

value of its royalty oil and gas by consolidation and bulk sales.

Under royalty-in-kind, the government controls and markets its oil without relying on its lessees to act as its agent. This eliminates a number of issues that have resulted in litigation in recent years and allows the government to focus more directly on adding value to its oil and gas.

Finally, the FERC relicensing study requires FERC to immediately undertake a review of policies, procedures, and regulations for the licensing of hydroelectric projects to determine how to reduce the cost and time of obtaining a license.

I remind colleagues that this is a bipartisan piece of legislation that has been developed between Senator BINGAMAN and myself on the Energy Committee. It has been cleared, as I understand it, by our side unanimously. It is my understanding that there still remains objection on the other side, although we have had assurances that we are willing to work and try to address the concerns of those on the other side who have chosen to place a hold on this legislation.

In view of the heightened emotions associated with our energy crisis in this country, this is very responsible legislation that is needed and is supported by the administration. It is timely, and it is certainly overdue in view of the fact that we are down to the last few days of this session. I hope we can come to grips with meeting the obligation we have to pass the Energy Policy and Conservation Act out of this body.

I yield the floor.

Mr. REID. Before the Senator from Alaska leaves the floor, I of course recognize the expert on our side of the aisle dealing with this legislation is the Senator from California, Mrs. BOXER. I want to say this because I am the one who objected to this. Following what the Senator from Alaska has said—and I have the greatest respect for him, and we work together on many issues—it seems to me we can resolve this very quickly. There is a companion bill, H.R. 2884, which already passed the House. We can bring it up here as it passed the House. It would go through very quickly. We believe that would take care of the immediate problems facing us—the home heating oil reserves and the Strategic Petroleum Reserve.

The problem we have, and the reason for the objection, is that to H.R. 2884 my friend from Alaska added some very—from our perspective—very controversial oil royalties, among other things. So we believe if the home heating oil reserve is as important as we think it is—and we believe it is extremely important—and if the Strategic Petroleum Reserve is as important as we think it is, we should go with the House bill. We can do that in a matter of 5 minutes.

Mr. President, I ask unanimous consent that under the time reserved to the minority on the continuing resolution, Senator DURBIN, who has been waiting patiently all afternoon, be recognized for 10 minutes, Senator BOXER be recognized for 30 minutes, Senator GRAHAM for 30 minutes, Senator HARKIN for 15 minutes, Senator FEINGOLD for 10 minutes, and Senator WELLSTONE for 10 minutes.

Mr. MURKOWSKI. Senator BINGAMAN and I have worked in a bipartisan manner on this legislation. I am sure Senator BINGAMAN would want to express his views. I encourage him to avail himself of that opportunity. It is my understanding that the administration supports the triggering mechanism in our bill as opposed to the one in the House bill specifically, and, as a consequence, we have worked toward an effort to try to reach an accord.

We are certainly under the impression on this side that we worked this out satisfactorily to the administration. But objections may be raised. Senators are entitled to make objections, but I hope they are directed at issues that clearly address environmental improvements.

I have nothing more to say other than this legislation is needed. We have a crisis in energy, and we had best get on with it. Otherwise, I think the problem is going to suffer the exposures, particularly since we won't have authorization.

I thank the Senator.

I see the Senator from California, who may be able to shed some light on this.

The PRESIDING OFFICER. Is there objection to the time agreement as proposed by the Senator from Nevada?

Without objection, it is so ordered.

Mr. REID. Mr. President, I don't think we need unanimous consent. The time is under our control. We can allocate it any way we desire.

#### MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

The PRESIDING OFFICER. The clerk will state the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 110) making further continuing appropriations for the fiscal year 2001, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, it is my understanding that pursuant to the request of the minority whip, I will be recognized for 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Mr. President, 31 years ago, when I graduated from law school

here in Washington, DC, my wife and I picked up our little girl, took all of our earthly possessions, and moved to the State capital of Springfield, IL. It was our first time to visit that town. We went there and made a home and had two children born to us there and raised our family.

So for 31 years Springfield, IL, has been our home. It has been a good home for us. We made a conscious decision several times in our lives to stay in Springfield. It was the type of home we wanted to make for our children, and our kids turned out pretty well. We think it was the right decision. Springfield has been kind to me. It gave me a chance, in 1982, and elected me to the House of Representatives, and then it was kind enough to be part of the electorate in Illinois that allowed me to serve here in the Senate.

I have come to know and love the city of Springfield, particularly its Lincoln history. I was honored as a Democrat to be elected to a congressional seat of which part was once represented in the U.S. House of Representatives by Abraham Lincoln. Of course, he was not a Democrat. He was a Whig turned Republican—first as a Whig as a Congressman and then Republican as President. But we still take great pride in Lincoln, whether we are Democrats or Republicans.

When I was elected to the Senate, their came a time when someone asked me to debate my opponent. They said it was the anniversary of the Douglas-Lincoln debate of 1858 which drew the attention of the people across the United States. Douglas won the senatorial contest that year. Two years later, Lincoln was elected President.

It seems that every step in my political career has been in the shadow of this great Abraham Lincoln.

In about 1991, I reflected on the fact that in Springfield, IL—despite all of the things that are dedicated to Abraham Lincoln, the State capital where he made some of his most famous speeches and pronouncements, and his old law office where he once practiced law, the only home he ever owned across the street from my senatorial office, just a few blocks away the Lincoln tomb, and only a few miles away Lincoln's boyhood home in New Salem—of all of these different Lincoln sites in that area, for some reason this great President was never given a center, a library in one place where we could really tell the story of Abraham Lincoln's life to the millions of people across the world who are fascinated by this wonderful man.

We had at one point over 400,000 tourists a year coming to the Lincoln home. I know they are from all over the world because I see them every day when I am at home in Springfield.

I thought: we need to have a center, one place that really tells the Lincoln story and draws together all of the

threads of his life and all of the evidence of his life so everyone can come to appreciate him.

In 1991, that idea was just the idea of a Congressman, and I tried my best to convince a lot of people back in Illinois of the wisdom of this notion. I worked on it here in Washington over the years. Once in Congress, people came along and said: Maybe it is a good idea. There should be a Lincoln Presidential center. We really ought to focus the national attention on this possibility.

We passed several appropriations bills in the House. Some of them didn't go very far in the Senate. But the interest was piquing. All of a sudden, more and more people started discussing this option and possibility.

I recall that in the last year of the Governorship of Jim Edgar in his last State of the State Address he raised this as a project that he would like to put on the table for his last year as Governor. He told me later that he was amazed at the reaction. People from all over Illinois were excited about this opportunity. He weighed in and said the State will be part of this process. His successor, Gov. George Ryan, and his wife Laura Ryan, also said they wanted to be part of it. The mayor of Springfield, Karen Hasara, asked that the State accept from the city of Springfield a parcel of real estate so they could build the center.

All of a sudden, there came together at the local and State level this new momentum and interest in the idea of a Lincoln Presidential library and a Lincoln center. I was energized by that.

Then, of course, the Illinois Congressional Delegation weighed in in support of it, and we have tried now to make a contribution from the Federal level toward this national project, which brings together local, State, and Federal sources in the name of Abraham Lincoln.

This Interior appropriations bill, of course, includes \$10 million of a \$50 million authorization for that purpose. I think that is a good investment and a very worthy project for which I fought for 10 years.

I am happy to have joined with my colleague, Senator FITZGERALD, who offered a bill which authorized this center. He offered this bill as a free-standing piece of legislation. I coauthored it with him. He added an amendment relative to the bidding process, and that amendment was adopted in committee. It was agreed to on the floor. It is my understanding that it is now going to be sent over to the House for conference. I was happy to stand with him in that effort.

But I think I would like to reflect for a moment on this project and to say a few words about the debate that has gone on today on the floor of the Senate.

The debate seems to focus on several different aspects of this Lincoln center.

I cannot tell that it is in the best location in the city of Springfield. I didn't choose that location. I believed it wasn't my place to get involved. The minute this Lincoln center was suggested, people from all over Springfield who owned real estate came flocking to my door and reminded me of what good friends they were and asked me to pick their location for the Lincoln center. I said I wasn't going to do it. It shouldn't be a political decision. It should be a decision made in the best interests of the hundreds of thousands of people who will come and visit this location.

The location which they have chosen is in a good spot when you consider the restoration of the old railroad station from which Abraham Lincoln left for his Presidency, and the old State capital which was important in his life and to this new center. They create a campus that I think will be visited and enjoyed by a lot of people.

There was also a question about the design of the center. I am no architect or planner. I really defer to others. I know what I would like. I would like to put in my two cents worth. But I am not going to act as an architect, a planner, or an engineer. That is really a decision to be made by others. It should not be a political decision.

I think what Senator FITZGERALD said during the course of this debate is that the bidding process for this center should not be political either. I agree with him completely. I think he is on the right track.

As he and I have said in various ways, a center that honors "Honest Abe" should be built in an honest fashion. That is what we are going to try to do in Springfield, IL. Senator FITZGERALD and I have been in agreement to this point. I believe, though, that we may have some difference of opinion in how we are going to progress from here.

I, frankly, believe that trying to create a new bidding process for this center involving Federal rules may be difficult and may be impossible. What agency is going to do it? Who is going to implement these rules and regulations? How will this law apply? But I agree with him that whatever process we use—whether it is Federal, State, or some other means—that it should be one where competitive bidding is the absolute bottom line so that it is open and honest.

That is why I asked of the Capital Development Board in Springfield, which I believe will be the agency supervising this bidding, for a letter that expressly states that this process will be done by open competition and open bidding. I received that letter yesterday.

I ask unanimous consent that it be printed in the RECORD.

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

STATE OF ILLINOIS,  
CAPITAL DEVELOPMENT BOARD,  
Springfield, IL, October 3, 2000.

Hon. RICHARD J. DURBIN,  
Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR DURBIN: This letter is an additional attempt to allay concerns that have been raised about our state's commitment to competitive bidding and the efficacy of our state purchasing laws. Let me assure you that all construction contracts for this library and museum are being and will continue to be competitively bid pursuant to state law that is at least as stringent, if not more so, than federal bidding requirements.

Competitive bidding has long been the requirement for State of Illinois construction contracts and was most recently reaffirmed with the passage of the stricter Illinois Procurement Code of 1998. Only six exemptions to that provision, which are defined by rule and must be approved by the Executive Director, exist:

- (1) emergency repairs when there exists a threat to public health or safety, or where immediate action is needed to repair or prevent damage to State property;
- (2) construction projects of less than \$30,000 total;
- (3) limited projects, such as asbestos removal, for which CDB may contract with Correctional Industries;
- (4) the Art-in-Architecture program which follows a separate procurement process;
- (5) construction management services which are competitively procured under a separate law; and,
- (6) sole source items.

None of these exceptions have ever or will apply to the library project, as they do not apply to the overwhelming majority of CDB's projects.

With regard to the federal practice of "weighting" construction bid criteria, there is no similar provision in state law, because there is only one criteria allowed—our bids must be awarded to the lowest responsible bidder—period. While it appears to me that the federal government has taken the approach that it will determine the responsiveness of the individual bidders after bids are received, Illinois law actually requires that process to occur before bidding takes place. Construction companies are required to become prequalified with CDB before they can bid on construction projects. It is during the prequalification process that we determine a company's bonding capacity and assess their work history and level of experience through reference checks—in short, their ability to perform construction work.

All bids for a construction project are opened during publicly held and advertised "bid opening" meetings. All interested constructors are informed at that time of the bid amounts. There is no provision that allows CDB not to award to the low bidder.

I hope that this clarifies some of the issues that have been raised. Please do not hesitate to call on me if I may be of further assistance.

Sincerely,

KIM ROBINSON,  
Executive Director.

Mr. DURBIN. Mr. President, this letter was sent to me by the executive director of the Illinois Capital Development Board, Kim Robinson. I don't know Kim Robinson personally. But she writes to me in this letter of October 3 that there are certain exceptions to competitive bidding under the Illinois State law. She lists all six of them, and then concludes:

None of these exceptions have ever or will apply to the library project, as they do not apply to the overwhelming majority of CDB's projects.

By that statement it is clear to me that there is going to be open competitive bidding on this project.

The point that was raised by Senator FITZGERALD earlier in the debate about qualified bidders is a valid one. Who will be bidding on this project? I do not know. Frankly, no one has come forward to me and suggested that they want to be bidding on this project. It wouldn't do them any good anyway. I am not going to make that decision. I haven't involved myself in the location or design. I leave that to others.

But I hope when this happens and bidders are solicited that it is an entirely open process as well. I will guarantee that there will be more attention paid to this bid for this project in Springfield, IL, than probably anything in its history.

I credit Senator FITZGERALD for bringing that attention forward. But let us proceed with the premise that it is going to be a transparent process. And let us make certain that as it progresses we will have at least an opportunity to assess it every single step of the way.

I also add that during the course of his statement today my colleague has raised questions about previous bidding processes by Governors in the State of Illinois.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. DURBIN. I ask unanimous consent for 5 additional minutes.

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

Mr. DURBIN. Mr. President, questions have been raised by Senator FITZGERALD about the bidding processes under Governors in the State of Illinois. For the record, there has not been a Democratic Governor in the State of Illinois for 24 years. So if he is suggesting that there have been irregularities under Governors, it is likely that they have not been of my political party. I can tell you without exception that I have never involved myself in any bidding process in Springfield by the State government. I have considered my responsibilities to be here in Washington and not in the State capital. Frankly, the people who bid on contracts and whether they are successful is another part of the world in which I have not engaged myself. I am not standing here in defense of any of these bidding processes, or making excuses for any of these processes. If there was any wrongdoing, then let those in appropriate positions investigate that and come to conclusions. Whether there was any reason for any kind of prosecution or investigation, that is not in my province nor my responsibility.

I hope at the end of this debate we can remove any cloud on this project.

This project should go forward. The Illinois congressional delegation supports this project. Let us demand it be open and honest, and then let us support it enthusiastically. Frankly, I think we all have an obligation to taxpayers—Federal, State, and local alike—to meet that goal.

I close with one comment because I want to be completely open and honest on the record. My colleague, Senator FITZGERALD, during the course of the debate has mentioned the Cellini family of Springfield. The Cellini family is well known. My wife and I have known Bill and Julie Cellini for over 30 years. We are on opposite sides of the political fence. He is a loyal Republican; I am a loyal Democrat. Seldom have we ever come together, except to stand on the sidelines while our kids played soccer together or joined in community projects. They are friends of ours. I have taken the floor of the Senate to note that Julie Cellini is an author in our town who has done some wonderful profiles of people who live in Springfield.

I make it part of this record today, when I came up with the original concept of this Lincoln center, there were three people who came forward and said they were excited about it and wanted to work with me on it. This goes back 10 years now. They included Susan Mogerma, who works with the Illinois State Historical Library, as well as Nikki Stratton, a woman involved in Springfield tourism, and Julie Cellini. These three women have worked tirelessly for 10 years on this project. I never once believed that any of them would be involved in this because they thought there was money at the end of the rainbow. I think they genuinely believe in this idea and they believe it is good for Springfield and good for the State of Illinois.

I can't speak to any other dealings by that family or any other family, but I can say every contact I have had with those three women and their families about this project has been entirely honorable, entirely above board, and in the best interests of civic involvement for an extremely important project, not only to our city of Springfield but to the State of Illinois and to the Nation.

I hope when this is all said and done, this delegation can come together, closely monitor the bidding process, do everything in our power to help make this center a reality, and at the end of the day I hope we will be alive and be there at the opening of this great center.

I was honored a few months ago by our Democratic leader, TOM DASCHLE, to secure a spot as a member of the Abraham Lincoln Bicentennial Commission. I can think of few higher honors than to work and celebrate the life and accomplishments of one of the world's greatest leaders. The actual bi-

centennial will not be fully celebrated until 2009. This legislation is a great first step in a celebration of the life and accomplishments of a great President.

Mr. FITZGERALD. Will the Senator yield?

Mr. DURBIN. I am happy to yield to the Senator.

Mr. FITZGERALD. I compliment my colleague, my friend from Illinois. Extending my time line further, I started in 1998. There are a lot of articles going back to the early 1980s when Senator DURBIN—then Congressman DURBIN—was working hard to get this project off the ground. I compliment him for his hard work over a number of years on behalf of this project.

I appreciate his love for Springfield. Senator DURBIN has talked many times at our weekly Thursday morning breakfast about his love for Springfield. I know that he and his wife Loretta have lived in Springfield for many years. I am hopeful that we can work together and build a wonderful Abraham Lincoln Library that will truly be a credit not just to Springfield but to the whole State of Illinois and the entire country.

I also thank Senator DURBIN for his support and the amendment he offered in the Senate requiring the Federal competitive bid rules. Senator DURBIN has been very supportive and the whole Illinois delegation supports the project. There has simply been a difference of opinion as to which bidding rules should be attached.

I did want to point out that the State code does contemplate, where Federal strings are attached, Federal appropriations, that State agencies receiving Federal aid, grant funds, or loans, shall have the authority to adapt their procedures, rules, projects, drawings, maps, surveys, and so forth, to comply with the regulation, policy, and procedures of the designated authority of the U.S. Government in order to remain eligible for such Federal aid funds.

I think that provision would be helpful in the case of this grant or any other grant where the Federal Government seeks to ensure the proper accountability of the Federal funds.

I compliment my colleague and thank him for his working and allowing me to make my views known. I look forward to continuing to work with the Senator this year and in following years.

Mr. DURBIN. I thank Senator FITZGERALD.

In closing, you know your senatorial lineage is traced to Steven Douglas, and I checked the history of the Senate. I am afraid he is on our side of the aisle, and he traced himself to my seat. You have some distinguished senatorial colleagues who preceded you, and I am certain you are very proud of them as well.

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

Mrs. BOXER. It is my understanding I now have 30 minutes.

The PRESIDING OFFICER. The Senator is correct.

#### ROYALTY PAYMENTS

Mrs. BOXER. I am pleased to come to the floor today to try to shed a little light, if not a little heat, on an issue that was raised by the Senator from Alaska, Mr. MURKOWSKI, when he asked unanimous consent that we take up H.R. 2884, but substitute his amendment to that bill, and pass it. The unanimous consent request was made by the majority leader on behalf of Senator MURKOWSKI. He came to the floor with a very eloquent discussion of why he believed it was important.

I am one of the Senators—there is more than one—who objects to this bill. I think it is very important to state clearly on the record why. First, H.R. 2884 as it came over from the House does exactly the right thing. It reauthorizes the Strategic Petroleum Reserve, and it sets up a home heating oil reserve. That is very important for the people of this country, particularly the people in the Northeast. We could pass that in 1 minute flat by unanimous consent request. No one has any problem.

What is the problem, my friends? Senator MURKOWSKI has essentially added to that bill a whole new body of law concerning royalty payments by the oil companies, which they owe the taxpayers of the United States of America. It deals with the ability of the oil companies to pay, not in cash—which is essentially the way they pay now—but in kind. It would encourage, by many of the provisions in it, the payment of these royalty payments in kind. In other words, Uncle Sam would become the proud owner of natural gas, Uncle Sam would become the proud owner of oil. And, by the way, Uncle Sam would then have to in some cases market that product.

I don't think we are good at becoming a new Price Club. I really don't. My friend from Alaska says: But the Government wants to do it, they want to do it. They came to us; they asked us; they want to do it. Show me one bureaucrat in Government who doesn't want more power, more authority, more jobs, and I will show you a rare bureaucrat.

The royalty payments that come into this Federal Government go to the Land and Water Conservation Fund. Let me be clear what a royalty payment is. When you find oil on Federal land offshore and onshore, you must pay a percentage of that to the taxpayers. It is like rent. You are using the taxpayers' land, the offshore areas, and you have to pay a certain amount of rent based on the value of the oil or gas you recover.

This is an area that has been fraught with complication and difficulty. I frankly have found myself on the side of the consumers who have said they have been shortchanged by the oil companies. I believe that those of us who fought for 3 long years for a fair royalty payment did the right thing. Why do I say that? Because under the old system there have been lawsuits and almost in every case—I do not even know of any case where we did not prevail on behalf of the taxpayers.

I hear today that the Federal Government has collected, because there have been some recent settlements, almost a half a billion dollars of payment from the oil companies. Do you know why? Because they have been cheating the taxpayers out of the royalty payments that they were supposed to make based on the fair market value. One of the ways they have cheated the taxpayers is to undervalue the oil. If you are in beginners math, you know a percentage of a smaller number will yield yet a smaller number. So they did not do the proper math. They didn't show what the oil was worth. They undervalued the oil and then they took a percentage of the undervalued oil and gave it to the taxpayers and we were shorted a half billion dollars—maybe more. That is just the recent settlement.

So after 3 years of fighting—and, believe me, I had to stand on my feet and fight long and hard, and so did a lot of my colleagues, and I thank them—we were able to make sure that a fair way of determining the fair market value of that oil was put in place.

In the middle of all this comes the payment-in-kind program. In other words, instead of paying cash, we say to the oil and gas companies we are going to try an experiment. We are going to try a pilot program. We are going to allow you to pay your royalties in kind. That is like if you owed the Government your income taxes and said: Uncle Sam, I'm short. Will you take the payment in, say, my mother's antique chest? That's worth about \$1,000 and that's what I owe.

By the way, we do this with no other commodity. We have checked the records. We say to them something we say to no one else who owes the Federal Government: You can pay your dues, your royalty payments, in kind.

I have a lot of problems with that. A lot of my colleagues think it is just great. But, again, it is my experience that we do not do too well in the business world in government. We are better off doing our work here, getting that straight. Now we are going to expand. It is going to be Uncle Sam's Oil Company; Uncle Sam's Gas Company; Drive in and fill her up.

Of course I am exaggerating; it will not be exactly that. What we will do is market the product and sell it and probably pay the oil companies to do

all that marketing for us so they will get back plenty of money. We will wind up paying them to market their product. This is a very confusing matter.

So what happens? Without one hearing in the Energy Committee, we have before us a substitute bill that I have objected to and others have objected to that would essentially say, regardless of all the work, Senator BOXER, that you and many of your colleagues went through to get a fair royalty payment, we are going to come around in the backdoor when nobody is looking and we are going to put in a new way to figure out how to pay royalties. We are going to expand this payment-in-kind program even before we have held one hearing on whether it even works. The pilot programs are going to be completed very soon, in about 3 or 4 months, at least one of them. Another one will be done next year. What is the rush to pass a 5-year authorization on royalty payments in kind? What is the rush? Is that the way to govern? Is that the way to legislate?

No other industry in America gets this chance. I say, if you read the substitute offered by my good friend, Senator MURKOWSKI, you are going to find a few things in there that are going to raise your eyebrows.

In the very first draft, they set up another definition of "fair market value." I protested. They dropped it. Now it just says the royalty in kind has to be paid in a fair market value, but it doesn't define it. It doesn't do what the rule does for the in-cash payments. So now you have two conflicting ways, one way that is clearly defined if you pay in cash and one way that is open to interpretation, fair market value—whatever that means—for the payment in kind.

Do you know what I see? Again, you don't have to be an expert in economics. I was an economics major, but that was so many years ago I don't pretend to be an expert. But if I say to you, "fair market value," you are going to say, "I think that is a willing buyer and a willing seller."

If I ask Sarah here, who has worked so hard on this, she is going to say: I think that is a little risky because the seller might be a subsidiary of the buyer. That is not arm's length. It has to be an arm's length agreement.

Somebody else might say: Forget that. Let's just go to the published newspaper in terms of what the oil is selling for on that date.

Frankly, that is the one I like. That is the one we use in the definition when you pay royalty in cash.

The first problem is you are setting up a whole conflict here. I will tell you, those guys with those sharp pencils who are in the oil company, they are going to go for payment in kind because there is not any real definition. They are going to give us less oil and less value than we would get.

So then you say to my friend, Senator MURKOWSKI, let's at least put in this legislation a statement that says: Under no circumstances should we get less than we would get if it was payment in cash because, again, this money goes to the Land and Water Conservation Fund, which is our conservation fund. We buy lands with it. We fix up parks with it. And the State share—because States get a share of the royalty payment—that goes to the California classrooms.

Are they going to send oil to the California classrooms? Are they going to send natural gas?

So we said: Look, we have to work out these problems with the States. In any case, we can't have less of a payment than we would have if you paid in cash. So we said: Will you put that in the language? "Under no case will we get less than we would get if we got payment in cash."

Oh, no, they use the word "benefits," not revenues. The benefits have to be equal or greater.

I said: Wait a minute. What does that mean?

Well, the Secretary will decide if there is a benefit.

Let me tell you I have seen Secretaries of the Interior come and go. I saw one who said: Don't worry about the ozone layer leaving us. Don't worry about a hole in the ozone layer; just wear a hat and put on sunscreen. Don't worry about cancer. That was one Secretary of the Interior.

So in this 5-year authorization that never had a hearing, before the pilot programs are through, we are leaving all this up to the Secretary of the Interior, whoever he or she may be.

We have seen Secretaries of the Interior who fought on behalf of the environment. We have seen Secretaries of the Interior who fought on behalf of big oil. I am not here to give authority to the Secretary of the Interior to decide when it is in the benefit of the United States to take less than what you would get if you received a payment in cash.

I understand from Senator MURKOWSKI's staff that he feels strongly about this and he is not going to back off. He is going to file a cloture motion and all the rest of it. That is fine. We will stay here past the election because I am going to stand on my feet because I don't think the taxpayers ought to be ripped off again. They have been ripped off for years. We finally resolved the situation, and we are now back to square one.

Again, I reiterate, the underlying bill that came over from the House is a beautiful bill.

It deals with two things which we need to do: We need to fill up the Strategic Petroleum Reserve and reauthorize it, and we need a home heating oil reserve. I will say we are told by the administration that they actually can

act on this without this legislation, but it certainly would be better to have it.

I say to my friend, Senator MURKOWSKI—and I will not do it now in deference to the fact he is not here—I would like to move the underlying H.R. 2884 as it came over here and pass it 5 minutes a side. We can do it if we did not add all this royalty in-kind section to it.

The last point I wish to make on this subject is, in the Interior bill that is now before the Senate, we have already taken care of this problem. The Minerals Management Service came to us and said: We need a little help with the pilot program because we really want to make sure we are giving payment in kind every chance. The Minerals Management Service wants to go into the oil business. That is great. They want to be the Price Club of the United States of America. So they want help. OK.

We took care of them in this Interior bill. We gave them what they wanted. We allowed them to calculate this royalty in a way that they can subtract the cost of transportation, even subtract the cost of marketing oil. The oil companies get a good deal. Senator MURKOWSKI wants a 5-year authorization without one hearing. He wanted to pass it by unanimous consent, no amendments, nothing.

I may sound upset, and it is true, I am upset because I think the consumers get a raw deal. Every time we have a little problem with an energy supply, what do we hear around this place? Drill in ANWR; let the oil companies pay lower royalties, and meanwhile the oil companies are earning the biggest profits they have ever earned, causing Senator PAT LEAHY of Vermont to come down here and propose a windfall profits tax on the oil companies. But it is not good enough for them to earn \$1 billion and \$2 billion in a quarter—in a quarter—to have 100-percent profits and 200-percent profits and 300-percent profits. They have to pay us less in royalties. If you knew what this amount was—it is so minuscule compared to their profits—it would shock you.

It is not minuscule to the child who sits in a California classroom. It is not minuscule to the Land and Water Conservation Fund or the Historic Preservation Fund, but yet here we are when we should be doing energy conservation, when we should be having a long-term energy plan, the first thing we do, because the Senator from Alaska attaches it to an important bill, is give a break to the oil companies again with these royalties in kind.

Boy, I tell you. Maybe the Senator from Florida will be interested to know this. There is not any other business in America that pays in kind. It would be interesting if you had to pay your IRS bill and you said: I have a few extra

things around the house I am going to send in.

It is hard to believe we would have an authorization to really expand the payment-in-kind program without one hearing. I am stunned. It is taken care of in the Interior bill. We gave them a narrow bill. We did not mess with the definition of how you are supposed to pay, what you are supposed to pay. We did what the Interior Department wanted.

If this is going to a cloture vote, I tell my friends, so be it. I have other friends on this side of the aisle who agree very strongly, and we are going to stand on our feet and it is not going to be pleasant, it is not going to be happy, but we are going to have to do it, and let us shine the light of truth on the whole oil royalty question.

They are going to get up and say: Oh, it's the mom and pop little guys. Fine, let's do this for the mom and pop little guys. I will talk to you about that. But do not give the biggest companies—these are multinational corporations making excess profits—another break, and suddenly Uncle Sam goes into the oil business and the gas business.

This whole issue of an energy policy is important. It came up in the debates, and what we heard from the two candidates was very different. George W. Bush had one energy policy and one energy policy alone, and that is more development at home. By the way, we have had a lot more oil development here—and I am going to put that information in the RECORD—since Clinton-Gore came in. But they want to go to a wildlife refuge and drill in a wildlife refuge.

The No. 1 goal of environmentalists in this country is to protect that wildlife refuge. They want to drill in it, and you say: Senator BOXER, how much oil is in there? The estimate is about 6 months of oil. Period. End of quote. Forever. Some say if you got every drop out of it, it could go for 2 years, but that is the outside; most people think it is 6 months.

To me that is a contradiction in terms. We have to figure out a better way. I will give you a better way. We can save a million barrels of oil a day—a million barrels of oil a day—if we just say the SUVs should get the same mileage as a car. A million barrels of oil a day, and yet when that comes up, people duck for cover around here.

How have the President and the Vice President tried to have an energy policy? First of all, since they came in, oil and gas production on onshore Federal lands has increased 60 percent, and offshore oil production is up 65 percent since they came in, while they are protecting the most vulnerable offshore tracts, off California, off Florida, and other pristine places. We have seen a huge increase there.

They worked to bring an additional 3.5 million more barrels per day into

the world oil market. They have taken measures to swap 30 million barrels of oil from the Strategic Petroleum Reserve, and this will help the Northeast not have a repeat of last year's home heating oil shortage. We know it was Vice President GORE who pushed for this, frankly, along with a couple of Republicans and Democrats in the Congress, and it seems to be working. We hope it will.

They supported alternatives to oil and gas, such as ethanol, a renewable resource made from feedstock such as corn, and increasing ethanol use would help reduce dependence on foreign oil. It would help our farmers by boosting corn prices, and since ethanol can be made from waste, such as rice straw, waste straw, trimmings and trash, the greater use of ethanol can turn an environmental problem into an environmental benefit. In other words, it would take trash and turn it into energy. That is a plus.

The other half of the administration's energy policy is to improve energy efficiency. I think it is very important to look at the record here. Having told you that if we go to the Arctic National Wildlife Refuge, we will only get 6-month's worth of oil, what is the answer? Let's see what the facts show.

The administration supported a tax credit to promote alternative sources of energy—solar, biomass, wind, and other sources. The Republican Congress said no.

The administration recommended tax credits for electric fuel cell and qualified hybrid vehicles. It was a 5-year package of tax credits. The Republican Congress said no.

The administration advocated a tax credit for efficient homes and buildings. The Republican Congress said no.

The administration recommended tax incentives for domestic oil and gas industries. The Republican Congress said no.

The administration requested \$1.7 billion for Federal research and development efforts to promote energy efficiency in buildings, industry, and transportation, and expanded use of renewable energy and distributed power generation systems. And the Republican Congress partially funded that program.

The administration requested \$1.5 billion for investments in energy R&D for oil, gas, coal, efficiency, renewables, and nuclear energy. What was the answer of the Republican Congress? No. And they introduced legislation to abolish the Department of Energy. That is a great answer.

George Bush is saying we have no energy policy, and most of his party said: Do away with the Department of Energy. That was at a time when oil prices were low. They said: We don't need it. That is some policy.

It goes on.

The administration requested \$851 million for energy conservation for the Department of Energy. The request was cut by \$35 million.

They requested money to continue the Partnership for a New Generation of Vehicles. That was cut in half by the Republican Congress.

They requested \$225 million for building technology assistance funding. That was cut.

They asked for \$85 million to create a new Clean Air Partnership Fund to help States and localities reduce pollution and become more energy efficient. The Republican Congress said no.

It goes on.

The administration recommended studying increases in the fuel economy of automobiles. We know that 50 percent of the cause of our energy dependence is automobiles. What did this Republican Congress do? It prohibited the administration from even studying the increases in fuel economy standards in a rider to the appropriations bill.

So now we have the Republican standard bearer standing up in a debate saying: Where is your energy policy? There were 20 initiatives. I have only mentioned part of those. And they said no to the vast majority of them, and they said, OK, we will give you a little bit for a few.

It seems, to me, disingenuous—and that is the nicest way I can say it—to be critical of Vice President GORE, saying he has no energy policy, when every single proposal, except maybe a couple, was turned down with a vengeance.

Then, when we have a problem, our friends on the other side come down and say: You see the other side, they care about the environment too much. They will not drill in a wildlife refuge.

I say, thank you for mentioning that because if there is anything I want to accomplish here in the short time that any of us has in the scheme of things, it is to protect this magnificent area.

I wish we could join hands across party lines on energy. I say to the Presiding Officer, we have worked together in the Committee on Public Works. We have worked, for example, on ways to replace MTBE in a good way. We have worked on ways to make sure that we do not rob the States of their transit funds. I think we can do this. I do not think it is fair, however, for the candidate of the Republican Party to accuse the Vice President, who has proposed numerous ways, both on the production side and on the demand side, to resolve the problem, and say, there is no energy policy, when time after time after time it has been thwarted in this very body and in the House.

I remember when I first went into politics—a very long time ago—we had an energy crisis. At that time, we realized our automobiles were simply gas guzzlers. I remember. They used to get 10 miles to the gallon, 12 miles to the

gallon. I am definitely showing my age when I admit that. I remember that. And now we are doing better, but we can do better still.

I say to you that rather than go into a pristine and beautiful wildlife refuge—which we really owe to our children and our grandchildren and their kids; we owe them the preservation of that area—rather than do that, we could take a few steps here that can really make us so much more energy efficient, that we will be proud to say to our children and our grandchildren that we took a few steps. We did not inconvenience anybody.

Our refrigerators do a little bit better on energy use, our dishwashers, and our cars. I say to my own kids, who are at that age when they love those cars—I have a prejudice against those big SUVs because it is hard for me to climb into them. The bottom line is, they are very nice, but we can do better for our Nation and not be dependent on OPEC.

Fifty percent of our problem has to do with transportation. So we do not have to say: Oh, my gosh, we have a problem. Drill in a wildlife preserve. Oh, my gosh, we have a problem. Destroy the coast of California; ruin the tourism industry; ruin the fishing industry; risk oil spills. We do not have to go there.

We were sent here to find better ways of solving problems. Having an energy policy is important, but it takes two to tango. The Congress cannot do without the President, and the President cannot do without the Congress. The President proposes and Congress disposes. Unfortunately, they disposed of almost every single idea this administration had. We are suffering the consequences. So the issue is brought up at a Presidential debate, when people are pointing at each other, and we right here had a chance to do much better.

The PRESIDING OFFICER. The Senator's 30 minutes have expired.

Mrs. BOXER. I thank the Presiding Officer. This was a chance for me to explain my vociferous opposition to the substitute offered by Senator MURKOWSKI and to talk about an energy policy. I appreciate your patience, Mr. President, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to take 6 minutes of the leader's time to speak as in morning business on the continuing resolution.

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

Mr. BINGAMAN. Mr. President, I want to briefly describe my own thoughts on this royalty-in-kind issue.

First, let me say, the Senator from California, and, before her, the Senator from Alaska, talked about a great many issues related to our energy situation. I do not have the time and I

have not come to the floor prepared to address all of those. I generally agree with the Senator from California that we need a balanced energy policy. We need to not only do things to increase supply, but we also need to reduce demand in this country. We have fallen short in that regard.

I have proposed legislation, which the administration strongly supports, much of which the Senator from California referred to, that I believe would help us to reduce demand and also help us to increase production. I am sorry that we have not been able, as a Congress, and as a Senate, to bring that up for consideration this year. I hope we still can before we adjourn, but the days are growing short.

Let me speak for a minute about the particular bill and the royalty-in-kind issue.

As I understand it, the action which started this discussion was an effort to move to H.R. 2884. This is the House version of EPCA. EPCA stands for Energy Policy and Conservation Act.

That is an important piece of legislation. It reauthorizes the Strategic Petroleum Reserve. It sets up a heating oil reserve in the Northeast, about which many feel very strongly. It does a variety of things. It gives the Department of Energy authority to pay above-market prices for production from stripper wells in order to fill the Strategic Petroleum Reserve when the price of oil falls below \$15 a barrel. It does other things on the weatherization grant program. It has some useful provisions and contains a variety of other things.

It also contains a provision that the Senator from Alaska has strongly supported, and is intent upon keeping in the bill, on the subject of royalty in kind.

Let me explain my thoughts on that.

The Congress—for several Congresses now—has spent a lot of time arguing about, How do you determine what the royalty ought to be when the Federal Government allows for production of oil and gas on Federal lands? What amount of money is owed to the Federal Government?

We all know it is 12.5 percent; it is one-eighth. But how much is that in dollars? There is a lot of litigation on that subject. There has been, for a substantial period of time, a lot of debate on the subject.

The Federal agencies which manage our Federal oil and gas resources indicate that in certain circumstances they believe the United States has the opportunity to realize more money by actually taking its one-eighth in royalty in kind; that is, actually taking that royalty in the form of oil or gas instead of receiving it in cash.

The thought is that there is more of a benefit to the Government in some circumstances. Existing law authorized the Department of Interior to do that

very thing. But under this authority, the Mineral Management Service, MMS, which is part of the Department of Interior, has conducted several very promising pilot programs on this subject of royalty in kind. Two of the latest of these involve Federal onshore oil, conducted in cooperation with the State of Wyoming and offshore gas in the Gulf of Mexico. Those are two examples.

Early indications from both of these are that these pilot programs will result in greater revenue for the United States and for the taxpayer than would have been received had the oil and gas been taken in value, had the Government been paid dollars instead.

As an example, the thought of the Senator from California, as I understood it, was that there is something unfair to the Government by having the Government take its oil or its gas in kind. An analogy which we might think about is if the Government were owed one beer out of a six-pack, would it make more sense for the Government to take that beer or would it be better for the Government to go through a lengthy process of trying to establish the value of that one beer once it considered the cost of transporting the six-pack and the cost of storing it and all the other things. And in some circumstances, as I understand it, the Department of Interior, through this Minerals Management Service, has determined that it is in their interest to go ahead and take the royalty in kind instead of trying to calculate and argue about the price of it.

Based on these programs that have been in place, MMS, the Minerals Management Service, has determined that it could conduct a more efficient program, one that would be more likely to result in increased revenues, if it were able to pay for contracts for transporting and processing and selling the oil and gas it takes from Federal leases. Existing authorities allow the MMS to enter into contracts for these services but do not provide a way for them to pay except under general agency appropriations.

The amendment the Senator from Alaska has offered and I have cosponsored grants to the Department of Interior authority to use the money it makes when it sells oil and gas it takes in kind to pay for the expenses incurred in preparing it for sale, including its transportation, processing, aggregating, storing, and marketing. There is a 5-year sunset on this.

The amendment adds to existing law some very substantial protections for the Government and for the taxpayer.

It requires the Department to stop taking royalties in kind if the Secretary of Interior determines that it is not beneficial to the United States to take royalty in that form.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BINGAMAN. I ask unanimous consent for an additional 2 minutes from the leader's time.

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

Mr. BINGAMAN. It also requires that the Department report extensively to Congress on how the program is going. None of these requirements exist in current law. The royalty-in-kind provision in the Interior appropriations bill does not have these protections. This very bill we are getting ready to vote on in the next few days, the Interior appropriations bill, does grant authority to the Department to take the Federal Government's royalty in kind, but it does not have the protections that are in the amendment the Senator from Alaska and I are cosponsoring.

While 1 year is better than nothing, which is the Interior appropriations language—the Department clearly supports that provision in the Interior appropriations bill—a 5-year authorization gives the agency enough time to actually enter into contracts it would need to seriously test the workability of this program.

I wanted to clarify my own views at least as to what this provision would do. The Energy Policy and Conservation Act is important legislation. I hope we can resolve this dispute and get the legislation up for consideration in this Congress.

I do support the royalty-in-kind provision the Senator from Alaska and I have cosponsored. It will be beneficial to the Government—not to the oil industry but to the Government. It would be a win/win situation, and I do not see it as in any way breaking faith with the American taxpayer.

It would be good public policy for us to go ahead with this. I hope we can do so before the Congress adjourns.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I believe by previous order, I have 30 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAHAM. Mr. President, I am here today in support of my colleague from Louisiana and to express my dismay at the content of the Interior appropriations conference report which we are considering. Senator LANDRIEU knows better than each of us the amount of work, dedication, and focus it took to produce the widely and widely supported legislation, the Conservation and Reinvestment Act, or CARA, which has passed the House, passed the Senate Energy and Natural Resources Committee, and now awaits Senate floor action.

We have a unique opportunity before us in this session of the Congress: the ability to enact conservation legislation that will have a positive impact not just for ourselves but for our children and grandchildren, long after we have left this Chamber.

This opportunity is in the historical mainstream of the United States of America. We are starting a new century, the 21st century. It is the third full new century that has been started since the United States of America became a sovereign nation.

The first of those full centuries was the 19th century. We were led into the 19th century by one of our greatest Presidents, whose bust is above the Presiding Officer, Thomas Jefferson. Thomas Jefferson had a goal, a goal to acquire the city of New Orleans, which ironically is the home of Senator LANDRIEU. The purpose was to secure water transit on the Mississippi for American commerce, as it was developing in the Mississippi Valley, the Ohio Valley of the Presiding Officer, and later in the Missouri River Valley.

President Jefferson suddenly had a unique opportunity before him. While his negotiators were discussing with the French, the then-owners of New Orleans, the purchase of that city, they were met with a counter offer. Don't just buy New Orleans; buy the entire Louisiana territory.

President Jefferson seized this opportunity and fundamentally transformed the United States of America. No longer were we an Atlantic nation. We were a continental nation. No longer were we a nation in which Americans were quickly using up their original land; we were a nation that had an enormous new area to develop.

America suddenly had also been saved from the prospect of North America becoming a battleground for European rivalries because, with Louisiana in hand, the United States would be the dominant force in North America and would not have to contend with the prospect of the English, the French, the Spanish, and other Europeans attempting to settle their long animosities on our territory.

That was a truly bold idea, an idea that led us into the 19th century and has forever transformed our Nation.

We began the 20th century with another similarly bold leader, Theodore Roosevelt, whose bust is just outside the main entrance to the Senate Chamber.

Theodore Roosevelt had an idea that America should become a place which respected its natural heritage. So in his almost 8 years as President, he added to the national inventory of public lands an area that is the size of all the States which touch the Atlantic Ocean from Maine to Florida—an enormous contribution to our patrimony which, again, has served to transform both our idea of America and our access to America.

We had an opportunity to start the 21st century with an idea which, if not of the scale of either the Louisiana Purchase or Theodore Roosevelt's commitments to public lands, would have been a statement that our generation

still recognized its obligation to prepare for the future, as those two great leaders had done.

That was what the Conservation and Reinvestment Act was about—to take a portion of the Anglo revenue, which the United States receives from Outer Continental Shelf drilling, and invest those funds in a better America for our future generations.

I submit that this opportunity for a bold, grand idea in the tradition of Jefferson and Roosevelt—an idea that could have come close to being a legacy—is now, in fact, sadly a travesty, a mere shadow of what could have been. I suggest that there is no more inappropriate time for us to turn timid and retreat from what could have been. When Theodore Roosevelt became President of the United States in the early part of the 20th century, the United States had a population of approximately 125 million people. By the end of the 20th century, the United States has a population of 275 million people.

The U.S. Bureau of the Census projects that by the year 2100—100 years from today—the population of the United States will be 571 million Americans. It is our obligation—as it was Thomas Jefferson's and Theodore Roosevelt's and those who supported their vision of the future—to begin the process of preparing for that next America that is going to arrive in the next 100 years. That next America has to be our grandchildren. They are the people who are going to make up the 571 million Americans in the year 2100. It is possible that some of the young people who are here with us today may live through this full century and experience what that new America is going to be like. How well we are preparing for that new America is being tested by what we are doing today. I am sad to say that in the retreat from providing for an ongoing, significant source of funding to provide for the variety of needs of that new America, we are failing the next America.

Like the occupant of the chair, I have served as Governor of a State. I believe one of the most lamentable aspects of this failure is the way in which we have treated States. States are our partners in this great Federal system. Probably of all the contributions the United States has made to the theory of government, none has been as significant as the concept of federalism: That we could have within 1 sovereign nation 50 States that were sovereign over areas of their specific responsibility, and that in many areas those sovereignties would merge in respectful partnerships in order to accomplish goals that were important to the citizens of an individual State but also important to all Americans.

Many of the programs that were the objective of the CARA legislation were in that category of respectful partner-

ships between the Federal Government and the State. For those respectful partnerships to be effective, in my judgment, there are some prerequisites. One of those prerequisites is that on both sides of the partnership there must be sustainability, predictability; both partners must bring to the table the capacity to carry out their mutually arrived at plans and visions.

The CARA legislation, as it was passed by the House of Representatives—I might say by an overwhelming vote—and voted out of the Senate Committee on Energy and Natural Resources, had such a vision because it would have provided through this source of funds of the Outer Continental Shelf a guaranteed source of revenue to meet the Federal side of that respectful partnership with the States in everything from urban parks to historic district redevelopment, to the development of urban forests—a whole array of needs which our growing population requires.

With that assured source of financing, there could have been some other things accomplished. One would have been good, intelligent planning as to how to go about using public funds to the greatest benefit. Part of that planning would have been to have set priorities in which people would have had some confidence. When you say priorities, by definition, you are telling some people they are at the absolute front of the line, other people are a few spaces back, and some are toward the end of the line.

But if those who stand in line believe their turn in fact will come if they are patient and, if they do the planning that is asked of them, they will finally receive their reward through Federal participation in funding, I am afraid that what we have just done is lost that opportunity because of what we have in the conference report of the Department of the Interior. Under title VII, the land conservation, preservation, and infrastructure improvement title, which is offered to us as the substitute for CARA, we have this language:

This program is not mandatory and does not guarantee annual appropriations. The House and the Senate Committees on Appropriations have discretion in the amounts to be appropriated each year, subject to certain maximum amounts as described herein.

So we have no respectful partnership, and therefore we have no reasonable expectation that the kind of goals that were at the heart of the CARA program will in fact be realized. I suggest that our partners in the States who, from virtually every organization that represents State interests, had advocated passage of the CARA legislation will find this to be a particularly disappointing and sad day.

In addition to the fact that we are squandering the opportunity that

comes with the enthusiasm of the new century, in addition to the fact that we are failing to meet the challenge for the new America, which will occupy this great Nation in the next hundred years, and in spite of the fact that we have acted in an arrogant and disrespectful way to our partners, the States, there is yet another tragedy in what is being proposed. That tragedy is our national parks.

On July 25, 2000, the Senate Energy Committee passed its version of the CARA bill, containing what I consider to be one of its most important aspects—the national park protection fund. This fund would provide \$100 million in assured, guaranteed funding for the parks for 15 years, \$100 million a year, for the purpose of natural, cultural, and historic resource preservation and restoration. This was a critical section of the bill. It was mirrored after a bill which I introduced in April of 1999. During our markup in the Energy Committee, I supported this section. I did believe that it should have included even more money to adequately address the needs of our national parks.

I might say in that view that I was joined by a number of members of the Energy Committee who advocated a more significant commitment to the protection of our national parks. I am blessed to say that since this bill was reported by committee, we have had even another ally join in this effort. We have had the Republican candidate for President of the United States, Gov. George W. Bush. Governor Bush, on September 13 of this year, stated that he would commit to spend \$5 billion on maintenance of the national parks over the next 5 years “to renew these national treasures and reverse the neglect.”

We are rejecting the advice and recommendation of the Governor of Texas, the Republican nominee for President of the United States, with this legislation because what it provides for national parks maintenance is only \$50 million for 1 year. Fifty million dollars for 1 year is all we are going to be voting for if we accept this conference report—not the \$5 billion over 5 years that Governor Bush has wisely recommended we invest in the restoration and revitalization of the great national treasure of our national parks.

The conference report today takes a tremendous step in the opposite direction in terms of a commitment for the rejuvenation of our national parks. It is wholly inadequate. I rise today to plead for our national parks.

As Senator LOTT said at a press conference in support of the CARA legislation earlier this year, even Kermit the Frog supports this bill. To borrow a phrase from America’s favorite frog, “It’s not easy being green.” It is also no simple matter maintaining the beautiful pinks and rich browns of

Utah’s canyons, the bright reds and oranges of Virginia’s leaves in the fall, and, of course, the myriad colors that comprise America’s Everglades. It is not easy. But it is critically important. It is our responsibility.

The parks tell the story of what and who we are and how we came to be. They contain the spirit of America. Maintaining these national treasures takes commitment to conservation and environmental preservation. That commitment takes money—reliable, sustainable, predictable money—in order to be able to undertake the kinds of projects which are necessary to preserve our great natural and cultural heritage.

There are many examples I might use to demonstrate this necessity for a sustained, reliable source of money to protect our heritage. Let me just use one that I have had the occasion to visit twice in the last few months; that is, Ellis Island.

Ellis Island, as we all know, is the place through which some 15 million persons seeking the freedom and liberty and opportunity of the United States first entered our country. It is a site which is seeping with the history of America. It is a site which is composed of about 40-some buildings, including the first public health hospital in the history of the United States; it is on Ellis Island.

You may have seen some television programs which were broadcast from Ellis Island that show a series of buildings which have been renovated to their 19th century style with brilliance and beauty. Unfortunately, what you do not see are the other 35 buildings in back of those that have been rehabilitated. When you walk through those buildings, what you see is some of the history of America crumbling literally before your eyes and feet.

The reason for this crumbling is that there has not been an adequate, reliable source of funds to maintain this and many others of our national heritage. The superintendent of the park told me that if she had a reliable source of funds, she could organize a rational plan for the rehabilitation of these historic buildings and, at considerable savings to the taxpayers, commence the process of saving these buildings.

What we have before us is not a bill that gives us the opportunity of salvation. Rather, it is a program that virtually assures the disintegration of Ellis Island and other invaluable parts of our Nation’s history and culture. Today, protection of our natural resources and our historic and cultural resources has fallen further and further behind.

Suffering takes many forms. Wildlife is suffering. In the park I know the best, America’s Everglades and the great Everglades National Park, the number of nesting wading birds has de-

clined 93 percent since the 1930s. One study of 14 national parks found that 29 carnivores and large herbivores had disappeared since these parks were established and placed under our trusteeship and protection. Only half the islands in the Park Service’s historic collections are cataloged.

Often it takes an act of individual intervention in order to save an important national treasure. I have had the good fortune to have my daughter marry the son of a great American historian, David McCullough. David McCullough has sounded the national alarm at the disintegration of much of our historical and cultural treasures. One of those for which he sounded the alarm was the Longfellow house in Cambridge, MA. Not only was it the home of a great American family, it happened to be the home where George Washington lived when he was establishing the first components of the American Colonial Army that would eventually be victorious in the American Revolution—an extremely important site in American history, a site which, lamentably, was collapsing.

David McCullough, a sophisticated person with considerable ability to energize action on behalf of a worthy project, went to one of our colleagues, Senator KENNEDY, and brought to Senator KENNEDY’s attention what was happening at the Longfellow house in his State of Massachusetts. Senator KENNEDY came to the Congress not too many years ago and got specific funding for the Longfellow house. Now it is on the road back to recovery.

But do we have to depend upon the convergence of a historian and an influential Senator to save our national heritage? Are we going to say it is important enough that we do this on a predictable, sustained, professional basis? We have that opportunity with the CARA Act. We are about to lose that opportunity with this conference report.

Only 62 percent of conditions needed to preserve and protect the museum collections within our National Park System meet professional standards for their protection. Considering only the park’s portion of the CARA compromise—words which I find objectionable—but of only the park’s portion of this alleged CARA compromise, we have nearly 290 million reasons to oppose it. Those 290 million reasons are the 290 million persons who last year visited our Nation’s parks. That number grows each year as our children and our grandchildren take our place among the mountaintains, the forests, and the historic sites which comprise America’s National Park System. The parks are more than just popular destinations. They are havens for more than 120 threatened and endangered species.

The National Park Service also oversees a trove of historic artifacts that

represent the story of human experience in North America, some 75 million items of our history.

We owe to future generations, we owe to our children and our grandchildren, and their grandchildren, the chance to learn this story. We owe them the same opportunity to appreciate the majestic beauty of this land as we ourselves have been lucky enough to experience.

In the words of President Lyndon Johnson:

If future generations are to remember us with gratitude rather than contempt, we must leave them more than the miracles of technology. We must leave them a glimpse of the world as it was in the beginning, not just after we got through with it.

We are seeing that opportunity to leave to those future generations a glimpse of the world as it was in the beginning, we are seeing that opportunity unnecessarily and tragically slipping away.

A steady diet of green will keep our natural treasures healthy well into the next century. We have the opportunity to do this. When the legislation establishing our Outer Continental Shelf drilling program and the royalties that would be derived was established, the theory was we would take the resources that we gathered as we depleted one natural resource, the petroleum and natural gas under our Outer Continental Shelf, and we would use it precisely as a means of investment in the future of our country by investing it in the protection of our most valuable natural historic and cultural resources.

That is the opportunity that the legislation which was introduced, passed overwhelmingly in the House, passed by the Senate Committee on Energy and Natural Resources—and I am proud to say with the support of our Presiding Officer—gave us. It is an opportunity we are about to fritter away.

The CARA compromise does not achieve any of these significant goals. This Senate will diminish itself in terms of its appreciation of our American experience. We will diminish ourselves in terms of our political will. We will diminish ourselves as viewed by the history of our own grandchildren if we are to accept this compromise as being an adequate statement, the beginning of the 21st century of what we think our responsibilities to the future are.

I urge we defeat this conference report, that we defeat this feeble compromise, and that we start again by bringing to the Senate floor the legislation which has passed out of the Committee on Energy and Natural Resources and give us an opportunity to debate it. Those who have some objections should offer amendments. That is the democratic way. I am confident it will pass and that it will be accepted by the House of Representatives, and signed with enthusiasm by the Presi-

dent, and then we will be worthy of the offices we hold and worthy of our responsibility to the American past and to the American future.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. What business is before the Senate?

The PRESIDING OFFICER. The pending resolution, H.J. Res. 110, is under a time limit.

Mr. GRAMS. I ask unanimous consent I be allowed to speak in morning business for up to 10 minutes.

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

#### PRESCRIPTION DRUGS

Mr. GRAMS. Mr. President, I come to the floor this evening to talk about an issue which has commanded a lot of attention lately in this body, an issue which has been a major concern of mine for a long time. That is, prescription drug coverage under our Medicare program.

Prescription drugs, as we all know, are becoming an increasingly important, in fact, an essential component of our health care delivery system in the United States. Because of their increasing role in the improvement of health outcomes, I believe a newly designed Medicare would unquestionably include a prescription drug benefit. Unfortunately, Medicare is still operating under a 1965 model. Our seniors continue to lack this very essential coverage.

Over a year ago I introduced the Medical Ensuring Prescription Drugs for Seniors Act, or MEDS, and this role would provide a prescription drug benefit for all Medicare-eligible beneficiaries, and on a volunteer basis. My plan would ensure that our neediest seniors would get the assistance they need, when they need it, for as long as they need it. And MEDS, as most other plans that have been introduced in the Senate, is a comprehensive, Medicare-based approach and will take a few years to fully implement.

Though I fully support MEDS and will fight for its passage, I believe our seniors need some relief now. To that end, I am supporting Senator ROTH's bill, which would send Federal funds back to the States today in order to establish or improve our prescription drug coverage immediately for our seniors and those seniors who need that help and coverage now.

I want to be clear, the only way that Congress will be able to address the prescription drug needs of our seniors this year is to pass the Roth proposal. We need to do it. Unfortunately, our friends on the other side of the aisle disagree with that view. They would rather work to push a massive Medicare-based plan which only seems to increase the burden on the majority of seniors through increased premiums,

reduced benefits, and more bureaucracy; in other words, create a bigger and bigger government bureaucracy to handle this.

I believe it is a backdoor tax increase on our seniors, which is both irresponsible, and it would be totally unacceptable, especially to those who really need the help in the coverage to afford prescriptions.

The Democratic proposal, which Vice President AL GORE and others advocate, is fraught with a lot of problems. First, his plan would take 8 years to be fully implemented—8 years. The Roth bill would go into effect today. The Vice President's plan would take 8 years to phase in.

You don't hear that when they talk about it, do you? But we all know that our seniors cannot afford to wait 8 years, especially the neediest of our seniors' population, to start realizing a prescription drug benefit under our Medicare program.

This is a part of the plan that often goes unmentioned and one that needs to be highlighted. Either have a plan now that is immediate and provides help to our seniors today, or pass a plan that costs more, reduces benefits, and asks our seniors to wait 8 years to have it fully implemented under Medicare.

The second problem with the proposal is that when it is fully phased in, it will put a new tax on our seniors because it asks for premiums of \$600 a year in new additional premiums over and above what they are paying. Above and beyond the fact that many seniors would find that \$600 to be cost prohibitive, statistics suggest that the average senior uses only about \$675 in prescription drugs in a year. I am not a mathematician by profession, but I can tell you when the proposal only covers 50 percent of the costs of the prescription drugs to begin with—so, in other words, after paying your \$600-a-year premium, you have to pay a 50-percent copay on all the drugs you consume, and I believe there is also a cap with it—it means that for the additional \$600 premium, again a new tax on our seniors, the average senior would receive at best \$37.50 in benefits.

Considering the enormous financial burden this is going to place on an already ailing Medicare system, I am not sure the American people are going to want to assume what will inevitably be a new tax liability and at the same time risk the collapse of Medicare in order to prop up a plan that delivers only pennies a year in prescription drug benefits.

Because it is a bit politically distasteful, supporters of this plan and similar measures fail to mention the cost of these proposals. They make it sound as if this is going to provide Medicare prescription drug coverage to all seniors at no cost. That is the way they always like to present a lot of