

“(1) for a 12-month period, only based on actual production removed or sold from the lease; and

“(2) 6 months following such period, for additional production allocated to the lease during the period.

No interest shall be allowed or accrued on any underpayment resulting from this payment methodology until the month following the applicable 12-month period.”.

SEC. 7. LIMITATION ON ASSESSMENTS.

Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721) is amended by adding the following after subsection (i):

“(j) The Secretary may levy or impose an assessment upon any person not to exceed \$250 for any reporting month for the inaccurate reporting of information required under subsection (k). No assessment may be levied or imposed upon any person for any underpayment, late payment, or estimated payment or for any erroneous or incomplete royalty or production related report for information not required by subsection (k) absent a showing of gross negligence or willful misconduct.”.

SEC. 8. COST-EFFECTIVE AUDIT AND COLLECTION REQUIREMENTS.

Section 101 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.) is amended by adding the following after subsection (c):

“(d)(1) If the Secretary determines that the cost of accounting for and collecting of any obligation due for any oil or gas production exceeds or is likely to exceed the amount of the obligation to be collected, the Secretary shall waive such obligation.

“(2) The Secretary shall develop a lease level reporting and audit strategy which eliminates multiple or redundant reporting of information.

“(3) In carrying out this section, for onshore production from any well which is less than 250 thousand cubic feet of gas per day or 25 barrels of oil per day, or for offshore production for any well less than 1,500,000 cubic feet of gas per day or 150 barrels of oil per day, the Secretary shall only require the lessee to submit the information described in section 111(k). For such onshore and offshore production, the Secretary shall not conduct royalty reporting compliance and enforcement activities, levy or impose assessments described in such section 111(k) and shall not bill for comparisons between royalty reporting and production information. The Secretary may only conduct audits on such leases if the Secretary has reason to believe that the lessee has not complied with payment obligations for at least three months during a twelve month period. The Secretary shall not perform such audit if the Secretary determines that the cost of conducting the audit exceeds or is likely to exceed the additional royalties expected to be received as a result of such audit.”.

SEC. 9. ELIMINATION OF NOTICE REQUIREMENT.

Section 23(a)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1349(a)(2)) is amended to read as follows:

“(2) Except as provided in paragraph (3) of this subsection, no action may be commenced under subsection (a)(1) of this section if the Attorney General has commenced and is diligently prosecuting a civil action in a court of the United States or a State with respect to such matter, but in any such action in a court of the United States any person having a legal interest which is or may be adversely affected may intervene as a matter of right.”.

SEC. 10. ROYALTY IN KIND.

(a) IN GENERAL.—Section 27(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1353(a)(1)) and the first undesignated para-

graph of section 36 of the Mineral Leasing Act (30 U.S.C. 192) are each amended by adding at the end the following: “Any royalty or net profit share of oil or gas accruing to the United States under any lease issued or maintained by the Secretary for the exploration, production and development of oil and gas on Federal lands or the Outer Continental Shelf, at the Secretary’s option, may be taken in kind at or near the lease upon 90 days prior written notice to the lessee. Once the United States has commenced taking royalty in kind, it shall continue to do so until 90 days after the Secretary has provided written notice to the lessee that it will resume taking royalty in value. Delivery of royalty in kind by the lessee shall satisfy in full the lessee’s royalty obligation. Once the oil or gas is delivered in kind, the lessee shall not be subject to the reporting and recordkeeping requirements, including requirements under section 103, except for those reports and records necessary to verify the volume of oil or gas produced and delivered prior to or at the point of delivery.”.

(b) SALE.—Section 27(c)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1353(c)(1)) is amended by striking “competitive bidding for not more than its regulated price, or if no regulated price applies, not less than its fair market value” and inserting “competitive bidding or private sale”.

SEC. 11. TIME, MANNER, AND INFORMATION REQUIREMENTS FOR ROYALTY PAYMENT AND REPORTING.

Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721) is amended by adding the following after subsection (j):

“(k)(1) Any royalty payment on an obligation due the United States for oil or gas produced pursuant to an oil and gas lease administered by the Secretary shall be payable at the end of the month following the month in which oil or gas is removed or sold from such lease.

“(2) Royalty reporting with respect to any obligation shall be by lease and shall include only the following information:

- “(A) identification of the lease;
- “(B) product type;
- “(C) volume (quantity) of such oil or gas produced;
- “(D) quality of such oil or gas produced;
- “(E) method of valuation and value, including deductions; and
- “(F) royalty due the United States.

“(3) Other than the reporting required under paragraph (2), the Secretary shall not require additional reports or information for production or royalty accounting, including (but not limited to) information or reports on allowances, payor information, selling arrangements, and revenue source.

“(4) No assessment may be imposed on a retroactive adjustments with respect to royalty information made on a net basis for reports described in paragraph (2).

“(5) The Secretary shall establish reporting thresholds for de minimis production, which is defined as less than 100 thousand cubic feet of gas per day or 10 barrels of oil per day per lease. For such de minimis production, the lessee shall report retroactive adjustments with the current month royalty payment, and the Secretary shall not bill for, or collect, comparisons to production, assessments, or interest.

“(6) If the deadline for tendering a royalty payment imposed by paragraph (1) cannot be met for one or more leases, an estimated royalty payment in the approximate amount of royalties that would otherwise be due may be made by a lessee or person acting on behalf of a lessee for such leases to avoid late payment interest charges. When such estimated royalty payment is established, actual royalties become due at the end of the

second month following the month the production was removed or sold for as long as the estimated balance exists. Such estimated royalty payment may be carried forward and not reduced by actual royalties paid. Any estimated balance may be adjusted, recouped, or reinstated, at any time. The requirements of paragraph (2) shall not apply to any estimated royalty payment.”.

SEC. 12. REPEALS.

(a) FOGRMA.—Section 307 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1755), is repealed. Section 1 of such Act (relating to the table of contents) is amended by striking out the item relating to section 307.

(b) OCSLA.—Effective on the date of the enactment of this Act, section 10 of the Outer Continental Shelf Lands Act (43 U.S.C. 1339) is repealed.

SEC. 13. INDIAN LANDS.

The amendments made by this Act shall not apply with respect to Indian lands, and the provisions of the Federal Oil and Gas Royalty Management Act of 1982 as in effect on the day before the date of enactment of this Act shall apply after such date only with respect to Indian lands.

SEC. 14. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the date of the enactment of this Act with respect to any obligation which becomes due on or after such date of enactment.

ADDITIONAL COSPONSORS

S. 648

At the request of Mr. COHEN, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 648, a bill to clarify treatment of certain claims and defenses against an insured depository institution under receivership by the Federal Deposit Insurance Corporation, and for other purposes.

S. 678

At the request of Mr. AKAKA, the names of the Senator from North Dakota [Mr. CONRAD], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 678, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture development and research program, and for other purposes.

S. 690

At the request of Mr. AKAKA, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 690, a bill to amend the Federal Noxious Weed Act of 1974 and the Terminal Inspection Act to improve the exclusion, eradication, and control of noxious weeds and plants, plant products, plant pests, animals, and other organisms within and into the United States, and for other purposes.

S. 890

At the request of Mr. KOHL, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 890, a bill to amend title 18, United States Code, with respect to gun free schools, and for other purposes.

S. 1001

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 1001, a bill to reform regulatory procedures, and for other purposes.

SENATE RESOLUTION 103

At the request of Mr. DOMENICI, the names of the Senator from California [Mrs. BOXER], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of Senate Resolution 103, a resolution to proclaim the week of October 15 through October 21, 1995, as National Character Counts Week, and for other purposes.

SENATE RESOLUTION 146—TO DESIGNATE NATIONAL FAMILY WEEK

Mr. JOHNSTON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES.146

Whereas the family is the basic strength of any free and orderly society;

Whereas it is appropriate to honor the family as a unit essential to the continued well-being of the United States; and

Whereas it is fitting that official recognition be given to the importance of family loyalties and ties: Now, therefore, be it

Resolved, That the Senate designates the week beginning on November 19, 1995, and the week beginning on November 24, 1996, as "National Family Week". The Senate requests the President to issue a proclamation calling on the people of the United States to observe each week with appropriate ceremonies and activities.

● Mr. JOHNSTON. Mr. President, I submitted legislation in the 103d Congress designating the week beginning on November 21, 1993, and the week beginning on November 20, 1994, as "National Family Week." This was signed by the President and became Public Law 103-153. Today I am pleased to submit legislation which would designate a "National Family Week" for the following 2 years, the week beginning on November 19, 1995, and the week beginning on November 24, 1996.

The family is the basic strength of any free and orderly society and it is rather appropriate to honor the family as a unit essential to the continued well-being of the United States. It is only fitting that official recognition be given to the importance of family loyalties and ties and that the people of the United States observe such weeks with appropriate ceremonies and activities.

Since Thanksgiving falls during both these weeks, families may already be gathered for festivities. Therefore, it is particularly suitable to pause as a Nation and recognize the support that families give to their members, and therefore to the community of the United States. I hope my colleagues will join me in this effort.●

SENATE RESOLUTION 147—TO DESIGNATE NATIONAL HISTORICALLY BLACK COLLEGES WEEK

Mr. THURMOND submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 147

Whereas there are 103 historically black colleges and universities in the United States;

Whereas black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate designates the weeks beginning September 24, 1995, and September 22, 1996, as "National Historically Black Colleges and Universities Week". The Senate requests the President of the United States to issue a proclamation calling on the people of the United States and interested groups to observe the weeks with appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

Mr. THURMOND. Mr. President, I am pleased to rise today to submit a Senate Resolution which authorizes and requests the President to designate the weeks beginning September 24, 1995, and September 22, 1996, as "National Historically Black Colleges Week".

It is my privilege to sponsor this legislation for the 11th time honoring the Historically Black Colleges of our Country.

Eight of the 103 Historically Black Colleges, namely Allen University, Benedict College, Claflin College, South Carolina State University, Morris College, Voorhees College, Denmark Technical College, and Clinton Junior College, are located in my home State. These colleges are vital to the higher education system of South Carolina. They have provided thousands of economically disadvantaged young people with the opportunity to obtain a college education.

Mr. President, thousands of young Americans have received quality educations at these 103 schools. These institutions have a long and distinguished history of providing the training necessary for participation in a rapidly changing society. Historically Black Colleges offer our citizens a variety of curricula and programs through which young people develop skills and talents, thereby expanding opportunities for continued social progress.

Recent statistics show that Historically Black Colleges and Universities have graduated 60 percent of the black pharmacists in the Nation, 40 percent of the black attorneys, 50 percent of the black engineers, 75 percent of the black military officers, and 80 percent of the black members of the Judiciary.

Mr. President, through adoption of this Senate Resolution, Congress can reaffirm its support for Historically Black Colleges, and appropriately recognize their important contributions

to our Nation. I look forward to the speedy adoption of this Resolution.

SENATE RESOLUTION 148—RELATIVE TO THE ARREST OF HARRY WU

Mr. HELMS submitted the following resolution; which was considered and agreed to:

S. RES. 148

Whereas Peter H. Wu, known as Harry Wu, attempted to enter the People's Republic of China on June 19, 1995, near the China-Kazakhstan border;

Whereas Harry Wu, a 58-year-old American citizen, was traveling on a valid United States passport and a valid visa issued by the Chinese authorities;

Whereas the Chinese authorities confined Harry Wu to house arrest for 3 days, after which time he has not been seen or heard from;

Whereas the Chinese Foreign Ministry notified the United States Embassy in Beijing of Mr. Wu's detention on Friday, June 23;

Whereas the United States Embassy in Beijing approached the Chinese Foreign Ministry on Monday, June 26, to issue an official demarche for the detention of an American citizen;

Whereas the terms of the United States-People's Republic of China Consular Convention on February 19, 1982, require that United States Government officials shall be accorded access to an American citizen as soon as possible but not more than 48 hours after the United States has been notified of such detention;

Whereas on Wednesday, June 28, the highest ranking representative of the People's Republic of China in the United States refused to offer the United States Government any information on Harry Wu's whereabouts or the charges brought against him;

Whereas the Government of the People's Republic of China is in violation of the terms of its Consular Convention;

Whereas Harry Wu, who was born in China, has already spent 19 years in Chinese prisons;

Whereas Harry Wu has dedicated his life to the betterment of the human rights situation in the People's Republic of China;

Whereas Harry Wu first detailed to the United States Congress the practice of using prison labor to produce products for export from China to other countries;

Whereas Harry Wu testified before the Committee on Foreign Relations of the Senate on May 4, 1995, informing the Committee, the Senate, and the American people about the Chinese government practice of murdering Chinese prisoners, including political prisoners, for the purpose of harvesting their organs for sale on the international market;

Whereas on June 2, 1995, the President of the United States announced his determination that further extension of the waiver authority granted by section 402(c) of the Trade Act of 1974 (Public Law 93-618; 88 Stat. 1978), also known as "Jackson-Vanik", will substantially promote freedom of emigration from the People's Republic of China;

Whereas This waiver authority will allow the People's Republic of China to receive the lowest tariff rates possible, also known as Most-Favored-Nation trading status, for a period of 12 months beginning on July 3, 1995; and