

the actual funding to the State. Last year, Congress approved \$18 million to be provided directly by the National Marine Fisheries Service to the Washington State Salmon Recovery Board, so that the board could distribute funds for State and local salmon recovery projects, as well as fund implementation of the Washington Forest and Fish Agreement, which was authorized by the State legislature. I am disturbed to learn that the National Marine Fisheries Service has not yet secured arrangements to distribute these much-needed funds to the State of Washington. As a result, the National Marine Fisheries Service is holding up State and local efforts to comply with the Endangered Species Act.

Even without funding, several counties and salmon enhancement groups throughout Washington have been working on their own plans to comply with ESA requirements. Many smaller counties, however, simply do not have the resources to meet the National Marine Fisheries Service process under the rules. They are nevertheless expected to scramble to come up with their own ordinances that will be ultimately reviewed and approved by the National Marine Fisheries Service to ensure that they are "adequate to help conserve anadromous salmonids."

Aside from my concerns with the way these rules are written, I am not at all pleased that the National Marine Fisheries Service has decided to refuse even a modest extension of the public comment period, and has stated publicly that it wants to enact this rule by July.

Keep in mind, these lengthy, 20 plus page rules were only printed for the first time in the Federal Register about 5 weeks ago. After tonight, the public hearings process will already have been slammed shut.

That is why when I learned that the regional director of the National Marine Fisheries Service had scheduled all five of Washington's public hearings on these lengthy and complex rules within just a 7-day period, I asked for more opportunities for citizens to be heard. Most of the five hearings were so full of interested citizens that not everyone could find a chair or be given adequate time to have a face to face question and answer period with the very bureaucrats who want to have the authority proposed in these rules.

While the National Marine Fisheries Service recently agreed to two additional hearings scheduled on the same day and time, they flatly refused to extend the comment process, stating that "a longer extension to the public comment period would not be likely to provide any new information, and would delay implementation of the rules, which the National Marine Fisheries Service feels are necessary for salmon conservation." It is disturbing that while they are often criticized for

being too slow to process permit requests, when it comes to listening to people on highly controversial proposals, they can't move fast enough to enact them into law.

The National Marine Fisheries Service owes the citizens of Washington and the Pacific Northwest a more responsible handling of their duties to enforce the Endangered Species Act. Section 2(c)(2) of the Endangered Species Act requires the National Marine Fisheries Service to cooperate with State and local agencies to protect endangered species. I believe the National Marine Fisheries Service cannot fairly force rules and local and State agencies without first establishing the goals and objectives requested by Congress last year. I renew the request made by the appropriations conference for the National Marine Fisheries Service to provide the numerical goals and objectives for Puget Sound salmon, to provide a framework for similar numerical goals and objectives for the rest of Washington and the Pacific Northwest, and to establish performance standards for salmon recovery projects. And they should do so before they enact these rules.

I conclude my comments by noting that any proposal which would regulate "daily behavior" certainly requires closer scrutiny than 30 days of public hearings and 30 more days of written comments. I commend those Washington citizens who are now working hard on local-based solutions to protect salmon, and offer them my full and continued support for the successful course they are taking to rebuild and restore salmon. I am concerned that the Federal Government, with rules drafted in this manner, would not help these on-the-ground local efforts. I will continue to call on Federal agencies not to dictate how best to accomplish ESA compliance. I request that the National Marine Fisheries Service address the valid concerns I and others raise regarding these proposals and to do so before they begin implementing these sweeping regulations.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator may state his inquiry.

Mr. BURNS. Are we in morning business or are we on a specific subject?

The PRESIDING OFFICER. The Senate is considering H.R. 1883.

Mr. BURNS. I ask unanimous consent to proceed as in morning business for the next 15 minutes.

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

FUEL COSTS

Mr. BURNS. Mr. President, there are a lot of truckers in town, protesting what they say is an unwarranted increase in fuel costs that is putting them out of business.

It really doesn't surprise me. It seems every year we come to the floor of the Senate to criticize the administration's failure to implement a domestic energy policy that would support a sustainable oil and gas industry. We argue for tax relief, common sense royalty collection, access to oil and gas reserves on Federal lands. We do this because there are a lot of us who watch figures, and every day we can see that we are growing more dependent on foreign sources of oil and gas. Oil traditionally coming from the Middle East and gas coming from Canada in ever increasing volumes despite large, untapped reserves in America. I have been joined by numerous Senators from around the Nation in bringing those concerns to the floor. We have proposed numerous pieces of legislation to combat the problem, yet we have not been successful in getting many of them enacted into law.

As a result, we are faced with what is happening today: Oil prices are now around \$30 a barrel, with few domestic producers reaping any benefits, and with most of our oil coming from offshore. There are few domestic producers enjoying the rise in oil prices because the Administration's energy and environmental policies have just about run them all out of business. That is sad. I speak not only for the oil and gas industry, the trucking industry and the transportation industry, but also for all consumers. A case in point is that we are already witnessing a surcharge being put on airline tickets; the same thing will happen soon with rail transportation as well.

When I take a look at my home State of Montana, fuel costs are at least 50 percent higher than they were just a year ago. We have cause for frustration. Montanans are at the end of the line. I don't care if you are receiving goods or shipping product, it hurts us. This is especially true for our number one industry, agriculture. We end up selling wholesale, buying retail, and paying the freight both ways. One has to remember that these costs have to be absorbed by somebody. This somebody is generally the person least able to afford it. Now we have to ask ourselves a question. Are we doing anything about fixing the root of the problem? What are we doing to fix the root problem we have in energy development?

Today's rally of long-haul truckers underscores the reality that all consumers and all producers are being faced with fuel increases resulting from a failed domestic energy policy. Prices are simply raising out of sight. We have 26,000 people in Montana who are employed by the trucking industry. They are being impacted by these increases. Farmers are coming upon the planting season. They are facing higher fuel costs which add to their uncontrollable costs of production. Costs of producing in the agricultural industry

cannot be passed on; they never have been in the past. It is a buyers' market and you sell for what they offer. End of story. Just because our fuels costs go up, does not mean we get to charge more per bushel. We also aren't faced with the luxury of turning a tractor off and waiting for fuel prices to go down. Mother Nature dictates when you plant, when you till, and when you harvest. She doesn't care if diesel is 50 cents a gallon, \$1 a gallon, or \$1.80 a gallon. When the time comes, you go.

We have seen some improvement in the livestock industry, but we have not seen any kind of improvement in the grain industry. There again, with grain, we get hit harder by energy costs than anywhere else.

So far, the administration's only action has been to send the Secretary of Energy, Bill Richardson, to ask OPEC to release more oil and reduce prices. That tells me we are not in a very strong bargaining position. That is upsetting when we could have taken steps to avoid our current plight. The problem of inaction by the administration carries over into other areas of energy. One example is the production of clean coal. We have a lot of coal that is clean coal and considered "compliant coal" by the Clean Air Act. It has low SO₂ levels, and low emissions. But so far, the Department of the Interior has blocked any sale of that coal, which lies right at the top of the earth. The only thing that has to be done is to take the overburden off, mine the coal and reclaim the area. The result of this inaction has been—and it will show up later on in America's power bills—that soon we will face a shortage of clean coal and stringent emissions controls, and all at once our electric bills will increase because we haven't done a very good job in managing our clean coal resources.

Secretary Richardson has testified before the Senate Energy and Natural Resources Committee that clean coal will be an integral portion of our Nation's energy portfolio for the next 30 years. But after they say that, they have done nothing or they are unwilling to ensure that the political actions of the Department of the Interior do not endanger the supply of clean coal.

It doesn't make a lot of sense. How about hydroelectric production of electricity? Secretary Babbitt wants to be known as the first Secretary to tear down large dams that are placed along some of our major waterways, and he offers no response when asked how we are going to replace the power produced by those dams. In light of the recent action on the nuclear waste bill, the administration has also opposed any cohesive policy for nuclear energy management, instead desiring to sit back and posture on the debate.

Again, we see evidence of a failed energy policy. Today we see the truckers coming to town, and that is just the tip

of the iceberg. The Department of the Interior has thwarted any attempts to reinvigorate the domestic gas industry. They have closed vast areas of our Outer Continental Shelf to gas. They will release a statement saying they fully support the natural gas industry, yet fail to deliver on any of the policies to help it along.

The same has been done throughout the Rocky Mountains. We have reserves of natural gas across Montana that could be used to fuel this nation. There is a large supply, yet we cannot tap it because of the Department of the Interior and this administration's policy seal it away development.

I want to bring up one more fuel related problem we are faced with in Montana. In my hometown of Billings, MT, we have three refineries. They produce gas, diesel, and other refined petroleum products, not only for domestic use in Montana but also for the entire region, including eastern Washington. We have to reroute a pipeline that lets those products flow to the Spokane area, and it has to cross about 60 miles of Forest Service managed public lands. This reroute has been vigorously opposed by this administration.

What happened? The Yellowstone Pipeline Company went to the Forest Service and said: Give us an estimate for the reroute proposal. We have to do an environmental impact statement. We want to do it right. This was back in 1997. What will it cost they asked. Less than a million dollars was the response from the Forest Service. Good they responded, let's go ahead with the EIS process and find a viable route. Three years later, the Yellowstone Pipeline Company has paid \$5 million to resite those 60 miles of pipeline, and just a week and a half ago the Yellowstone Pipeline was forced to pull the plug on the project because the Forest Service refused to acknowledge that their preferred alternative was too expensive to build. A pipeline, the cheapest way to move fuel and distribute energy across this country, now is in jeopardy, if not dead.

The result will be that these 60 miles absent of pipeline will be crossed in another way. We are going to rail it or truck it. We will probably have an accident, even the Forest Service's EIS documents acknowledge this. A spill will probably result—we have already had one at Alberton. We might also truck it. However, with energy costs as high as they are today, that will increase the cost to consumers. It also, in that 60 miles, exposes traffic to large semis on a two-lane road. Lives will be at stake. The Forest Service has also acknowledged that, but continues to forge along proposing an unbuildable route. The hazards to the public, and the costs to the consumer, increase. That is just an example of what this administration has failed to do to en-

sure that we have energy prices that are affordable and energy is accessible to all Americans.

So we feel for those truckers out there. We know what it is like to go down that road and try to deliver the goods to America in an efficient and safe way, and to get the products to market in a competitive manner so they fall within the consumers' reach of affording them.

Two years ago, we were buying gasoline for around 85, 90 cents a gallon. It didn't take us long to get spoiled, did it? But now we find that through that we usually have to pay the piper one time or another. It is us, the consumers, that will pick up the bill of a failed energy policy. The administration will be gone, but we will be left holding the tab. It is our economy that will slow, and it is our families that will have to do with less. We see it happening today in our oil and gas production. Let's not see it happen in our electricity production. This economy we have been enjoying all these years could go away in a flash—just a flash. It takes a while for an administration's action to lead to a tangible impact, we are beginning the impact of this administration's failed energy policy today.

Mr. President, I yield the floor and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

IRAN NONPROLIFERATION ACT OF 1999

Mr. DOMENICI. Mr. President, parliamentary inquiry. What is the status of the legislation at this time?

The PRESIDING OFFICER. We are considering H.R. 1883 under a time limit.

Mr. DOMENICI. Under that time limit, can the Senator from New Mexico speak?

The PRESIDING OFFICER. If he yields himself time.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to speak for 7 minutes.

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

Mr. DOMENICI. Mr. President, I rise today in strong support of the legislation before us. This legislation is only one of many important steps required to counter the greatest threat to U.S. security in this era—the proliferation of weapons of mass destruction.

I am not being an alarmist. I am being a realist. The proliferation of nuclear, chemical, and biological technologies and the means to deliver them