic Heritage Month presents us a terrific opportunity to celebrate those accomplishments once again. For example, as Hispanic consumers grow in number and purchasing power, producers, retailers and advertisers are recognizing Hispanics' strong economic muscle and finding selective marketing to Hispanics increasingly important. The Hispanic share of total buying power in my state grew from 6.4 percent in 1990 to 8.2 percent in 1997—an increase from \$1.38 billion to \$3.17 billion in less than a decade. Nationally, Hispanic buying power rose from 5.2 percent or \$210 billion in 1990 to 6.1 percent and \$348 billion in 1997, according to the Selig Center for Economic Growth at the University of Georgia. Hispanic Americans are helping to grow the economy.

Hispanic entrepreneurs are also becoming a significant force in Nevada's economy, and the U.S. as a whole. Nevada's 3,900 Hispanic-owned firms earned \$484 million in sales and receipts in 1992—double the number of firms existing in 1987 (1,767 businesses) and triple the sales and receipts logged in 1997 (\$142 million), according to the Census Bureau. As of 1996, there were an estimated greater than one million Hispanic-owned businesses in the U.S. Also growing in number around the country are Hispanic Chambers of Commerce—which numbered 169 in 31 states in 1995, according to Hispanic Business, Inc. This included the Latin Chamber of Commerce of Nevada in Las Vegas and the Hispanic Chamber of Commerce in Reno. I am encouraged to see that these businesses have come a long way and that they are projected to grow even more dramatically in the next five to ten years.

In closing, Hispanic Americans have much to celebrate this month. I feel there is no better occasion than now to personally congratulate a few winners who have made the Silver State quite

proud. The Latin Energy Dancers of Carson City, Nevada are being recognized this week by the National Latino Children's Institute—my warm congratulations go out to this group on being declared as one of the institute's La Promesa Award Winners 1998. Congratulations to Father Omar Botia for being this year's recipient of the Humanitarian of the Year "Adelante" Award. Father Omar, my friend, has contributed much to the Hispanic community in Reno, not only in the spiritual realm, but also in recognizing the need for improvement of their temporal situations. Also, MANA, A Latina Organization recently opened a new chapter in my state in Las Vegas—I wish them the best in their new endeavor. Let this month be a celebration for achievements and honors like these, through which the Hispanic community will continue to grow and flourish. Hispanic Heritage Month will be a time for us to remember the contributions that the Hispanic community has shared with us and has given to this, only adding to its greatness. We are reminded this month that the United States is a country of true diversity, which revels in the differences of its individuals, and rejoices in the common strains that unite us as Americans.●

HISPANIC HERITAGE MONTH

● Mr. LAUTENBERG. Mr. President, I rise to pay tribute to the Latino community. As we celebrate Hispanic Heritage Month, I want to recognize the contributions made by millions of Latinos in our nation. New Jersey is a truly multi-cultural state and I am honored to help represent this vigorous community in the United States Senate.

Mr. President, this month we celebrate a community with leadership which is notable in every facet of our society; which continually commits to family, education and business; and which is a vital force in our economy. Latinos have persevered, often under difficult situations, yet remain hopeful even as they strive for change. Hispanic elected officials and community leaders work to increase involvement in the electoral process, break the cycle of poverty and improve people's lives. Many Latino soldiers have made the ultimate sacrifice in giving their lives for the common good of our country. Today, I want to honor these brave Americans and their families. And I also want to honor Latina/o heroes and heroines like the late Julia de Burgos, Arturo Alphonso Schomburg, Cesar Chavez, Roberto Clemente, Puerto Bibliophile and Don Pedro Albizu Campos among others. These teachers, advocates, athletes, and activists have brought pride to their community, enriched our country, and provided role models for all of us to emulate.

I commend the Latino community for its courage and persistence and

want to warmly acknowledge the talent and vitality its expanding population brings to our nation. I thank the community for leading by example, and for promoting a national policy agenda which highlights very basic human necessities that should be the right of every American.

Mr. President, a democratic and prosperous society, such as ours, should not step back from a national commitment to provide assistance to those who strive to achieve the American dream, despite the odds. In particular, I want to emphasize the importance of a quality education for the success of Latino children. Our Latino young people are a great source of strength and hope for the future and they should be able to participate fully in the American experience. We should not cut off benefits to children, the elderly, and disabled immigrants who entered our country legally and may have no other means of survival. Quality child care, early childhood development and work training initiatives are also critical investments that can make all the difference to Latino children.

Mr. President, I am proud to honor New Jersey's Hispanic community today and to have the opportunity to ensure that Latino contributions, insights and sacrifices do not go unnoticed.●

TRIBUTE TO THE HONORABLE C. CLYDE ATKINS

● Mr. GRAHAM. Mr. President, I join the citizens of South Florida in celebrating the distinguished career of Federal Judge C. Clyde Atkins, a man held in the highest esteem by his peers in the community and within the legal profession.

Born in Washington, D.C., Judge Atkins began his legal career when he attended the University of Florida where his law studies—which he supported by working at campus jobs—earned him a legal degree in 1936. He practiced law in Stuart, Florida before moving to Miami where his distinguished legal performance was highly recognized. He served as President of the Dade County Bar Association from 1953 to 1954, and as President of the Florida Bar Association in 1960.

In 1966, he was appointed a United States District Judge for the Southern District of Florida, having been nominated by President Lyndon Johnson. He served as Chief Judge from 1977 to 1982, during which time he was appointed by United States Supreme Court Chief Justice Burger as Chairman of the Judicial Conference Committee on Operation of the Jury System. Additionally, President Jimmy Carter appointed him a member of the National Commission for the Review of Antitrust Laws and Procedures, on which he served from 1978 to 1979. In his present position on the federal bench, Judge Atkins has served 32 outstanding years, longer than anyone there presently.

Integrity and fairness are words synonymous with the characteristics and judicial talents Judge Atkins has exhibited in serving the public. He is particularly credited with ending segregation in Dade County's schools; preserving the rights of the homeless; vigorously upholding the tenets of free speech; and granting the equal treatment of refugees. As an affirmation of his legal acumen, the University of Miami School of Law established the C. Clyde Atkins Moot Court Series, where law students are able to hone their own legal talents.

A driven and conscientious worker, Judge Atkins has been highly praised by his colleagues and associates, and has garnered the highest respect from within and beyond the legal community. He has been recognized by numerous community organizations, especially the Catholic Church to which he has held a strong and abiding devotion during his lifetime. Judge Atkins has been President of the St. Augustine Diocesan Union of Holy Name Societies and President of the Miami Archdiocesan Council of Catholic Men, as well as receiving the National Conference of Christians and Jews Outstanding Catholic Award. He has been honored by the Anti-Defamation League of B'nai B'rith and the Greater Miami Jewish Federation awarded him with the Lifetime Achievement Award.

Amidst these impressive accomplishments, I believe that Judge Atkins would cite his 61 year marriage to the former Esther Castillo as the most cherished, treasured, and important part of his life. Together, as lifetime partners, they raised three children and have enjoyed the pleasures of grandparenting, as much as my wife Adele and I have.

Mr. President, I join all those who honor Judge Atkins for his lifetime of commitment to the people of our state. His competence, unswerving integrity and devotion to the bench, his mild and gentle manner, and his consummate respect for the law have given the people of Florida a person who serves as a role model for all to emulate.

We cherish his service and wish him well as he continues to provide judicial leadership and inspiration to future generations.●

SUBMITTING CHANGES TO THE AP- PROPRIATIONS COMMITTEE AL- LOCATION

● Mr. DOMENICI. Mr. President, section 314(b)(2) of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect an amount provided for continuing disability reviews subject to the limitations in section 215(b)(2)(C) of the Balanced Budget and Emergency Deficit Control Act.

I hereby submit revisions to the 1999 Senate Appropriations Committee allo-

cation, pursuant to section 302 of the Congressional Budget Act.

The revisions follow:

| | Budget authority | Outlays |
|----------------------------------|------------------|------------------|
| Current Allocation: | | |
| Defense discretionary | 271,570,000,000 | 266,635,000,000 |
| Nondefense discretionary | 255,209,000,000 | 265,037,000,000 |
| Violent crime reduction fund ... | 5,800,000,000 | 4,953,000,000 |
| Highways ..... | ..... | 21,885,000,000 |
| Mass transit ..... | ..... | 4,401,000,000 |
| Mandatory | 299,159,000,000 | 291,731,000,000 |
| Total | 831,738,000,000 | 854,642,000,000 |
| Adjustments: | | |
| Defense discretionary ..... | ..... | ..... |
| Nondefense discretionary | +425,000,000 | +377,000,000 |
| Violent crime reduction fund ... | ..... | ..... |
| Highways ..... | ..... | ..... |
| Mass transit ..... | ..... | ..... |
| Mandatory ..... | ..... | ..... |
| Total | +425,000,000 | +377,000,000 |
| Revised Allocation: | | |
| Defense discretionary | 271,570,000,000 | 266,635,000,000 |
| Nondefense discretionary | 255,634,000,000 | 265,414,000,000 |
| Violent crime reduction fund ... | 5,800,000,000 | 4,953,000,000 |
| Highways ..... | ..... | 21,885,000,000 |
| Mass transit ..... | ..... | 4,401,000,000 |
| Mandatory | 299,159,000,000 | 291,731,000,000 |
| Total | 832,163,000,000 | 855,019,000,000● |

MOTION TO ADJOURN

Mr. LOTT. Mr. President, I move that the Senate stand in adjournment until 9:30 a.m. on Thursday and 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.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, we will then go to the unanimous consent agreement we had with regard to bankruptcy. The first 2 hours will be debated, equally divided, on minimum wage, and then we will go to the bankruptcy bill after that. Beginning tomorrow afternoon at 2 p.m., we will go to the veto override issue on the partial-birth abortion ban. That is not a unanimous consent request. It is an announcement of our intent.

Mr. KENNEDY. Mr. President, parliamentary inquiry. When the Senate convenes tomorrow, what will be the unfinished business? Will the remaining time be allocated under the cloture motion, which entitles Members to speak for up to an hour in the post-cloture period?

The PRESIDING OFFICER. Under the unanimous consent, the Senator is correct.

Mr. KENNEDY. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Mr. President, could the Chair state what the business will be when we come back in the morning, whether it will be the unexpired time on the cloture motion, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. It will require consent to move off that to consider other business, is that correct?

The PRESIDING OFFICER. It will require either consent or disposition of the clotured item.

Mr. KENNEDY. Would that be a time for Members who have been waiting

here for 5 hours this afternoon and denied the right to speak—at that time would they have an opportunity to object to further Senate business until they have had an opportunity to address the Senate? Would that be in order?

The PRESIDING OFFICER. Any Senator has the right to object.

Mr. KENNEDY. Mr. President, I want to indicate that I will object at that time.

The PRESIDING OFFICER. The majority leader.

VOTE ON MOTION TO ADJOURN

Mr. LOTT. Mr. President, I believe the yeas and nays have been asked for, and there was a sufficient second.

The PRESIDING OFFICER. Regular order is the question on agreeing to the motion.

The clerk will call the roll.

Mr. DORGAN. Will the Senator from Mississippi yield for a question?

Mr. LOTT. I don't believe I have the floor to yield, Mr. President.

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

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLINGS) is necessarily absent.

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—55

| | | |
|-----------|-----------|------------|
| Abraham | Craig | Hatch |
| Allard | D'Amato | Hutchinson |
| Ashcroft | DeWine | Hutchison |
| Bennett | Domenici | Inhofe |
| Bond | Enzi | Jeffords |
| Brownback | Faircloth | Kempthorne |
| Burns | Frist | Kyl |
| Campbell | Gorton | Lott |
| Chafee | Gramm | Lugar |
| Coats | Grams | Mack |
| Cochran | Grassley | McCain |
| Collins | Gregg | McConnell |
| Coverdell | Hagel | Moynihan |

Murkowski
Nickles
Roberts
Roth
Santorum
Sessions

Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens

Thomas
Thompson
Thurmond
Warner

NAYS—43

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin

Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy

Levin
Lieberman
Mikulski
Moseley-Braun
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NOT VOTING—2

Helms

Hollings

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The motion was agreed to and at 6:27 p.m., the Senate adjourned until Thursday, September 17, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 16, 1998:

THE JUDICIARY

WILLIAM J. HIBBLER, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS VICE JAMES H. ALESIA, RETIRED.

MATTHEW F. KENNELLY, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS VICE PAUL E. PLUNKETT, RETIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

JOHN H. SIEMENS, 0000
WILLIAM R. PERRIN, 0000
MICHAEL J. SKIRCHAK, 0000
ROBERT E. DUNN, 0000
WILLIAM S. CHEEVER, 0000
COLLIN S. CAMPBELL, 0000
TIMOTHY L. BELTZ, 0000
DAVID G. WESTHOLM, 0000
JOHN M. HOLMES, 0000
BRIAN M. SALERNO, 0000
CYNTHIA A. COOGAN, 0000
MICHAEL G. WALLACE, 0000
RANDOLPH C. HELLAND, 0000
JOHN A. SCHOTT, JR., 0000
GARY F. GREENE, 0000
GEORGE E. HOWE, 0000
THOMAS W. SPARKS, 0000

CATHERINE M. McNALLY, 0000
BLAINE D. HORROCKS, 0000
PETER L. SEIDLER, II, 0000
PHILLIP J. HEYL, 0000
ROBIN K. KUTZ, 0000
ROGER D. GIBSON, 0000
RICHARD F. BESELER, 0000
DAVID GLENN, 0000
JOSEPH L. NIMMICH, 0000
RAYMOND E. SEEBALD, 0000
KEVIN E. SCHUMACHER, 0000
JAMES M. HASS, IV, 0000
DAVID P. PEKOSKE, 0000
PAUL F. ZUKUNFT, 0000
ARTHUR L. HALVORSON, 0000
RICHARD P. YATTO, 0000
JEFFREY Q. GAMBLE, 0000
MICHAEL R. MOORE, 0000
ROBERT S. BRANHAM, 0000
EDWARD S. CARROLL, 0000
RONALD B. HOFFMAN, 0000
DALE E. WALKER, 0000
KEITH G. JOHNSON, 0000
CRAIG E. BONE, 0000
ROBERT L. MCLAUGHLIN, 0000
LARRY E. JAEGER, 0000
SCOTT E. HARTLEY, 0000
ROBERT L. LACHOWSKY, 0000
KEVIN P. JARVIS, 0000
THOMAS R. RICE, 0000
MARK J. CAMPBELL, 0000
ERNEST W. FOX, 0000
JOHN C. MIKO, 0000
BURTON S. RUSSELL, 0000
MICHAEL P. SELAVKA, 0000
DOUGLAS D. WHITMER, 0000
EDWARD D. NELSON, 0000
THEODORE P. MONTGOMERY, 0000
DAVID S. BRIMBLECOM, 0000
BRUCE A. DRAHOS, 0000
ROBERT C. PARKER, 0000
RONALD E. KILROY, 0000
FRANCIS X. OBYRNE, JR., 0000
JOHN S. BURHOE, 0000
JEFFREY K. KARONIS, 0000
DAVID M. ILLUMINATE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL A. CANAVAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOHN M. SCHUSTER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE SERVING AS THE DIRECTOR, NATIONAL IMAGERY AND MAPPING AGENCY DESIGNATED AS A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 441 AND 601:

To be lieutenant general

MAJ. GEN. JAMES C. KING, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 14502:

To be captain

THOMAS E. KATANA, 0000