SENATE—*Wednesday, February 19, 1992*

(Legislative day of Thursday, January 30, 1992)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

God of Abraham, Isaac, and Israel, of Moses and the prophets, Jesus and the Apostles, God of our Fathers, your servant Moses the great law giver warned of the peril in prosperity:

"Beware that thou forget not the Lord thy God * * *, lest when thou has eaten and art full, and hast built goodly houses, and dwelt therein; and when thy herds and thy flocks multiply, and thy silver and thy gold is multiplied, and all that thou hast is multiplied; then thine heart be lifted up, and thou forget the Lord thy God, and walk after other gods, and serve them, and worship them, I testify against you this day that ye shall surely perish. As the nations which the Lord destroyeth before your face, so shall ye perish * * *."—Deuteronomy 8:11-20.

Gracious patient God open our minds to comprehend that the real crisis is spiritual, not economic, forgive us for the ease with which we abandon the spiritual and embrace the material. Forgive us Lord and help us put our priorities in order.

In the name of Jesus, Light of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 19, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

READING OF WASHINGTON'S FAREWELL ADDRESS

The ACTING PRESIDENT pro tempore. Under the order of January 24, 1901, the Senator from Pennsylvania [Mr. WOFFORD] will now read George Washington's Farewell Address.

Senator WOFFORD.

Mr. WOFFORD, at the rostrum, read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiations by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a

decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political system is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of factions, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding of them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one party against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it

which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by unsurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, but ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation within its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumberable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and

odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defense posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our Nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible to my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. THURMOND. Mr. President, I ask unanimous consent that I be allowed to speak up to 7 minutes, if necessary.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TEXTILES IN THE GENERAL AGREEMENT ON TARIFFS AND TRADE [GATT] NEGOTIATIONS

Mr. THURMOND. Mr. President, since September 1986, representatives of 74 countries have been meeting under the auspices of the General Agreement on Tariffs and Trade [GATT]. These negotiations have focused on continuing the seven previous GATT rounds which were intended to reduce the barriers of international trade. The major areas of negotiation have focused on agricultural trade, textile trade, services and trade related to foreign investment, as well as protection of intellectual property rights.

The GATT Director-General, Arthur Dunkel, tabled a draft final text on December 20, 1991 and issued a January 13, 1992, deadline for countries to state their position on this text. It is my understanding that many industries, including the textile industry, are not supportive of the draft text.

Mr. President, while the current draft text as proposed may be helpful to some of the industries of this country, it will be devastating to the domestic textile industry. Two studies, one by the WEFA Group, formerly known as the Wharton Econometrics, and one by Trade Research & Analysis, have been conducted to survey the impact of the draft text proposal on the domestic textile industry. Both of these studies estimate that the 10-year phaseout period of the Multifiber Arrangements, which the draft proposes, the domestic textile and apparel industry could lose as many as 1.4 million jobs. Further, the industry could lose two-thirds of its production capacity. Some sectors of the textile industry would be opened immediately to unrestricted imports, so they would not have a phaseout period to adjust to the agreement.

The WEFA group study projects a loss of 745,000 jobs in the U.S. textile and apparel industry. It also projects a loss of 305,000 jobs in the related manufacturing industries such as chemicals, rubber, transportation, furniture, and electrical machinery. Further, this study predicts a loss of 340,000 jobs in the service and agricultural sectors related to the textile industry.

Mr. President, last spring when the administration requested and received a 2-year extension of fast-track procedures for consideration of trade agreements entered into before May 31, 1993, I expressed serious concern that the GATT negotiations would produce a proposed text that could cause these tremendous job losses. It appears to me that the current protections for the domestic textile industry have been used as the bargaining chip to gain concessions for other industries.

Mr. President, the GATT negotiations should create fairness in trade. This means that if we open our markets to imports other countries should open their markets to our goods. The textile industry continues to suffer from increased imports because the American industry is not competing with foreign countries on an equal basis. We are not competing on an equal basis because our domestic textile and apparel industry does not have equal access to foreign markets, our industry is not subsidized, and we have worker safeguards and minimum wage standards that other countries do not have to follow. If the U.S. textile and apparel industry did not have to battle these unfair advantages, I am confident that this industry could compete with that of any other nation. However, the domestic textile industry cannot be expected to compete or should it have to, with foreign industries that have such an unfair advantage.

Mr. President, I believe the current position of the United States in the GATT negotiations is harmful to the domestic textile and apparel industry. In the report submitted to Congress asking for the extension of fast track procedures, it states that the U.S. position with regard to textiles will among other things help "ensure an orderly increase in imports." Any agreement that could cause 1.4 million people to become unemployed and an industry to lose two-thirds of its production capacity does not provide for an orderly increase.

Mr. President, imports have already caused much damage to the domestic textile and apparel industry. During the last 10 years, the national textile and apparel industry has lost approximately 400,000 jobs. Further, 332 textile plants were closed, with 174 of these plants located in South Carolina. All of these lost jobs and disruptions have occurred with our current trade laws and policy. We cannot allow this industry to be further harmed by the current draft text. I will continue my efforts to ensure that this industry is not further harmed by the GATT negotiations.

A DRAMATIC RESCUE AT SEA

Mr. MITCHELL. Mr. President, on January 16, a remarkable drama unfolded in the darkened waters off the coast of Maine. The tugboat *Harkness* found itself taking on water fast, at night, in the middle of a winter storm, off the island of Matinicus. Through a miraculous combination of courage and luck, the crew of the sinking vessel was saved by three lobstermen who happened to pick up the sinking boat's distress signal, and who ventured into the stormy night to rescue three men they had never met.

The tale of this dramatic rescue was retold in the January 26 edition of the Maine Sunday Telegram. It is a story worth reading. So much of the news that each of us hears every day reminds us of man's inhumanity to man, it is worth being reminded of the reservoir of courage and concern for our fellow human beings that exists within us all.

The extraordinary heroism of these three men, Vance Bunker, Rick Kohls, and Paul Murray, aboard the boat *Janellen*, deserves special notice.

And yet, events such as this one probably happen every day, though perhaps on a less dramatic scale—in Maine, and I am sure in every community, in every land. One of the enduring strengths of a feeling of community, be it large or small, is that it gives us the freedom to be bold, to reach out to others around us who are in need.

The lobstermen who made this rescue knew the waters, they knew the weather, they knew the risk. Men like them have been fishing for lobsters in these waters for many, many years. Their allegiance to the community of seagoing fishermen meant that when the distress call came, there was no question about what they needed to do. Their act of bravery was unquestionably heroic. And yet it flowed almost inevitably from the sense of community that they shared.

I ask unanimous consent that the article, entitled "Sea Risk a Mix of Grit and Good Fortune," by Margot Brown McWilliams, be printed in the RECORD at this time. There is much for us all to appreciate in the story it tells.

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

SEA RESCUE A MIX OF GRIT AND GOOD FORTUNE

(By Margot Brown McWilliams)

On Matinicus, the first warning came at 6 p.m. on Jan. 16. Clayton Philbrook heard on the VHF radio that the tugboat Harkness had taken on about a foot and a half of water over its stern.

Philbrook, one of the handful of lobstermen who lives year-round on the island of Matinicus, knew a rough night lay ahead.

"It was blowing 40 (mph), and I had 3 or 4 below (zero) at the house, so I knew it was thick with vapor out on the water," said Philbrook. "The Rockland Coast Guard station was reporting winds at 10 miles per hour, but out here it was screeching."

Three island lobstermen would venture into the cold, wind and sea smoke last night. Before it was over, they would help drag the crew of the Harkness out of the freezing ocean.

Matinicus is a tiny island—a mile long and half a mile wide—and at 20 miles out to sea, it's isolated. It's the outermost inhabited island on the eastern seaboard.

At the first signs of trouble, the three-man crew aboard the Harkness radioed Coast Guard authorities at Southwest Harbor that they would head for Frenchboro on Long Island.

At that point, a local skipper got on the radio and told the Harkness to turn and run for Matinicus instead. There would be a better chance of getting help there.

"The skipper of the Harkness didn't know anyone lived out here," Philbrook said, slightly surprised.

Albert and Vance Bunker are brothers who fish for lobsters off Matinicus.

Vance Bunker had also picked up the communications between the Harkness and the mainland. He radioed the distressed boat to see what kind of trouble it was in.

By this time, Philbrook said, the Harkness reported that it had 2 feet of water over the stern. Vance Bunker radioed back that he was on his way in his boat, the Janellen.

Philbrook called Bunker on the phone and offered to go along. But Bunker had already rounded up Rick Kohls, another lobsterman, and Paul Murray, who tends to everything that runs on island—boat engines, furnaces, water systems, and the telephone lines.

Murray, he figured, would come in handy if anything went wrong with the Janellen.

Philbrook's task was to remain on land manning the radios and standing by in case Bunker got into trouble and someone with a boat was needed to come after him.

"There weren't very many of us left on the island," Philbrook said, "and it was quite a wild night, weather-wise." There had to be someone manning the home base.

When Bunker steered into the night, he didn't know exactly where the Harkness was.

"He started out thinking they were off Northeast Point, off the (north) of the island instead of where they actually were, which was off Zephyr Ledge, further to the northeast," Philbrook said.

Part of the confusion stemmed from the Harkness' use of latitude-longitude navigational information in giving its location. The Matinicus lobstermen rely on a Loran navigational system, and told the Harkness to start giving its location in both systems.

"When we had those," Philbrook said, "Rick knew roughly where they were because he fishes traps in that area. I ran the numbers on the chart that I have here on the wall, and gave Vance an exact position for the Harkness."

The information was critical, because Bunker couldn't see where he was going. In the wind at sea, spray turned instantly to ice on the boat's windows.

"Vance had Paul and me watching the Loran and telling him which way to steer," Kohls said, "and Paul was writing down the numbers as the Harkness was giving them on the radio." Bunker had to be content with watching the compass and keeping on course.

The Harkness was fighting for its life.

The tugboat's captain, Rudi Musetti, had only suspicions about what made the *Harkness* start to take on water. Possibly it was the rudder ports, he thought, or maybe the stuffing box.

Since leaving Ogunquit for a 20-hour trip to Northeast Harbor, Musetti had routinely checked everything on the boat every two hours. "The water started coming aboard just half an hour after my last check," he recalled later. "Everything had been riding high, as it should be. Then I looked back, and we were submerged."

Musetti threw the switches for the pumps, but could only trust that they were working, as the decks were too icy to walk on. "But every time I looked back," he continued, "we were going down, not up."

As the *Harkness* sank, Bunker developed a new worry. Radio communications had revealed that the *Harkness* had two 500-foot tow ropes that had been coiled on the stern, but they had been washed overboard as the boat took on water.

If the ropes got tangled in Bunker's propeller and the *Harkness* was sinking, it would have pulled Bunker's boat down with it. "And of course," Philbrook said, "nobody could see a thing."

These ropes, in fact, had played the final role in the disabling of the *Harkness*. They had washed off the stern when Musetti headed for Frenchboro, but they had trailed directly behind, keeping well clear of the boat's propellers.

When Musetti changed course for Matinicus, though, the ropes were pulled underneath the boat, fouling both propellers and killing both engines. With no power, the *Harkness* was adrift.

"Things were getting tense," Philbrook said. "We'd finally figured out where they were, and were on the way to those coordinates, and the guy was on the radio saying that he knew he was going to lose the boat, and that he and his crew were going to have to go into the water . . . Then the skipper said that the water was up to his chest in the wheelhouse."

It was 7:02, just over an hour since the tugboat's first distress call. It was the last signal that would come from the *Harkness*.

"When we heard that silence," said Kohls, "I knew I was going to puke. It was a terrible, terrible feeling. Of course the battery might have gone dead, but we knew they were in the water."

As Bunker's boat approached the *Harkness'* location, a mile and a half to two miles off Matinicus, the Coast Guard arrived on the scene.

The *Janellen* backed off, and went back to the last set of numbers the *Harkness* had given. "By then," Kohls said, "we knew there wasn't much of a chance them boys would still be alive. It was jeezly cold, and that sea smoke lay right over the water like a . . . blanket."

Kohls and Murray kept at it, looking over the sides of the *Janellen* down into the water. But the sea smoke was impenetrable, and they could see nothing.

For some reason, Kohls looked up instead of down. "I couldn't believe my eyes," he said. "I saw a light shining straight up into the sky above the sea smoke."

It wasn't much of a light, but its effect was huge. "It was like Charlie Brown's Christmas," Kohls said. "We knew at least one of them was out there." Kohls guided Bunker to the light.

The unlikely, if not the impossible had happened. A wooden ladder had floated free of the *Harkness* as it went down, and all three men had grabbed onto it.

One of the three, Arthur Stevens happened to be carrying a little three-cell battery flashlight that his daughter had given him for Christmas.

"I don't think Arthur was even aware that he still had the flashlight," Musetti said, "because his hands were too cold to hold onto anything. What had happened was that the flashlight had frozen right to Arthur's glove."

Then the three men in the water saw the *Janellen*'s searchlight coming through the sea smoke.

"We couldn't see the boat itself," Musetti said, "and it was blowing too hard for us to hear its engine."

Still, it was a struggle for the angels to save the men.

"We held the gaff out to one of them," Kohls said. "He kind of hooked onto it with his arms, because he had lost the use of his hands. He looked up at us and said, 'Boy, are we glad to see you.'"

"It seemed like a lifetime getting the first two aboard," Kohls said. "Paul and I were pulling on one of them." Bunker got the other aboard himself. "Vance is a big boy," Kohls said. "He's stronger. Also, fear motivates everybody."

The Coast Guard boat rescued the third man.

When the *Harkness'* crew was pulled from the water, the combination of wind and temperature created a wind-chill factor of 55 below zero. Murray and Kohls stripped off their clothes and gave them to the two men they had pulled onto the *Janellen*.

"You have never seen such cold human beings," Kohls said. "They couldn't walk, they couldn't move, except to vibrate like they were coming apart at the seams. We took them down below and had to cut the clothes off them." Luckily, Bunker kept a stove going down below.

Musetti said that neither he nor his two crew members gave in to panic, though when they finally abandoned ship he was certain that rescuers would not be able to find them in time.

"You can't survive more than a few minutes in that water," he said, "and we were already right on the verge of hypothermia. We talked to each other as we went into the water.

"I didn't feel fear, particularly. Maybe because there was no point in it. I thought about my four daughters and my grandchildren. And my parents. All I could think about was that I wouldn't see them again. It made me sad."

All six men involved—the three in the water and the three aboard the *Janellen*—figured something beyond just themselves was involved.

Kohls calls it luck.

"Everything happened just right. One man's daughter just happened to give him a flashlight for Christmas instead of anything else you could think of.

". . . A wooden ladder just happened to float right up to those men.

"And that flashlight just happened to freeze itself to his glove when he couldn't hold on to anything anymore.

"But what's most miraculous is the direction that little flashlight was pointing in. What are the chances that the beam of a flashlight that's frozen onto the glove of a drowning man would point straight up into the sky? By all logic it should have been submerged."

But it wasn't. And the beam did point straight up. And Kohls did just happen to lift his head up from his sightless staring into the sea smoke in time to see it. And he just happened to be on the right side of the boat.

"I don't want to go out on any more rescue missions this year," Kohls said, "because whatever there was in the luck bank, we used it all up this time."

ZAIRE'S MOBUTU MUST STEP DOWN

Mr. BOREN. Mr. President, there were times during the superpower confrontation when America faced a mortal threat from communism and its agents, when we involved ourselves in some unsavory relationships for what was viewed by some as the larger good of containing Soviet influence. That era is behind us, and we should be proud that it was America's ideals which secured the ultimate victory

over communism. But Mr. President, we should reevaluate some of those alliances of convenience consummated in those uncertain days.

I am speaking in particular of Zaire. Over the last quarter-century, the United States has not pursued serious problems in the regime of Zaire's President Mobutu Seke Seko.

Zaire is a country endowed with plentiful natural resources. It has a talented and hard-working population. It has the potential to be an economically strong country, a model for the continent. Why, then, has inflation in just the last 3 months gone over 23,000 percent? Why have consumer goods become virtually impossible to find in Zaire? Why is there no soap in the hospitals? Why, in fact, has the Government of Zaire not built a hospital in over 20 years?

There is ample reason to believe that widespread corruption within the Mobutu government is a large part of the answer. Actions by President Mobutu are also clearly out of step with any real commitment to democracy. Even though his official Presidential term expired last year, Mobutu has refused to release the reins of power. Last year, he agreed to a national conference with opposition parties and elections to follow. Just weeks ago, however, the conference was canceled and threats have been made on the life of the archbishop who was running it.

If there was any remaining doubt that the United States should do all it can to bring pressure on President Mobutu to step down and allow for a democratic government, the events of the past few days should have removed it. The brutal and senseless firing by Mobutu security forces on prodemocracy demonstrators, killing several demonstrators, must not be tolerated by the world community. Mr. President, the United States must not remain silent on the sidelines when confronted with such blatant disregard for democracy and human rights.

We must do all that we can to facilitate President Mobutu's removal from power and a transition to true democracy in Zaire. I have been in contact with the National Security Advisor, Mr. Scowcroft, and many of my colleagues, especially my colleagues from Kansas and Illinois, have taken the lead in making this an issue. However, judging from recent testimony by an Assistant Secretary of State about the situation in Zaire, I can only hope that the administration is doing a lot more behind the scenes to ensure a peaceful transition than it is publicly. Because publicly, Mr. President, the administration is dragging its heels.

At the height of the cold war, the great columnist Walter Lippmann warned that the United States had to bring its commitments in line with its capabilities. And the end of the cold war, it is also time to bring our commitments in line with our ideals. There is no better place than Zaire to set a positive precedent for a common sense international policy, based on freedom and democracy and opportunity. It is time for us to act.

TRIBUTE TO CARTER MANASCO

Mr. HEFLIN. Mr. President, Alabama lost one of its foremost favorite son politicians and spokesmen for its coal industry on February 5, 1992, when former Congressman Carter Manasco died at the age of 90 in Arlington, VA. The Alabama Democrat became a Capitol Hill legend as an aide, Congressman, and legislative counsel.

Born in Townley, in Walker County, AL, to a tenant farmer, Carter Manasco attended what is now Samford University, in Birmingham. He later graduated from the University of Alabama School of Law. He was admitted to the State bar in 1929 and began his practice in Jasper. He served in the State legislature from 1930-34.

Cater began his long and distinguished career in Washington as secretary to then-House Speaker William Bankhead. He served in that capacity for 7 years. After Bankhead died in office, Carter won his boss' old seat in a special election. He served four terms in the House of Representatives, leaving in 1949 to join the National Coal Association as its legislative counsel.

During his tenure in Congress, Carter served as chairman of the Government Operations Committee, then called the Committee on Expenditures in Executive Departments. He was also a member of the first Hoover Commission on the Reorganization of the Executive Departments. He was a conservative Democrat, a friend of the veteran and a constant booster of Alabama interests. As a friend of the veteran, he fought diligently for their right to purchase surplus wartime goods after World War II.

While at the National Coal Association, until his retirement in 1986, Carter used his floor privileges and access to Members' lounges to become one of Washington's best-known lobbyists. His trademark cigar in mouth, he would often spend as much as 16 hours on his daily rounds, sometimes stopping by the press gallery for a poker game. He always knew what was going on and was a great vote counter. He frequently visited the most senior Member of the House and only current Member with whom he served, Mississippi's JAMIE WHITTEN. He loved TOM BEVILL, his Congressman, and TOM loved him. I can remember his visits to my office, when, in his late eighties, he would insist on climbing the long flight of stairs to the second floor of the suite rather than using the elevator because he said it posed a challenge. His long time friend Carlton Betenbaugh's office was upstairs. If he was your friend he showed his loyalty. Loyalty was one of his hallmarks.

Even in these later years, Carter still relished and sought out challenges. This drive and determination is what made Carter Manasco the success that he was. But, he also became an institution on Capitol Hill because of his likability and honesty and the many lasting friendships and high degree of respect they brought him. As the current Congressman from Carter's home district, my good friend TOM BEVILL, remarked upon his death, "Everybody who knew him loved him. And just about everybody knew him." Another said, "He became an institution on the Hill. It was difficult to tell if he was a Member of Congress or not."

We will miss this friend, favorite son and consummate politician, public servant, and public relations executive who brought so much color and flavor to the world we know as Capitol Hill. I extend my sincere condolences to Carter Manasco's family, including his son, John Carter, of Front Royal, VA. Thank you, Mr. President.

MEL AND NORMA BURGENER—50TH WEDDING ANNIVERSARY

Mr. REID. Mr. President, I first met the Burgeners in Nevada many years ago, but got to know them on a personal basis when we moved to a new home in 1975. We were then in the same ward. It has here that Landra and I got to know two unique individuals, Mel and Norma Burgener.

It is with pleasure I spread on the record of congressional proceedings this message of congratulations on the occasion of the 50th wedding anniversary of Mel and Norma Burgener. They deserve all of the accolades that can be presented to them. They are representative of what is good in our country.

The Burgeners stand in stark contrast to the startling statistics that plague our country. For example: one out of every two marriages in our country end in divorce, with the rate of divorce tripling between 1960 and 1982; one-half of divorced fathers fail to visit their children, with two-thirds failing to pay their child support. It has also been established that the single most important reason for the decline of the family is the parents not being at home.

We need more Mel and Norma's to set a good example for our children. They are the example of a loving husband and wife, with strong parental concern and oversight. With more of this, there would be less participation in gang activities, less narcotics use, less child abuse, less spousal battery, less divorce, and less alcoholism.

I am glad to call the Burgeners my friends.

Mr. CRAIG addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Idaho.

THE READING OF WASHING- TON'S FAREWELL ADDRESS

Mr. CRAIG. Mr. President, under morning business, I first of all wish to react to my colleague from Pennsylvania and his reading of Washington's Farewell Address. It is not only appropriate and proper that it be read at this time but I think as importantly it ought to be reflected on a bit.

I say that because it was a message delivered in Washington's time to Washington's countrymen in 1796—a message that talked about frugality, that talked about the security of a nation, that talked about political factionalism and sectionalism within this country; but more importantly spoke to the maintenance and the security of a Constitution and the stability of a nation.

THE NEW HAMPSHIRE PRIMARY

Mr. CRAIG. Mr. President, yesterday, February 18, 1991, the citizens of New Hampshire spoke once again very loudly and clearly to the Nation, and I think not to George Bush, nor to Clinton, nor to Tsongas, but to this Congress, and it said it was fed up, Mr. President, with business as usual; that Congress in its pursuit of equality and justice for all was rendering the working men and women of this country inevitably unequal and unemployed. It spoke out loudly and clearly to our President George Bush, and to the Congress of the United States that no longer can the citizens of this country accept business as usual.

So last night, I do not think we can point a finger at anyone except ourselves, and say that the message from the voters of New Hampshire was profound when it said, Mr. President, Saddam Hussein invaded a nation and you acted decisively. Now the Congress has invaded our pocketbooks, our homes, our business, and our jobs with a recession self-induced by a budget agreement of 1990, by a tax reform of 1986

I think that it said to our President last night is you have a bully pulpit, and you ought to use it. You have an economic reform package, and you ought to demand it of Congress. And you have a line-item veto, and you ought to try it. You ought to test to see in fact whether the Constitution allows you what many of us think you have, Mr. President. There are free enterprise zones, and you ought to target them for implementation. You ought not let Congress continue to debate and do nothing. You have a deadline of March 20, and you ought to enforce it.

I believe that was the message of the voters of New Hampshire last night and yesterday. I am sure there will be others who will choose to interpret it differently because of their political interests or because of the liabilities they have voted themselves into over the course of the last several years, Mr. President.

But the message is profound, and the message is that the citizens of this country are speaking out more loudly and clearly than they have in a good number of years.

In the recess just past I and I am sure many of my colleagues traveled around their home States. If they did not, they should have. They should have visited with their citizens, and listened to them because the message is very clear.

American working men and women are hurting because the Congress of the United States and this Senate day in and day out over the course of the last 12 months have simply failed to act. They have failed to act on a capital gains provision that would have allowed an investment in this country's infrastructure again and the creation of jobs. They have disallowed the kind of incentives that we would expect our Government to step back and allow us to have.

George Bush was sent a message yesterday, but the Congress of the United States I believe was sent an even louder message. This is the 30th day before March 20. Our leader has said we will stay here and we will work. Well, we darned well better. We should have stayed here a month, 2 months, 3 months ago, 12 months ago, when capital gains was introduced by myself and a good number of others, when investment tax credits and other kinds of incentives were introduced but committees failed to act.

Instead, Members from the other party came to the floor and demagoged it as a game for the rich. I am proud that there are rich people in this country who are continually willing to invest in creating jobs and putting men and women to work who want to work. That is part of the message we must listen to. And we ought not fail to hear what was sent to us by the voters of New Hampshire—and that is Congress react and act, put again within the system the kinds of incentives that in the decades of the eighties created the longest extended period of prosperity and job creation this country has ever seen.

George Bush, use your Presidency, lead us, use the bully pulpit, speak out and demand that Congress respond and act as they have only failed to do in the past months. March 20 is coming. The clock is ticking. We are 30 days out. And if we fail to act, this country will recognize that leadership of this body is not of the President's party, and leadership of the other body is not the President's party, and that for some strange reason there must have been an alternative reason not to act.

I believe that is the message of New Hampshire, and I think time will record that as being reasonably accurate. Yes, our President was sent a message, Mr. President, but so was the Congress of the United States. Business as usual; not anymore. Day 30, and March 20 is before us. Let us act now so that we can put our people back to work doing what they know how to do best, and that is getting on with providing for themselves and their families, and creating a wealth base for this country to operate from.

I yield the remainder of my time.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is closed.

NATIONAL ENERGY SECURITY ACT

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 2166, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2166) to reduce the Nation's dependence on imported oil, to provide for the energy security of the Nation, and for other purposes.

Pending:

Metzenbaum/Jeffords amendment No. 1642, to provide fair refunds to consumers of natural gas who are found to have been overcharged.

The Senate resumed consideration of the bill.

AMENDMENT NO. 1642

The PRESIDING OFFICER (Mr. BINGAMAN). Under the previous order, there will now be 30 minutes of debate, equally divided and controlled in the usual form, on amendment No. 1642 proposed by the Senator from Ohio [Mr. METZENBAUM].

Who yields time?

Mr. JOHNSTON. Mr. President, point of order. The amendment must first be offered.

The PRESIDING OFFICER. The amendment is pending.

Mr. JOHNSTON. Mr. President, the Metzenbaum amendment would seriously hurt an industry which is already very sick; that is to say, the interstate natural gas pipeline industry in America.

Mr. President, on this chart we have here selected natural gas stocks and their 1991 total common stock returns. There are only three healthy pipelines in America—Enron, Williams, and Panhandle Eastern. The other pipelines in America have been devastated. United Gas Pipeline has just come out of chapter 11. Columbia Gas is now in chapter 11. As this chart shows they have been losing money at the rate of minus 63 percent for Columbia; 27 percent down for Tenneco; 30 percent loss for Transco; 2 percent gain, actually, for Consolidated Natural Gas; Arkla lost 32 percent, and so on.

On the average, when you put in the good pipelines with the bad, the average return was 7.72 percent.

Mr. President, when you look at my second chart which compares natural gas stocks with the Standard & Poor's 400 over the past 10 years, Standard & Poor's gets, on the average, a return of about 17 percent; natural gas pipelines are about 10 percent. So, Mr. President, we have an industry which is sick, an industry which has been devastated, an industry which is getting much less in terms of return than their competitors.

Mr. President, natural gas is a great bargain for the American public. As my third chart shows. The Citygate price of natural gas per million Btu's has been going down. This chart also shows that the wellhead price has also been going down. It is a highly competitive industry where the consumer is getting a great break. Mr. President, in terms of the comparison, 1 million Btu's delivered to New York in natural gas is $1.47. For No. 2 fuel oil, delivered to New York harbor, it is $3.80.

Mr. President, what these three charts demonstrate is that we have a sick industry that is serving the public well, and which is highly competitive compared to others.

What does the Metzenbaum amendment do? To answer this, first it would be helpful to explain what happens under the current law. Under the Natural Gas Act there are two kinds of rate proceedings: a section 4 rate proceeding in which the pipeline itself asks for an increase in its rates. In today's section 4 rate proceeding, frequently a pipeline is able to file with FERC and begin charging an increased rate before the rate proceeding is finished.

Under the present law, if a pipeline asks for an increased rate, and 45 months later—which is the average amount of time that one of these section 4 rate proceedings takes—if the FERC finds that they are not entitled to that, they can order a refund up to the date that they began charging; in other words, they can order a retroactive refund of that increased rate.

The change that the Metzenbaum amendment would make is to allow the FERC to order a retroactive refund not only of the increased rate, but go back below the rate which previously had been determined to be just and reasonable by the FERC. In other words, Mr. President, the pipeline thinks it ought to be entitled to more, and 45 months later it finds out it is not only entitled to more, but what it was previously charging and previously set by the Federal Energy Regulatory Commission as just and reasonable, that that rate was too high as well, and they would have to refund the whole thing.

Mr. President, the problem with this is that it adds great uncertainty to the revenue stream for pipelines which are already hurting. The result would be that pipelines could not finance future growth; they could not finance future transmission facilities, because they would go to Wall Street and say: Look, we have just obtained a new rate filing, and the worst we can do under the present law is to keep what we have.

But if the Metzenbaum amendment passed, Wall Street would say: Not only can you not count on that increased rate, which will take you 45 months to find out about, but FERC may go back previously and cut you below what it previously had found to be just and reasonable.

The second kind of rate proceeding under the Natural Gas Act is what they call a section 5 rate proceeding, and that is one initiated either by FERC or an intervenor seeking to reduce present rates—again, those present rates already having been found by FERC to be just and reasonable.

Mr. President, under the present law, once a rate is found to be just and reasonable by the FERC, then the relief that can be granted in a section 5 rate proceeding is prospective only. Once you have been through that and in effect obtained your decision by FERC and somebody wants to cut you back, then you do not cut it back retrospectively but only prospectively—again, to give some predictability in rates.

Mr. President, if a pipeline, already a sick industry, which does not have the ability to get money on Wall Street as it is, because of the sickness of the industry, cannot count on their present rates, we are going to put them all in bankruptcy.

Mr. President, this is not a problem that needs fixing. The natural gas industry is highly competitive. It serves the consumer well, and it is not a problem. We would create a problem with the Metzenbaum amendment, a serious problem, and it is not a problem now.

I reserve the remainder of my time.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. I yield myself 5 minutes.

Mr. President, the argument is made that the gas industry is a sick industry and that, therefore, people who have been overcharged should somehow be called upon to bail out the industry. I think that is an absurd argument. If you are overcharged, you ought to get the money back. We are not even saying that it is mandatory. We are giving FERC the authority to order the refund.

I just think to come on this floor and say that this is a sick industry and therefore people who have been overcharged are not entitled to get a refund is beyond my belief.

But having said that, let me attack the premise itself because it is not a sick industry. It was a sick industry and had problems because of the take-or-pay contracts that the industry had entered into. But the fact is that now the industry has made a very strong comeback.

According to the Oil and Gas Journal, despite the Oil and Gas Journal 400 Group's 8.6-percent profit decline in 1989, the top 400 saw a 6.1-percent gain in revenues to $459 billion. Let me quote from the Oil and Gas Journal:

> Group income is still well above levels of a few years ago * * * profits recovered to $9.4 billion in 1987 and $22.3 billion in 1988.

Does that sound like a sick industry? Continuing on the quote:

> In 1986, only 116 of the 400 [top companies] recorded profits. In 1989, 224 companies posted profits.

One company actually went into bankruptcy. It is a company that is headquartered in Ohio, a good company. Columbia Gas System, Inc., and its principal pipeline subsidiary, Columbia Gas Transmission Corp., filed for bankruptcy protection last July.

At the time of the bankruptcy filing, the vice president, Richard Casali, expressed confidence that:

> Absent the contract problems—

Those are the take-or-pay contracts—

> Columbia should be able to compete effectively.

One industry analyst after that, quoted in the Cleveland Plain Dealer on August 1, 1991, said in his opinion:

> The filing was a good move, a negotiating ploy.

The filing for bankruptcy was a way of getting rid of these take-or-pay contracts. To get producers to settle for a lower gas price or wait a long time to get their money, they went into bankruptcy. But the company is healthy, and that individual who was quoted said:

> The company is not going out of business by any stretch of the imagination.

So when my distinguished colleague talks about the financial problems of the industry, let me make it clear the financial problems were something of yesteryear. They were there because of these take-or-pay contracts, which the gas pipeline are still working out of. But there is something behind us.

But even if the argument were true, even if there were validity to Senator JOHNSTON's argument, the fact is that the people who have been overcharged should not be expected to be called upon to bail out the company. If they are entitled to a refund, and if FERC orders them—orders the company—to make a refund, then and only then is the refund made.

And if FERC looks at the capital situation or the economic situation of the company and decides they are not going to order a refund even though they have been overcharging, FERC has the right to do that. This is simply an element of fairness. This is the right thing to do, and I have difficulty in understanding how any Senator could look his or her constituents in the face and say: I know you are entitled to a refund, but I was not willing to give it

to you on the floor of the Senate because of some gas company concerns.

If they are entitled to the refund, give it to them. Or at least give FERC the right to give it to them. And it is not even mandatory.

Mr. President, I reserve the remainder of my time.

Mr. JOHNSTON. Mr. President, I yield myself 1 minute.

The amendment of the Senator from Ohio says: "shall order." If the Commission orders, the refund shall be made with interest. To say it is not mandatory runs counter to his amendment. These are mandatory refunds that he talks about.

Second, Mr. President, the Senator from Ohio says these problems in the natural gas pipeline industry are problems of yesteryear. Mr. President, I am quoting from the Energy Daily of Friday, February 7, 1992, which in turn quotes from John Olson, vice president for equity research at Goldman Sachs:

The pipeline sector is not doing much better, he added, pointing to dividend cuts, asset sales and the Columbia Gas bankruptcy.

Return on equity, set by the Federal Energy Regulatory Commission, should be about 12 percent to 15 percent. But in reality, it amounts to more like 7.5 percent, and bond ratings for many pipelines are at 'BBB' levels—just above those of junk bonds.

Pipelines are the most overregulated segment of the industry, he continued. And the companies' low return on equity "is a dog—a dog that will not hunt on Wall Street." What Wall Street wants, he said, is more stability.

Mr. President, I ask unanimous consent that this article from the Energy Daily of February 7, 1989, be printed in the RECORD at this point.

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

WALL STREET WARILY EYES NATURAL GAS INDUSTRY

(By Mary O'Driscoll)

PHOENIX, AZ.—Worried that the worst is yet to come, Wall Street has adopted an extremely cautious approach toward the natural gas industry, a financial analyst told regulators and industry officials Tuesday.

The gas industry "needs a Natural Gas Act of 1993 more than we need a Mega-NOPR, as far as Wall Street is concerned," John Olson, vice president for equity research at Goldman Sachs, told attendees at the Department of Energy-National Association of Regulatory Utility Commissioners conference here.

Olson said Wall Street's gloomy outlook can be traced to rock-bottom producer prices and poor return on equity for pipelines. "The bad news is, no one is making any money," he said.

In fact, depressed producer prices have caused several major gas producers to liquidate their holdings and move out of the country altogether, he said. Some companies are getting $3.15 per thousand cubic feet (mcf) of gas in the North Sea, while domestic producers are getting at or below $1 per mcf.

The pipeline sector is not doing much better, he added, pointing to dividend cuts, asset sales and the Columbia Gas bankruptcy.

Return on equity, set by the Federal Energy Regulatory Commission, should be about 12 percent to 15 percent. But in reality, it amounts to more like 7.5 percent, and bond ratings for many pipelines are at 'BBB' levels—just above those of junk bonds.

Pipelines are the most overregulated segment of the industry, he continued. And the companies' low return on equity "is a dog—a dog that will not hunt on Wall Street." What Wall Street wants, he said, is more stability—which can be achieved through long-term gas supply contracts. A gas company seeking financing "can't go to the bathroom without a long-term contract," Olson said.

Looking at the three gas industry segments, local distribution companies are doing the best, he said. Still, their return on equity is too low to complete in an increasingly global capital market.

The companies' low returns on equity, he said, could "keep the LDC industry in the background in a very large universe of investing alternatives," Olson said. Around the world, "deals are being set up that would make your teeth fall out," he said, adding that restrictions on the gas industry could hurt its global competitiveness.

The complexity of federal and state regulatory policies does not help, Olson continued. After having been burned during the gas curtailments in the late 1970s and the policy changes in the early 1980s, industry analysts are "sadder and wiser now," he said. "Hardly a day goes by when I fear I am not looking at somebody's PGA [purchased gas adjustment clause] close enough."

Worse, it is likely to become increasingly difficult to liberate the gas industry from these problems, he said. The industry "cannot operate on the basis of 'If you build it, they will come,'" he said.

Nevertheless, Olson, who has been watching the industry for about 25 years, said he thinks the gas industry "has a great future. You just have to give them the ability to earn a return on their investments."

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, will the Senator from Louisiana yield for a question?

Mr. JOHNSTON. Yes, on the Senator's time.

Mr. METZENBAUM. On my time.

The Senator makes the point that the word "shall" is used in complaint cases. But the fact is, there are very few complaint cases that are heard by the Commission. But if you look at the fourth line of the amendment, it says: The Commission may, by order, require the natural gas company to furnish a bond. And then it goes on to say that it may order the refund.

My question to my colleague is: If the language—with respect to the complaint cases with the Commission—where the word "shall" is used were changed to "may," would that make the amendment more acceptable to the Senator from Louisiana?

Mr. JOHNSTON. Mr. President, it would make a bad amendment slightly less bad. And it would be some improvement. The problem here is, as I quoted from the Energy Daily, the instability in the natural gas industry. As the director of equity research for Goldman Sachs said, the problem here is that many gas pipelines have junk bond ratings. And you know, when you have junk bond ratings, that hurts the consumer.

Mr. METZENBAUM. The Senator is on my time.

Mr. JOHNSTON. So that is the problem. It would help, but would not help the problem of stability.

Mr. METZENBAUM. Mr. President, since the Senator from Louisiana feels that that would help, I have no problem about giving all of the authority and discretionary basis to the Commission, so that may make an order for refund if they want, or do not have to if they do not want to.

Therefore, Mr. President, I ask unanimous consent that I be permitted to amend the language where it provides the Commission—on the second page, page 2, where it says "the Commission shall order"; that is, in those complaint cases—"shall" be changed to "may".

The PRESIDING OFFICER. Is there objection to that unanimous consent request?

Mr. JOHNSTON. Mr. President, reserving the right to object, and I will not object, is the Senator making the change in two places?

Mr. METZENBAUM. No; I only need to make it in one. I think only in one place, it is necessary. If it needs to be made in another, I will be glad to do that, as well, because I want FERC to have the authority.

Mr. JOHNSTON. I have no objection.

The PRESIDING OFFICER. Without objection, the Senator may send that modification to the desk, and it will be agreed to.

The Senator from Ohio is recognized.

Mr. METZENBAUM. I reserve the remainder of my time.

Mr. JOHNSTON. Mr. President, I yield 2 minutes to the distinguished Senator from Arkansas.

The PRESIDING OFFICER. Will the Senator from Ohio please send his modification to the desk so that that can be noted?

The amendment (No. 1642), as modified, is as follows:

On page 303 after line 14, insert the following new section:

SEC. 3. REFUNDS FOR OVERCHARGES.

(a) AMENDMENT OF SECTION 4(e) OF THE NATURAL GAS ACT.—The third and fourth sentences of section 4(e) of the Natural Gas Act (15 U.S.C. 717c(e)) are amended to read as follows: "Where changes in rates or charges are thus made effective, the Commission may, by order, require the natural-gas company to furnish a bond, to be approved by the Commission, to refund any amounts ordered by the Commission, to keep accurate accounts in detail of all amounts received by reason of such changes, specifying by whom and in whose behalf such amounts were paid, and, upon completion of the hearing and decision, to order such natural-gas company to refund, with interest, the portion of such rates or changes by its decision found not justified. At any hearing involving a rate or charge sought to be changed, the burden of

proof to show that the changed rate or charge is just and reasonable shall be upon the natural-gas company, and the Commission shall give to the hearing and decision of such questions preference over other questions pending before it and decide the same as speedily as possible.".

(b) AMENDMENT OF SECTION 5 OF THE NATURAL GAS ACT.—Section 5 of the Natural Gas Act (15 U.S.C. 717d) is amended by redesignating subsection (b) as subsection (c) and inserting the following new subsection following subsection (a):

"(b) At the conclusion of my proceeding under this section, the Commission may order the natural-gas company to make refunds of such amounts as have been paid, for the period subsequent to the refund effective date, in excess of those which would have been paid under the just and reasonable rate, charge, classification, rule, regulation, practice, or contract, which the Commission orders to be thereafter observed and in force. The refunds shall be made, with interest, to those persons who have paid those rates or charges which are the subject of the proceeding. The Commission shall establish the refund effective date. In the case of a hearing instituted on complaint, the refund effective date shall not be earlier than the date that is 60 days after the date of filing of the complaint or later than 5 months after the expiration of such 60-day period.".

(c) EFFECTIVE DATE.—(1) The amendments made by this section shall not apply to any proceeding under the Natural Gas Act commenced before the date of enactment of this Act.

(2) A proceeding to which the amendments made by this section does not apply by reason of paragraph (1) may be withdrawn and refiled without prejudice.

(d) STUDY.—(1) Not later than 3 years and not later than 4 years after the date of enactment of this Act, the Commission shall perform a study of the effect of the amendments to the Natural Gas Act made by this Act.

(2) The study required by paragraph (1) shall analyze—

(A) the impact, if any, of such amendments on the cost of capital paid by natural-gas companies;

(B) any change in the average time taken to resolve proceedings under sections 4 and 5, and

(C) such other matters as the Commission may deem appropriate in the public interest.

(3) Upon completion the study required by paragraph (1) shall be submitted to the Commission on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.

Mr. JOHNSTON. Mr. President, I yield 3 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 3 minutes.

Mr. BUMPERS. Mr. President, I thank the distinguished floor manager.

Mr. President, this issue should be put in historical perspective. The pipelines have been stuck with what we call take-or-pay contracts. Back when everybody thought there was going to be a great shortage, the pipeline companies contracted for gas at very high prices. Suddenly, the gas market collapsed, and they are stuck with paying 2 and 3 times more for gas than they can sell it.

The chart the distinguished Senator from Louisiana showed reflects their loss of earnings, and illustrates that they are in a terrible condition. But that is not the real problem here. I just say that as a historical reference.

The real problem is that this amendment would create further chaos in an industry that is barely keeping its head above water. But so that my colleagues will have no doubt about what we are talking about, let me walk through a hypothetical case.

Say a pipeline company 10 years ago went to FERC when they first started operating. FERC gave them a rate of $1 per mcf, thousand cubic feet, for transporting gas. Ten years later, the company comes in and files for a new rate of $1.10, and they start charging their customers $1.10. Three years later, FERC finds, under the amendment of the Senator from Ohio, that they are not entitled to $1.10. The situation has changed and they are only entitled to 95 cents. Under the amendment of the Senator from Ohio, they can order a 15 cents refund as far back as 3 years.

Now, under current law, FERC can order a 10 cents refund back to the time of filing, but they cannot go beyond that. Now, to adopt his amendment and say, no, you can order refunds of 15 cents, you cannot do that and keep these people viable. They issue bonds. They get credit based upon the stability of a rate.

This amendment simply says to the pipeline companies and the financial community that there will be less stability. There will be more uncertainty. I do not like the idea of voting against a refund, but the current law is more than adequate to balance the concerns of consumers and the pipeline companies.

In addition, Mr. President, the argument that this amendment would just subject pipeline companies to the same requirements made applicable to the electric utilities, under the Regulatory Fairness Act, does not wash. Most electric utilities receive the bulk of their revenues at the State level. The pipeline companies are 100 percent FERC jurisdictional. The financial risk of the RFA is therefore far less significant than the current amendment would be for the pipelines. The RFA does not apply to rate charges proposed by a utility. On the other hand, the amendment would impose a substantial risk upon a pipeline company which wants to reduce its rates, but knows that if it proposes such a reduction it could be required to make large refunds.

And so I find myself in the position of reluctantly disagreeing with the Senator from Ohio. I sit in the Energy Committee day after day after day and follow these issues, and I can tell you, if you vote for the Metzenbaum amendment, you are creating more chaos, more instability in an industry that is already suffering.

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

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, I am frank to admit that I am a little bit surprised at the remarks of my colleague from Arkansas for two reasons. One is he voted for this very same amendment in 1988. But more important than that is he is the author of similar legislation to permit the consumer to get a refund in the electric industry. And how he distinguishes the rights of consumers who use electricity and the consumers who use natural gas is incomprehensible to me. We passed legislation authored by the Senator from Arkansas permitting consumers to get a refund who use electricity. And now he is saying that the natural gas users should not be entitled to the same refund. To me, it is illogical.

Mr. President, how much time does the Senator from Ohio have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes and 12 seconds.

Mr. METZENBAUM. Mr. President, I yield 4½ minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I find the debate somewhat enlightening, but I think it is important to try to get back to what the basic issue is here. No one is trying to kill a pipeline company. We are not trying to. So the arguments about companies and industries in trouble are irrelevant to what we are discussing here today.

What we are talking about are the situations where there is a pipeline company which is collecting what is determined to be an unjust and unreasonable rate of return on the sale of their gas. We are not talking about an industry that is in trouble. What we are talking about is a situation where FERC, the regulatory agency, determines that what has been and is being charged is unreasonably high and that, therefore, the money which truly belongs to the consumer has been taken out of their pockets and put into the pipeline's corporate treasury.

We are also talking about an agency which has the responsibility for the health of that company. To give FERC the discretion to order a refund of consumer's money that was collected through unreasonably high rates is certainly not anything that is going to injure the industry, but should give more confidence to the public in that industry itself. The various situations that we are talking about here are ones which I think are similar to other industries if you look at it from a reasonable perspective and comparison with how other industries, like the electricity industry, are treated, this is not

an amendment which should give you any trouble whatsoever. In fact, it did not give the chairman of the committee any trouble when he put it in the original energy bill he introduced. Since that time, I do not know what happened, but I do know that it certainly does lead you to wonder why something which was good when the bill was introduced suddenly has become so destructive to the industry that it can no longer be supported.

There are three situations that we are talking about here. One, where a pipeline company comes in and says, "We admit we have been collecting too much money and so we are going to be nice guys, and we are going to give a refund. But we are going to give a refund that is quite a bit smaller than we really ought to."

And then FERC comes through and says, "Hey, not only were you a nickel high on the mcf, but you were 15 cents high on the mcf, and you have been collecting it for 40 months."

Now, they would say, "Well, we have to give them the nickel back, but we can keep the 10 cents, which was an unjust and high rate, and that should not go back to the consumers."

This amendment says from the time the filing was made, they got money piling up in the treasury, and that money belongs to the consumer and should go back.

Second, because there have been declining costs in the industry due to decrease in the cost of gas, there is a provision in the law now that says that the last approved rate by FERC must act as a floor. So under the situation I just described, if FERC found that that floor was really way too high, there is no authority for FERC to give back to the consumers the money that was taken from that unreasonably high and unjust rate.

And, third, under the one where consumers come in or State commissions come in and say, "Hey, that rate is too high," under present law, you go through the 40 months, and FERC says, "Yes, you are right. The money has been piling up in that company. The rate is at least 10, 15 cents higher than it should have been. We have looked at the health of company. The company is healthy. It is fine. It can afford to repay that to the consumer. OK, we will go back to near the beginning of the filing of the rate because we feel in our reasonable judgment that this money should be restored to the consumers," and the company will be healthy and everybody will live happily ever after.

The opponents of the amendment would deny that. They would say, you can keep the unjust and unreasonable rate which was collected and from now on we will make the charge a just and reasonable rate.

Well, we believe very strongly that that money, like it does in other situations, belongs to the consumer and should be restored to the consumer.

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

Who yields time?

Mr. JOHNSTON. Mr. President, I yield 1 minute to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. WIRTH. I thank the Senator for yielding.

Mr. President, last July I had the privilege of chairing the hearing on the Metzenbaum amendment. I had voted against the Metzenbaum amendment earlier and thought that maybe I made a mistake and wanted to hear all the witnesses. I sat through what is, as you can tell, an enormously complicated process. But it was very enlightening, and let me explain why.

I came away from the hearing even more convinced that my vote against the Metzenbaum amendment before was correct. Why? Because while the Metzenbaum amendment might help a few consumers, it is certainly certain to hurt all consumers. All consumers are going to have a negative on their rates as a result of this amendment.

How does that work? Because so much uncertainty is cast into the financing of these pipelines, their ratings are going to decline, according to the financial industry, which means that their rates are therefore going to be up.

Might the chairman yield an additional 25 seconds?

Mr. JOHNSTON. Yes.

Mr. WIRTH. The final point is, that that is what the financial industry says. Then NARUC, the regulatory commissioners, came in and told us exactly the same thing. The State regulators had unanimously opposed a very similar kind of provision. So the financial people and the rate regulators all said this is going to cost every consumer. I hope that our colleagues will vote against the Metzenbaum amendment.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. METZENBAUM. What is the time situation?

The PRESIDING OFFICER. The Senator from Ohio has 1 minute, 36 seconds, and the Senator from Louisiana has 45 seconds.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, the issue here is a very simple one. Once the FERC has determined finally a rate to be just and reasonable, the question is should a pipeline be able to rely on that and issue bonds based upon it.

According to the Metzenbaum amendment the answer to that question would be no; that they could come back and order a refund below that just and reasonable rate, which has been determined by FERC.

Mr. President, once the FERC makes that judgment, pipelines ought to be able to rely on that and go to the capital markets. Pipelines are a very sick industry. They have BBB ratings in many cases, junk bond ratings. What they need is stability and predictability and the Metzenbaum amendment takes away from that stability and predictability and hurts an already sick industry in its efforts to get additional capital to bring clean and cheap energy to America's markets. We should defeat the Metzenbaum amendment.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired. The Senator from Ohio is recognized.

Mr. METZENBAUM. The distinguished Senator from Colorado just made a statement on the floor that, as I understand it, does not comport with the facts. He indicated that the National Association of Regulatory Utility Commissioners oppose this amendment. That is just not true.

A letter dated February 13, 1992, addressed to me says:

> No resolutions regarding Sections 4 or 5 of the Natural Gas Act have been endorsed by the NARUC membership or the executive committee. Therefore, at this time, the National Association of Regulatory Utility Commissioners does not have a position or recommendation regarding proposed refund amendments to Sections 4 or 5.

With respect to the Senator from Arkansas who made the statement in opposition to this, let me point out what he said about the electrical refund issue.

> The committee bill will amend the Federal Power Act to ensure that consumers of wholesale electric power receive timely and effective relief when their electric rates are too high.

He goes on to say:

> In my view the current law is patently unfair to the customers of these small utilities. Rate increases sought by these utilities go into effect subject to refund while the FERC considers the merits of the request.

We are talking about an identical situation. Therefore I feel, Mr. President, that all we are saying on this amendment is what already is the law as far as electric utility consumers are concerned. What we are saying is that if FERC decides there should be a refund, FERC has the authority—it does not have to, because I have amended the amendment—it does not have to but has the right to order to refund. I think that is patently fair.

Mrs. KASSEBAUM. Mr. President, I sympathize with the amendment being offered by the Senator from Ohio. In fact, I have even voted for similar amendments in the past. But the circumstances that surround the natural gas industry have changed, and I do not believe that this is the time or the place for this amendment.

A primary purpose of the energy bill we are debating today is to reduce our

Nation's dependence on foreign sources of energy. Since natural gas is a clean, efficient, and proven domestic energy source, I think its production and distribution should be encouraged, rather than hindered, by this bill.

If natural gas is going to be part of our national energy strategy, it will have to be distributed from the field to consumers through pipelines. Unfortunately, passage of the Metzenbaum amendment will have the unintended affect of making expansion by pipeline companies more difficult. The amendment will inject uncertainty into current rate structure, and this uncertainty will increase the cost of capital for pipeline projects.

Given the financial upheaval that is already being experienced by pipeline companies as a result of natural gas deregulation and the credit crunch, I do not think Congress should be placing additional roadblocks to pipeline expansion. Consequently, I will vote against the Metzenbaum amendment.

The PRESIDING OFFICER. All time has expired on this amendment. The question is on agreeing to the amendment. The yeas and nays have not been ordered.

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

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

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—41

Adams	Gore	Metzenbaum
Baucus	Graham	Mitchell
Biden	Grassley	Moynihan
Bradley	Inouye	Pell
Bryan	Jeffords	Reid
Coats	Kasten	Riegle
Cohen	Kennedy	Robb
Cranston	Kerry	Rudman
D'Amato	Kohl	Sarbanes
Daschle	Lautenberg	Seymour
Dixon	Leahy	Simon
Dodd	Levin	Specter
Durenberger	Lieberman	Wellstone
Glenn	McCain	

NAYS—57

Akaka	Burns	Domenici
Bentsen	Byrd	Exon
Bingaman	Chafee	Ford
Bond	Cochran	Fowler
Boren	Conrad	Garn
Breaux	Craig	Gorton
Brown	Danforth	Gramm
Bumpers	DeConcini	Hatch
Burdick	Dole	Hatfield
Heflin	Murkowski	Shelby
Helms	Nickles	Simpson
Hollings	Nunn	Smith
Johnston	Packwood	Stevens
Kassebaum	Pressler	Symms
Lott	Pryor	Thurmond
Lugar	Rockefeller	Wallop
Mack	Roth	Warner
McConnell	Sanford	Wirth
Mikulski	Sasser	Wofford

NOT VOTING—2

Harkin	Kerrey

So the amendment (No. 1642), as modified, was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. ROBB). Does any Senator seek recognition?

Mr. JOHNSTON. Mr. President, I will suggest the absence of a quorum, but this is not to say that we will be doing this the rest of the day, because we will be going to third reading soon. I suggest the absence of a quorum.

Mr. WALLOP. Mr. President, will the Senator withhold for just a second?

Mr. JOHNSTON. Yes.

Mr. WALLOP. Just to echo that, I think the majority leader made it quite clear yesterday that these amendments which have been agreed to be considered were agreed to be considered today, not sometime in the distant future. I agree with the Senator from Louisiana.

Mr. JOHNSTON. Actually this morning.

Mr. WALLOP. This morning.

The PRESIDING OFFICER. Does any Senator seek recognition?

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, I ask unanimous consent that I be able to proceed as if in morning business.

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

The Senator from Maryland is recognized.

Ms. MIKULSKI. I thank the Chair.

(The remarks of Ms. MIKULSKI pertaining to the introduction of S. 2232 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOLE. Mr. President, was my leader time reserved?

The PRESIDING OFFICER. Leader time was reserved.

INVITATION TO PAUL TSONGAS

Mr. DOLE. Mr. President, I would like to use just a minute or two of the leader time to extend an invitation to my good friend and colleague, Paul Tsongas. And I have another chart here in the form of a gift certificate to Paul Tsongas: One free trip to Washington, and that would be tourist class, all expenses paid, with one night's lodging.

The purpose of the trip would be to confer with my colleagues on the other side, particularly the leadership on the other side, to convince them to abandon class warfare, to give up the antigrowth, the antibusiness, the anticonsumer agenda.

I think Mr. Tsongas, as the clear frontrunner following the New Hampshire primary, is out there making sense. He is being listened to by my people in New Hampshire and all across America—Democrats, Republicans, and Independents.

I cannot think of a better service he could perform today—if he can get away today or maybe tomorrow or over the weekend—to come to Washington to sit down with the leaders in the Senate, the House, and talk to them in the same way he has been talking to the voters.

He has been out there with the real people. They understand his message. That is why he was the clear winner in yesterday's New Hampshire primary.

Mr. JOHNSTON. Will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. JOHNSTON. Is this an endorsement?

Mr. DOLE. It is an endorsement for him to come to Washington, which may not be something he wants to do, because he is sort of running as the outsider.

In any event, I hope Mr. Tsongas will make himself available. We have a very small fund on this side. We are a minority group and do not have a lot of money. Maybe we have enough to rake up to get him some nice lodging and maybe even one aide. I would be happy to host a meeting in my office, if we cannot prevail on the others to host a meeting. He is a former colleague, and I know he will be treated with respect if he comes. I congratulate him, primarily on the message. Once that message reaches Congress, we may have an economic growth package to make some sense, rather than nonsense.

I reserve the remainder of my leader time.

The PRESIDING OFFICER. Without objection, the Republican leader's time is reserved.

NATIONAL ENERGY SECURITY ACT

The Senate continued with the consideration of the bill.

Mr. JOHNSTON. If no one is interested in bringing forth an amendment, I will say that in the next 15 minutes we will go to third reading. I have said it at least 10 times on the floor; the leader has said it at least 3 times on

the floor; and my distinguished Republican colleague has said it at least 5 times on the floor, that we are going to third reading. Just so people think I am not kidding, I am telling you that by 11:30, if no amendments are here, we are going to third reading.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NOS. 1586 AND 1587, AS MODIFIED

Mr. JOHNSTON. Mr. President, I ask unanimous consent to make technical clarifications to amendments numbered 1586 and 1587 dealing with the Bonneville Power Administration. These corrections are needed because, after approval of the Hatfield amendments, the Budget Committee asked that the portion of both amendments dealing with Budget Act sequestration procedures be rewritten to clarify that the expenditures authorized by the amendments be included in the annual sequestration calculation.

Senator HATFIELD has rewritten his amendments to satisfy the Budget Committee's concerns and has submitted two substitute amendments that reflect these changes.

CLARIFICATION OF COLUMBIA RIVER HYDROPOWER AND WATER CONSERVATION AMENDMENTS NOS. 1586 AND 1587

Mr. HATFIELD. Mr. President, on February 6, 1992, during the Senate's earlier consideration of S. 2166, I offered two amendments—No. 1586 and No. 1587—dealing with the Bonneville Power Administration which were approved by voice vote. Following passage of my amendments, my staff was informed by the Budget Committee staff that a particular provision in both amendments was problematic. In particular, the amendments exempted certain expenditures from the Bonneville fund from being included in the annual budget law deficit calculations. While it was my intention to ensure that, in accordance with current law, expenditures from the Bonneville fund are not subject to sequestration, it was not my intent to exempt the expenditures from the sequestration calculation. Accordingly, today I am offering amendments to clarify the intent of my original amendments.

As most of my colleagues know, BPA is a self-financed entity, meaning BPA's obligations are met with revenue generated from the sale of electric power and other services to its customers. My amendments permit the transfer of funds from the BPA fund to the Secretary of the Interior and the Secretary of the Army for certain purposes relating to Federal projects in the Pacific Northwest. Each Secretary would be authorized to accept and expend such funds without further appropriation.

The original amendment contained language relating to the treatment of such transfers and expenditures from the BPA fund in the budget process. The Budget Committee asked that this language be clarified. The revised language makes clear that BPA's expenditures are not subject to any sequestration order, including any sequestration of discretionary spending. The revised language also makes clear that funds transferred to the Secretary pursuant to this section are available for obligation and expenditure, notwithstanding a sequestration. The reason for this is simple. BPA's obligations, including its obligation to repay the U.S. Treasury for the appropriated investment in the Federal Columbia River Power System and to repay the U.S. Treasury for borrowed moneys, are the responsibility of BPA's ratepayers, not taxpayers.

The language also makes clear that any sequestration order would apply only to that portion of the Secretary's budget exclusive of any funds transferred to the Secretary from the BPA fund pursuant to this section. This assures that the remainder of the Secretary's budget is not adversely affected by such transfers. This is consistent with the separate treatment of ratepayer and taxpayer obligations.

Mr. JOHNSTON. Mr. President, I send these two corrected amendments to the desk and ask that they be so modified.

The PRESIDING OFFICER. Without objection, the amendments are modified.

The amendments (Nos. 1586 and 1587), as modified, are as follows:

AMENDMENT NO. 1586 AS MODIFIED

On page 106, after line 20, insert the following new section 5308:

"SEC. 5308. Without further appropriation and without fiscal year limitation, the Secretaries of the Interior and Army are authorized to design, construct, operate and maintain generation additions, improvements and replacements, at their respective Federal projects in the Pacific Northwest Region as defined in the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act), P.L. 96-501, 16 U.S.C. Sec. 839a(14), and to operate and maintain the respective Secretary's power facilities in the region that the respective Secretary determines necessary or appropriate and that the Bonneville Power Administrator subsequently determines necessary or appropriate, with any funds that the Administrator determines to make available to the respective Secretary for such purposes. Each Secretary is authorized, without further appropriation, to accept and use such funds for such purposes: *Provided*, That, notwithstanding any other provision of law, no sequestration order, including a sequestration of discretionary spending, shall reduce expenditures from the Bonneville Power Administration Fund or reduce the expenditures of the Secretary from Fund transfers made pursuant to this section: *Provided further*, That any application of a sequestration order shall apply only to non-Bonneville Power Administration Fund transfers: *Provided further*, That this section shall not modify or affect the applicability of any provision of the Northwest Power Act. This provision shall be effective on October 1, 1993."

AMENDMENT NO. 1587 AS MODIFIED

On page 104, after subsection (e), insert the following new subsection (f):

"(f) Without further appropriation and without fiscal year limitation and notwithstanding subsections (b) and (d) of this section, the Secretary of the Interior is authorized to design, construct, operate and maintain water conservation features that the Secretary and the Administrator of the Bonneville Power Administration determine necessary or appropriate at Federal Reclamation projects in the Pacific Northwest Region as defined in the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act), P.L. 96-501, 16 U.S.C. Sec. 839a(14) pursuant to subsection (a), with any funds that the Administrator determines to make available to the Secretary for such purposes. The Secretary is authorized, without further appropriation, to accept and use such funds for such purposes: *Provided*, That, notwithstanding any other provision of law, no sequestration order, including a sequestration of discretionary spending, shall reduce expenditures from the Bonneville Power Administration Fund or reduce the expenditures of the Secretary from Fund transfers made pursuant to this section: *Provided further*, That any application of a sequestration order shall apply only to non-Bonneville Power Administration Fund transfers: *Provided further*, That this section shall not modify or affect the applicability of any provision of the Northwest Power Act. This provision shall be effective on October 1, 1993."

Mr. JOHNSTON. Mr. President, there are 15 minutes left before we go to third reading.

Mr. WALLOP. If the Senator will yield, Mr. President, with regard to the Hatfield amendments, it is my understanding that the substitute amendments are consistent with the Deficit Control Act of 1985 in that they reiterate that Bonneville Power Administration funds are exempt from sequestration. Of course, I have no objection to that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JOHNSTON. Mr. President, we have made several entreaties about the fact that we are going to third reading at 11:30. There are now about 5 or 6 minutes until the witching hour of third reading.

I say that to alert my colleagues that 11:30 is third-reading time, and I hope if anyone has an amendment—and I hear that we have some; I hear that there is some interest. I also hear others say they might not offer their amend-

ments. After 11:30, after we go to third reading, amendments are no longer eligible. So a word to the wise should be sufficient.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. JOHNSTON. Mr. President, the hour of 11:30, pursuant to warning, has now transpired. I wonder what the wishes of the majority leader are at this point?

Mr. MITCHELL. Mr. President, I am advised by staff that one of the Senators who has an amendment on the list is currently on his way to the Senate floor.

Mr. JOHNSTON. Taking the long way around.

Mr. MITCHELL. We have heard that story often in this Chamber; I think I, more than anyone, have heard it.

But I think, if that is the case, we ought to provide that Senator and others with the opportunity to present their amendments. I know we have had several warnings and this is another one. There are now I think six or seven amendments left on the list of Senators not having appeared to present them; am I correct in that?

Mr. JOHNSTON. I believe there are seven that we expect.

Mr. MITCHELL. Mr. President, I want to reiterate what the distinguished managers have said and what I have said previously, that in a few more minutes, if those Senators who have amendments are not present, we are going to go to third reading. There has been more than ample notice to everybody. Senators have been told over and over again in the past 24 hours that this will occur.

And so I am going to ask the Senators if they would forbear for just a few more minutes and let us attempt to ascertain whether Senators are actually en route to offer their amendments. If they are in fact, I do not want to foreclose them from the opportunity of presenting their amendment if that is possible.

Mr. JOHNSTON. Mr. President, if the leader will yield, we certainly do not want to foreclose; in fact we have been beseeching Senators to come to the floor to offer their amendments. But I wonder if we should set a real time for third reading?

Mr. MITCHELL. Mr. President, if the Senator will yield, I prefer not to do that at this moment. Let me make a determination as to the status of the Senators and then I will return in just a few moments to discuss it further with the managers, if that is agreeable.

Mr. JOHNSTON. I thank the leader.

Mr. WALLOP. If the leader will yield further, with a 15-minute rollcall vote, the farthest away you can possibly be from this floor is only 15 minutes. That might be sort of the outer edge.

Mr. MITCHELL. I appreciate that. I thank the Senators.

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DECONCINI. Mr. President, I ask unanimous consent that I may proceed as if in morning business for not to exceed 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection the Senator is recognized as if in morning business for up to 5 minutes.

Mr. DECONCINI. I thank the Chair.

(The remarks of Mr. DECONCINI pertaining to the introduction of S. 2231 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1644

(Purpose: To establish a voluntary program to encourage industrial energy efficiency improvements)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. BRYAN] proposes an amendment numbered 1644.

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

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

The amendment is as follows:

Beginning on page 125, strike line 15 and all that follows through page 126, line 2, and insert the following new subsection:

(c) INDUSTRIAL ENERGY INFORMATION, SAVINGS TARGETS AND GRANTS.—(1) The Secretary shall establish a program to compile information on energy consumption by corporations in major energy consuming industries and energy intensity trends relating to the corporations. The Secretary shall ask and encourage each corporation that consumes at least 500 billion Btu's of energy in a calendar year within one or more major energy consuming industries to submit an annual report to the Secretary or a qualified sponsor pursuant to paragraph (4) on a standard reporting form, as described in paragraph (2).

(2) Each annual report described in paragraph (1) shall include, with respect to the calendar year described in the report—

(A) information on the quantity of energy consumed by the reporting corporation, including information on the quantity of energy consumed per unit of output, by fuel type and estimates of energy consumption by major industry types;

(B) a comparison of each quantity described in subparagraph (A) with comparative information based on energy consumption in a reference year that the Secretary shall determine; and

(C) information on any significant energy efficiency measure, process improvement, or product change by the corporation that led to a reduction in energy consumption per unit of output.

Not later than 6 months after the date of the enactment of this Act, the Secretary shall publish a standard reporting form.

(3) For the purposes of this subsection, the term "major consuming industry" shall include the following industries:

(A) Food and kindred products.

(B) Textiles.

(C) Lumber and wood products.

(D) Paper.

(E) Chemicals.

(F) Petroleum.

(G) Stone, clay, and glass.

(H) Primary metals.

(I) Fabricated metal products.

(J) Transportation equipment.

(K) Such other industries as the Secretary determines to be appropriate.

(4)(A) Each corporation which meets the conditions of paragraph (1) shall be asked to submit an annual report required under this subsection to the Secretary or to a qualified sponsor by not later than July 1 of the calendar year following the calendar year that is the subject of the report. Reporting shall be voluntary.

(B) For the purposes of this paragraph, the term "qualified sponsor" means a trade association that collects data from one or more corporations, compiles the data, and reports the aggregate data to the Secretary in accordance with requirements established by the Secretary.

(5)(A) The Secretary shall publish and submit to Congress a comprehensive annual report for each calendar year with respect to which the Secretary receives reports pursuant to paragraph (4).

(B) The report described in subparagraph (A) shall include aggregate energy consumption data, energy intensity data (including calculations of changes in energy intensity from the preceding calendar year, and from a reference year that the Secretary shall determine) and a discussion of energy conservation trends for each major energy consuming industry for which the Secretary receives data.

(6) In carrying out the program under this subsection, the Secretary shall ensure that no trade secrets or other proprietary information are disclosed as part of the program.

(7)(A) Within 18 months after the date of enactment of this Act, the Secretary shall establish voluntary energy efficiency improvement targets for each major energy consuming industry specified in paragraph (3). The targets shall represent a percentage reduction in energy consumption per unit of production that the Secretary determines is cost effective and achievable by 1997.

(B) The Secretary may also set voluntary energy efficiency improvement targets within each major energy consuming industry. Targets within major industries can be either at a three-digit or four-digit SIC code level.

(C) The Secretary shall seek input from affected industries and provide an opportunity for public comment in setting voluntary energy efficiency improvement targets.

(D) The Secretary shall assess the degree to which industries have achieved the targets and shall modify the targets every 5 years, beginning in 1997 for targets that apply in 2002.

(8) The Secretary shall establish an annual award program to recognize firms who have significantly improved their energy efficiency relative to industry trends.

(9)(A) The Secretary shall provide grants for educational and promotional projects, implemented through industry associations or otherwise as appropriate, that support achievement of the voluntary energy efficiency improvement targets. Each grant shall be no more than $250,000 and shall pay for up to 75 percent of the total project cost. Projects eligible for grants shall include the following:

(i) Workshops.

(ii) Training seminars.

(iii) Handbooks.

(iv) Newsletters.

(v) Data bases.

(B) The Secretary shall request project proposals and provide grants on a competitive basis each year. In evaluating grant proposals under this paragraph, the Secretary shall consider—

(i) potential energy savings;

(ii) potential environmental benefits;

(iii) the degree of cost sharing;

(iv) the degree to which new and innovative technologies will be encouraged;

(v) the level of industry involvement; and

(vi) estimated project cost effectiveness.

(C) In order to qualify for a grant, an industry association must establish a reporting program (or continue with an existing reporting program) and provide energy efficiency information to the Secretary. The reporting program should enable the industry association to determine the average energy consumption per unit of production among a majority of its members and the progress these companies are making toward reaching voluntary savings targets. The industry association shall provide the Secretary information on energy intensity improvements among its members and their progress toward reaching the voluntary savings targets, on an aggregate basis each year.

(10) There are authorized to be appropriated such sums as are necessary to carry out this section.

The PRESIDING OFFICER. Under the previous order, time for debate on this amendment is 30 minutes, to be equally divided.

Who yields time?

Mr. BRYAN. I thank the Chair.

Mr. President, I yield myself as much time as needed within the confines of the unanimous-consent agreement.

The PRESIDING OFFICER. The Senator is recognized for up to 15 minutes.

Mr. BRYAN. Mr. President, I had hoped we might be able to resolve this. Our staff was in consultation with the staff of the distinguished chairman. Apparently, we were led to believe we were to come at 1 this afternoon if we were unable to work this out. I have since been advised we want to accelerate consideration of this and I am delighted to oblige.

The proposed amendment establishes voluntary reporting requirements—and I emphasize the word "voluntary", which asks medium and large companies to fill out a simple two-page reporting form on annual energy use and energy efficiency improvement.

Similar reporting was required for about 8 years unit it was eliminated as part of the 1986 Budget Act. The report is not burdensome, the reporting form was simplified through a Federal Register notice and rulemaking process, a number of times.

Industries cooperated and complied while the reporting requirement was in effect.

Industries that choose to participate can report either directly to the Federal Government or through industry associations.

This provides flexibility and makes it easier for large, diversified corporations to comply.

Reporting focuses the attention of senior management on energy use and it motivates some companies to show progress in reducing energy intensity.

The reporting program could provide the Federal Government with basic data on industrial energy use and efficiency trends, something it is now lacking.

Secretary Watkins stated in congressional testimony at a hearing on the National Energy Strategy in 1990:

> We don't have ready answers in some cases because we don't have the data that we should have.

New energy savings targets would be established by DOE with input from the private sector.

Targets would be for specific sectors as a whole—for example, steel production—and it would be, I emphasize, entirely voluntary. Savings targets were adopted for 1980 as part of the original program, and the targets, typically a 16-percent reduction in energy use per unit of output, were met by most of the industries.

I offer that insight, Mr. President, to indicate how effective this can be in achieving energy savings.

The Department of Energy considered establishing new savings targets for 1985, but unfortunately they were never issued. New savings targets are needed because there is an enormous potential for cost-effective energy efficiency improvements in the industrial sector. Many industries fail to pursue efficiency projects with more than a 1- or 2-year payback.

The grants program would cofund education, training, and other programs that industry associations undertake in order to promote the achievement of the voluntary savings targets by their members. The grants would be provided by the Department of Energy to industry corporations on a competitive basis.

In order to qualify, industry associations must establish a reporting program that a majority of their members voluntarily participate in. Industry associations are not required to participate.

I emphasize, Mr. President, that this is a voluntary program. No one need participate: Reinstating a reporting program, but making it voluntary rather than mandatory; adopting new savings targets for major industries and providing grants to industry associations to promote achievement of the targets should prompt some industries to adopt additional energy-efficiency measures, measures which they would not previously have done. But the potential energy savings are enormous, estimated cumulatively to be 9.3 quads from the years 1993 to 2010, and the net economic savings during this same period could reach upward of $25 billion.

The original program was repealed in part because the Energy Information Administration wanted to start its own survey of energy use by manufacturers, but the EIA survey is not an effective substitute for reporting and a savings target program. That is done only once every 3 years. It reaches a relatively small number of companies, and it does not encourage energy-efficiency improvements.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The remainder of the Senator's time is reserved. Who yields time?

Mr. JOHNSTON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for up to 5 minutes.

Mr. JOHNSTON. Mr. President, this country is in a serious recession, largely because of noncompetitiveness with our competitors—Japan, Sweden, Germany, et cetera.

One of the reasons that this country has become noncompetitive is overregulation: Too many forms, too much paperwork. When we get into the field of health care, we find that so much money is going into forms and paperwork, and not enough to health care, and that is what makes the cost go up.

Here we have a proposal to have energy reporting. Oh, it sounds good, Mr. President. It is one of those things that makes you feel good, where you say, if we can get these figures and have these voluntary targets, somehow somebody is going to save some energy.

Mr. President, we had a mandatory program for about 10 years in this country, and there is no evidence that we saved 1 pound of coal, 1 kilowatt of electricity, or 1 gallon of gasoline. We simply cannot wish energy conservation by requiring that forms be filled out, records be kept, bureaucrats be hired, and redtape be increased.

Mr. President, we are told: Do not worry; this is only a voluntary program. The name of this game is to get into conference. The House has a mandatory program, and they want to get into conference with this voluntary program, so that we will be battered into having a mandatory program in conference.

Mr. President, the distinguished Senator from Nevada says he is willing to say in conference we can have only a voluntary program, he will not control the conference. The proponents of this amendment, those who are seeking to get it passed, those who have brought it to the distinguished Senator from Nevada will not make that commitment, because we have asked them. So essentially, this ought to be regarded as a mandatory program.

At a time when this country is reeling in recession, at a time when we are searching for competitiveness, at a time when we are trying to increase productivity by cutting down on redtape, bureaucracy, the cost of Government, and the cost of private enterprise doing business, we should not be getting into another program which has been proven to be ineffective. When I say it has been proven to be ineffective, there is no proof that all of the millions of dollars that were spent on the program during its 10 years of existence, produced any kind of energy other than the energy that it took to produce the paper on which to write all these figures.

Mr. President, the industry is dead set against this program. To quote in part from a letter to me, dated February 14, from H. Richard Seibert, Jr., who is vice president for the Resources and Environment Department of the National Association of Manufacturers:

The data the Bryan amendment compels industrial respondents to provide is at best useless and at worst misleading. Energy consumption is a completely dependent variable for manufacturers—that is, energy use is tightly integrated with manufacturing processes and cannot be singled out as an individual factor. Thus, because manufacturers' energy use is dynamic and constantly changing, energy consumption data is outdated by the time consumption surveys are completed and results published.

Making matters worse, DOE cannot guarantee the confidentiality of the data it collects. For many manufacturers, energy consumption data is highly proprietary. A recent Department of Justice ruling further erodes the confidentiality of energy data collected by the DOE by making such data available to other federal agencies.

Moreover, the energy efficiency improvement targets called for in the Bryan amendment are a throwback to the discredited "command and control" policies of the past and are simply not necessary.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

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

NATIONAL ASSOCIATION OF MANUFACTURERS,
Washington, DC, February 14, 1992.

Hon. J. BENNETT JOHNSTON,
Chairman, Senate Energy and Natural Resources Committee, Washington, DC.

DEAR MR. CHAIRMAN: The National Association of Manufacturers strongly opposes Senator Bryan's (D-NV) industrial energy reporting amendment to S. 2166, the National Energy Security Act. The amendment would essentially reinstate a burdensome and redundant reporting program that was abolished by Congress in the mid-1980s for, among other things, not providing useful information.

Specifically, Senator Bryan's amendment would subject companies that consume at least 500 billion BTUs of energy per year (a relatively small amount) to an annual reporting requirement established by the Department of Energy (DOE). In addition, DOE would be compelled to set "voluntary" energy efficiency improvement targets for major energy consuming industries that DOE determines would be achievable by 1997.

The data the Bryan amendment compels industrial respondents to provide is at best useless and at worst misleading. Energy consumption is a completely dependent variable for manufacturers—that is, energy use is tightly integrated with manufacturing processes and cannot be singled out as an individual factor. Thus, because manufacturers' energy use is dynamic and constantly changing, energy consumption data is outdated by the time consumption surveys are completed and results published.

Making matters worse, DOE cannot guarantee the confidentiality of the data it collects. For many manufacturers, energy consumption data is highly proprietary. A recent Department of Justice ruling further erodes the confidentiality of energy data collected by the DOE by making such data available to other federal agencies.

Moreover, the energy efficiency improvement targets called for in the Bryan amendment are a throwback to the discredited "command and control" policies of the past and are simply not necessary. U.S. industry has made giant strides in saving energy in the past 20 years. The United States now uses 37 percent less energy per unit of GNP than in 1973. In addition, targets make no sense given the complex interplay between energy factors, such as other capital investments (e.g. pollution control), external events such as changes in product demand and weather, and fuel price swings that necessitate fuel switching.

Finally, the real value of the data collected by the current Manufacturing Energy Consumption Survey (MECS) program, must be evaluated before any new data collection program is considered. MECS already imposes a significant burden on manufacturers by diverting significant manpower and other resources to non-productive information gathering tasks in addition to many other burdensome governmental reporting obligations. These obligations ultimately distract domestic manufacturers from concentrating on improving business operations, increasing profitability and maintaining and improving competitiveness.

The Bryan industrial energy reporting amendment is burdensome, redundant, and unnecessary. NAM strongly urges you to vote against it.

Sincerely,

RICHARD SEIBERT.

Mr. JOHNSTON. Mr. President, we frequently do not adhere to the views of industry on the grounds that they are special interests, and I frequently vote against them. But here is a case, Mr. President, where the costs are very clear. You simply cannot gather up this changeable, variable, difficult, complex, comprehensive data without hiring a lot of people, expending a lot of money, and using a lot of paper. And contrariwise, the Government cannot do it, either, without a lot of bureaucrats to oversee it.

Here we have the National Association of Manufacturers which, in addition to making those complaints, complains about the proprietary nature of this information, about the correlation between energy consumption, manufacturing processes, and its importance as trade secrets.

Mr. President, it seems to me that this case ought to be compelling, unless we can show some benefit would be obtained from this bureaucratic paperwork load. The fact of the matter is, Mr. President, in the 10 years in which this program was a mandatory program in the Government, it did not produce anything, so far as the proof relates, and that ought to be an overwhelming reason to reject this amendment.

The PRESIDING OFFICER (Mr. SHELBY). Who yields time?

Mr. JOHNSTON. Mr. President, I yield to the Senator from Wyoming 4 minutes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 4 minutes.

Mr. WALLOP. Mr. President, let me echo the chairman's anxiety about yet another level of bureaucracy, although this is professed to be voluntary. According to the Office of Management and Budget, Americans spent, in 1990, before the Clean Air Act, 5 billion hours filling out forms, to the tune of $400 billion a year or $4,000 per household.

Now, I must say that in the scheme of 5 billion hours, this probably would only add a couple hundred thousand and not be noticeable, but the fact is it provides information which is essentially unusable, which is essentially proprietary, which will be subject to the Freedom of Information Act, and the current energy reporting had to go through the Census Bureau in order to protect it from the Freedom of Information Act.

So what the Senator is proposing is to collect information which is essentially not usable by the Department of Energy. Where it to be used, it could only be used in the most frightening way. We would return somehow to a program where, because of the collected information, the Government would start setting energy targets and try to go into some sort of socialist command-and-control kind of energy thing.

Second, the data that it collects is essentially outdated before it is in any

useful form. Energy usage is completely dependent; it is tightly integrated with the manufacturing process and simply not segregatable as a factor. The shifts in energy usage, I would say to my friend from Nevada, and the demand are not caused just by energy price changes but by all kinds of other factors.

So, given the dynamic nature of the energy-consuming industry, energy consumption data is outdated before it becomes available in any usable format. By the time the survey is completed and the results are published, the data will be stale. Besides, it is redundant data; there is already reporting that takes place. So why should we require American industry to comply with a whole new set of reporting requirements to produce information which in a usable form is already collected?

Mr. President, this Congress indulges itself often enough with reports. This is one instance when we ought to forego the temptation to add to the burden of Americans.

So I say again, lest anybody forget it, 5 billion man-hours were used by Americans to comply with Government paperwork requirements—5 billion of them, $4,000 per household in America. I say to the Senate it is my hope, before we add to that paperwork burden, we might find some information out of there that is genuinely useful to the American public, that this burden is not useful and that we resist the temptation at this time.

Mr. President, I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. BRYAN. May I inquire, Mr. President, the amount of time that I have remaining?

The PRESIDING OFFICER. The Senator from Nevada has 9 minutes, 54 seconds remaining.

Mr. BRYAN. I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 4 minutes.

Mr. BRYAN. I thank the Chair.

Mr. President, I frankly agree with a good bit of the rhetoric I have heard. Unfortunately, it is misdirected and is not applicable to this piece of legislation. No one, I repeat no one, who feels burdened by this option would be required to participate in any way, shape, or form; it is entirely voluntary. So those who suggest that somehow this amendment is akin to a command-and-control philosophy may be committed to ideological purity, but they are not discussing the measure that is before the Senate in the form of the Bryan amendment.

It is argued there are three reasons why we ought not to support it. One is that it is costly; two, that it is anticompetitive; and, three, that there is proprietary information that may be divulged.

First of all, it ought to be clear there are enormous energy savings that could be achieved in energy conservation, savings that could far outstrip any minute costs which may be involved with respect to companies that would choose voluntarily to participate. So I think the cost argument, upon proper analysis, simply fails to be persuasive.

Second, it is argued that it is anticompetitive. Let me disagree in very strong terms, Mr. President, because, clearly, to the extent you can improve energy efficiency, you can be more competitive, because we all know that the 1990's involve global competition and the improvements and achievements made by our competitors in the international marketplace make it increasingly difficult for American goods to reach their way into the international stream of commerce. The Japanese industrial base is more energy efficiency than our own. They are productive, they are efficient, and they are major challengers, as we know. Clearly, it makes sense in terms of America's competitive position internationally to achieve improved energy efficiency and, by so doing, become more competitive in goods and services.

Finally, with respect to the proprietary information, any company that has such a concern has an easy answer: They choose not to participate. Nothing in this amendment requires it.

It is argued, Mr. President, that this was totally ineffective when it was tried in the past. The Department of Energy recently issued a report on industrial energy intensity trends during the 1980 to 1988 time period. The report shows a dramatic slowdown in energy reduction after 1985 when the former program was stopped.

During 1980 to 1985, the average rate of reduction in industrial energy intensity was around 5 percent a year. During 1985 to 1988, this rate of improvement slowed to about 1 percent, and thereafter, when the reporting requirement was eliminated entirely, under the old system, has virtually disappeared.

I urge my colleagues to set aside the ideological arguments of command and control and all of this sort of nonsense, which, in my judgment, has no application to the measure we are discussing. I emphasize to my colleagues this is a voluntary program. Can it be denied it is desirable to achieve energy efficiency? Can it be denied that, if there are voluntary targets out there, industry ought to be encouraged to do so for themselves as well as for the national interest? Can it be denied that, if we can achieve energy reduction, it is better for American business in its competition globally and it is better for the American taxpayer ultimately?

Mr. President, I hope we have an opportunity to have this amendment adopted so that those who wish to participate can do so. With respect to the Attorney General's opinion, this information is so exceedingly general——

The PRESIDING OFFICER. The Senator from Nevada has used his 4 minutes.

Mr. BRYAN. I ask for another minute.

The PRESIDING OFFICER. Without objection, the Senator from Nevada is recognized.

Mr. BRYAN. I thank the Chair. I ask to have incorporated in the RECORD the form contemplated. It is a two-page form, and I do not see how that possibility could disclose any proprietary information.

That is a judgment that I would defer and leave up to any business that because of its own concern might choose not to participate. It is absolutely their right.

I ask unanimous consent that this two-page form, this alleged educationally burdensome and costly undertaking, be printed in the RECORD.

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

[From the Federal Register, Vol. 45, No. 40, Feb. 27, 1980]

Energy Efficiency Improvement and Recovered Material Utilization Report, U.S. Department of Energy

SPONSOR REPORTING FORM

DOE FORM CS 189–S

SPONSOR _____ SIC _____ REPORT YEAR _____ PAGE _____ OF _____

SECTION B: ENERGY CONSUMPTION AND EFFICIENCY IMPROVEMENT

Part 3

A. Energy Consumption Data

For Each Energy Source Below, Enter The Consumption Data Requested	For Corporations Using 1972 as the Reference Year		For Corporations Using 1978 as the Reference Year	
	(A) Current Reporting Period Consumption (Billion Btus)	(B) 1972 Consumption (Billion Btus)	(C) Current Reporting Period Consumption (Billion Btus)	(D) 1978 Consumption (Billion Btus)
1. Electricity				
2. Natural gas				
3. Propane				
4. LPG				
5. Bituminous coal				
6. Anthracite coal				
7. Coke				
8. Gasoline				
9. Distillate fuel oil				
10. Residual fuel oil				
11. Petroleum coke				
12. Purchased steam				
13. Other (specify)				
14. Other (specify)				
15. Other (specify)				
16. Total energy consumption				

Part 4

A. Energy Efficiency Improvement

	For Corporations Using 1972 as the Reference Year	For Corporations Using 1978 as the Reference Year
1. Energy consumption during current reporting period (enter from Worksheet Col. C)	Billions of Btu	
2. Calculated consumption based on reference year energy efficiency (enter from Worksheet Col. B)	Billions of Btu	
3. Energy efficiency improvement relative to reference year: Line 2 minus line 1 divided by line 2 times 100	%	%

B. Narrative Commentary

Provide the information requested below on separate sheet(s), as indicated on the instructions to this form.

1. What significant energy conservation measures have been adopted in this reporting period and have contributed to the improvement shown on line 3 above?

2. Signify the aggregate effect each of the following factors had on your respondents' energy use when compared to their reference year use:

	(1) Increase	(2) Decrease	(3) Unknown
a. Capacity utilization	☐	☐	☐
b. Fuel switching	☐	☐	☐
c. Governmental regulations	☐	☐	☐
d. Product mix	☐	☐	☐
e. Product quality	☐	☐	☐
f. Raw material and feedstock changes	☐	☐	☐
g. Weather	☐	☐	☐
h. Other—Specify	☐	☐	☐

3. Provide any other comments desired.

Mr. BRYAN. I thank the Chair. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, I yield to the Senator from Wyoming such time as he may consume.

Mr. WALLOP. Mr. President, I say to my friend from Nevada that, if he thinks that anybody in the bureaucracy will stay with a two-page form, he has a much more optimistic view of how bureaucracies behave than does the Senator from Wyoming.

I would also say that two things genuinely bother me. One, I do not believe that it will stay voluntary; two, the information is essentially unusable and, to the extent that it is usable, it is redundant of information that is already collected under our bill and by the industrial sector.

So I say again that what this Congress does not need to indulge itself in is further requirements of reports which, one, nobody reads, and, if they read, cannot use, and, if they use, can only lead to a heavy government intervention in the American economy.

Mr. President, I thank the chairman.

Mr. JOHNSTON. Mr. President, it seems to me that this amendment is fairly simple and straightforward. It is a reenactment, on voluntary terms, of the program that was in existence for 10 years and that did not provably save any energy. To the extent it is utilized, it will require time, effort, bureaucratic employees, and will lead inevitably to some reduction in productivity.

Mr. President, I think we made the case against it. I am prepared to yield the remainder of my time unless anyone else wants to be heard.

Mr. BRYAN. Mr. President, responding to the chairman, I need 1 more minute and then I will be prepared to yield back the time.

Mr. President, I want to respond to at least one point that was made by those who oppose this measure. To suggest that somehow it is redundant relating to the measure which we are being asked to consider, of which these provisions would be incorporated, that simply is not the case as I know my friend from Louisiana and my friend from Wyoming understand.

Mr. WALLOP. Mr. President, will the Senator yield for a clarification of what I said? I think he misunderstood. I said to the Senate that the information gathered under the reports that the Senator would see as usable is redundant, to the extent it is not usable. I agree. It would be an individual company requirement. But what we require under our bill is by industrial sector, and to the extent that we can use this information, the industrial sector information is already available and, therefore, redundant.

Mr. BRYAN. I thank the Senator. I believe I understand the Senator's point. The point this Senator is trying to make is under this proposed legislation, of which the Senator has played a key role in drafting, the reporting requirement contemplates every 3 years. This would contemplate a voluntary report every year.

The Senator's legislation contemplates a random survey as opposed to individual reporting as is contemplated in this on a voluntary basis. So I would not want my colleagues to think that in effect we have the same thing.

It is my view that this could be useful and helpful in setting these voluntary targets, voluntary participation on an annual basis.

I respect the right of my friend from Louisiana to disagree, but I do not think anyone ought to be confused in terms of what we are trying to accomplish.

Having said that, I yield back the remainder of my time, and I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. JOHNSTON. Mr. President, if the Senator will withhold——

Mr. BRYAN. I certainly will do so.

Mr. JOHNSTON. I move to table and ask for the yeas and nays.

Has the Senator yielded back?

Mr. BRYAN. Yes.

Mr. JOHNSTON. Mr. President, I yield the remainder of my time. I move to table, and I ask for the yeas and nays.

59-059 O—96 Vol. 138 (Pt. 2) 35

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana to lay on the table the amendment of the Senator from Nevada.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

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

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—58

Akaka	Ford	Pell
Bentsen	Garn	Pressler
Biden	Gramm	Riegle
Bond	Grassley	Robb
Boren	Hatch	Rockefeller
Breaux	Hatfield	Roth
Brown	Heflin	Sanford
Burdick	Helms	Sasser
Burns	Inouye	Seymour
Byrd	Johnston	Shelby
Chafee	Kassebaum	Simpson
Coats	Lott	Smith
Cochran	Lugar	Specter
Conrad	Mack	Stevens
Craig	McCain	Symms
Danforth	McConnell	Thurmond
DeConcini	Mikulski	Wallop
Dole	Moynihan	Warner
Domenici	Murkowski	
Durenberger	Nickles	

NAYS—40

Adams	Glenn	Metzenbaum
Baucus	Gore	Mitchell
Bingaman	Gorton	Nunn
Bradley	Graham	Packwood
Bryan	Hollings	Pryor
Bumpers	Jeffords	Reid
Cohen	Kasten	Rudman
Cranston	Kennedy	Sarbanes
D'Amato	Kerry	Simon
Daschle	Kohl	Wellstone
Dixon	Lautenberg	Wirth
Dodd	Leahy	Wofford
Exon	Levin	
Fowler	Lieberman	

NOT VOTING—2

Harkin	Kerrey

So the motion to lay on the table the amendment (No. 1644) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, for the edification of my colleagues, let me say what we expect to do. We expect that Senator SPECTER will be recognized shortly and will make a statement. Then I believe he is prepared not to offer his amendment, which will then leave a Biden amendment on which we hope to have 30 minutes equally divided, two Graham-Mack amendments on which we expect to be probably an hour each with maybe one second-degree amendment, maybe 2½ hours total, and other than that, we do not expect or we do not know of other amendments that definitely will be offered. There are some others that are eligible to be offered.

So, Mr. President, in effect we have three amendments to be dealt with of which we are aware.

So we should finish fairly early this afternoon. And if anyone does have an amendment other than those, I would urge them to let us know about them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, as the distinguished manager noted, I do not intend to offer an amendment for which I had reserved space.

On February 6, when we were considering this bill before the recess, I made an extended statement concerning some reservations I had with the provisions of the pending legislation which amends the Public Utility Holding Company Act of 1935.

I noted at that time that there were very complex issues here, where I have constituents in Pennsylvania on both sides of the bill's proposals, and I inserted into the RECORD two possible amendments which would have deferred implementation of the pending legislation on the Public Utility Holding Company Act to see what support there might be for some deferral and some further study of these very complex issues.

Since February 6, there has been an addition to the legislation which would permit the State public utility commissions to make an inquiry into the capitalization of these new companies, which is some assurance on some of the concerns which I have raised, but there are still other concerns. After talking to a number of my colleagues and consulting with my constituents, however, I have decided not to offer either of those amendments at this time.

As a matter of fact, I have had continuing requests on both sides from a State like Pennsylvania, with many, many diverse interests, some wanting the amendments to the Public Utility Holding Company Act and others not wanting them.

But there are some other issues which I would like to discuss very briefly this afternoon concerning matters which may be taken up by the House of Representatives, or matters which might be taken up in conference, or matters which might await legislation on another day.

Mr. President, there has been a concern expressed to me over provisions of the pending legislation which would permit foreign holding companies' ownership of American power companies. The issue has been raised that it might be highly desirable to have further study by the SEC and related agencies to determine whether foreign holding companies, created in the United States after the 1992 public utilities subsidiaries, whether that is desirable.

A second issue which has been raised is whether there is really a need at the present time to have additional generating companies in light of the very substantial efforts which are being made in the area of conservation. And the question has been raised as to whether it might not be desirable for the SEC and related agencies to study and investigate ways to improve on conservation before these rather far-reaching amendments are made for the Public Utility Holding Company Act of 1935.

Another concern, Mr. President, relates to the exemptions and whether, before abandoning all of the Public Utility Holding Company Act requirements that the SEC or related agencies determine, all public utilities serving America now ought to buy power from an exempt company at its competitive price or from a PURPA company at a utility's avoided cost.

These are very complex matters, Mr. President, and constituents of mine have raised an issue as to whether these matters have been adequately considered in the legislation which is currently pending.

Another factor which has been raised relates to the potential anticompetitive effects of the potentially disparate corporate capital structures where new companies may come in with such low capitalization. The issue arises as to whether allowing these new public utilities, created after 1992, to use a high tax-deductible debt-capital financing structure, and then to compete with preexisting companies, which have much more extensive capital structure, less debt and less deductions, whether the anticompetitive effects may ultimately harm the consumers of America.

Another factor which has been raised relates to whether it is desirable to allow these new public utilities to sell power wholesale in interstate commerce, regulated only by FERC, where the State commissions will no longer have any authority to determine the reasonableness of the wholesale rate or charge. And that leaves the entire regulatory process, with very limited applicability, here in Washington, DC, contrasted with the traditional method of allowing States to have some greater input as to what is or is not desirable.

Another issue has been raised about whether there is a sufficient determination of public convenience and necessity, because questions arise concerning the maintenance and reliability of these proposed new public utilities over their long-term contracts, with the inquiry being made only on

their prospective ability to perform during their early years when they are virtually brand new. So the issue has been raised as to whether the SEC and related agencies should investigate and recommend whether a subsidiary public utility, created after 1992, which supplies power to another public utility in the same State, should be required to obtain a certificate of public convenience and necessity from that State.

Mr. President, I do not purport to provide answers to these questions. As I noted in my earlier statement on February 6, I am not on the committee and have not had the benefit of attending the lengthy hearings held on this subject. But I have reviewed a fair amount of the written material and do have the lingering question as to whether some additional study might not be desirable.

My sense of this body is, Mr. President, as I suggested before, that there is not support for delaying the provisions which relate to the Public Utility Company Act of 1935 on its proposed repeal, and that there has been a step taken by allowing State commissions to examine the capital of the new companies if they choose to do so.

So I am going to let it stand at this point, Mr. President, with the questions that I raised on the February 6 statement and with the additional questions which may be examined by the House of Representatives, or may be inquired to at a later date.

But at least, in putting these issues in the RECORD, there is an opportunity for public examination, scrutiny, and further debate. But I do not think it will serve any useful purpose to carry either of the earlier suggested amendments to a floor vote today.

I thank the Chair and yield the floor.

Mr. JOHNSTON. Mr. President, I sincerely thank the distinguished Senator from Pennsylvania. The subject of Public Utility Holding Company Act reform is one of the most technical and difficult subjects to be considered on the floor of this Senate this year. It is also one of the most important.

We are dealing with a multi-hundred-billion-dollar industry which affects every consumer and every household in America. I fervently believe, Mr. President, that the reforms which we have incorporated in this bill will dramatically help every consumer of electricity in America by giving him cheaper and more reliable electric rates.

There were some great concerns, and the Senator from Pennsylvania has touched on some of those, such as debt/equity ratios, reliability, stranded investment, self-dealing, et cetera. And I think we have allayed those fears, both by the debate on the matter, revealing what our studies have shown—and I might say we have had rather extensive consideration of this in the Energy Committee over a period of 3 years. We have also accommodated many of those concerns by legislation which tightened down and ensured, for example, that PUC's will look at the question of debt/equity ratios and retain their traditional powers to order up any debt/equity ratio, which, under State law, they are authorized to do.

We also have stated, Mr. President, that in the conference we would look at such things as foreign investment. Some of our colleagues, particularly Senator BENTSEN, have stated that American companies ought to be able to invest abroad. It is a fairly technical subject, and we hope to be able to deal with that, at least consider it very seriously, in the conference committee.

So, Mr. President, I am very pleased the Senator from Pennsylvania is willing not to bring up his amendment at this time, and I hope he will find that his decision to do so was vindicated by the future success of this new Public Utility Holding Company Act reform.

Do I take it that the Senator will now withdraw his request for unanimous consent for an amendment?

Mr. SPECTER. Mr. President, if I have not made that explicit up to now, I do make it explicit that I relinquish the reservation on the amendment which I had asked for in the unanimous-consent agreement.

I thank my distinguished colleague from Louisiana for his comments.

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

Mr. SPECTER. The Energy Committee has made an exhaustive study on these issues. I acknowledged that in the comments I made.

I have had many constituents come to me, some consumers and some electric companies. They are very much in favor of the pending legislation. Others have come to me and said there was a requirement for the inquiry by the SEC, which has not been completed, and that there are many complex questions. You may have stranded companies, and it may work to the detriment of consumers.

I think that by raising these issues, they may be referenced at a later time when some of these matters come before FERC or other regulatory agencies. This was a matter of floor debate, and there was a concern about these items, which ought to be considered, perhaps by a State public utility commission, on assessing appropriate debt/equity, or in a variety of ways. These issues have been examined and debated, and it is suggested that even though the Senate has not gone to a vote on these matters, they ought to be considered by other governmental entities at a later time. I think it serves a useful purpose to that effect.

However, I sense that the mood in this body is not to act today on any one of these items but, instead, to leave the process to other governmental agencies or, perhaps, the House. So I think having illuminated these concerns and setting the stage for others to act at a future time if it is warranted, is about as much as can be accomplished. So I thank my colleague and yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1645

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for Mr. MACK, proposes an amendment numbered 1645.

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

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

The amendment is as follows:

On page 391 strike beginning on line 21 through line 4 on page 392, and insert in lieu thereof the following:

"(v) require as a condition for the approval of the purchase of a particular long term wholesale power supply that the seller provide reasonable assurance of its access to sources of fuel adequate to perform its obligations under the terms of the contract for the sale of such power supply.".

Mr. JOHNSTON. Mr. President, the existing PURPA consideration requirements in title 15 require State commissioners to consider requiring a long-term seller of wholesale power to have access to adequate fuel supplies as a condition of approving a purchase of power from such seller. This amendment simply rewords this provision to make it more reasonable.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I want to take a moment to say to the Senator that, as far as I am concerned, that wording is agreed to on this side. We have no problems.

Mr. JOHNSTON. I thank the Senator from Florida for his cooperation and for offering an excellent amendment.

Mr. BOND. Mr. President, as the Senate concludes its consideration of S. 2166, the National Energy Security Act, there is an important issue which is not addressed by this bill—that of transmission access. My colleagues on the Energy and Natural Resources Committee deliberately did not include the issue in S. 2166 because they believed, and rightly so, that this legislation was not the proper place to address so sensitive and complicated an issue. I strongly affirm their decision.

It is my understanding that the energy bill which will soon be considered by the House Energy and Commerce Committee contains several provisions relating to transmission access. If these provisions remain in the bill

when it is reported by the full committee, then this issue will be an item for conference. I am extremely concerned that such an important issue would be decided in conference without any Senate deliberation on the matter. There are many in my State, and other States, who believe that mandatory transmission access would compromise the integrity, reliability, and efficiency of the electric transmission grid, which is one of the most essential elements of our Nation's energy infrastructure. This is an issue which deserves a thorough and extensive examination by both the committee of jurisdiction and by individual Members on the Senate floor. To dispose of it in conference would be irresponsible.

For this compelling reason, I strongly urge the Senate conferees to reject any House provisions which allow mandatory transmission access.

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

The amendment (No. 1645) was agreed to.

Mr. JOHNSTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

UNANIMOUS-CONSENT AGREEMENT

Mr. JOHNSTON. Mr. President, I think we are now ready for the Graham-Mack amendments. I have two time agreements with respect to those that I believe have been agreed to. I think these have also been hotlined.

Mr. President, with respect to the first Graham-Mack amendment, which has to do with offshore drilling in Florida, I ask unanimous consent that with respect to the Graham-Mack amendment relating to the Florida OCS, there be 1 hour divided and controlled as follows: 15 minutes for Senator GRAHAM, 15 minutes for Senator MACK, and 30 minutes under the control of Senator JOHNSTON or his designee; that one perfecting amendment be in order to the Graham-Mack amendment to be offered by Senator JOHNSTON, and that there be 1 hour equally divided and controlled between Senators JOHNSTON and GRAHAM; and that on the conclusion or yielding back of time, there be a vote on or in relation to the perfecting amendment followed, without any intervening action or debate, by a vote on or in relation to the Graham-Mack amendment, as amended, if amended.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. JOHNSTON. Mr. President, further, I ask unanimous consent that with respect to the Graham amendment relating to the provisions of S. 736, there be 2 hours equally divided and controlled in the usual form; that one second-degree amendment to the Graham amendment be in order, to be offered by Senator JOHNSTON or his designee; that there be 1 hour on the second-degree amendment; and that, at the conclusion or yielding back of time on the second-degree amendment, the Senate proceed to vote on or in relation to the amendment, followed by a vote on or in relation to the underlying Graham amendment, as amended, if amended, with all of the above occurring without intervening action or debate.

Mr. MACK. Reserving the right to object, and it is not my intention to object, but to inform the Senator that on this side, apparently there is some concern. If we could have some time; there is apparently one individual who has some concern about this amendment.

If the Senator would agree to just withhold this unanimous consent until we can get clearance?

Mr. JOHNSTON. Mr. President, I withhold the second unanimous-consent request.

Mr. MACK. I thank the Senator.

EXEMPTION OF PIPELINE SALES OF NATURAL GAS FROM NATURAL GAS ACT REGULATION

Mr. BENTSEN. Mr. President, I would like to engage the floor managers in a colloquy concerning section 11111 of S. 2166. This section concerns the deregulation of the natural gas cost component of the rates that interstate pipelines charge for natural gas sales service. Section 11111 specifies certain conditions that must be satisfied in order for the Federal Energy Regulatory Commission to exempt the natural gas cost component of a pipelines sales rates from regulation under the Natural Gas Act.

In particular, I would like the floor managers to clarify for me that the conditions for deregulation are continuing conditions that a pipeline must always meet. I also would like them to clarify for me the Commission's authority to take action should a pipeline whose gas cost component has been deregulated no longer satisfy the statutory preconditions for deregulation.

Mr. JOHNSTON. Mr. President, I would be pleased to respond to the Senator from Texas' question. First, the conditions specified in section 11111 are continuing conditions. An interstate pipeline must satisfy the specified conditions in order for the Commission to exempt the natural gas cost component of its sales rates from regulation under the Natural Gas Act and must continue to satisfy such conditions in order for the exemption to remain valid. In drafting section 11111 the committee purposely used the word exempt rather than the word deregulate. This word was chosen because it was the committee's intention that such an exemption could be rescinded if the Commission determined that a pipeline no longer continued to meet the conditions for exemption.

Second, the Commission clearly would have authority, either upon a complaint or on its own initiative, to investigate whether a pipeline continued to satisfy the conditions for this exemption from jurisdiction. The conditions specified in section 11111 pertain to the terms under which a pipeline renders natural gas transportation service. Even where the Commission has exempted a pipeline's natural gas cost component from regulation, the Commission would retain the full scope of its authority under the Natural Gas Act to regulate such transportation service. Therefore, there should be no question as to the Commission's ability to ascertain whether a pipeline continued to meet the conditions for an exemption granted by the Commission under the authority of section 11111. And, as already mentioned, the Commission would have authority to rescind the exemption if it found that the pipeline no longer met the conditions.

Mr. WALLOP. Mr. President, I concur in the response of the Senator from Louisiana.

Mr. BENTSEN. Mr. President, I thank the floor managers for their clarification of this point.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRAHAM. Mr. President, I will shortly be sending to the desk an amendment relative to the coastal environment of the State of Florida. This amendment has two parts. The first part deals with an unhappy history in our State and in the Nation's Outer Continental Shelf leasing process.

During the period of the early 1980's, there was a surge of granting offshore leases in the vicinity of the State of Florida. A number of these leases were granted in areas that had previously been considered inappropriate for such leasing, particularly in the area south of the 26th latitude which, for reference purposes, is a lone that runs through Everglades National Park, would contain south of that line the park, Florida Bay, Florida Keys, and the only remaining corral reef system in North America.

All of those areas had previously, Mr. President, been considered inappropriate for oil ad gas drilling because of the inherent jeopardy that would be faced by those very fragile environmental resources. However, leases were granted and there was an indication of an intention to pursue a drilling permit to utilize those leases.

Fortunately, in 1990, President Bush indicated that he had concluded that

that Department of the Interior action of a decade earlier had been improper and, therefore, by Executive order entered a prohibition on any new leases being granted in the area south of the 26th latitude through the year 2000, and directed the Secretary of the Department of the Interior to begin a process of buying back the existing 73 leases south of the 26th latitude.

The first part of this amendment, Mr. President, is a codification of that Presidential action to provide by statute that protection would be available, and to spell out the conditions under which the Secretary of the Interior would proceed with the development of a report on the cancellation of leases and the authority to the Secretary of the Interior, subject to the availability of appropriate funds for that purpose, to cancel and buy back leases and to also consider other forms of compensation.

The second part of the amendment relates to the rest of the State of Florida. Mr. President, by amendment either in committee or on the floor, we have provided a moratorium off the coast of the following States as a part of this energy bill: The States of California, New Jersey, Washington, Oregon, and Massachusetts have received protection through January of the year 2000.

The judgment of the Senate to do so, I think, was based on two considerations. The first consideration was environmental consideration and that is, given the uneven recent history of our Outer Continental Shelf drilling and leasing program, that it would be improvident to allow new leases to be granted off the shores of these States.

The second reason is the energy reason. Mr. President, I will be discussing this point in more detail later, but I believe that the rationale that the United States has a limited amount of domestic petroleum; that our national policy should be to husband, to conserve that limited amount of domestic petroleum to last as long as possible. Part of that husbanding and conservation of our domestic resources ought to be to not leap forward and drain America first, particularly in its most environmentally sensitive areas.

We decided that issue last year as it related to drilling in the Arctic National Wildlife Refuge. That issue was not even brought before the Senate during this consideration of the energy bill for a further Senate vote. I believe that the decision that has been made in committee and by the full Senate relative to the States of California, New Jersey, Washington, Oregon, and Massachusetts reflect a similar position of the Senate, that it is improvident to be drilling in these areas at a time when national policy should be to conserve and husband our domestic resources as long as possible. These are the areas that should be looked to last, not first, in terms of a national energy policy which is more than just a policy for the next decade, but a policy for the next century.

Mr. President, a State that has the special combination of fragile environment, the only State in the Nation with a subtropical environment peculiarly sensitive to the potential of an oil or gas accident, and a State whose economy is so inextricably tied to the purity of its water, feels especially in need of the kind of protection that has already been afforded to California, New Jersey, Washington, Oregon, and Massachusetts, and which this amendment would provide to the State of Florida.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Chair would like to advise the senior Senator from Florida that under the previous unanimous-consent agreement, the 1 hour of time on the Senator's amendment does not begin running until the amendment has been offered.

AMENDMENT NO. 1646

(Purpose: To protect the coastal environment of the State of Florida)

Mr. GRAHAM. Mr. President, I send to the desk my amendment and ask unanimous consent that the time I have just used be charged against my time under the previous unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself and Mr. MACK, proposes an amendment numbered 1646.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . FLORIDA OUTER CONTINENTAL SHELF.

(a) PROHIBITION OF LEASING AND PRELEASING ACTIVITY.—

(1) IN GENERAL.—Prior to January 1, 2000, the Secretary of the Interior may not prepare for or conduct any preleasing or leasing activity under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) off the coast of the State of Florida with respect to those portions of the Eastern Gulf of Mexico Planning Area, the Straights of Florida Planning Area, and the South Atlantic Planning Area located seaward from the State of Florida.

(2) EXCLUSION.—This subsection shall not apply to any area of the Outer Continental Shelf located—

(A) west of a line that begins at the point where the boundary between the State of Florida and the State of Alabama intersects with the Gulf of Mexico, and which extends seaward to the south;

(B) north of a line that begins at the point where the boundary between the State of Florida and the State of Georgia intersects the Atlantic Ocean, and which extends seaward to the east.

(b) EXISTING LEASES.—

(1) REPORT.—With respect to all leases issued under the Outer Continental Shelf Lands Act for locations off the coast of the State of Florida east of the longitude of 86 degrees west, and south of the latitude of 26 degrees north, the Secretary of the Interior shall prepare a report that includes an analysis of the alternatives for exchanging such leases for any other land owned by the United States or interest in land of the United States (including submerged lands), as a means of providing compensation for the cancellation of such leases. Not later than 1 year after the date of the enactment of this section, the Secretary of the Interior shall submit a copy of the report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

(2) BUY BACK.—The Secretary of the Interior is authorized and directed, subject to the availability of funds appropriated for that purpose to cancel and buy back leases issued under the Outer Continental Shelf Lands Act for any location off the coast of the State of Florida east of the longitude of 86 degrees west, and south of the latitude of 26 degrees north.

The PRESIDING OFFICER. Who seeks time?

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. I thank the Chair.

Senator GRAHAM and I have offered this amendment because we believe strongly we must protect Florida's environment, protect it for its own sake, and protect it because it is our way of life. It is our economy.

Our amendment would do several things. It would codify the President's moratorium for new leases south of 26 degrees and authorize the buy-back of the 73 leases, subject to appropriations. It creates a buffer zone around the State of Florida for new leases until the year 2000. It authorizes a study of alternative methods for compensation for the leaseholders south of 26 degrees.

As Senator GRAHAM indicated a few moments ago, the President last year, through Executive order, put in place a moratorium south of 26 degrees north latitude. What we are saying is there is very little difference between south Florida and north Florida, or east Florida for that matter; that we think there ought to be a protection provided for Florida's environmentally fragile coastline, which goes all around the State.

On the gulf coast, we are basically talking about an area which goes from the gulf coast of the State of Florida out to a line that would be directly running south from the Alabama-Florida coastline. We think this is important, as I mentioned a moment ago, for the protection of the environment of our State.

My family and I moved to Florida 40 years ago, and I remember as a youngster having the opportunity to travel

with my father on a shrimp boat from St. Augustine down along the east coast of Florida through the St. Lucie Canal, into Lake Okeechobee, down the Coloosahatchee River, across the entire State to Fort Myers, and later having the opportunity to take my son out into the interior of the State of Florida, out into Fish Eating Creek where he had his opportunity to come eyeball to eyeball with Florida's alligators, and an opportunity to see what the environment in Florida was all about.

I spent time in north Florida at the Oklawaha River that leads into Silver Springs, have traveled down through the Everglades and White Water Bay. My point is I have experienced the fragile environment of our State.

There are many things we have done over the years—when I say we, I am talking about the State of Florida, I am talking about the Congress, I am talking about the U.S. Senate—to protect and restore the environment of our State, examples like improving the flow of water through the Kissimmee River into Lake Okeechobee.

All the protection that we desire to provide for the Everglades and Florida Bay, beginning at the headwaters of the Kissimmee River, working its way down to Lake Okeechobee, and as the waters flow into Lake Okeechobee and then into the Everglades and eventually into Florida Bay, it is important that we see that those waters are protected. Expanding the Everglades, again to improve water quality and the quantity in the system, expanding Big Cypress National Preserve, once again to improve the water flow through the system and into the Everglades, and finally creating the largest marine sanctuary just south of the Everglades in order to protect the only living coral reef in the continental United States.

My point for raising that is, what sense does it make to have those kinds of commitments to spend the dollars that are necessary to bring all of that about only to continue to keep Florida Bay and its coastline at risk because of the potential disaster that could be created as a result of drilling off of Florida's coasts?

The economic health of the people of our State depends almost entirely on the coastline and the waters surrounding our State. The pristine beaches of Florida are the primary attraction to the tourists who supply our State with its single greatest source of revenue. Our waters support a multimillion-dollar seafood industry as well as recreation and boating. The Everglades are lined with mangroves which provide sheltered, nutrient-rich water for many rivers. Their above-ground maze of roots would make cleanup of an oil spill almost impossible. And I do not think it is difficult for people to imagine the difference between dealing with an oilspill in Alaska and an oilspill off the coast of Florida with that sensitive mangrove environment.

We have allocated a substantial amount of money toward rebuilding the environment of our State. Millions of dollars will be spent to improve the water flow from the Kissimmee River into Lake Okeechobee which then flows down through the Everglades and into the largest marine sanctuary in the country. It makes no sense to risk all the progress by allowing drilling for what could be a negligible pool of oil.

As I indicated, I have traveled all around our State from Key West up to Pensacola, and I have been fortunate to have taken my family with me so they could experience our beautiful environment. Some of the most beautiful beaches in the world are located in the State of Florida. It is my understanding that a University of Maryland study concluded that several of the top 10 beaches in the United States are in the panhandle of Florida. I realize it is difficult and may be dangerous for me to try to determine which of the beaches in the State of Florida are the most beautiful, but I must say to you, if you have not had the opportunity to travel to north Florida and see the beaches of the panhandle, Pensacola, Panama City, Fort Walton Beach, all along that area, they are some of the most beautiful beaches in the world.

Mr. President, the amendment we have offered is one that must be passed. Again, we are spending literally hundreds of millions of dollars to restore Florida's environment. I ask my colleagues in the Senate to support this amendment, to help us protect a very important environment in the State of Florida.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, as with so many areas of energy, this amendment involves a collision between science and logic on the one hand and politics and emotion on the other hand. You can guess which side I claim for our side. I believe it is a question of logic and science being on our side. The reason I say that, Mr. President, is very plain. We have a little chart here which shows the amount of oil spilled into the oceans—this is according to the National Academy of Sciences—from offshore oil production as opposed to transportation and other uses. Transportation is the principal part of this.

Mr. President, the chart shows that 2 percent of the oil spilled in the oceans is from offshore oil production and 98 percent is from other causes, principally from tanker spills.

Mr. President, you would look at this chart and say there is overwhelming logic to that chart, overwhelming. Who can argue with that? There is no trick to it. It is a fact. What this amendment poses is the question of whether or not we should produce oil and particularly gas off an area that is rich in that or whether we ought to import more and have a 98-percent chance.

Mr. President, I will, after this, invite my colleagues to refute this logic because it is rather overwhelming.

We recognize that politics and emotion are part of this and, as a matter of fact, I will plead guilty to voting for and sometimes sponsoring such amendments myself. If that does not come as too much of a shock to my colleagues, I am willing to admit that politics occasionally creeps into the equation. And it does with all of us.

What I would like to do, Mr. President, is get, in effect, a compromise that recognizes the politics and the emotion, that gives our friends from Florida most of a loaf, the principal part of a loaf, but still recognizes a little of this. At the appropriate time—and as I understand it, it is not now in order to put in a substitute or perfecting amendment. I think we are perfecting. It amounts to the same thing.

What our amendment will do, Mr. President, is three things. This is a Department of Interior historic leasing and infrastructure map. This 100-mile limit is not particularly relevant here. It just gives you a scale.

The yellow part, Mr. President, is expired or not active leases. So what you will see is that the areas where there is activity are below the 26th parallel down here. This is the area that the Senators were talking about so eloquently as being the Everglades area, and the sensitive areas down here.

This red line is the 26th parallel. The areas of activity are below that, and in the panhandle area of Florida. Those are the two principal areas. Along here is not particularly active at this time.

What we will propose in this, I will call it a substitute amendment, is that we put the area below the 26th parallel off limits. What is the basis of that? The basis of that is the President has said it is a sensitive area, and there are some coral reefs and other grassy areas down in this area.

While some argue very strongly that a case has not been made that offshore drilling hurts that kind of area, we are willing to accept that case for the really sensitive areas below the 26th parallel.

Mr. President, this really is a sensitive area in Florida. This is what the environmentalists really argue about. I do not mean to suggest that this is all they want. I mean there is never enough. It is like John L. Lewis, the labor leader, when asked what he wanted. He said "more."

So they always want more. But I can tell you that this is the principal area of concern, and we are willing to give them yes as an answer to their request for below the 26th parallel.

We are also, in the amendment that we will propose, willing to give a lease buy-back provision which will state that the Secretary of the Interior is

authorized and directed to buy back these existing leases up through December 31, 1993, with moneys appropriated therefor.

We have some language that says that some costs shall be presumptive evidence of the amount of the buy back unless the government can prove the lessee is entitled to less or unless the lessee can prove it is entitled to more.

What we mean there is that if there has been some drilling close to the lease and there was a dry hole, that would lessen the value of the lease. Or obviously, if they have drilled something or had something particularly encouraging, such as seismic information, the lessee would be able to come in, really, under the fifth amendment and prove the value of its lease.

In any event, we provide lease buy back and a leasing moratorium below the 26th parallel.

We also provide for a study, Mr. President, on alternative means of buy backs such as trades in leases or alternative means of buy back other than appropriations. It is the same study that the Senators from Florida had in their proposal.

Mr. President, when you are talking drilling in Florida, you really are talking about the panhandle. When you are talking about the panhandle, you are talking natural gas. This is presently a discovered and ready-to-produce area. I say "ready to produce." It is a discovered area with reserves of a trillion cubic feet of natural gas. A trillion cubic feet of natural gas is worth at $1 an mcf $1 billion.

There is also an expectation in the same area on the same formation of an additional trillion cubic feet. These are not proven reserves. The second trillion cubic feet would be in the category of what we call "probable reserves."

So you have a trillion proven, a trillion probable, and some other activity in the area of the Florida panhandle.

Mr. President, why do I emphasize natural gas?

First of all, obviously, because it has been discovered, because it is worth at least $1 billion at $1 an mcf, and we expect over time that price will be up. But at $1 an mcf, it is worth a $1 billion plus an additional $1 billion to the found plus such additional amounts as may or may not be found through additional leasing.

Mr. President, it is also notable to understand that with natural gas it cannot spill. There has never been a beach in the history of mankind that has been sullied by natural gas. There has never been a bird whose feathers have been oiled by natural gas. There has never been a fish that has been hurt by natural gas.

The fact of the matter is, Mr. President, that natural gas, not only in the production of it, but in the consuming of it, in the burning of it, is our cleanest fossil fuel. It is one reason that we have so many provisions in this bill to encourage natural gas.

Our provisions on alternative fuels in which we will require some 4 million alternatively fueled vehicles to be on the road by the year 2000, I believe, will greatly encourage the use of compressed natural gas and in the process will: First, give the consumers a break; and second, will improve the environment immeasurably and dramatically because of the lower degree of pollutants contained in natural gas.

So, Mr. President, natural gas cannot spill. Also very interestingly and very importantly, that trillion cubic feet that I am talking about is not serviced out of Florida but rather serviced out of Mobile. That is to say that the workers go out in crew boats which are headquartered in Mobile. All of the activity is from Mobile because it is very close to Mobile Bay and the gas will be landed at Mobile Bay by pipeline. The pipeline is not yet constructed, but when constructed it will be landed at Mobile Bay.

So, Mr. President, you sort of scratch your head and say, "Well, you know, it really does seem that logic and science is on your side," and it is, Mr. President. It is. Ninety-eight percent of the spills come from transportation, 2 percent from offshore drilling—and we are talking natural gas which cannot spill. We are talking in the terms of the 2 trillion cubic feet that will be serviced and landed not from Florida.

Mr. President, I fully understand that my colleagues are compelled by perhaps citizens of Florida who do not understand the logic of what I am saying, who may have an emotional attachment to tankers as opposed to natural gas and pipelines. Who knows? But the logic is there, Mr. President. So at the appropriate time, I will offer that amendment.

While I am at it, I would like to give my colleagues a pop quiz. The pop quiz is on the economy; that is the general subject. And the specific subject is: where have we lost the most jobs? The possible answers are: Textile mill products and the answer is no, we have not lost the most jobs in textile mill products, because since 1981, we have only lost 156,000 jobs in this country from textile products.

Well, if you wanted to answer chemicals and allied products, you would also be wrong, because we have only lost 20,000 jobs there since 1981.

Well, how about motor vehicles and equipment? We have only lost there, since 1985, 108,000 jobs. So, obviously, that cannot be right.

Electronics and electrical equipment; if you guessed that, you would also be wrong, even though we have seen the Japanese take over televisions and VCR's and computer chips, and all of those things. But the loss of jobs is only 277,000 jobs.

Well, how about steel? Everybody knows that steel and blast furnaces and that sort of thing, once America's great premier industry, is now a mere whisper of its former self. But you would be wrong, Mr. President, if you guessed that, because we have only lost 246,000 jobs.

If you are getting close to the answer now, and guess what I am about to say, you are right. The fact of the matter is, the industrial sector that has suffered the greatest job loss of all is oil and gas extraction, which since 1982 has lost 317,000 jobs.

Mr. President, job loss is also an important factor to consider at a time when this economy is in a tailspin, and Pat Buchanan is in New Hampshire with a TV ad that says "The people in Washington act like they do not care." Pat Buchanan says, "I care."

Well, Mr. President, we care. And this is the area of greatest job loss of any industrial sector in the United States. So what we are saying is, yes, consider the environment, but let us do it from the standpoint of logic. And logic says that pollution comes from tankers, not from offshore oil drilling. Logic says that pollution comes from oil, not from natural gas. The pollution concerns of Florida come from activity undertaken from the Florida coast, not that taken from another State—Mobile, AL.

Mr. President, I know it is hard to vote against anything that has any kind of environmental label on it, even if it costs jobs, even if it is not in the national interest; it is still hard to vote against such an amendment. When it comes to natural gas—clean burning, nonpolluting, both in its burning and in its production—I say it is time that we are governed by science and logic.

Mr. President, I yield the floor.

Mr. GRAHAM. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Florida has 12 minutes remaining.

Mr. GRAHAM. Mr. President, let us talk about logic and emotion. The President did not act out of emotion when he ruled in 1990 that a previous Secretary of the Interior had acted against the national interest in leasing 73 sites south of the 26th latitude, in some of the most environmentally and economically related to the environment and sensitive areas in America, for oil and gas exploration. The President did so out of what he thought was the national interest, and what he implicitly said was a failure to take into full consideration the national interest when those leases were originally granted.

Mr. JOHNSTON. Will the Senator yield?

Mr. GRAHAM. Yes.

Mr. JOHNSTON. The Senator is aware that we are agreeing with him on that?

Mr. GRAHAM. The Senator is agreeing in part. When we start to debate

the Senator's amendment, we will see whether he has carried the logic of his protection of this area as fully as is consistent with the President's assessment of the special importance.

Second, the Senate Energy Committee voted in committee to provide for a moratorium off the coast of New Jersey and California. The full Senate, by amendment, has extended that moratorium to the States of Washington, Oregon, and Massachusetts.

Is someone going to defend the logic of saying that those States deserve a moratorium against any re-leasing or leasing activities to the year 2000, but to the State of Florida, with the longest coastline in the continental United States; with the only subtropical area within the United States; with a rich treasury of environmental resources; with an economy which is inexorably tied to the protection of those environmental treasures, and that the State of Florida does not deserve a moratorium on new lease activity through the year 2000?

Someone will need to defend the logic of that distinction.

Mr. President, the issue has been raised about natural gas; that natural gas is a benign resource and is not environmentally threatening. I point out that there is no limitation in this series of leases that have been granted that they can only be used for natural gas. They are available to be explored and extracted for whatever is found. I am certain that if petroleum is found, it will be pursued as aggressively as natural gas.

Second, if the issue is natural gas—unlike petroleum, in which the United States has a finite amount of resources remaining, and which I think a very legitimate objective of U.S. national energy policy is to husband and conserve our remaining petroleum resources—the fact is that the United States has an abundance of natural gas. There is no issue that the United States needs to be exploring and extracting in these highly environmentally sensitive areas in order to meet any legitimate national need—energy, economic, or otherwise—relative to its supply of natural gas. What is threatened is the economy of Florida.

Our State is one which depends upon areas of the economy such as tourism, fishing—both commercial and recreational—on second homes, persons coming for retirement. Those are fundamental to our economy. All of those are at jeopardy by improvident activities such as those that have taken place within the last decade.

What we are essentially saying, as are California, Massachusetts, New Jersey, Oregon, and Washington, is let us have a hiatus, a hiatus from now until the year 2000 to see if we cannot make this Outer Continental Shelf Program a program that is compatible with the diverse needs and interests of our Nation, incompatibility, which was certified by the President's imposing by Executive order prohibitions on actions that had been taken just a decade earlier by the then Secretary of the Department of the Interior.

Mr. President, I believe that the logic is that if this Senate has decided it is appropriate for other States to have the benefit of a hiatus to the year 2000 for new oil and gas exploration and leasing, it is clearly appropriate for the State of Florida to have that same protection.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The junior Senator from Florida.

Mr. MACK. I thank the Chair.

I wonder if I might be permitted to use the map of the State of Florida.

Mr. JOHNSTON. Yes.

Mr. MACK. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes and 40 seconds remaining.

Mr. MACK. Thank you, Mr. President.

Mr. President, I would first like to address my comments to the point that was made about science and logic being on one side and politics and emotion being on the other.

In taking a look at the comments made with respect to job loss, I suggest that job loss in this particular industry came more as a result of the decline in the value of oil prices as opposed to some moratorium off the coast of Florida. The Senator is absolutely right, there is emotion in it. There is a great deal of emotion in it. You go down to the Florida Keys and youngsters no taller than that, the only thing they are concerned with is their future, their environment. You talk about loss of jobs, their concern is loss of jobs in the fishing industry, the loss of jobs in recreation. So, yes, the Senator is right. There are some scientific aspects to this and economic aspects, and when we look at it from the standpoint of the State of Florida, the environment is our economy.

The Senator refers to southern Florida as being the areas of sensitivity, and again I agree with him. But we also think that the areas up around the panhandle are sensitive, sensitive both from emotional and from the economic perspective. There is what is referred to as the loop current, which comes up from the Yucatan Peninsula, works its way up into the gulf and back down across this very sensitive area. As far as I know, there is a possibility that oil could be struck, and if ever there was to be a spill, it could come down into this very, very sensitive area in south Florida.

So, again, I say that I agree with the Senator in the sense that science and logic is part of it, but also there is the emotion.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. MACK. I am delighted to yield.

Mr. JOHNSTON. With respect to the Florida Panhandle, the Senator is aware that there is no oil now being produced, and is he further aware that the statement on behalf of the American Petroleum Institute before the Energy and Natural Resources Committee states that north of the moratorium area, this being the moratorium area, the industry has 234 active leases, of which 165 are within the 100-mile buffer zone proposed in S. 734. In fact, Chevron and its partners have already made a significant gas discovery which extends over several leases within the 100-mile buffer zone. This discovery is dry natural gas, and Chevron does not even expect to find traces of liquid hydrocarbon with future drilling.

The Senator is aware that it is the position of API that there is not only dry natural gas found but that is what they expect from the standpoint of geology.

Mr. MACK. I appreciate those comments and would say to the Senator that we have heard many cases in the past where statements were made that there would not be oil found or something would not occur, but, in fact, it does take place. Again, our concern is protecting our coast. We do have concerns about what may occur in that area, and it seems to me both logical and important for our State, for us, to pursue this particular issue.

The Senator mentioned earlier, also, about the thrust of the argument being that there is more damage as a result of transportation as opposed to drilling. I think that, at least from my perspective, a number of us have tried to approach that issue by supporting the concept of double hull tankers. It is not as if we are ignoring that issue.

Again, we see potential danger in many different areas with respect to our environment, and wherever we see that potential danger, we are going to pursue it.

So, again, I agree with the issue about loss of jobs. We say in our State the potential loss of jobs in areas of recreation, fishing, and so forth are very important to us.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, I yield to the Senator from Wyoming such time as he may desire.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, one of the ultimate ironies in these kinds of debate is that a vote can make you green and at the same time make Florida brown. The amendment raises serious issues which the Senate should consider. Potential threats from oil and gas leasing on the Outer Continen-

tal Shelf on the coastal environment of Florida or any other State are certainly legitimate subjects of inquiry. I have no quarrel with that. That inquiry cannot start with the premise that any development is inherently destructive, which this amendment does. That is a fallacy of this as well as the other threatened moratoria.

Now, another fallacy that has already been mentioned is the equation of oil and gas. Whatever the potential concern may be with respect to oil production, the situation is far different, and the Senators from Florida simply do not recognize or will not admit to that difference. Production from the Destin Dome off the panhandle would be gas which, as Senator JOHNSTON said, would likely go to Mississippi.

Another element which the sponsors avoid mentioning is that Florida currently imports most of its energy in tankers at three major ports: Port Everglades, Jacksonville, and Tampa. Petroleum and petroleum products account for slightly more than one-third of all the freight handled at those three ports and almost 80 percent of the traffic at Port Everglades. The Senators would not, I suggest, vote for an amendment that would stop that tanker and barge traffic off the coast. Double hulls or no double hulls, I suggest they would not accept such an amendment.

According to the information received by the committee, in 1987 that amounted to 2,174 tanker trips and 4,433 barge trips. There is nothing in this legislation, nothing proposed by either of the Senators that would protect Florida's environment by prohibiting this traffic. The effect, however, of this continuing rush to terminate all onshore and offshore energy production is that the Nation grows ever more dependent on imports of foreign energy and that importation will come in increased, not decreased, tanker and barge traffic, and at some point we are delighted to consider that environmental tradeoff.

Mr. GRAHAM. Mr. President, will the Senator yield?

Mr. WALLOP. I will yield for a question on the Senator's time.

Mr. GRAHAM. Yes. To maintain separation between natural gas and petroleum, the argument that the Senator from Louisiana is making is that we are only talking about natural gas, that there is not a consideration that these leaseholds had been developed for petroleum.

What is the current U.S. domestic reserves and resources of natural gas?

Mr. WALLOP. I say I cannot give the Senator the answer to that figure right here. I suppose one could obtain it. I do not see what point that has on the argument. The argument that I have been making is that neither Senator from Florida is at all interested in eliminating barge or tanker traffic, which is a far greater threat to their environment than is the production of oil offshore.

Mr. GRAHAM. We dealt with that issue last session.

Mr. WALLOP. I say to my friend we did no such thing.

Mr. GRAHAM. Under legislation that was designed to enhance the safety of vessels transporting oil into our ports, which we strongly support.

Mr. WALLOP. I agree with my friend, but it did not eliminate the risk, and it did not eliminate the 1,500 times the risk—nor will it—that there is in offshore production. What the Senator is doing is raising a false flag with the environment.

Mr. GRAHAM. It seems to me it is inconsistent to argue that there will be no oil produced in these leaseholds and yet that the legislation is deficient because it does not deal with it.

Mr. WALLOP. Mr. President, I would say to the Senator——

Mr. GRAHAM. The question I would like to ask as it relates——

Mr. WALLOP. I reserve my right to the floor.

The PRESIDING OFFICER. The time is controlled by the Senator from Wyoming.

Mr. WALLOP. I would say to the Senator from Florida, I am simply not arguing that there will be no oil production up there. The likelihood is minimal. But whether or not it is produced, the fact is that the Senators from Florida make no case for eliminating the barge and tanker traffic which is 1,500 times more dangerous than the production of oil and gas.

So I say that it is posturing to say that in this instance you are looking out for the environment of Florida. If you are, you have to take the environmental tradeoff of transportation.

Now my concern is sincere. And the Florida Senators will know that in 1988 the barge off Tampa lost more than 126,000 gallons of diesel fuel into the ocean. Mr. President, that single spill was nine times larger than all the oil spilled from all the Outer Continent Shelf production facilities throughout that year from the entire Outer Continental Shelf. Let me say that again: Nine times larger in one barge spill. If potential natural gas production off the panhandle is such a threat, then Congress should respond immediately by prohibiting the far greater threat from tankers and barges.

A final concern is the cost of enactment of this measure. Mr. President, Florida quite understandably believes that the Federal Government should assume the full cost of lease cancellation. Florida's position is understandable but not persuasive. Not only will the Federal Government lose future revenues based on royalties of the production, but will also incur significant costs to the compensation of lessees. Those costs, Mr. President, are not free. The argument here is made as though this thing can take place and at no expense to anything else. They come at the expense of funding for alternative energy.

They come at the expense of wetland protection. They will come at the expense of funding for the Everglades and Big Cypress, as well as Biscayne National Park and Gulf Islands National Seashore, as well as matching funds available for local efforts under the land and water conservation fund. Is the potential threat from production of gas at Destin Dome and other leases worth that tradeoff?

Just so that we understand the magnitude of the figures we are talking about, the GAO and Mineral Management Service figures for the 73 leases south of 26 degrees north latitude and east of 84 degrees west longitude range from $270 to $497 million assuming cancellation in 1995. If we include all the leases off Florida, including those off the panhandle, we are talking about an order of magnitude larger.

The Appropriations Committee better be listening because this Senator has no intention of eliminating all funding for the land and water conservation fund, the historic preservation fund, the land acquisition for the National Park System, the Wildlife Refuge, and other areas as well as a cutting back on the Park Service, Bureau of Indian Affairs, and other agencies just so we can buy back those leases.

While the issues presented in the legislation are interesting and they are worthy of consideration, I hope the sponsors are prepared to tell us why that potential production is more of an environmental threat to Florida than the 11.3 million tons of the petroleum and petroleum products which annually enter at Port Everglades and what Federal programs under the Interior account should be zeroed out so the Federal taxpayers can assume the cost of lease cancellation.

Let me just say something else. The junior Senator from Florida was quite correct, Mr. President, when he said that the price has something to do with the decline in American production and jobs. But it does not have to do with this line, Mr. President, which shows domestic exploration for oil and gas declining, and is now less than the foreign exploration, of American companies.

We are driving America's companies offshore. Japan did not make us do that, Mr. President. Congress made us do that. We are driving American companies and American jobs offshore. This money is going to be spent. Make no mistake about it. And when you buy the leases back from Texaco, they are going to spend the money in Indonesia, not America. That is the real issue here.

There is the issue of the threat of Florida's environment, but it is not

satisfied by increasing tanker and barge traffic to the exclusion of domestic production. And it is not satisfied by accepting a risk that is literally 1,500 times greater than that posed by the production off their shores.

I yield the floor.

Mr. JOHNSTON. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Louisiana has 4 minutes remaining. The Senator from Florida has 6 minutes and 20 seconds remaining. The junior Senator from Florida has 4 minutes remaining. And that is all the time remaining on the first-degree amendment.

Mr. JOHNSTON. Mr. President, I am prepared to go ahead and offer the amendment, unless the Senators have further to talk about on their amendment at this point.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I understand once the second-degree amendment is offered by the Senator from Louisiana, there would be no further debate for the underlying amendment.

I would like to use some of my remaining time to respond to a couple of points that have just been made.

One, there is absolutely no relationship between the issues raised in this amendment and tanker traffic into the State of Florida. No case can be made that whatever we do on this amendment will have one scintilla of impact on the number of barrels of oil that will be brought into the State of Florida or any other State by tanker traffic.

It is an interesting issue. It is an issue that we have dealt with in the past. And if, as the Senator from Wyoming suggests, we have not adequately dealt with it, we have not provided sufficient safety in terms of tanker traffic, then he sets an important agenda that we should continue to pursue.

Whatever we do on this amendment will have absolutely no impact on the number of barrels of oil that will be imported into the State of Florida or any other place in the United States or elsewhere by tanker.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. GRAHAM. Yes.

Mr. JOHNSTON. I do not understand that. Because to the extent that we pipeline natural gas in from the OCS, it will be an energy source which will displace crude oil. As a matter of fact, one of the central themes of this bill is to displace gasoline with compressed natural gas, to displace other fuels with natural gas in the generation of electricity. In that sense, I think it would clearly displace the importation of crude oil.

Mr. GRAHAM. I will ask the Senator from Louisiana the question I was going to ask the Senator from Wyoming relative to natural gas. What is our current annual consumption of natural gas in the United States?

Mr. JOHNSTON. I believe it is about 20 trillion cubic feet per year, as I recall. I cannot give you an exact figure. But that is correct within one trillion cubic feet.

Mr. GRAHAM. According to the information we have been provided by the Congressional Research Service, there is currently in the United States a total reserve of natural gas of 169.346 trillion cubic feet, and there is an estimated undiscovered natural gas resource within the domestic United States of 399.2 trillion cubic feet, or approximately 569 trillion cubic feet of natural gas available in the United States. Are those numbers consistent with what the committee has?

Mr. JOHNSTON. Mr. President, I have from the Minerals Management Service a reserve estimate. It says the reserve estimates, defined as known quantities of oil and gas found and in place, it says offshore is 41.7 trillion cubic feet, and onshore is 134.5 trillion cubic feet, or a total of 176.2 trillion cubic feet. Now those are reserve estimates. I do not think that is proven reserves; I think that is estimated reserves.

Mr. GRAHAM. The information we have would indicate that we have well over 100 years of domestic supply of natural gas at current levels of consumption.

Mr. JOHNSTON. This would not indicate that. This would indicate that reserve estimates would be, if it is 20 trillion cubic feet, that is about 7½ years of supply according to the Minerals Management Service.

Mr. GRAHAM. Is my colleague just talking about offshore resources or all resources?

Mr. JOHNSTON. Offshore was 41.7 tcf, or the equivalent of about 2 years; the onshore was 14.5 tcf, or 6-plus years.

I think what the Senator has heard, from my friends at AGA—the American Gas Association—for whom I have great respect, they are talking not about proven reserves but about what they hope to discover.

I think the potential natural gas base is very great. I think you will find that a large part of that is contained, the potential natural gas base, off the Florida panhandle. So it is that which they hope to discover, and I think they can if they are allowed to drill, and if we do not put it all off limits.

Mr. GRAHAM. My position relative to the energy policy implications in this would be that with this substantial domestic reserve of natural gas, there is no compulsion for us at this time to be offering new leases. We are talking about new leases during the period from now to the year 2000 in one of the most sensitive areas of the country, having already made the policy judgment that it was inappropriate to offer new leases in those areas in California, New Jersey, Washington, Oregon, and Massachusetts.

Mr. JOHNSTON. I will tell my friend this is not a sensitive area in terms of geology, in terms of drilling. It may be politically sensitive.

So far as we know, out off the Florida panhandle is a smooth bottom that does not have difficulties. There are no reefs, grass areas, those kinds of things such as you have down below the 26th parallel. That is why we treat differently and we would put off limits in the amendment I proposed that below the 26th parallel, from that above it, particularly in the panhandle.

The PRESIDING OFFICER. The time of the senior Senator from Florida has expired. The Senator from Louisiana has 3 minutes and 46 seconds remaining.

The junior Senator from Florida has 4 minutes remaining.

Mr. MACK. Mr. President, it would be my intention to yield back some of my time to my colleague, Senator GRAHAM, if he so planned to use it.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I appreciate the courtesy of Senator MACK. I would just conclude by saying that we have, I think, a basic issue of equity. Having already granted a moratorium to the year 2000, for reasons that were persuasive first to the committee and now the full Senate, to other coastal States, then there would have to be in my judgment a standard of fair treatment applied to the State that has one of the most sensitive environments to Outer Continental Shelf drilling.

Second, we are talking about a resource of which the United States has an abundance. Drilling this is not an urgent national energy necessity. I would argue national energy policy ought to be one that looks deep into the 21st century, and that such a policy would be consistent with husbanding our resources, particularly in the areas that have the greatest environmental economic, safety sensitivity.

Finally, I believe that we are dealing here with an issue that is a mixture of what is good environmental policy, what is good energy policy, and what is the policy that will best serve the long-term interests of this Nation. The answer to those questions in my judgment is to place, as we have already done for other significant coastal States, the coast of Florida off limits from now until the year 2000 for new oil and gas leases or prelease activities and use this period of time to do the kind of studies that were not done in the early 1980's and that have largely created the very problem that we now are having to deal with.

We would not be talking about these potential serious expenses to the na-

tional Government, expenses that the President of the United States has found to be appropriate and called for, because a previous Secretary of the Interior had leased areas where they should not have done so.

That is the kind of behavior we are trying to put at least a temporary halt to while we can arrive at a more intelligent environmentally and economically sensitive policy, in terms of the use of our Outer Continental Shelf.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I will shortly yield the remainder of my time to the Senator from Arkansas, and I will tell him, if he runs out of time on this amendment I am going to put in a second-degree amendment on which I will have additional time, so he can speak on that.

The second-degree amendment which I will put in will put off limits everything below the 26th parallel, which is all that sensitive area that we all know so well that we are concerned about. It will authorize a direct buy-back for those leases. So with that I yield the remainder of my time to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, it is always with reluctance I oppose my good friend, the Senator from Florida [Mr. GRAHAM]. In this case there is an equitable argument that can be made. I have a constituent in my State who, along with Conoco and Chevron, has invested $63 million and found 1 trillion cubic feet, 40 miles south of Pensacola, 23,000 feet down. This find—which is dry gas, no condensate is as environmentally safe as anything on the Outer Continental Shelf. These companies, and others, believe that significant additional amounts of dry gas is likely located in other tracts off the Florida peninsula.

To now say to those people we are going to take such additional finds away from you even though you went out and did what we have been telling you to do, explore and find, is preposterous.

The Senator from Florida, I do not know where on Earth the figure of 100-year gas supply came from, when I came to the Senate and joined the Energy Committee, along with my colleague from Louisiana, the reserves at that time were considered to be 216 trillion cubic feet, and we were consuming about 17 trillion cubic feet a year. Today we are consuming more and we have less than 200 trillion cubic feet of gas in reserve.

We now have the Clean Air Act to comply with. The demand for natural gas is certainly going to escalate as we implement that bill. In addition, we are importing over 40 percent of our oil today. The pressure to eliminate that trade deficit, or lower it, is going to become irresistable. And the only way we can do that is to start using more natural gas.

This amendment would be terribly unfair, not just to their people but to the American public. The gas is likely there. It is dry. It is producible. And to come along and say that you cannot do anything with that reservoir now is just so blatantly unfair, environmentally you cannot have a better find.

I have always voted for these bounds on Outer Continental Shelf drilling and so on, but I simply cannot this time. I cannot in the name of fairness, I cannot in the name of environment, I cannot in the name of a serious energy policy in this country, support this amendment.

Mr. GRAHAM. Mr. President, will the Senator yield to a question?

Mr. BUMPERS. I will be happy to.

Mr. GRAHAM. Does the Senator understand the amendment only deals north of the 26th latitude with new leases between now and the year 2000? It would not affect leases which are already in place.

Mr. BUMPERS. Yes.

The PRESIDING OFFICER. The Chair informs the Senator the time under the previous agreement allocated to Senator JOHNSTON has expired.

Mr. JOHNSTON. Mr. President, has all time expired on this amendment?

The PRESIDING OFFICER. The junior Senator from Florida [Mr. MACK] has 1 minute allocated to him.

Mr. GRAHAM. Mr. President, Senator MACK yielded the remainder of his time to me. Can I yield that time to the Senator from Arkansas for purposes of a question?

The PRESIDING OFFICER. That will be the order.

Mr. BUMPERS. My information is there is such a tremendous amount of natural gas there I would be reluctant to say we cannot explore for that gas right now.

Mr. JOHNSTON. Will the Senator yield?

Mr. BUMPERS. Yes; I am yielding the time he gave me.

Mr. JOHNSTON. There is a difference in protecting the reservoir and protecting the lease.

Under the amendment of the Senators from Florida, then, that trillion cubic feet which has been found—there is no prohibition on producing that. That is true.

But the same reservoir, the same province, the same natural gas supply which is indicated by this could not be leased.

Mr. BUMPERS. Is the Senator talking about other leases on the same reservoir?

Mr. JOHNSTON. That is exactly right, and the Department of the Interior does, in fact, want to have more leases for natural gas.

The PRESIDING OFFICER. The Chair informs the Senate that the time allocated under the previous order has expired with respect to both sides of the debate.

AMENDMENT NO. 1647 TO AMENDMENT NO. 1646

(Purpose: To provide for a leasing moratorium off southern Florida and for other purposes)

Mr. JOHNSTON. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 1647 to amendment No. 1646.

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

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

The amendment is as follows:

In the pending amendment, strike all after "SEC. ." and insert in lieu thereof the following:

"FLORIDA MORATORIUM.—The Secretary of the Interior shall not prepare for or conduct any preleasing or leasing activity under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) until after January 1, 2000, with respect to that area offshore Florida south of 26 degrees north latitude and east of 86 degrees west longitude placed under restriction in the President's moratorium statement of June 26, 1990.

"SEC. . BUYBACK OF CERTAIN LEASES.—Notwithstanding the provisions of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), the Secretary of the Interior is authorized and directed, subject to the availability of funds appropriated for that purpose, to cancel and buyback leases issued under the Outer Continental Shelf Lands Act offshore Florida south of 26 degrees north latitude and east of 86 degrees west longitude, consistent with the provisions of this subsection. Any lease canceled pursuant to this provision shall require full compensation. Such compensation shall include all expenses incurred on the lease, with interest, including expenditures made prior to lease issuance unless the lessee proves that it is entitled to greater damages, including but not limited to, lost profits, or the Secretary proves that the lessee is entitled to lesser damages. Any other leases canceled pursuant to the Outer Continental Shelf Lands Act shall require compensation in accordance with that Act. The authorization contained in this subsection shall expire on December 31, 1993.

"SEC. . REPORT.—With respect to all leases issued under the Outer Continental Shelf Lands Act offshore Florida east of 86 degrees west longitude and south of 26 degrees north latitude, the Secretary of the Interior shall prepare a report analyzing the alternatives for exchanging such leases for any other land or interest in land, including submerged lands, owned by the United States as a means of providing compensation for the cancellation of such leases. Such report shall be submitted to the Committee on Energy and Natural Resources of the United States Senate and the United States House of Representatives within one year after the date of enactment of this provision."

The PRESIDING OFFICER. The Senator from Louisiana is recognized under the terms of the previous order.

As I understand, the Chair is informed that there is 1 hour equally divided, with 30 minutes under the control of Senator JOHNSTON and 30 minutes under the control of Senator GRAHAM.

The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, I was talking about this discovery off Florida has a trillion cubic feet, as the Senator from Arkansas says—and I think you call it proven reserves—it has been discovered, it is ready to go.

There is in the same immediate area, I think I am correct in saying on the same structure—I do not know whether it is the same reservoir or whether the same structure—an additional trillion cubic feet, and the Department of the Interior thinks that we have now a very, very rich area for natural gas for which they want to have additional leases and which those who have made this great discovery would certainly be interested in.

So in terms of the Nation's need for natural gas, this resource is there.

Mr. President, again, what the amendment which I have just sent to the desk does is three things: First of all, it puts off limits from further leasing all of this, below this 26th parallel which is the sensitive areas. Those leases which have already been granted down there and, believe me, there is a very hot difference of opinion as to whether they can be produced safely or not. We are not arguing that. We are saying we will go along with those who say you cannot drill down there and we authorize and direct a buyback of those leases. That authorization and direction is subject to appropriations and lasts through 1993 under that special authority.

But under authority already granted in the OCS Lands Act, if you can comply with the conditions thereof which shows that there is an environmental problem, that authority to buy back lasts virtually forever, as long as the OCS Lands Act lasts.

What we are saying is we are going to cut through all the science, cut through the geology, cut through the biology, and we are going to make that determination right now and just authorize and direct the buyback of those leases.

We do permit this very rich offshore area in the panhandle of Florida, which is natural gas, to go forward.

Mr. President, as I stated at the outset, here are the facts. The problem with oilspills is on tanker traffic and related matters, 98 percent of oilspills are due to that, according to the National Academy of Sciences. Only 2 percent are from offshore production. None of this 2 percent is due to natural gas because natural gas does not spill, cannot spill, cannot pollute beaches, cannot be of any harm at all.

There are sometimes natural gas liquids produced with natural gas. The natural gas off the Florida panhandle, as we have heard described, is dry gas. That means it does not have natural gas liquids. However, even when there are natural gas liquids, these are very light fractions of the petroleum barrel. They are basically like gasoline.

In effect, you can take natural gas liquids and put them right in your gas tank. They do not pollute beaches because they are so light, there are no tar balls connected with them. If there was a discovery that contained natural gas liquids off Florida, which there is not, first of all, the natural gas liquids would be a very light fraction.

Second, it would be subject to the 98 to 2 proportion, that is, 2 percent comes from oil spills and 98 percent comes from other areas. But even if you were in that 2 percent probability, natural gas liquids simply evaporate and do not become a problem with beaches.

So, Mr. President, I say to my colleagues, it is time to be logical and it is time for my friends from Florida—I wish they could declare a victory because we are giving them, believe me, a very big victory for those who wish to restrict drilling in Florida. We are saying no production south of that 26th parallel, and we are going to buy that back, we are going to direct that that be done.

What we do is proceed with natural gas up in the Florida panhandle, again considering that is not even landed in Florida. It is going to be pipelined in Mississippi. It is not even serviced from Mobile. It is serviced, that is the crew boats go out, the drilling rigs, whatever, go out from Mobile Bay and not from Florida.

So, Mr. President, I think the case for this amendment is overwhelming, and I wish that my colleagues from Florida would accept yes for an answer, declare a victory, and let us proceed to final passage.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, just one additional point.

We talked about the 98 and 2, 2 percent of oilspills come from offshore production.

I might point out in the State of Florida, it appears they have a serious spill there every 2 or 3 years. For example, there was a vessel named *Exxon 503* which was a barge that in 1988 spilled off Tampa with 126,000 gallons. We have had spills from the *Garbis* tanker off the Straits of Florida in 1975; a barge named *New York* spilled in 1977. Apparently, the same barge spilled in 1980; another big spill in 1984.

Mr. WALLOP. Will the Senator yield just for an observation on that?

I point out that Tampa barge spilled nine times more than was spilled in the entire Outer Continental Shelf production in that year. That one transportation accident was nine times more than what was spilled of the entire production off the continental United States.

Mr. JOHNSTON. Will the Senator agree with me that there was not one teaspoon of natural gas spilled on beaches?

Mr. WALLOP. Absolutely.

Mr. JOHNSTON. Mr. President, I yield to my colleague from Wyoming such time as he may wish.

Mr. WALLOP. I thank the Chair.

Mr. President, I am reluctant to support this amendment although I do because it is so much better than the underlying amendment.

I say to my friends from Florida the Senator from Wyoming is at least consistent. I opposed the moratorium in committee, and I opposed the other one for the simple reason that they are done solely on the basis of emotional politics, which I understand and every one of us in here understands. But we have had no hearings, we have had no demonstration of threat, we have had no information presented that would weigh in the balance, one threat versus another, that which comes from transportation or that which comes from production.

So the most important thing to recognize here, Mr. President, is that what Senator JOHNSTON, the chairman, is seeking to do is to maintain some equilibrium for the taxpayer of the United States and the citizens of the United States who are entitled to the resources of which they are the owner and beneficiary. What is bad about these moratoria is they pit States against one another without benefit of hearing and without demonstrated risk.

Now, the production off the shores of Louisiana, I would say to my friend, the chairman, has been going on some time now, and my guess is that Louisiana would not have traded that for a perfectly benign environment off their shores.

Is that a fair judgment?

Mr. JOHNSTON. That is correct.

Mr. WALLOP. Mr. President, therein Louisiana has been the beneficiary, but so, too, have been Americans—Americans in Wyoming, Americans in Idaho, Americans in Maine, Americans in Florida. And each time we go to this, I would say to my friend, the senior Senator, you are robbing money, literally money, from the natural resources accounts of America that goes to pay for things in Florida, as well as other places, for no demonstrable risk diminution—no demonstrable risk diminution—and I think that is the most important statement that you can make.

We all understand the politics of it, but in this instance my guess is that Floridians have no diminished chances of spoilage on their reefs and beaches if this amendment or the underlying amendment were to pass, because the risk of damage to the reefs and beaches

comes from transportation. And the more we deny ourselves production of the clean fuel, natural gas, the more likely it will be replaced by imported oil and petroleum products, all of which are extremely dangerous and threatening to those reefs and beaches and marine life.

Mr. President, I hope this amendment of the Senator from Louisiana prevails, and I hope the Senators from Florida take him up on his offer to declare victory and let us move to final passage.

Mr. President, as I stated before, it is with considerable reluctance that I support the amendment offered by the chairman of the Energy and Natural Resources Committee. I do so because it recognizes the current reality for continuing offshore production and because it is honest in its approach to lease cancellation. That does not make it good policy, but it is infinitely preferable to the alternatives being cast about by those who want to keep consuming, at taxpayer expense, but who flinch from sharing in the burdens of production.

In committee, I voted against the two moratoria contained in the legislation. I think both were bad policy and had the single redeeming social value of having actually been considered by the committee of jurisdiction. I am equally opposed to moratoria for Florida, Washington, Massachusetts, or elsewhere. I find it inconceivable that those States which are so dependent on petroleum and which already have so much tanker and barge traffic along their coasts would think that increasing that traffic rather than developing offshore resources—especially gas resources—is an environmental plus. The logic completely escapes me.

I wonder whether the next time a tanker goes aground in Puget Sound, or at Port Everglades, or off the coast of Maine or Cape Code, the Senators from those States will go home and say that everyone should be happy because they stopped production of natural gas 70 or 100 miles offshore? Perhaps, but I think not.

There is a difference between the discretion exercised by the President in wanting to conduct further environmental studies and the motives of those who forced this amendment. The difference lies in the chasm between responsible review leading to decisions which may or may not involve future leasing and a wholesale flight from responsibility toward ever greater energy dependence and the environmental threat which increased tanker traffic will bring to our shores.

I do want to congratulate the Senator from Louisiana in his approach to lease cancellation and buyback. I do not agree that we should do that, but he is honest that if we go down that road it will require appropriations. The original legislation offered by the Senator from Florida played fast and loose with both the budget and the Constitution. The idea that we could simply freeze the use of private property and then somehow borrow from future possible lease sales to compensate for an eventual buyback simply is not workable.

The Supreme Court was fairly clear in the First English case that a taking is a taking, even when it is only for a brief period. I understand compromise, but compromising on the Constitution causes me some considerable heartburn.

Mr. President, I support the amendment offered by Senator JOHNSTON and I urge its adoption. The alternatives simply have no bearing on any rational national policy and most certainly have no business being even discussed in the context of legislation which is designed to decrease not increase our dependence on imported energy.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. GRAHAM].

Mr. GRAHAM. Mr. President, I certainly wish we could declare victory, but it would be a hollow and insincere victory.

The reality is that just as this Senate has already decided for the States of California, New Jersey, Oregon, Washington, and Massachusetts that protection of their coasts against new lease activities to the year 2000 is in the national interest, no one suggested we split New Jersey someplace north and south of Atlantic City, or split California between Santa Barbara and Ventura, or other internal divisions; rather, they were dealt with as States because not only of the sensitivity of their areas, sound energy and economic policy, but also in consideration of the State totality of interest involved.

Mr. President, the issue has been raised as to the protection of the area south of the 26th latitude, the area that is covered today by a Presidential prohibition against both new leases and the extraction from existing leases, and further a Presidential directive to the Secretary of the Interior to commence the process of buying back those leases.

Under the current law, it would be assumed that that buyback would take place under the provisions of current section 1334 of the Submerged Land Act, which outlines what will be the standards for compensation in the event the lease is canceled.

At this point, Mr. President, I want to insert my own concern about the assumption that compensation is going to be required. As we will be discussing later this afternoon, it could be interpreted that the current Outer Continental Shelf Lands Act gives to the holder of a leasehold interest on Outer Continental Shelf Federal lands a property right; and if that property right is not allowed to mature into a drilling permit, therefore the holder of the lease is entitled to compensation.

I personally disagree with that interpretation. The way in which the Outer Continental Shelf drilling law is structured, many of the most important reviews of the safety and environmental appropriateness of a lease occur after the lease has been granted. For instance, the States have what is called a coastal zone management plan, a plan that is a Federal-State partnership for appropriate management of our coastal resources. One of the requirements of the granting of a drilling permit is consistency with the coastal zone management plan, a judgment which today resides ultimately in the Secretary of Commerce to decide whether there has been a consistent application of the drilling permit to the coastal zone management plan.

All that occurs after the lease has been granted. The position that some would take is that even if it were found to be inconsistent with the coastal zone management plan or with some other environmental or safety requirement, the owner of the lease would be in all cases entitled to compensation.

I think that is a stupid conclusion. And if you want to talk about a result that is a direct attack on the Federal Treasury, it is to give the Secretary of the Interior the right to issue leases without constraint, with the expectation that some of those leases are not going to be usable because they will fail to meet tests such as coastal zone management consistency or other environmental and safety considerations. And then to say to the taxpayers of the United States: You have to pay the company which bought that lease compensation, I think that is an absurd conclusion.

Later this afternoon, we will be discussing a generic reform of the coastal zone management system in order to avoid that conclusion.

Mr. JOHNSTON addressed the Chair.

Mr. GRAHAM. Mr. President, that was all in the nature of an aside to what we are about to discuss, but it relates to the issue that I am going to discuss, which is the difference in the compensation standards in the amendment that had been offered and the compensation standards which are applicable in the underlying OCS amendment.

Mr. JOHNSTON. I will withhold my question. My question was also on an aside.

Mr. GRAHAM. Mr. President, the current Outer Continental Shelf law says that if a lease is canceled and if compensation is required, "such cancellation shall entitle the lessee to receive such compensation as he shows the Secretary as being equal to the lessor"—to the lessor—"of the fair value

of the canceled rights as of the date of cancellation, taking account of both anticipated revenues from the lease and anticipated costs, including costs of compliance with all applicable regulations and operating orders, liability for cleanup cost or damages, or both, in the case of an oil spill, and all other costs reasonably anticipated on the lease."

That is one measure of compensation. The other measure is, "The excess, if any, over the lessee's revenue from the lease plus interest thereon from the date of receipt to the date of reimbursement of all consideration paid for the lease and all direct expenditures made by the lessee after the date of issuance of such lease, and in connection with the exploration or development." Whichever is the lesser of those two standards is what the leaseholder is entitled to upon cancellation.

Now, the amendment that has been submitted does not follow that language in terms of compensation for this one area of America, south of the 26th latitude, an area that is of such environmental sensitivity that the President of the United States in 1990 put it off boundary for both new leases and drilling on existing leases, and directed the Secretary of the Interior to commence the process of buying back those leases. Here is what the compensation will be:

Any lease canceled pursuant to this provision shall require full compensation. Such compensation shall include all expenses incurred on the lease, not as the current law refers to direct expenditures made by the lessee. It will include all expenses incurred by the lease with interest, including expenditures made prior to lease issuance, unless the lessee proves that it is entitled to greater damages, including but not limited to lost profits, or the Secretary proves the lessee is entitled to lesser damages.

So we are going to have a different standard of compensation for these leases south of the 26th latitude than is provided for any other place in the Nation, I would suggest a standard that is likely to result in higher compensation to the holders of those leases in the event they are canceled than to which they would be entitled under existing law.

Mr. JOHNSTON. I wonder if the Senator would like me to explain why there is a difference at this point, on my time.

Mr. GRAHAM. I would like to make the second point and then maybe we could enter into a discussion of how this amendment, relative to the areas south of the 26th latitude, would treat the American taxpayer and treat the interest of protecting this unique area of our Nation.

Before we proceed to compensation, the perfecting amendment carries forward a provision which was in the base amendment relative to directing that a report be conducted. And the report relative to those leases south of the 26th latitude shall analyze the alternatives for exchanging such leases for any and all land or interest in land, including submerged lands owned by the United States, as a means of providing compensation for the cancellation of such leases.

Such reports shall be submitted to the Committee on Energy and Natural Resources of the Senate and the committee in the House of Representatives within 1 year after the date of the enactment of this provision.

So let us assume that this bill should become law by, say, the 1st of June. So within 1 year after the enactment that report would be available.

Then we provide that the provision relative to the direction of the Secretary of the Interior to provide compensation shall be an authorization that will expire on December 31, 1994.

I suggest that the combination of those two provisions, the provision that says a report will be available a year after enactment of this Act—I doubt that the President or the Congress would be prudent in recommending compensation. in whatever form, until that report had been completed. Also, during that period, there would have to be a determination as to whether compensation was entitled, and what the extent of that compensation is. Then, our protection in terms of an authorization for compensation, should that be required, expires on December 31, 1993.

The combination of all of those things, to me, Mr. President, is that we do not have much; that, in fact, there is not any real guarantee that, if compensation is found to be necessary, there will be a sufficiently reasonable period of time under which this alleged authorization to pay for the cost of that compensation would be available.

The fact is it is almost totally unlikely, if not totally impossible, for the steps and conditions of this to be met by December 31, 1993. The amendment that we have offered does not contain any such time limitation on the authority of the Secretary of the Interior to make such payment. Rather, it would be that time which was appropriate, given the directive to conduct a study; the time required to legally determine the extent, if any, of compensation due; and then the time required for the legislative process to enact its will relative to compensating those persons who have leases.

So, Mr. President, in summary, the perfecting amendment is imperfect. It is imperfect, first, in that it does to Florida what it has done to no other State which has been accorded a hiatus in Outer Continental Shelf drilling to the year 2000. That is, it splits the State. In this case, it carves off the southernmost tip of Florida and grants it protection against new leases to the year 2000, which is, frankly, what the President has already granted by Executive order.

Yes, we would like to have that Presidential order elevated to the level of codification in law, but it is not a great additional protection that we are securing. That limited amount of additional protection is diluted by the fact that we are going to have to operate under a different compensation standard than is applicable elsewhere and a standard which, on its face, would appear to be less advantageous to the American taxpayers than is the current law; also, a compensation process which is almost impossible to meet in terms of the time requirements. The report will not be available until a year after the bill is enacted. Then, on December 31, 1993, the authorization to appropriate expires.

The Presiding Officer is an experienced Member of this body. He can estimate when he thinks this bill is likely to become law, and when that 1-year clock is going to tick. He can evaluate whether he thinks it is likely that the Congress is going to be appropriating substantial amounts of money in advance of getting this report. He can evaluate whether there are any reasonable prospects that by December 31, 1993, Congress would be willing and in a position, in terms of the basic information and policy considerations, to make such an appropriation. That relates to the area south of the 26th latitude. To the area north of the 26th latitude, we are naked; no protection against new lease activity.

What is of great concern and distress to me is the aggressive campaign which has been launched in the last few days by the American Petroleum Institute, which indicates that their interest in this is not just theoretical. I do not think they are buying full-page ads in newspapers attacking—and I suggest in a distorted, and I will use the term, "misinformed" manner—the amendment that is being offered unless they had a real and, apparently, a timely interest before the year 2000 in pursuing new leases in the waters offshore of Florida.

Why we would say that Florida is open territory north of the 26th latitude for new lease activities while we have decided that it is inappropriate for California, Oregon, Washington, New Jersey, and Massachusetts to be subjected to that kind of a risk under the current standards of Outer Continental Shelf drilling is a difference of treatment, an unfairness of treatment, that I can neither understand nor tolerate.

Thank you, Mr. President.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the Senator from Florida has discussed the

question of the moratorium, and he has described as a fault or defect in our amendment the fact that it treats differently compensation amounts under the OCS Lands Act and under this amendment.

Mr. President, first of all, it is not a great difference, but it is a necessary difference in order to be legal. Let me explain.

Mr. President, we provide that, with respect to the area below the 26th parallel, which is the central area of Florida, the Secretary of the Interior is authorized and directed to acquire and buy back and cancel those leases. Authorized and directed. He need not make any finding. He may not make any finding, indeed. He may not pass go. He must go directly toward a cancellation, subject only to the availability of money appropriated therefor.

Mr. President, what we say is that, in that instance, he must pay full value. Why must he pay full value? Because the Constitution and the fifth amendment so require it. That is what the due process clause means, that there shall be no taking of private property for public purposes without due process of law, which means full compensation.

We know in the OCS Lands Act that they need not pay full compensation. Why is that? It is because it is a contract between the leaseholder and the Federal Government. The leaseholder buys or bids for the lease, subject to the terms of the lease, and the lease, in turn, takes into consideration the terms of the OCS Lands Act, which specifies certain conditions under which the Secretary may cancel a lease and provides for a formula for compensation in the event that those terms are met and he chooses to exercise those terms.

The terms of that cancellation are, if the Secretary determines after a hearing, that continued activity pursuant to such lease or permit would probably cause serious harm or damage to life, including fish or other aquatic life, that threat of the harm or damage will not disappear or decrease to an acceptable extent, that the advantages of cancellation outweigh the advantages of continuing such lease.

Every lease is made subject to those conditions. It is a condition which binds the Secretary; it is a condition which binds the lessee. The Secretary is bound not to cancel that lease unless, after a hearing, he can make these findings. These are tough findings. They have not been made with respect to that area below the 26th parallel; they simply have not been made. And many people for whom I have great respect say they cannot be made.

You cannot make a case of proving probable harm to the environment below the 26th parallel. We do not make that argument, Mr. President. I say the finding has not been made, and certainly has not been made after a hearing.

The OCS Lands Act is binding on the Secretary, and he may not cancel the lease, unless after a hearing he makes that finding. And it is also binding on the lessee because the lessee must accept a lesser degree of compensation in the event those findings are made. What is the lesser degree of compensation? Well, he gets the lesser of his sunk costs, not including his prelease activity, or market value, which is the lesser.

Our amendment simply says that if you do not use the OCS Lands Act, but rather relay upon this authority which requires no findings at all, not only does it not require any findings, it is mandatory and just tells the Secretary to go do it. Then you have to have full compensation. That is hornbook constitutional law, Mr. President.

Mr. President, it is important to understand that we do not affect the OCS Lands Act in any way. This authority and direction to cancel these leases below the 26th parallel expires at the end of 1993. But the OCS Lands Act lasts forever, or at least until it is repealed. So that the Secretary may at any time utilize his authority under the OCS Lands Act and make the triple findings as required by that act, after a hearing, and cancel the lease pursuant thereto, and pay whatever lesser amount there is between that and fair market value. I submit that lesser amount is probably not going to be much less, but it may be less. In any event, we do not affect that authority at all.

Mr. President, it is really important to understand what our amendment is about. Our amendment says: Cancel and do not lease below the 26th parallel; cancel the leases in this sensitive area. You do not have to make any findings or anything. But up here in the panhandle, where there has been discovered only natural gas, only dry natural gas, that we should proceed, and that we should proceed not only with leases where it has been found, but those where it is likely to be found.

Mr. President, if I may read just a few sentences from a statement submitted by David Lott, vice president of exploration, Chevron, on behalf of the American Petroleum Institute, submitted at our hearing last year on this issue.

He says:

> North of the moratorium area industry has 234 active leases of which 165 are within the 100-mile buffer zone proposed in S. 734. In fact, Chevron, with partners, has already made a significant natural gas discovery, which extends across several leases within the proposed 100-mile buffer zone. The discovery is dry natural gas, and Chevron does not expect to find even traces of liquid hydrocarbons with future drilling.

He goes on to say that:

> If permitted, Chevron plans to transport the gas by pipeline westward and onshore at Chevron's Pascagoula, Mississippi refinery. Florida will be virtually unaffected by our activities.

I said it was Mobile Bay from which they were servicing this. It is even west of that. They will pipeline it all the way to Pascagoula, MS.

He goes on to speak of the Gulf of Mexico:

> We have drilled more than 25,000 wells on the OCS and produced from OCS leases more than 8 billion barrels of oil and 83 trillion cubic feet of gas with no major accident causing significant damage to the environment.

He further says:

> The Minerals Management Service estimates that the northern portion of the eastern gulf may contain 2 trillion more cubic feet of natural gas. Chevron's exploration to date suggests that these estimates are conservative.

Mr. President, the issue is very clear and very simple. We have discovered dry natural gas in the panhandle. It would be pipelined to Mississippi, not to Florida. It will be serviced from Mississippi and Alabama, not from Florida. It cannot even be seen from the beaches. It is natural gas which cannot spill. It is dry natural gas which has no liquids. It is natural gas which has a value, if there are only 2 trillion cubic feet, of $2 billion, or $3 billion, if it is 2 to 3 trillion cubic feet.

If, as expected, these are conservative estimates, it is in the multibillions of dollars. I am advised that there are some industry estimates of gas in the panhandle of 20 trillion cubic feet, which would be $20 billion. The fact of the matter is we do not know.

So, Mr. President, can we not let logic and science triumph in this case over politics and emotions? Here is the problem, Mr. President: Tankers and other uses cause 98 percent of the oilspills, offshore oil production causes 2 percent of the oilspills. Offshore gas production covers no percent of the oilspills.

Mr. President, we are asking to go forward only with that area that is the known gas region. As Chevron says we do not expect to find even a trace of liquid hydrocarbons in this area. Yet there may be as much as 20 trillion cubic feet of natural gas.

Mr. President, I frankly do not know where the environmental community is on this matter. I would assume they would probably be against drilling just sort of as a reflex action. But I can tell you, Mr. President, that the interest of the environment is to harvest this natural gas from the panhandle area.

We are going to need it to comply with the Clean Air Act, and most of us voted enthusiastically for the new Clean Air Act. We need to displace those liquid hydrocarbons. We need to burn clean natural gas to generate electricity, to fuel vehicles, and for a host of other reasons.

Mr. President, it is clearly in the interest of the environment to get natural gas by pipeline rather than liquid hydrocarbons by tanker.

I do not see, frankly, the other side of this argument with respect to the panhandle and natural gas. Again we are talking panhandle and we are talking natural gas. We are talking billions of dollars that belong to the American taxpayers, not to mention the thousands of jobs. So at a time of economic slowdown, at a time of environmental sensitivity, at a time when we need to replace liquid hydrocarbons with natural gas, let us once do what is right for the American taxpayer, what is right for the American worker who needs jobs, at least those who work in this area. Let us do what is right for the balance of payments of this country, for the economy of this country. Let us do what is right for the environment of this country. That is what our amendment does, Mr. President. And I urge that it be adopted.

The PRESIDING OFFICER. Who yields time?

The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, how much time does the Senator from Florida have remaining?

The PRESIDING OFFICER. The Senator from Florida has 13 minutes and 58 seconds.

Mr. GRAHAM. Mr. President, I reserve most of my time for some closing argument, but to focus first on the area south of the 26th latitude, the President of the United States on June 26, 1990, issued his statement in which he stated:

> I have often stated my belief that development of oil and gas on the Outer Continental Shelf [OCS] should occur in an environmentally sound manner.
>
> I have received the report of the interagency OCS Task Force on Leasing and Development off the coasts of Florida and California, and have accepted its recommendation that further steps to protect the environment are needed.
>
> Today, I am announcing my support for a moratorium on oil and gas leasing and development in Sale Area 116, Part II, off the coast of Florida, Sale Area 91 off the coast of northern California, Sale Area 119 off the coast of central California, and the vast majority of Sale Area 95 off the coast of southern California, until after the year 2000.
>
> The combined effect of these decisions is that the coast of southwest Florida and more than 99 percent of the California coast will be off limits to oil and gas leasing and development until after the year 2000.

That is what the President found not just out of a sense of this is a nice thing to do, or an emotional thing to do, but as he stated after a study of the OCS Task Force on Leasing and Development off the coast of Florida and California, he reached the conclusion that it would be appropriate national policy to prohibit both new and existing leases to be developed in the areas south of the 26th latitude until after the year 2000.

Frankly, I think we would be better off letting the Secretary of the Interior go through the process in the current law for cancellation of the leases, apparently a process that already is largely in place since the President's action was based on the same type of information that the Secretary of the Interior would use in making his judgment as to appropriateness of cancellation and rely on the current standards of compensation rather than set up a new form of compensation which will almost surely cost the American taxpayers more money, make it less likely that Congress will in fact appropriate the money because they will see it as being excessive, and setting up a time schedule that makes it almost impossible for the authorization to actually have any meaningful effect.

So, Mr. President, as it relates to the areas south of the 26th latitude, frankly, we would be better off doing nothing than passing the perfecting amendment and let the impact of the President's directives be the governing standards by which we operate.

In my concluding time, after any further comments by the proponents of the perfecting amendment, I would like to reserve time to talk about the issues of the 26th latitude.

Mr. JOHNSTON. I am ready to yield back the remainder of my time if the Senator is ready to vote on this amendment.

Mr. GRAHAM. Mr. President, if there is no further comment by the Senator from Louisiana, I would like to take a few moments to talk about the issue of the areas north of the 26th latitude. I emphasize again, and I have made this statement now at least a dozen times, and I will repeat it yet another time, we have granted a full moratorium on new lease activities to the year 2000 for the States of California, Oregon, Washington, New Jersey, and Massachusetts.

We are now suggesting that for Florida only the southern tip of the State south of the 26th latitude is deserving of that same protection. I would ask someone to explain for me the logic, the basic fairness of that type of an argument. How can we say that it is appropriate to do so for those States and not make it that same protection to the year 2000 while we are I hope working out a more appropriate OCS policy to be applicable to the State which is arguably at greatest risk from the current policy?

I underscore that we are talking about in this amendment new leases being ordered, not as the Senator from Arkansas has suggested, affecting current leases. Current leases will be processed under the current law. We are now making new law as it relates to new leases to the year 2000.

Mr. President, I recently had a very wonderful experience occur in my family. Our daughter, Cissy, and her husband Bill, made us grandparents for the second time 4 weeks ago. As I look into the face of my new granddaughter, Caroline, she makes you aware of your own responsibilities to the future. She has the opportunity of living through most of the 21st century. I believe a fundamental issue that we are debating here today is not just whether we are going to take care of our needs in the next few years but how well we are going to be taking care of America's needs and of Caroline's needs deep into the 21st century.

Frankly, I am operating on some information which says that the United States has an abundant supply of natural gas. That is what knowledgeable spokesmen for the industry and the academic community have stated. Frankly, if that is not the case, then I think we ought to be revisiting whether we should be accelerating the use of natural gas in areas such as electrical generation.

The whole theory of opening up natural gas for uses such as electrical production has been that we have a lot of it, that it is an environmentally desirable source of energy, and that we can and ought to be, therefore, using it. If in fact we have a very limited supply that is expected within the United States, I think we need to go back and revisit those issues. There clearly is no question that we have a limited supply of petroleum and, therefore, the need to adopt a policy that husbands and conserves that petroleum as long as possible.

But I believe that we need to think about what we are doing here for the Carolines of the 21st century. I believe that the policy that we are suggesting, the hiatus to the year 2000 on new leases off the coast of Florida as we have already provided off the coasts of California, Oregon, Washington, New Jersey, and Massachusetts is an appropriate policy in terms of protecting valuable national and in many cases international environmental resources.

It is a desirable policy in terms of conserving our valuable remaining treasury of domestic energy resources. We should certainly be holding those resources that are in the most sensitive areas to the end of our Nation's need for energy, not committing them at a premature state.

Finally, in terms of economic policy, if there is a policy that will certainly beggar the United States, it is a policy of profligate use of our limited fossil fuel. What would America be like if we were totally dependent on foreign sources for natural gas, for petroleum, for the other basic essentials of our industrial and agriculture economy?

I believe that this policy, which says let us hold from now until the year 2000, let us look carefully at these States that have been identified as having special conditions that warrant that defense against improvident new oil and gas exploration, and then let us relook at what our national energy policy should be. Having made that deci-

sion for other sensitive coastal States, I suggest it is appropriate to do so for Florida.

It is appropriate, therefore, to defeat the perfecting amendment that would have the effect of denying this protection to the vast majority of one of America's most sensitive States in terms of the combination of environmental, energy, and economic policy.

Mr. President, it has been suggested that there is some defect in people who are emotional about this issue. Yes; I am emotional about this issue. I recognize, as one who has lived in our State for all of my life, the special qualities that are at risk, the special qualities which have supported and sustained our State throughout its recent history.

I am emotional about the protection of Florida. I believe that it is a State which offers its qualities to the Nation and to the world and that this U.S. Senate would also share that sense of commitment and trusteeship to its protection and in so doing to the long-term energy and economic interests of the United States.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, the Senator from Florida has suggested that we are somehow doing violence to the President's moratorium and treating Florida differently than we have treated other States.

With the State of California, we are essentially carrying out the President's moratorium. He was in fact, faced with a tough political race last time, sensitive to—well, I think the reason, to a large extent, he did it was that California had 52 votes. In any event, he declared a moratorium on all of California, save 87 tracts which had been put under moratorium to the year 1996. And in the Energy Committee, we said, let us do the whole thing until the year 2000.

If that is a departure from the President's moratorium, Mr. President, it is only a slight departure. We have included Massachusetts. Massachusetts was included as part of the North Atlantic. We included New Jersey. I have heard it both ways with New Jersey. I had thought when we included New Jersey it was included as part of the North Atlantic. But in any event, Mr. President, New Jersey is not an oil province. So far as we know, there is no interest. The question, again, is really irrelevant. Again, it is one of these questions of emotion more than reality. There is no oil to be found off New Jersey.

There is, in fact, a difference in how we treated other States, and how we are treating Florida. Because, in addition to giving the moratorium below the 26th parallel which the President has done, we are giving an authorization and direction for a buy back beyond the question of whether or not it is environmentally harmful. No regard for making findings. No need to demonstrate harm. We just tell the Secretary to buy back these leases subject to appropriations below the 26th parallel.

So we are going beyond the President's moratorium.

Mr. President, it is said that you cannot make a silk purse out of a sow's ear. You cannot make an oil spill out of a natural gas well with dry natural gas. We have found 1 trillion cubic feet of natural gas off the Florida Panhandle. There may be 2, 3, as much as 20 trillion cubic feet of dry natural gas off the Panhandle of Florida which, as we have demonstrated from what I have read from those who have found it, will be landed in Pascagoula, MS. It will also be serviced not from Florida, not seen from Florida, incapable of spilling. What it is capable of doing is solving America's environmental problems, in part; solving our balance of trade problems, in part; solving our employment problems, in part; and I think the Senate ought to go with that overwhelming case and approve our amendment.

The PRESIDING OFFICER (Mr. LIEBERMAN). Who yields time?

Mr. GRAHAM. Mr. President, we yield back the remainder of our time.

Mr. JOHNSTON. Mr. President, I yield back the remainder of my time, and ask for the yeas and nays on the second-degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the perfecting amendment offered by the Senator from Louisiana.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—53

Baucus	Dole	Mikulski
Bentsen	Domenici	Murkowski
Bingaman	Exon	Nickles
Bond	Ford	Packwood
Boren	Garn	Pressler
Breaux	Gorton	Pryor
Brown	Gramm	Robb
Bumpers	Grassley	Sasser
Burdick	Hatch	Shelby
Burns	Hatfield	Simpson
Byrd	Heflin	Stevens
Coats	Helms	Symms
Cochran	Johnston	Thurmond
Conrad	Kohl	Wallop
Craig	Levin	Warner
Danforth	Lott	Wirth
Daschle	Lugar	Wofford
DeConcini	McCain	

NAYS—45

Adams	Graham	Moynihan
Akaka	Hollings	Nunn
Biden	Inouye	Pell
Bradley	Jeffords	Reid
Bryan	Kassebaum	Riegle
Chafee	Kasten	Rockefeller
Cohen	Kennedy	Roth
Cranston	Kerry	Rudman
D'Amato	Lautenberg	Sanford
Dixon	Leahy	Sarbanes
Dodd	Lieberman	Seymour
Durenberger	Mack	Simon
Fowler	McConnell	Smith
Glenn	Metzenbaum	Specter
Gore	Mitchell	Wellstone

NOT VOTING—2

Harkin	Kerrey

So the amendment (No. 1647) was agreed to.

Mr. JOHNSTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I wonder if we would need a vote on the amendment, as amended, now.

Mr. GRAHAM. No.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the rollcall vote on the underlying amendment be dispensed with.

The PRESIDING OFFICER. The Chair advises the Senator that the yeas and nays were not ordered on the underlying amendment.

The question is on agreeing to the underlying amendment, as amended.

The amendment (No. 1646), as amended, was agreed to.

Mr. JOHNSTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

TRANSMISSION ACCESS

Mr. FORD. Mr. President, transmission access is a very complex technical issue. It is very important that we should not forget the technical and reliability issues involved when we discuss transmission access as a matter of public policy. U.S. utilities today provide a highly reliable electric power system that is the envy of the world. Let us not do anything to make it a system of power outages, power shortages, frequency and voltage dips. U.S. economy and our national security depend on a highly reliable electric power system that provides electricity of the highest quality.

The flow of electricity follows the laws of physics. Electricity does not worry about legal contracts and goes wherever the electrical characteristics of the power system determine it should go. We also need to remember that electricity is consumed the moment it is generated.

The U.S. electric power transmission system is highly interconnected. Basically there are two very large interconnected electric power systems, the

eastern system and the western system. Nearly all the utilities in the United States are electrically connected to power pools that make up the eastern and western systems. In this way, if a utility has a sudden need for power that it cannot meet from its normal sources, it goes outside its system and buys power from other utilities and these may not be the neighboring utilities. These supply and demand transactions happen every day in the United States.

Wheeling transactions can affect those utilities who are not parties to the contractual agreement between buyer, seller, and the wheeling utility. As I stated earlier, electricity will flow where the laws of physics say it should go. Unless all the transactions are done very carefully and monitored by technical experts, electric power quality and reliability of parties not involved in the legal contract may suffer.

One of the biggest problems with mandatory transmission access is the quality of service to a utility's own native load customers. The utility is obligated to meet all existing and future needs of its customers. If a utility is forced to offer transmission access to others, the reliability of service to its own customers may suffer.

Further, if a utility's large native load customers are allowed to buy power from other sources and force the utility to provide the necessary transmission access, the utility will have to recover its investment from the remaining customers, raising their utility rates. In the event this other power source turns out to be unreliable, the native utility will have to come with the additional electric power. This may turn out to be a problem.

Mr. President, the number of independent power producers in this country is on the increase. We should continue to monitor all segments of the electric power industry to see if there are any significant problems with voluntary transmission access. If problems are found, the Congress should revisit the issue at an appropriate time in the future.

UNANIMOUS-CONSENT AGREEMENT

Mr. JOHNSTON. Mr. President, I ask unanimous consent that with respect to the Graham amendment relating to the provisions of S. 736, there be 2 hours of debate equally divided and controlled in the usual form; that one second-degree amendment to the Graham amendment be in order to be offered by Senator JOHNSTON or his designee, if offered; that there be 1 hour on the second-degree amendment; that at the conclusion or yielding back of time on the second-degree amendment, the Senate proceed to vote on or in relation to the amendment, followed by a vote on or in relation to the underlying Graham amendment, as amended, if amended; and that there be 30 minutes equally divided and controlled in the usual form on any debatable motion that might be raised, and I say to my colleagues such as a point of order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. BRYAN. Mr. President, I would like to inquire of the managers; I had previously informed the distinguished chairman of the Senate Energy Committee I wanted to make a brief statement of about 5 or 6 minutes as it relates to this legislation and the reason why CAFE legislation is not being attached.

I am informed by the distinguished Senator from Florida that he has no objection if I proceed at this time. I am happy to accommodate the managers and chairman at this time, but I would like 5 or 6 minutes to make such a statement. If we could not do so now, I would be willing to agree at some time that is more convenient for the floor managers, recognizing their time constraints. This request has been previously submitted and made available to the staffs.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, let me say I have no objection to the Senator from Nevada proceeding and, in fact, could not stop him if I wanted to. He has the floor.

But I would say this to other Senators: There will be time for all manner of speeches after the bill has concluded, and they are, as usual, to be placed in the RECORD at appropriate spots within it. So I hope all Senators do not take 6 minutes or we will be here until midnight.

The PRESIDING OFFICER. Is there objection? Hearing none, that will be the order.

The Senator from Nevada [Mr. BRYAN] is recognized now.

Mr. BRYAN. I thank the Chair, and I thank the floor managers for their consideration.

AUTOMOBILE FUEL ECONOMY STANDARDS

Mr. President, debate on this legislation is winding to a conclusion. It is a debate on America's energy future. At first glance it would appear that this legislation would be the logical vehicle to advance improving automobile fuel economy standards. Any observer of the struggle to improve the corporate average fuel economy, the CAFE standards, will acknowledge that this has been a tough fight. When the Senate considered improving automobile fuel standards in the fall of 1990 a clear majority of 57 Senators voted to move to the legislation, but we fell 3 votes short of cutting off a filibuster. Any future vote on this issue will be equally tough and equally contentious.

It is my view that had we succeeded in attaching this important proposal to this bill the advocates of advancing CAFE standards would then see their goals in the hands of many who do not share the goals and objectives of those of us who have consistently supported improved fuel economy standards. Many things may happen on the road to a conference report, and as every parent understands, you do not want your kids in just any vehicle that comes along. So I reluctantly acknowledge that this is not the vehicle on which to attach improving automobile fuel economy standards.

But it is the time. Our dependence on foreign oil, slackening only due to a recessionary drop in demand, is a growing risk to our national energy security and the competitive position of America in the world. Industry observers indicate that our dependence on foreign oil will grow to as high as 70 percent by the year 2010. Such a dangerous dependence on foreign oil will only increase the likelihood of more military involvement in the Middle East and not less.

Can any thinking observer of that troubled region believe that increased dependence on foreign oil will improve a future President's options in a crisis? Of course not. I speak as one Senator who is proud to have supported the President's initiative in the gulf last year. Yet by not moving ahead with improved automobile fuel economy standards we are dooming a future President to just such a terrible dilemma.

Should anyone be under the illusion that our recent success in the gulf has brought us energy security, I call the attention of my colleagues to a recent event in Geneva. Last week the ministers of OPEC met to reduce production of oil in an attempt once again to raise the price of oil, including a massive reduction in oil production in Saudi Arabia, recently saved by America's military forces from Saddam Hussein's legions. While the optimists point to the fact that OPEC has had difficulty in enforcing these kind of marketing restricting quotas in the past, the realists point out that they keep trying. Our energy future should not be left to the high-stakes gamble that OPEC will not again be able to dominate oil prices.

We should not fool ourselves as we move forward with this energy bill. It will do dramatically little to reduce the number of foreign tankers setting sail for our ports. It cannot because it does not adequately address the single largest consumer of oil, the automobile. The alternative fuels provisions will help, but they cannot come close to achieving the savings improving fuel economy standards would accomplish.

By passing our fuel economy bill, raising the automobile fleet fuel effi-

ciency to 40 miles per gallon by the year 2001, we would save 2½ million barrels of oil each and every day. That will be permanent savings, savings to the American consumer, and a real plus for America's competitive position.

Not only will getting more miles to the gallon help our economy and our energy security, but we will also reduce the growing environmental threat. Carbon dioxide is the principal greenhouse gas, and a major tailpipe pollutant.

Last week the President announced a change of position with the revelation that the critical ozone layer of our atmosphere is in greater jeopardy than heretofore we realized. There will be much talk on the floor about the depletion of the ozone layer, the threat of the greenhouse effect, and long-term climate change, and much posturing. The fact remains that the most immediate and dramatic step we can take on this floor to arrest global warming is to vote for stronger automobile fuel economy standards. We can prevent literally hundreds of millions of tons of CO_2 from going into our atmosphere if we move aggressively in passing improved CAFE standards.

The public should not wait for some additional alarming environmental revelation to move the Congress to adopt these tougher CAFE standards. For a host of reasons—energy security, the trade deficit, the environment—we should move on improving automobile fuel economy. The most immediate however is our concern about the economy, and in particular the American automobile industry.

Every Senator has read the alarming news about the domestic auto industry's plight. The President's ill-fated trip to Japan only underscored the growing concern about the declining competitive position of the domestic automobile industry. These concerns are real and they should be the concern of every Senator, because a healthy, competitive automobile industry is the critical ingredient to our long-term economic health.

Yet, it is now argued that improving automobile fuel economy is a threat to the domestic auto industry. Mr. President, nothing could be further from the truth. Last year's Tokyo auto show should dispel any notion that improving automobile fuel economy is not critical to our future. The Japanese auto giants unveiled a series of new models that trumpeted the new battle plan: The Japanese auto industry will compete against us not only on quality and price, but they will open up a new front by making dramatic new improvements of fuel economy.

With a confidence bordering on arrogance, they do not even attempt to conceal the fact that the next wave of automobiles to break against our shores will be high-quality, fuel-efficient automobiles.

Is this a surprise to anyone but the leaders of America's automobile industry? To ignore this clear warning would be to repeat the mistakes of the immediate past which have let the Japanese auto industry capture an increasing share of our market each and every year.

Yet the domestic auto industry ignores the warning. There are those who say that they should know best, and certainly the Government ought not to interfere. Mr. President, I suggest that we look at the record. The corporate mandarins from Detroit have led this industry to the precipice by refusing to address the competitive threat of Japan.

Common sense would dictate that even if leaders of this industry are willing to ignore the looming threat, we in Congress cannot.

Some of the palliatives now proposed to deal with the Japanese auto industry will impose dramatic sacrifices on the American consumer. We should not be under any illusions that, however justified by Japan's unfair trading practices, restrictions on Japanese auto imports will not cost our consumers dearly. If Congress is going to ask our consumers to come to the table to make sacrifices it is not unreasonable to have Detroit come to the table. Moving ahead on a competitive game plan, which includes improving automobile fuel economy, should be part of any legislation that seeks to deal with the auto industry's competitive position.

Mr. President, I yield the floor. I thank my colleagues, the floor managers of this bill and the distinguished senior Senator from Florida, for their consideration in permitting me to proceed at this time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GRAHAM addressed the Chair.

AMENDMENT NO. 1648

(Purpose: To restore balance to the Outer Continental Shelf Lands Act)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 1648.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . RESTORATION OF BALANCE TO THE OUTER CONTINENTAL SHELF LANDS ACT.

(a) CONGRESSIONAL DECLARATION OF POLICY.—Section 3(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1332(3)) is amended by striking "expeditious and".

(b) ADMINISTRATION OF LEASING.—Section 5(a)(2) of such Act (43 U.S.C. 1334(a)(2)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) that such cancellation shall occur if the Secretary determines, after a hearing, that—

"(i) activity pursuant to such lease or permit has resulted in serious harm or poses a serious threat of harm or damage to life (including fish and other aquatic life), to property, to any mineral (in areas leased or not leased), to the national security or defense, or to the marine, coastal, or human environment; and

"(ii) the environmental or other resources harmed or placed at risk are of substantial value;";

(2) in subparagraph (B)—

(A) by inserting "or pursuant to an Act of Congress" after "Secretary"; and

(B) by striking "five years" and inserting "1 year"; and

(3) in subparagraph (C), by striking "such compensation as he shows" and inserting "such compensation (in the form of currency, forgiveness of the lessee's obligation to pay rents or royalties on another lease issued pursuant to this Act, or credits against bonus payments for future lease purchases pursuant to this Act) as the lessee shows".

(c) COORDINATION AND CONSULTATION WITH AFFECTED STATE AND LOCAL GOVERNMENTS.—The second sentence of section 19(c) of such Act (43 U.S.C. 1345(c)) is amended to read as follows: "For purposes of this subsection, the national interest shall be determined by application of a balancing process that gives equal weight to obtaining oil and gas supplies and to protection of the environment.".

(d) ENVIRONMENTAL STUDIES.—Section 20(a)(2) of such Act (43 U.S.C. 1346(a)(2)) is amended by adding at the end the following new sentence: "Each study required by paragraph (1) of this subsection shall be completed, subjected to peer review by at least three qualified scientists not employed or compensated by the Secretary, and published, not later than 180 days before the date on which the lease sale is announced.".

Mr. GRAHAM addressed the Chair.

Mr. WALLOP. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. GRAHAM. I yield.

Mr. WALLOP. I thank the Senator from Florida.

Mr. President, yesterday I asked that Senator BYRD be added as an original cosponsor of my amendment No. 1630. While the official record so indicates, the CONGRESSIONAL RECORD does not. Therefore, I ask that the permanent RECORD be so modified.

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

Mr. WALLOP. I thank the Chair. I thank the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida has the floor.

AMENDMENT NO. 1648

Mr. GRAHAM. Mr. President, we have just had a long debate on the application of the Outer Continental Shelf laws that currently exist for one State. What we learned in that debate was that we have been through a recent history of the granting of Outer Continental Shelf leases without adequate

attention to their environmental, energy, or economic consequences. We have been through a period that was characterized by national policy of drain America first: Let us allow the development anywhere anytime.

That approach has been met by a counterforce which is almost as polar, which is, do not drill anywhere anytime.

I believe we need a balanced approach which recognizes the fact that we have important national resources in our Outer Continental Shelf, and that at the appropriate time in our Nation's need for energy those resources should be developed but that they should be developed in areas that are appropriate environmentally, meet high safety standards, and are part of a national strategy of conserving and husbanding our limited finite resources, particularly of petroleum, to the longest possible extent.

The current system of Outer Continental Shelf has demonstrably failed.

We have just adopted an amendment which, if it were to come into effect, a highly unlikely event, would result in the Federal Government being responsible potentially for tens, maybe hundreds of billions of dollars to pay off leases that never should have been granted in the first place, granted in areas that any reasonable assessment of their appropriateness would have found them to be not areas that should have been offered for oil and gas exploration.

But because of the attitude and actions of a Secretary of the Interior, the taxpayers of America are now faced with enormous costs of cancellation and buy-back, or the American environment is subject to devastating potential damage.

I believe that what we should do, Mr. President, is use this energy bill as an opportunity to revisit our national Outer Continental Shelf policy with a series of amendments.

The amendment which I have just offered contains most of those changes, with one principal exception, which I will discuss later. The amendment says that we will amend what is the current national law. The current congressional declaration of policy relative to the development of our Outer Continental Shelf is found in section 1332 of the United States Code. Paragraph 3 of that section reads as follows:

> The Outer Continental Shelf is a vital national resource reserve held by the Federal Government for the public, which should be made available for expeditious and orderly development, subject to environmental safeguards, in a manner which is consistent with the maintenance of competition and other national needs.

Mr. President, what we have is a statement of congressional intent that we want to expeditiously develop our Outer Continental Shelf. I believe that is a wrongheaded policy, wrongheaded in the terms that it is not consistent with the national energy policy that is built around the premise of stretching our national resources as long as possible; and it weighs the determination as to the appropriateness of leasing, tilts dramatically toward granting the right to lease and, therefore, drill for oil and gas.

The second provision of the amendment relates to the standards for cancellation. The current law states that if the Secretary of the Interior makes certain findings, that a lease may be canceled. In order to cancel a lease, he now has a three-part standard which is used.

Mr. President, that standard is that continued activity pursuant to such lease or permit would probably cause serious harm or damage to life, including fish and other aquatic life, to property, to minerals in any areas leased or not leased, to the national security or defense, or to marine, coastal, or human environment.

Second, that the threat of harm or damage will not disappear or decrease to an acceptable extent within a reasonable period of time. And, third, the advantages of cancellation outweigh the advantages of continuing such lease or permit.

That standard, Mr. President, is a highly subjective one. That standard is one in which it has proven to be very difficult, or the Secretary is unwilling to make the effort to cancel improvident leases.

We have the case of the Florida Keys where it has taken a Presidential directive some 10 years after leases have been granted in order to move the Secretary toward the process of cancellation.

The amendment we have offered would provide for a different standard. It would say that such cancellation shall occur if the Secretary determines, after a hearing, that the activity pursuant to such lease or permit has resulted in serious harm, or poses a serious threat of harm or damages to life, including fish and aquatic life; to property; to other minerals in areas leased or not leased; to the national security or defense; or to marine, coastal, or human environment.

Second, that the environment or other resources harmed or placed at risk are of substantial value.

Those would be the two tests that the Secretary would now look to in terms of making the judgment as to whether a lease that has been granted should now be canceled.

Next, we expand, under the area of lease cancellation, the options in terms of how to compensate for a canceled lease. By allowing compensation for canceled leases to be in any combination of cash, forgiveness of rents, royalties, or credits against future lease bids.

All of that relates to trying to clean up the past and, frankly, to begin to move away from the legacy of James Watts.

But let us look to the future. What should be our future policy in terms of Outer Continental Shelf leases? We would require under this amendment that the Department of the Interior, in determining the national interest, give environmental protection the same weight as production of oil and gas in rendering a judgment as to whether the lease was provident in the first instance.

Second, we would provide a process, and the process would require that the already required environmental studies be subject to peer review and available for public comment 180 days before the lease sale.

Under the existing law, the only requirement is that studies be commenced, not completed, before the leases are sold. That puts us in the situation that the Secretary of the Interior can lease properties prior to the environmental studies that will be necessary for the granting of a drilling permit, and place the treasury of the United States at risk in terms of its liability for future compensation, if an improvidently rented lease is canceled; and threaten the environment by creating a tilted process that has resulted, and is likely to continue to result, in leases being granted in areas which are environmentally inappropriate.

By requiring that the environmental studies be done prior to the lease granted, by requiring that there be peer review by qualified scientists, and the opportunity for public comments at least 180 days before the lease is announced, we will have a lease policy which is rational and makes decisions in the proper sequence. The policy will give to the public the assurance that if a new lease is going to be granted, and if as a result of the perfecting amendment that was adopted, new leases are going to be made available off the coast of the panhandle of Florida, they will be subject to these kinds of environmental tests before they are granted—not after they are granted. This amendment moves toward that balanced policy in the use of our Outer Continental Shelf resources.

Mr. President, I said that there was an area that was eliminated from this amendment. One of the provisions that had been contained in an original bill, introduced as S. 736, would have given to the Governors of the States that are adjacent to the Outer Continental Shelf additional power in terms of the decisionmaking process, which has been characterized as a Governors' veto, that the Governors would abuse this power.

I point out, Mr. President, that S. 736 clearly stated that if the Governors acted in an arbitrary or capricious manner, their right to make the judgment would have been lost; they could not act in a manner which was inconsistent with the national interest.

But because that one issue has become a flash point for an emotional response to what is otherwise, I think, an unassailably sound reconfiguration of the process and the considerations in Outer Continental Shelf drilling, I have determined that the appropriate course of wisdom would be to eliminate that provision, thus allowing the decisionmaker to continue to be as it is today, the Secretary of the Interior.

Mr. President, we are making a decision by the passage of this general energy bill to promote the further development of America's limited domestic oil and gas resources. We have made a decision that, with the exception of the States of California, Oregon, Washington, New Jersey, and Massachusetts, the rest of the continental United States will be available for new leases, that they will not have the benefit of a year-2000 protection, a hiatus in new leases around their States.

Therefore, I think that the citizens of this country deserve the kind of thoughtful protection, protection against new leases which do not meet the environmental standards that any reasonable policy would require, and they should meet those standards before—not after—leases are granted; and a new policy that will help us rectify inappropriate leases that have been granted in the past.

Mr. President, I believe that this amendment will contribute to a more environmentally appropriate use of our Outer Continental Shelf resources, will contribute to an energy policy of conversion of those resources, but will still make them available under these conditions and under these circumstances, to serve America's needs where appropriate and when appropriate.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, this reminds me of the old story about the preacher who was preaching one day, and he finally gets on the subject that affects this particular member of the congregation. The member of the congregation says: "Preacher, you've quit preaching and gone to meddling."

Mr. President, our friends from Florida have quit preaching about Florida, and they have gone to meddling with the basic organic law of this country which controls the whole country, controls a $3.15 billion revenue stream that comes from the Outer Continental Shelf, and seriously would affect the ability to extract oil and gas from all over the country, but particularly from those areas which are now producing and leasing: Offshore Louisiana, offshore Texas, offshore Alabama, Mississippi, and coincidently, the natural gas production from Florida.

But, Mr. President, this would amend the basic organic law, the Outer Continental Shelf Lands Act, which is an act put together under the aegis of the late, great Scoop Jackson in the Energy Committee, which has been the law of the land since I think it was last amended in the 1970's, and has been the basic law for a long, long time.

Mr. President, there is nothing wrong with the law. Our friends from Florida suggest that Secretary Watt made some improvident decisions about leasing certain lands that are sensitive below the 26th parallel in Florida.

Mr. President, that may or may not be true. We were willing to concede it for the purpose of the last Johnston amendment, which we adopted, and we did concede that. So that in effect, whatever mistakes were made below the 26th parallel in Florida, if any—and I must say that has not been proven yet, but we accept the conclusion without proof—nevertheless, it was not the fault of the Outer Continental Shelf Lands Act that made that mistake.

Or, in any event, an amendment to the Outer Continental Shelf Lands Act is not necessary to cure the mistake. That mistake has been cured, if not by the President's moratorium, then by the Johnston amendment amending the Graham amendment just adopted.

What we are dealing with now is an amendment to the generic Outer Continental Shelf Lands Act that applies to Louisiana, Texas, Mississippi, Alabama, and to other areas from which we extract 3.15 billion dollars' worth a year of oil and gas revenues.

So Mr. President, we are fixing something that is not broken. There has been no showing, no suggestion, no hearings, no evidence, no testimony, no outcry for change of the Outer Continental Shelf Lands Act. The Outer Continental Shelf Lands Act is working well as an ongoing law, and it has worked well from the time it was first enacted in 1954 through the time it had been amended in the early 1970's.

Mr. President, under the Outer Continental Shelf Lands Act, it is entirely possible, as I have spoken about in the last amendment, to cancel a lease. What the law says is that a cancellation may occur at any time if the Secretary determines, after a hearing, that continued activity pursuant to such lease would probably cause serious harm or damage to life, including fish and aquatic life; the threat of harm will not disappear or decrease to an acceptable extent within a reasonable period of time; and the advantages of cancellation outweigh the advantages of continuing such lease or permit in force.

Mr. President, with all deference to our friends from Florida, this seems to me to be the soul of reasonableness. If millions—indeed billions—of dollars are paid for a lease, the Secretary at least prior to cancellation ought to have to make some showing, such as it will probably cause harm to aquatic life and it is not in the national interest.

Mr. President, the present organic OCS Land Act has worked well. This changes the test dramatically for cancellation of a lease. It changes that test dramatically without being of any need for Florida in its sensitive areas. We have taken care of Florida in the sensitive areas. The President took care of it under his moratorium. We seal that into the law by the amendment just adopted. So we have solved Florida's problems.

Now we have gone to meddling in Louisiana's problems, Texas' problems, the other areas that are producing natural gas and producing liquid hydrocarbons.

What the amendment of the Senator from Florida says is that cancellation shall occur—shall occur—as opposed to may occur. The OCS Lands Act over here says cancellation may occur; the amendment says it shall occur. Instead of saying it would probably cause serious harm to life, all it need do in order to have a mandatory cancellation is pose a serious threat of harm.

What is the difference between the serious threat of harm and a probable cause? If you were going to take an airplane flight and there was a 1-in-1,000 chance that that plane was going to crash, you would say that is a serious threat of harm, as opposed to the present law, which says you must have a probable harm, probable serious harm.

So, Mr. President, you take the discretion out. You change that standard. They have taken out the test that says that there be no time for mitigation. In other words, under the present OCS law, if the passage of time would allow you to mitigate that harm or eliminate the harm, then you could go ahead with the lease. There is no such test in the amendment.

There is a change in the balancing test relating to State consultation. The present law defines the national interest as—the phrase is that you take into consideration the national interest, and then it defines that national interest to be a balancing test between the need for energy and the need for environmental protection.

Section 19 of the current law says that:

> For purposes of this subsection, a determination of the national interest shall be based on the desirability of obtaining oil and gas supplies in a balanced manner, and on the findings, purposes, and policies of this subchapter.

That test is changed to be the need for energy versus the environment, which are given equal standing. What that means, again, Mr. President, is that it would be much easier to meet that test.

Further, under the present law, a lease must be under suspension for 5 years before it is canceled. In this in-

stance, if you make that finding of a threat or posing of a threat, the lease must be canceled after only 1 year of suspension.

Mr. President, it also provides, with respect to environmental studies, that all the environmental studies must be completed before the lease is made. Now, I must say there is some ambiguity here, but we know that there are ongoing environmental studies in the gulf, always have been. Some of those will not be completed until 1996. If what the amendment means is—and I suppose it is—that all of the studies must be completed before you do your leasing, then, it means that you cannot lease until 1996 or perhaps thereafter.

There is a down side to that, as well, Mr. President. Really, what you want to do is have ongoing studies. We require, under the present law, that before there be a lease sale, there be a NEPA, National Environmental Policy Act, impact study, an EIS, and that is designed to test the environmental sensitivity, to test the alternative ways of getting the energy or getting the oil or gas from the area.

Mr. President, under the present law, you sequence the various impact studies. First, you have the NEPA study. Then you come in and have a separate study for the drilling plan, because a drilling plan, in the sequence of things, is always done after you get your lease and after you make your discovery well. Now, I guess, Mr. President, what they require here is that, at the time you bid, you have a drilling plan.

I might ask my friend from Florida, does he mean to require a drilling plan at the time you bid for your lease?

Mr. GRAHAM. Mr. President, my intention would be to provide that all of those environmental studies that are a prerequisite to receiving a drilling permit that can be conducted prior to the grant of a lease itself. As an example, current law requires a showing of consistency with the coastal zone management plan of the adjacent State before drilling can be permitted. That consistency study is not conducted until after the lease has been granted. And the definition that the Senator and others have given is that once the lease is granted, then the leaseholder has a compensable property right in the event that that lease is not allowed to be drilled upon. So you have a catch-22 situation.

Mr. JOHNSTON. Well, I tell my friend that the way these things work is that you get your lease and you first do exploration, so you submit a plan for exploratory wells. That is to determine whether or not there is oil or gas there. Usually, what is done in the gulf is, frequently, they have semisubmersible platforms or they have drilling ships, sometimes, which are not designed to produce oil or gas; they are simply designed to test whether or not there is oil in the area. And it is neither necessary nor appropriate nor even possible to submit at that time a production plan, and, therefore, the request for the drilling permits that would go with that drilling plan, until you know whether or not there is oil and gas there, where it is, and in what quantity. And I might also add that, as part of that, you must also submit your plan to land the oil and gas. In other words, how are you going to pipeline it. Are you going to lighter it on ships, or just how are you going to unload it?

If I understand the amendment of the Senator, it would require that before you get your lease, you go in with your whole plan as if you knew how much oil and gas was there, where it was, in what quantity, how you are going to locate your drilling platform, how you are going to locate your pipelines, if any. Talk about a catch-22, Mr. President, this is the ultimate one, because it requires you to know the unknowable and to do the undoable. You just cannot do it. I mean, there is a sequence to these things under the Outer Continental Shelf Lands Act. That is why a production plan comes after an exploration plan. That is why you first get your lease and then you apply for your exploration plan and then you have your drilling plan.

Mr. President, it just will not work. I mean, that is the problem when you deal with this kind of organic law. It is very complicated, very well thought out. And here we would change the basic fundamental law of a $3.15 billion a year business, and it just does not fit the way the industry works.

Mr. GRAHAM. I say to the Senator, the question is still outstanding. Here is what the current law says. Section 1346(a):

(1) The Secretary shall conduct the study of any area or region included in any oil or gas lease sale in order to establish information needed for assessment and management of environmental impacts on the human, marine and coastal environments of the Outer Continental Shelf and the coastal areas which may be affected by oil and gas development in such area or region.

Current law.

(2) Each study required under paragraph (1) of this subsection shall be commenced not later than six months after September 18, 1978 * * * and not later than six months prior to the holding of a lease sale with respect to any area or region where no lease has been held or scheduled before September 18, 1978. The Secretary may utilize information collected in any study prior to September 18, 1978.

The key word there is "commence." The study has to have commenced 6 months prior to the sale. The amendment that we offer would add an additional sentence stating that, "Each study required in paragraph (1) of this subsection shall be completed, subject to peer review by at least three qualified scientists not employed or compensated by the Secretary, and published, not later than 180 days before the date on which the lease sale is announced."

Now, if we reach the conclusions that this information needed for the assessment and management of environmental impacts or the human, marine, and coastal environments of OCS and coastal areas that are affected is important, it seems to me it ought to be of sufficient value to be available before the decision is made to lease rather than after the decision. To me, it is nonsensical to have the studies only be required to be commenced 6 months before the lease and not have the availability of the information for purposes of making a judgment as to whether the lease should be or should not be granted.

Mr. JOHNSTON. Mr. President, the problem is that this is an ongoing process. It is a sequence process. You do these things seriatim. You do not know what kind of study to make on the environmental impact of a pipeline, for example, until you know whether you have oil and gas and are producing quantities sufficient to fill up a pipeline of a given dimension or which goes to a given refinery which has a given capacity.

The same thing is true of a drilling plan. The environmental studies necessary for a drilling plan may be in addition to the environmental studies necessary for an exploration plan. Because the techniques in exploration drilling are frequently—usually, should I say—different from the techniques of drilling for exploration; you use different equipment, different safety factors, you do not even land your production platform until you have made your discovery.

I had the opportunity, Mr. President, to fly over the gulf when the Cognac drilling platform was being landed off southern Louisiana. This was, at the time, the platform which was going to be in the deepest water yet drilled. As I recall it was 1,000 feet at that time. It was some years ago. It was this huge platform.

They did not just bring the platform in and make that investment. As I recall just from memory it was an investment in excess of half a billion dollars. I could be off by—I do not know how much factor. But it was a big thing even from the air. It was a thrill to see this huge thing, bigger than the biggest ocean liner, going out to be anchored out in the Gulf of Mexico and to drill in over 1,000 feet of water.

They have since drilled in much deeper water and had much bigger platforms than that, but it made quite an impression on me to see that done.

But, Mr. President, they did not do that, they did not make that commitment, in order to drill an exploratory well. That was done for the purpose of drilling a production well—not just a production well, to effectuate a whole production plan.

The environmental studies for a production plan on something like that are in addition to that which would be required for exploration. You want to require studies for exploration. You want to have an environmental impact statement which the present law requires. But you do not want to say in effect: Do all your studies before you sink the first pipe, and do not do any after that.

In fact I interpret the amendment of the Senator from Florida that way. That is, you finish it all before you drill your first well and thereafter you do not have any ongoing or continuing studies. The problem, really, that the Senator has with Florida is what he regards—and indeed what my amendment just agreed to regards—as improvident drilling and improvident decisions below the 26th parallel in Florida.

Those improvident decisions, which my amendment accepts as being improvident but which, I hasten to say, have not been proved to have been improvident, but which we accept for the purpose of the law as being improvident—that problem has been solved.

We should not go back and deal with this very complicated law that has been working very well, that has been the law of this country for decades. The first OCS Lands Act was 1954. The amendments were 1978. And it has been operating without complaint since that time.

I may be wrong, but it seems to me this is the first request for an amendment to the OCS Lands Act that we have had on the procedure since 1978.

We took 6 years, Mr. President, to get the 1978 amendments. This is a complicated business. To build in all the environmental protections, to sequence those—you have to have the environmental impact statement before you lease. You also have to have an updated environmental impact statement before you do your drilling plan. You have these overlapping environmental studies all through the process.

We do not want to have very smart and very able legislative assistants—but those who are not skilled in this arcane business of OCS drilling, and without the benefit of the 6 years that we had to draw up this law—come in and say well, would it not be a good idea to complete all these environmental studies before you get your lease?

Mr. President, it would not be a good idea. It would be, in fact, impossible to do. And if you tried to do it, it would deprive this country of a whole lot of revenue because you just could not lease. It just would not work. He would be required to cancel leases to which he has discretion now, and required to cancel them according to a test which is entirely different from that which he now uses.

Indeed, if he tried to do that, he would be hit with a fifth amendment taking suit. He would not be able to cancel those pursuant to the OCS Act. It is elemental hornbook law that once you have a contract you are entitled to enforce your rights according to the letter of the contract. The contract made on these leases is that according to the terms of the lease, which take into consideration the OCS Lands Act of 1978, and to the extent that is fundamentally and radically changed, you have a taking under the fifth amendment which would entitle you to more compensation than that to which you would be entitled under the OCS Lands Act of 1978.

Mr. President, the OCS Lands Act put together in 1978 under the aegis of Scoop Jackson and the Energy Committee after 6 years of work is working well. It is not necessary to fix it to take care of Florida's problem. We have taken care of Florida's problem.

I say if that act is to be amended, let us do so in the full light of day and after we have established a need to do so, and not on this bill as this kind of amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, my colleague and fellow southerner from Louisiana has suggested the old standard that "if it ain't broke, don't fix it."

So a fundamental question is, Is this vehicle which was last administered maintenance in 1978, still functioning? Is it getting us to our destination? Or is it, in fact, in need of some repair?

My answer is, It is in need of repair, that it is broke and that it needs to be fixed. I suggest at least three areas.

One thing it is not, this is not a geographic breakdown. This is not a car which has only fallen in a pothole as it drove from Pensacola to Fort Walton Beach.

This is not a Florida, this is not a California, this is not a Louisiana, this is not a North Carolina or any other coastal State's specific problem. It is an inherent generic problem with the OCS, and I suggest the problem has three parts.

One, it has encouraged inappropriate lease granting. My evidence of that is the President of the United States himself. In June 1990, the President announced that after having reviewed the results of Outer Continent Shelf task force on leasing practices, he determined that a prior Secretary of the Interior had inappropriately leased areas off the States of Florida and California and that he was announcing his support for a moratorium on further leasing and development and steps would be taken to roll back those leases that had been granted. The program was broken as certified and recognized by the President of the United States in two of our significant coastal States.

Second, the consequences of this broken program is to put American taxpayers at great risk. A lease once granted has been held to be a property right and, therefore, if canceled requires substantial compensation. And if it is to be canceled in an expeditious manner requires supercompensation, as witnessed by the amendment that we just adopted. We just adopted an amendment which as relates to the area south of the 26th latitude in Florida is going to provide for compensation beyond that which the basic law provides. If the law is sanctimonious and if we should avoid any intrusions into it, then we have just within the last hour violated that by setting up a new and more detrimental to the American taxpayer form of compensation for an area that demonstrably had been subjected to inappropriate leasing practices. So the taxpayers are at risk as long as this system continues in effect.

And third, there is a great ambiguity in the current law as to just what is the sequence of decisionmaking. We have a law which says that certain studies are important, studies that relate to providing the information needed for the assessment and management of the environmental impacts on human, marine, and coastal environments in the OCS and the coastal areas that would be affected by oil and gas development in such areas or regions.

We state that information is important and yet we then go on to say that all that has to happen is that the study has to have been commenced before the lease is granted. That is like saying, Mr. President, it is important to know you are in good health before you undertake a marathon run, that if you have some physical disability, you should know that before you start that 26-plus mile trek. Under this, you would only have had to make the appointment at the doctor and you could run the race and only after the race was over find out whether the results indicated you just put your life and health at risk by so doing. The system is broken in providing for information on an untimely basis, on a basis which is inherently inconsistent with the very purposes of the studies in the first place.

So, Mr. President, we propose an amendment which I think is not an amendment that is inconsistent with the basic objectives of utilizing our Outer Continental Shelf for a variety of energy and environmental purposes, but rather would lead to its better protection and the protection of the wallet of the American taxpayer by providing for know before you lease, and providing for a more rational system of the cancellation of leases which have demonstrably proved to be inappropriate.

Would someone wish to argue the case that we should continue a lease in effect where it has been demonstrated that the activities pursuant to such lease or permit has resulted in serious

harm or poses a serious threat of harm or damage to life, to property, to other minerals, to the national security or defense or to marine coastal and human environments and where those environmental or other resources are subject to harm are of substantial value? That is what we say. If you can make that finding then a lease which has been granted in the past should be terminated.

Mr. President, the system is clearly broken. This represents the opportunity for those of us who can be physicians for the day to render some prescription, some assistance to a program that is important to our country and that needs to be brought back to a state of health that will justify the confidence of the American people.

Mr. President, if the Senator from Louisiana has no further comments, I will be prepared to yield back the remainder of my time.

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

Mr. WALLOP. Will the Senator yield me a couple minutes?

Mr. JOHNSTON. I withhold that and yield to the Senator from Wyoming such time as he may desire.

Mr. WALLOP. Mr. President, I thank the chairman and I shall not be long.

When the chairman of our committee said that the OCS Lands Act was working well, someone said it was working too well. Someone would say it is a greater impediment to leasing than a facilitator of leasing, but this is one of those amendments, Mr. President, which has a surface appeal but falls apart on closer examination. I say to my friend it may not be its intention but it definitely will be its effect.

It is exporting jobs. It is exporting capital. It is exporting American technology. It is putting at risk the environment because it simply means more imported oil, more imported fuel. And it is exporting the thing that we do best in the country without anyone in the world having any use for it, and that is our competence in really sound environmental exploration and production.

The Senator from Florida would agree with me that it is not going to be required when American companies go in the world and it is expensive to do. Yet we require it, and we do it, and we do it well and safely.

The Senator from Florida is willing to ignore the fact that one small barge accident off his coast near Tampa produced nine times the environmental damage that the entire Outer Continental Shelf drilling program did in that year. One small barge accident. He is willing to ignore that and start us down what is rather a crazy road, a restructuring of an act which is working well.

Like it or not, Mr. President, the Outer Continental Shelf remains the largest domestic source of oil and gas, and the Senator's amendment will stop it. It may not be his intention. The expeditious and orderly—that is the phrase from the existing act which is changed by the Senator's amendment—the expeditious and orderly development of those reserves is critical to a domestic energy future. It is also job producing, and it is also balance of payments reducing. Both effects of the amendment laying before the Senate now would be specifically the opposite effect.

I will say, Mr. President, that the statistics show that for every 10 jobs that are crated offshore, there are 37 onshore. When the current downturn in the petroleum industry flattens out, as is projected, the number of lost jobs will be 700,000 and, Mr. President, the Japanese will not have done it. Amendments like this will have done it. Amendments specifically like this.

There is a myopia born of political expediency present in all the moratoria we have considered but let us not extend it to the overall leasing program. If the Florida delegation wishes to retreat behind a moratorium and subject their environment to increased anchor and barge spills, that is their option. But they should not have the ability to cripple the entire program and subject the rest of the Nation to risk.

The second section would substantially impair the President's discretionary authority with respect to lease cancellation. Two of the criteria for lease cancellation that the threat of harm or damage does not diminish in a reasonable time and that the advantages of cancellation outweigh the advantages of maintaining the lease are simply deleted.

In exchange we get a lawyer's dream, an absolute lawyer's dream. They are replaced with a criterion that mandates cancellation. It mandates it. If the activity has resulted in, or poses a serious threat of harm or damage, is there an environmental lawyer in America that would not assert that every single lease poses such a threat, I ask my friend? Not a one.

America spends billions, and billions, and billions of dollars paying lawyers to challenge American's rights to access to their own domestic source and this makes it worse by producing vague language that can be played with by lawyers until hell freezes over, poses a serious risk of harm or damage to life, including fish, or to property, or to any other mineral that is leased or not leased. These are not defined words, these are not words tested in case law. This is a brand new iteration of a law which has been thoroughly tested in the courts and been found to work.

Mr. President, the State has to ask itself when it goes to questions of this sort what purpose is served by canceling a lease where a temporary suspension would alleviate a problem that has been identified? What possible purpose? But the Senator's proposal has no flexibility along that line. Is it any wonder that the chart we showed earlier shows that American oil companies are now spending more in exploration and production abroad than they are at home? We cannot comply with these kinds of criteria and still maintain an industry.

I know the Senator is a Harvard lawyer, and I think probably that law school, as many others, uses the phrase "bad cases make bad law." And I would say to the Senate that this is an invitation to bad cases. It is an invitation to draw up any fanciful kind of assault and take it on.

Language: "Environmental or other resources harmed or placed at risk." Risk is not defined, level of risk—any risk is unacceptable, according to the terms of this amendment, and they may be of substantial value.

You go down to the bottom of the page, and it says that the compensation may be in the form of currency, spending the taxpayers' dollars, forgiveness of the lessee's obligation to pay rents or royalties on another lease issued pursuant to this act. Basically that says that is an appropriation without the Appropriations Committee having anything to do with it. That is just giving them the flexibility to spend taxpayers' dollars, take it out of the Federal Treasury to pay Texaco back so they can go explore in Indonesia. And it says that those would be on any other lease issued pursuant to this act. I would say that after a few years' time there will be no lease issued pursuant to this act.

The fact that certain areas such as the Florida panhandle are gas poor and the environmental threat is virtually nil is also irrelevant. It is not part of this amendment to pay attention to that. The provision is nothing more than an invitation, as I said, to litigation and we sure need help to employ more lawyers. If we have heavy unemployment, maybe we can get it all back by training people to be lawyers because they will be needed under the terms of this amendment.

Reducing the time period prior to lease cancellation is also foolish. There is a tremendous amount of information which should be considered and the present 5-year suspension allows for an orderly consideration. The 1-year period that is contained in this amendment simply does not allow the type of reasoned decision necessary prior to acts of canceling a lease, so it will be canceled. And once more Americans are simply not allowed access to their own resources.

The last provision may be the most troublesome one. It requires that environmental studies be completed and subjected to peer review—and the Senator from Louisiana has touched on this—not later than 180 days prior to the announcement of a lease sale.

The objective of this is simply to delay lease sales. But if it is imple-

mented, it would completely frustrate the ongoing and continuing nature of environmental studies. It is bad science, it is bad law, it is bad economics, and it is sensational green pandering.

It may come as a surprise to sponsors of this amendment and probably most of the Senate, that the Minerals Management Service has spent over $530 million in environmental studies; many of which are continuing reviews affecting existing leases. The Minerals Management Service, I would say to the sponsors, has done more marine studies than has NOAA, the Fish and Wildlife Service, and the National Marine Fisheries Service combined.

Four million dollars a year is spent by MMS on whale studies off the west coast alone. They are the only whale studies being done.

The reason, I would say to the sponsors of this amendment, for the continuing monitoring and environmental review is to supervise when drilling and production would be allowed, not to stop it. But the effect of the Senator's amendment is to do precisely that.

So it is not simply an effort to delay any new leases. It just simply spells an end to the ability of the Secretary to monitor and administer existing leases. For those who want only to terminate the entire offshore program, this is a very useful provision.

For those who care about the environment of our coastal waters and our coasts and for those who care about tourism and commerce enterprises on the coasts and for those who care about the whales and the fish and the proper development of other offshore resources, this amendment, Mr. President, is a disaster.

The language the Senator from Wyoming has used is harsh, but the effect of this amendment is harsh, make no mistake about it. This is essentially an attempt to sound the death knell of offshore oil and gas production in America and certainly any new, because terms are too vague and the response too rigid for any other result to take place.

I urge the Senate to defeat this amendment.

I yield back the time.

The PRESIDING OFFICER. Who yields time?

The Senator from Florida is recognized

Mr. GRAHAM. Mr. President, just a few words in closing to respond to the remarks that have just been made.

In all deference to my good friend from Wyoming, I would suggest that a clear reading of the current law and of the amendment be undertaken in order to understand the limits and the objectives of the amendment.

As an example, in what I frankly consider to be one of the most important, if not, in my judgment, the single most important, aspects of this amendment, the environmental studies being completed prior to their use—if he would read the current law, 1346 stipulates that the Secretary shall conduct these studies—it indicates the importance of these studies to making an informed judgment as to the appropriateness of granting the oil or gas development lease and then seems to negate all of the above by saying all that is required is that the studies be commenced 6 months before the lease is granted. If there is some justification for such a foolish dichotomy of the importance of the studies, the importance of the information that the studies are going to make available to affect judgment and then to say that the only requirement is the study be commenced before the decision is made, I cannot see the logic or the value of that is accomplished by that.

What we would say is simply that this information which has already been determined to be of value to the judgment would be available, subject to peer review and published at least 180 days before the date the lease sale is announced.

Mr. WALLOP. Mr. President, will the Senator yield for a question?

Mr. GRAHAM. Yes.

Mr. WALLOP. Is the Senator aware that the EIS is completed before the leases are issued, and that only the studies go on afterward?

Mr. GRAHAM. If this study that is called for in section 1346 is to be of utility, then it seems to me it ought to be available for part of the judgment process. The current law infers its importance, gives a sense of confidence to the public that this scientific information be available and then undercuts all of those expectations by saying all that is required is the study be commenced.

Mr. WALLOP. Mr. President, if the Senator will yield again, I suggest that he is not familiar with the operation. The studies that are contemplated there are those monitored not only for the existence of the activity, but the EIS will have identified those studies which are necessary to be commenced. The EIS is the thing which provides the decision upon which the lease is issued or not, not the studies.

Mr. GRAHAM. Mr. President, if a poignant reading of the law shows in fact not what the law is, another defect has been uncovered. I believe that reasonable American citizens should be able to read what the law requires and draw a conclusion as to what type of protection is accorded.

In my judgment, clearly, the current law does not provide that protection, and the examples as stated by the President of the United States in June 1990, are the best evidence that the current attempt to assess environmental impacts prior to leasing are not accomplishing the objective of discerning those areas that are inappropriate for such.

Mr. WALLOP. Mr. President, I say again to my friend that there is more than one law which affects this activity, the first of which is NEPA, and that is where the EIS requirement comes in.

Mr. GRAHAM. Yes, Mr. President, and unfortunately, another law that is not covered by this is the coastal zone management consistency which occurs well after the lease has been granted, which is under control of the Secretary of Commerce and which has almost no capability of being influential on decisions, particularly if the position is taken that once a lease is granted, a property right is created that requires compensation for its cancellation.

Mr. WALLOP. Again, if the Senator will yield for one more observation, the consistency with the Coastal Zone Management Act is required of the lease.

Mr. GRAHAM. But the consistency study is not conducted until after the lease has been granted and before a drilling permit is issued.

Mr. WALLOP. Mr. President, I say to my friend I do not know what sequence he would like to have it take, but you cannot drill before a drilling permit is issued, and you cannot get a drilling permit until——

Mr. GRAHAM. Mr. President, if the Senator from Wyoming shares the opinion of the Senator from Louisiana, which is once a lease is granted, a property right is created; in order to cancel that lease, compensation is required. Then you have set up a catch-22 for the U.S. Treasury, an out-of-control Secretary of the Interior. And we have had such an out-of-control Secretary of the Interior grant leases in areas that clearly are inappropriate, cannot be permitted, cannot meet the standards to be drilled upon, and yet the holder of those leases will come back to the American taxpayers and say they ought to be paying because we successfully bid to get this lease, and now we are being denied the right to use it.

Mr. WALLOP. If the Senator will yield one final time, that simply is not an understanding of the way this process works. The leases are issued subject to compliance with the law; and, as though there is no information, by the issuance of the lease that you are permitted thereby to evade the criteria of the laws of the United States—none.

Mr. GRAHAM. Mr. President, I wish the Senator's opinion were the law, and I hope that it might be found to be the law. That is not the position of the chairman of the committee. The opinion—I believe I accurately stated it; I will not speak for him—is that if a lease is to be canceled, it is canceled under the provisions that require compensation.

I would agree with the Senator. I think when a lease is granted, what clearly should be is the exclusive right to do the necessary scientific environ-

mental and safety studies to apply for a drilling permit. And if you cannot meet those standards for a drilling permit, then you have failed to meet the conditions of the lease, and are owed no compensation.

That is exactly the position that I have taken on all of those leases south of the 26th latitude; that none of them to date has met the test to be available for drilling. Therefore, I have been unwilling to accept the proposition that compensation is called for. Others take a different view of the law. My amendment attempts to deal with that degree of ambiguity.

Moving on to the second point, we do not alter the language relative to suspension. The language that is in the law today authorizing a suspension of the leasehold, a restriction for a period of time that it is used, continues in effect.

Mr. WALLOP. Mr. President, I apologize. I assure the Senator this is the last time, but I think he is again playing with apples and oranges in this debate. The issuance of the lease is not compensated under the terms of existing law. If no permit to drill is forthcoming, and a mere permit to drill cannot be forthcoming unless one has complied with the terms of the law, that is not compensatable.

That is not the position of the chairman. It is as if other criteria are discovered which are not part of this, then that is compensatable. But failure to issue a permit to drill because of noncompliance with the requirements of law is not a compensatable event.

Mr. GRAHAM. Mr. President, if nothing else positive happens today, the statement of the law by the Senator from Wyoming is a very appreciated event, because his statement and understanding of the law is exactly that which I have held, which I consider to be the only reasonable way to sort out this convoluted process.

I just wish that the position of the Senator from Wyoming and the Senator from Florida were universally held, and if that were the case, then we would not have to have had that long debate relative to compensation of areas south of the 26th latitude, areas that were improperly granted in the first place, and in my judgment should not be considered as qualified for compensation because they could not meet the test to have been granted a drilling permit, and therefore were not a property right that warrants compensation.

Mr. President, on one other area, the issue of are we about to export American jobs:

The fact is that America has a limited amount of oil and gas. In our earlier debate, we had some ambiguity as to just how much natural gas. I frankly have been operating under the impression, based on what had been presented to me as reliable information, that we had an abundance of natural gas, and therefore issues such as opening up the use of natural gas for electrical generation, which had been prohibited at an earlier period in our energy history, was now provident.

If that is not the case, then I think we have more serious problems than I thought we had to begin with. But as it relates to petroleum, there is no question that we have a finite American resource. Some would argue that our resource is as low as in the mid-40 billion barrels; others would say it may be as high as in the 80 billions of barrels of oil. That is the range of the best experts, the most knowledgeable people, as to what our resource is. We are currently using about 6½ billion barrels of petroleum per year in the United States, of which roughly half is domestic and half is imported.

That means that if we continue at the current rate of 3 billion-plus domestic barrels of petroleum per year, against the most extended estimate of our domestic supply, we are looking at roughly 25 years of domestic use.

To me, an intelligent energy policy has to involve the issue of how do we stretch that remaining domestic resource as long as possible, as long as it will be required for us to fully implement the measures that will make us less dependent on petroleum; as long as it will take us to install transportation systems that are not as petroleum-intensive as those that we have today; as long as it takes for us to develop industrial mechanisms that will not be as dependent on petroleum as they are today.

That is the challenge I see of our national energy policy, one of husbanding, conserving, and providing for an aggressive transition to a less oil-dependent America. That is my definition of the problem. I believe the amendment that I have offered is consistent with that objective, while providing a higher standard of environmental protection also, and by eliminating a statement of congressional policy that it is the Nation's goal to expeditiously develop our Outer Continental Shelf oil and gas resources when, in my judgment, we ought to be prudently trying to conserve our Outer Continental Shelf, as well as our interior petroleum resources, in order to make them last as long as possible, so that not only will our generation, but our children and grandchildren will be able to live in an America that is not totally dependent upon foreign sources because we have been so foolish as to totally deplete our domestic resources.

Mr. President, that concludes my comments on the amendment. I urge its adoption.

Mr. JOHNSTON. Mr. President, if, in fact, it is the purpose of the Senator from Florida to conserve domestic resources because you would not be able to produce them pursuant to this change in the fundamental Outer Continental Shelf Lands Act, then I suspect he will achieve his purpose, because, in fact, the production, the exploration, the getting of bonuses from that Outer Continental Shelf production will be delayed and made the subject of litigation and be more difficult ever to get, according to these amendments.

I suspect when he says that he wants to conserve domestic resources, he means not through this amendment, but I fear that this amendment would conserve by being unable to produce and really not conserve, but import, and in the process of importing, subject the country to the 98-percent risk from transportation and other causes as opposed to the 2-percent risk from production on the Outer Continental Shelf.

Mr. President, I believe we have demonstrated that this amendment to the fundamental law would be a grave mistake, is unworkable, and has not been appropriately considered in all of its sequencing and in its relationship to the real world of production on the OCS, and certainly is not necessary in order to protect what the Senator from Florida regards as improvident leases issued below the 26th parallel in Florida.

So consequently, Mr. President, I think this has been fully discussed, maybe even over-fully discussed, and I am ready to yield the remainder of my time.

Mr. SANFORD. Mr. President, I rise in support of amendment No. 1648 to S. 2166 offered today by Senator GRAHAM. I am a cosponsor of this amendment and believe the provisions spelled out in this measure should be a part of our energy package.

Many of my colleagues are aware of the problems that have emerged since the sale of a lease to drill for natural gas off North Carolina's coast. Our waters can be volatile and our marine ecosystems are fragile. Because of these factors, Congress created in 1990 a team of experts to study the impact that drilling might have on my State's coastal environment; the panel has yet to reach a final conclusion.

As pressure to drill increases off North Carolina, the mid-Atlantic States, and those areas most prominent in the recent MMS 5-year plan, we cannot afford the money and time that might be required to establish a separate scientific panel to investigate the coastal impact of each controversial lease sale. This amendment will require the MMS to utilize their human and technical resources to systematically review the possible affects of drilling on citizens and their environment; this proceeding must be completed and subjected to peer review 6 months before the announcement of the lease sale.

Mr. President, this makes good sense for the Treasury, coastal communities, and marine wildlife and their habitats.

The two Senators from Florida know the problems associated with the present system. Just as North Carolina is presently under a congressional moratorium, portions of Florida were included in the President's 1990 moratoria. Had the language in this amendment been established policy several years ago, we might have avoided the prospect of having MMS buy back inactive leases, with considerable interest, and at the taxpayers' expense.

This amendment will give the Department of the Interior further direction in determining when an existing lease should be canceled, and it properly allows for the lesees to be compensated for such leases expeditiously and at a minimal cost to the Government.

If this Nation is to continue to reclaim fossil resources off its shores, Outer Continental Shelf drilling must take place only after adequate consideration is given to complete environmental information and to the concerns of those most affected by such activities. I support these criteria as stated in the amendment now before the Senate.

Mr. GRAHAM. I yield the remainder of my time.

Mr. JOHNSTON. Mr. President, I move to table the amendment.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

The PRESIDING OFFICER (Mr. FOWLER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—51

Bentsen	Exon	McConnell
Bond	Ford	Murkowski
Boren	Garn	Nickles
Breaux	Glenn	Packwood
Brown	Gorton	Pressler
Bumpers	Gramm	Pryor
Burdick	Grassley	Roth
Burns	Hatch	Rudman
Byrd	Hatfield	Sasser
Coats	Heflin	Shelby
Cochran	Helms	Simpson
Conrad	Inouye	Smith
Craig	Johnston	Stevens
Danforth	Kasten	Symms
DeConcini	Lott	Thurmond
Dole	Lugar	Wallop
Domenici	McCain	Warner

NAYS—47

Adams	Bryan	Dixon
Akaka	Chafee	Dodd
Baucus	Cohen	Durenberger
Biden	Cranston	Fowler
Bingaman	D'Amato	Gore
Bradley	Daschle	Graham
Hollings	Mack	Rockefeller
Jeffords	Metzenbaum	Sanford
Kassebaum	Mikulski	Sarbanes
Kennedy	Mitchell	Seymour
Kerry	Moynihan	Simon
Kohl	Nunn	Specter
Lautenberg	Pell	Wellstone
Leahy	Reid	Wirth
Levin	Riegle	Wofford
Lieberman	Robb	

NOT VOTING—2

Harkin Kerrey

So the motion to table the amendment (No. 1648) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I say for the benefit of my colleagues, I know of one more amendment, and that is by the Senator from Delaware [Mr. BIDEN] with a 30-minute time limit. I know of no other amendments that were planned to be offered. There are some others that would be eligible but that is the only one I know of and I wish any Senators who plan to bring in amendments other than the Biden amendment would let us know.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

AMENDMENT NO. 1649

(Purpose: To make improvements in nuclear regulation)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 1649.

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

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

The amendment is as follows:

On page 189, between lines 11 and 12, insert the following new heading:

SUBSTITLE A—NUCLEAR REACTOR LICENSING

On page 193, between lines 6 and 7, insert the following new subtitle:

Subtitle B—Independent Nuclear Safety Investigations Board

SEC. 9201. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) there exists a potential for conflict of interest in the investigation of significant safety events arising out of activities licensed or otherwise regulated by the Nuclear Regulatory Commission (hereafter in this subtitle referred to as the "Commission"), where the Commission's prior action or inaction may have been a partial contributor to the cause of such event;

(2) an independent organization for the investigation of such events will inspire greater pubic confidence in the investigatory process for such incidents; and

(3) the increased stature and enhanced visibility of the investigations conducted by such an independent organization, and the recommendations made as a result of such investigations, will help to ensure timely consideration and implementation of the recommendations of such an organization.

(b) PURPOSE.—The purpose of this subtitle is to establish an Independent Nuclear Safety Investigations Board to—

(1) conduct independent investigations of significant safety events arising out of activities at production or utilization facilities licensed by the Commission under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133 and 2134, respectively); and

(2) submit to the Commission and to the Congress the results of any such investigation, including any recommendations for actions to be taken by the Commission to prevent the recurrence of such events.

SEC. 9202. ESTABLISHMENT OF NUCLEAR SAFETY INVESTIGATIONS BOARD.

(a) IN GENERAL.—There is hereby established within the Commission an independent board to be known as the Independent Nuclear Safety Investigations Board (hereafter in this subtitle referred to as the "Board").

(b) MEMBERS.—The Board shall consist of three members who shall be appointed by the President, by and with the advice and consent of the Senate. The members shall be appointed on the basis of technical qualification, professional standing, and demonstrated competence and knowledge relevant to the investigative functions of the Board. No more than two members of the Board shall be of the same political party. Not later than 90 days after the date of enactment of this Act, the President shall submit to the Senate the nominations for appointment to the Board. The President shall designate one member to serve as the Chairperson of the Board.

(c) TERMS.—The terms of office of members of the Board shall be 3 years, except as otherwise provided in this subsection. Any individual appointed to fill a vacancy occurring on the Board prior to the expiration of the term of office for which his or her predecessor was appointed shall be appointed for the remainder of the term. Upon the expiration of his or her term of office, a member shall continue to serve until his or her successor is appointed and shall have qualified. Any member of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance of office.

(d) CHAIRPERSON.—

(1) IN GENERAL.—The chairperson shall be the chief executive officer of the Board and shall exercise the executive and administrative functions of the Board with respect to the appointment and supervision of personnel employment by the Board, the distribution of business among such personnel and among administrative units of the Board, and the use and expenditure of funds.

(2) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by adding at the end the following: "Chairperson, Independent Nuclear Safety Investigations Board.".

SEC. 9203. DUTIES AND AUTHORITIES.

(a) IN GENERAL.—The Board shall have the following functions and authorities described in this section.

(b) INVESTIGATIONS.—

(1) IN GENERAL.—The Board shall investigate or cause to be investigated those significant safety events, as defined by the Board, arising out of activities at production or utilization facilities licensed by the Com-

mission under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133 and 2134, respectively) that the Board determines are important because of possible adverse effects on the health or safety of the public, and may investigate or cause to be investigated other safety events upon the request of the Commission.

(2) PURPOSE.—The purpose of any investigation initiated pursuant to this subsection shall be to determine the facts, conditions, and circumstances of the events investigated, including—

(A) an assessment of the implications of such event for public health and safety;

(B) a determination of whether such event is part of a pattern of similar events at production or utilization facilities licensed by the Commission under section 103 or 104 of the Atomic Energy Act of 1954 (43 U.S.C. 2133 and 2134, respectively) that could adversely affect the public health or safety; and

(C) an assessment of the root causes of such event, including the contribution, if any, of any action (or inaction) of the Commission with respect to such event.

(3) REPORTS.—The Board shall report in writing, and shall submit such report to the Commission, on the facts, conditions, and circumstances of each event investigated pursuant to this subsection, including—

(A) the date and place of the event;

(B) the nature and probable consequence of the event;

(C) the cause or causes of the event; and

(D) any action recommended to prevent the recurrence of the event, including any recommendations for actions to be taken by the Commission with regard to regulatory requirements or practices.

(4) RESPONSE TO RECOMMENDATIONS.—(A) The Commission shall respond in writing to any recommendations of the Board within 120 days of receipt of such recommendations. Such written response shall detail specific measures adopted or to be adopted by the Commission in response to such recommendations, and explanations for the Commission's inaction on any recommendations not adopted.

(B) The recommendations of the Board made pursuant to paragraph (3) and the response of the Commission to such recommendations shall be made available to the public and shall be submitted to Congress.

(5) PROCEDURE FOR INVESTIGATIONS.—Except for investigations initiated at the request of the Commission, the Board shall, prior to the initiation of an investigation pursuant to this section, consult with the Chairman of the Commission and, if an investigation is warranted, the Board shall set forth in writing the basis for the Board's determination that the event constitutes a significant safety event, as defined by the Board. The written statement of the Board's basis for initiating an investigation shall not be subject to judicial review. The written statement shall be made available to the public and shall be submitted to the Congress.

(6) EXCLUSION.—No part of the conclusions, findings, or recommendations of any report of the Board relating to any event or the investigation of such event shall be admitted as evidence or used in any suit or action for damages growing out of any matter mentioned in such report.

(c) INSPECTION.—Following the issuance of a written determination pursuant to subsection (b)(5), or upon the initiation of an investigation requested by the Commission, any employee of the Board, upon presenting appropriate credentials, including any security clearance required by the Commission, and a written notice of inspection authority, may enter the facility where the event has occurred and do all things appropriate for a proper investigation. The employee may inspect, at reasonable times, records, files, papers, processes, controls, and facilities relevant to the investigation of such event. Each inspection shall be commenced and completed with reasonable promptness.

(d) INFORMATION.—Subject to section 552a of title 5, United States Code, the Board may secure directly from any agency or instrumentality of the United States such information as that agency or instrumentality may already possess as may be necessary to enable the Board to carry out an investigation pursuant to this subtitle. Upon request of the Board, the head of such agency or instrumentality shall furnish such information to the Board. The information that the Board may secure under this subsection may include any material designated as classified material pursuant to the Atomic Energy Act of 1954, or any materials designated as safeguards information and otherwise protected from disclosure under section 147 of the Atomic Energy Act of 1954 (42 U.S.C. 2167).

(e) GENERAL AUTHORITIES.—

(1) IN GENERAL.—Following the issuance of a written determination pursuant to paragraph (b)(5), or upon the initiation of an investigation requested by the Commission, the Board, or, upon authority of the Board, any member thereof, any administrative law judge employed by or assigned to the Board, or any officer or employee duly designated by the Board, may, for the purpose of carrying out this subtitle, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpoena or otherwise attendance and testimony of such witnesses and the production of evidence as the Board or such officer or employ considers advisable. Subpoenas shall be issued only under the signature of the Chairperson and may be served by any person designated by the Board.

(2) PENALTY.—Any person who willfully neglects or refuses to qualify as a witness, or to testify, or to produce any evidence in obedience to any subpoena duly issued under the authority of this paragraph shall be fined not more than $5,000, or imprisoned for not more than 6 months, or both. Upon certification by the Board of the facts concerning any willful disobedience by any person to the United States Attorney for any judicial district in which the person resides or is found, the attorney may proceed by information for the prosecution of the person for the offense.

(f) ADMINISTRATION.—

(1) IN GENERAL.—Subject to such rules as may be prescribed by the Board, the Board may appoint and fix the pay of such officers and employees (including investigators and attorneys) as the Board considers necessary to carry out the powers and duties of the Board. Appointments shall be made under this paragraph in such manner that not more than the equivalent of 55 full-time officers and employees are employed by the Broad at any time.

(2) STAFF.—The staff of the Board shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(g) TEMPORARY AND INTERMITTENT SERVICES.—Subject to such rules as may be prescribed by the Board, the Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code. The amount of consultant services that may be obtained by the Board under this subsection shall not exceed, during any fiscal year period, the amount of services that would be obtained if the Board procured on a full-time basis the services of 12 consultants.

(h) COOPERATIVE ACTIVITIES.—Upon request of the Board, the Commission, or the head (or governing authority) of any other Federal agency or instrumentality may—

(1) detail to the Board, on a reimbursable basis, such personnel as may be desirable to assist the Board in carrying out its duties; and

(2) make available to the Board, on a reimbursable basis, such facilities, equipment, or other administrative support services as may be desirable to assist the Board in carrying out its duties.

(i) STAFF.—The Commission shall provide the Board with appropriate and adequate office space, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of the Board and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

(j) LOCAL GOVERNMENTS.—The Board may confer with employees of State or local government agencies and may use, on a reimbursable basis, such services, records, and facilities as such agencies may make available to the Board.

(k) MAIL.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(l) REPORTS.—

(1) IN GENERAL.—The Board shall report annually to the Congress on the activities of the Board. Such report shall contain—

(A) a summary of the significant safety events (as defined by the Board) investigated by the Board during the preceding calendar year; and

(B) a summary, in such detail as the Board considers advisable, of the recommendations made by the Board pursuant to subsection (b)(3)(D), together with the observed response of the Commission to each such recommendation.

(2) AVAILABILITY.—Such reports shall be made available to Federal, State, and local government agencies concerned with safety at production or utilization facilities licensed by the Commission under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133 and 2134, respectively). Upon request, such reports shall be made available to other interested persons.

(m) OPERATION.—The Board is authorized to establish rules, procedures, or other appropriate guidance governing the operations of the Board and the conduct of Board investigations.

(n) TRANSFER OF AUTHORITIES.—There shall be transferred to the Board such offices of the Commission, or functions, powers, or duties of such offices, as the Commission may determine are properly related to the functions of the Board and will further the purposes of this subtitle, except that there shall not be transferred to the Board any program operating responsibilities.

(o) TERMINATION.—The Board shall terminate at the end of fiscal year 1997.

SEC. 9204. AUTHORIZATION.

There are hereby authorized to be appropriated to carry out this subtitle, for each of fiscal years 1993, 1994, 1995, 1996, and 1997, an amount equal to $6,000,000.

SEC. 9205. EFFECTIVE DATE.

This subtitle shall take effect on such date during the 6-month period beginning on October 1, 1992, as the President may direct in an Executive order. If the President fails to issue an Executive order for the purpose of this section, this subtitle shall take effect on March 1, 1993.

Mr. BIDEN. Mr. President, I have agreed to a time agreement on this amendment.

Parliamentary inquiry. I believe the time is one-half hour equally divided; is that correct.

The PRESIDING OFFICER. The Senator is correct.

Mr. BIDEN. Mr. President, this is an amendment that has been raised before some years ago. It is very straightforward and simple.

My amendment establishes an independent safety board for the Nuclear Regulatory Commission. Not unlike, I might add, the independent agency that exists with the FAA. There is an independent organization, the National Transportation Safety Board, that deals with inspections as opposed to the licensing. It goes out and determines whether or not the rules are being kept, whether safety is being maintained at the Federal Aviation Administration or the airline industry. And it functions the same way.

Right now, to use that old cliche, "We have the fox guarding the henhouse."

The purpose of my amendment is to eliminate a structural problem in our nuclear regulatory system that requires the NRC to sit in judgment on itself.

I believe we presently have a fundamentally flawed system. The public cannot, and I must suggest does not, have confidence in a system in which the NRC makes the final determination on the appropriateness of their earlier licensing and regulatory decisions.

It is public confidence that is the greatest hurdle the nuclear energy community has to clear if it is to make a recovery. Our regulatory system has done nothing to restore public confidence in the 12 years since the accident at the Three Mile Island reactor. And there is nothing in this bill that addresses this critical problem.

It seems to me, it is time that we change. The board I am proposing will be the lead investigation unit in the event of an accident at a nuclear powerplant. It would have broad authority to look into all events leading to the accident and lay blame where it belongs—whether it is the utility, the reactor manufacturer, or the licensing outfit, the NRC.

Right now, the NRC is virtually absolved of any blame in an accident because the inspection teams are not allowed to look into the agency's role or decisions. The board that I am proposing will have no regulatory authority. Let me make that clear to my colleagues. It will have no regulatory authority. The ultimate decision on whether or not to require changes in a reactor after an accident, or for that matter before, will be made by the NRC. But in the event of an accident, the NRC will have to clearly state the reasons for its actions or inactions in response to the board's recommendation.

It is real simple. If the board comes along and says this particular aspect of the functioning of this nuclear reactor is flawed and should be changed, the licensing operation that I am proposing—and the Senator from Minnesota will be speaking to—does not have the authority to say: Shutdown. It, in fact, is required that we turn around and go to the NRC and the NRC says we are either going to follow the recommendation of this independent safety board that we are talking about setting up, or we are not going to follow the recommendation and here is the reason why we are not going to follow it.

Finally, the board will not increase the NRC's budget or duplicate other efforts. To the extent there is any overlap, my amendment makes it clear that those responsibilities presently within the NRC that relate to the inspection programs after an accident be shifted to the safety board. In effect, the board is taking over just one part of what the NRC is trying and failing to do today. They key is that it is independent. It is independent of the NRC.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator reserves the remainder of his time.

The Senator from Louisiana, the chairman of the committee.

Mr. JOHNSTON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator is so recognized.

Mr. JOHNSTON. The deficit of the United States exceeds $350 billion, local taxpayers are screaming for relief, the Presidential campaign on both the Democratic and the Republican sides is over the question of money, not having enough of it, how to get the money for health care, for WIC, for Head Start, for college educations, for a whole host of other important programs.

Mr. President, in the midst of that we have here an amendment that fixes something that is not broken, that requires redundant investigations, and that creates a whole bureaucracy with virtually nothing to do.

In the last 2 years, there have been two nuclear events of significance. No one was harmed. No property damage was done in either one. But there was a nuclear event which by some definitions you could consider to be serious enough to investigate.

Mr. President, we are creating a bureaucracy here which is required to do precisely and exactly the same thing that the Nuclear Regulatory Commission presently does but at an additional cost of $6 million as specified in the bill. The indications are it would actually cost twice that to do it, to hire this many experts, 73 full-time staffers.

If there was ever a buzzard's roost, if there was ever a deadhead dump, this would be it. Because it would be doing something that is already required to be done under the Atomic Energy Act, and that not only is already required to be done, there is darned little of it to be done because there were only two such incidents in the last 2 years.

Mr. President, we do not need to spend this money on doing something that is already being done.

As far as the independence of the NRC, they have solved that problem by establishing independent investigatory boards. My colleagues remember the one big incident which we had, which was Three Mile Island. We created a special Kemeny Commission.

I suspect even if this board were created and we had another big Three Mile Island or something like it, you would not want to investigate it under this board. Because no scientist who was self-respecting, who had ambition, would want to be a member of a board with nothing to do. If there were such as incident, you would want to have some real experts who were independent so you would probably avoid this board altogether.

We do not need this redundant board.

Mr. President, the Senator from Rhode Island desired 4 minutes. I yield to him, 4 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. CHAFEE] is recognized for 4 minutes.

Mr. CHAFEE. Mr. President, I rise in opposition to the amendment by the Senator from Delaware. I do not think we need an additional layer of bureaucracy at the Nuclear Regulatory Commission.

The Commission's current instant investigation teams—that is the name of this group that they have within the NRC—perform the very same function as the proposed investigations board. So, rather than encumbering the safety process with layer after layer of bureauracy, I think we ought to work within the structure of the NRC to address any concerns that the public has about safety.

The efforts of the NRC to improve safety standards and to deal with the long-term problems in waste disposal are certainly moving in the right direction. More needs to be done, but this amendment is not the answer to those challenges. I am aware of the safety questions arising from the operation of

our nuclear plants, and certainly no one can accuse me of being an advocate of nuclear power. But this amendment is not a pronuclear or antinuclear issue. It seems to me the issue is about fiscal soundness and good government.

In addition to the three board members, as has been pointed out by the floor manager of this bill, the staffing could include up to 50 full-time employees, costing about $6 million a year for another layer that we plain just do not need.

Mr. President, the interesting thing is that the members of the Nuclear Regulatory Commission are currently appointed by the President of the United States, and that would remain the same. In addition, this board that is proposed by the Senator from Delaware would be appointed by the President of the United States. So what are you getting? You are getting another layer on top of a layer that already exists, that are appointed by the President, and the supervisory group would be appointed by the President.

If the President does not like what the NRC is doing, get rid of those people. Do not keep them. He has the power to make the appointments, and certainly if he approves of what they are doing, I cannot see that the people he appointed on top of them would contravene what the members of the NRC are doing.

Finally, Mr. President, I would just like to point out as a member of the Committee on Environment and Public Works, I have strong feeling about jurisdiction in connection with this legislation. I know the Environment Committee has dealt with this issue in the past, as the distinguished Senator from Delaware mentioned. But that was a different issue. That was in connection with having a single member in charge of the NRC, instead of the current board that exists there. So it is quite a different situation than that which came before the Environment Committee several years ago.

Mr. President, I think this is not a useful amendment, and I hope my colleagues will defeat it.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I yield myself a minute.

Mr. President, let me point out my colleagues are very good debaters, and deliberately missing the point. I emphasize deliberately missing the point. The point has nothing to do with whether or not we are being redundant. It has to do with independence. There is no redundancy if in fact there is independence.

The whole purpose of this provision is to have the very people who make a mistake in licensing, and they do, when they go back to check out their own mistake, human nature dictates in most instances that they are not likely to say, we messed up. We, the NRC, when we licensed this reactor, we made a mistake, and the reason why there is this accident that occurred is because of the mistake that we made.

The same thing existed with the FAA until about 30 years ago. A U.S. Senator was killed, and then the FAA was able to whitewash the investigation because they were investigating themselves. And then the Senate woke up and said: "Hey, wait a minute; we have a problem here, and the problem is the same people who are making the decisions are later inspecting their own decisions when an accident occurs."

There are many examples—starting from the Salem nuclear power plant—across the Nation, whereby there is no followup by the NRC. It has nothing to do with the appointing of anybody. It has to do with independence; a simple direct notion: Independence.

My friend from Louisiana said that the taxpayers are screaming for relief. What people are screaming for is assurance from the nuclear industry. That is what they are screaming for. That is what they are screaming for in the Delaware Valley, where so many darn mistakes have been made—at the Salem plant, and Peach Bottom, and other places. They want assurance, and the notion that the same outfit that tells you you can go in business, when you find yourself in trouble after having been in business, turns around and says that they made a mistake when they let you go in business, it is not the way human nature functions.

Mr. JOHNSTON. Will the Senator yield?

Mr. BIDEN. I certainly will, on the Senator's time.

Mr. JOHNSTON. Mr. President, the Senator is familiar with the incident investigation program set up in the NRC, which involves independent people appointed by the NRC, people who have not been involved with licensing or inspection activities related to the affected facility.

Mr. BIDEN. I am, Mr. President. That is kind of an oxymoron, by the way, independent people appointed by the NRC. But go ahead.

Mr. JOHNSTON. You are also familiar with the fact the Congress set up an Inspector General for the NRC.

Mr. BIDEN. I am.

Mr. JOHNSTON. Mr. President, does the Senator seriously think there is enough to do, with only two incidents in the last 2 years, to keep this group busy——

Mr. BIDEN. Oh, there are a lot more than two incidents, Mr. President. There are two incidents that rose to the highest level used by the NRC. If you read the Inspector General's report, it reads in part:

> The IIT finds are not tracked to resolution, and no independent group equivalent to the group that conducted the IIT investigation follows up to assure that the action taken by the licensee and the NRC staff meet the intent of the IIT findings.

Mr. JOHNSTON. Mr. President, according to the NRC, and I am reading from a letter dated February 13, 1992.

Mr. BIDEN. Is that the NRC letter?

Mr. JOHNSTON. "In the last 2 years, two events at operating reactors, one event relating to a materials licensee, and one event at a fuel fabricating facility were of sufficient significance to warrant an IIT investigation."

Mr. BIDEN. Mr. President, if the Senator will read on, they go on to say there are 14 other incidents characterized as lesser significance, as characterized by the very——

Mr. JOHNSTON. The Senator defines these incidents in his amendment—the board would only investigate a significant safety event.

Mr. BIDEN. Correct.

Mr. JOHNSTON. Would the Senator agree with me, Mr. President, that an IIT investigation is required of any significant safety event? You are not saying these 14 events would all be significant safety events?

Mr. BIDEN. Yes, I would.

Mr. JOHNSTON. Mr. President, I will submit the Senator needs to look further into those events. Those have not all been significant events. If you want to keep somebody busy, this is the way to do it.

Mr. President, I ask unanimous consent to print the letter dated February 13, 1992 in the RECORD.

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

NUCLEAR REGULATORY COMMISSION,
Washington, DC, February 13, 1992.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR SENATOR JOHNSTON: I am responding to your oral request for the Nuclear Regulatory Commission's (NRC's) comments on a proposal to create an independent Nuclear Safety Investigations Board within the Commission. We understand that the proposal may shortly be offered by Senator Biden as an amendment to S. 2166, the National Energy Security Act. For the reasons discussed below and summarized in the penultimate paragraph, previous Commissions have opposed similar amendments in the past, and we see no basis to change our strong opposition to the enactment of the proposed amendment.

As we understand it, the Board in question would be headed by three Presidential appointees, who would be supported by a staff of up to 55 full-time employees and intermittent or temporary employees equivalent to up to 12 full-time consultants. The primary functions of the Board would be to investigate significant safety events arising out of activities at production or utilization facilities licensed by the Commission under section 103 or 104 of the Atomic Energy Act, and to issue a written report providing the Board's findings and recommendations regarding each event investigated. For each fiscal year of the Board's existence, six million dollars would be authorized to be appropriated to support the work of the Board.

It is not clear to us what current Commission regulatory problem is intended to be resolved by the creation of the proposed Nu-

clear Safety Investigations Board. The NRC's Incident Investigation Program already provides for investigation of operational events and accidents in the nuclear industry. The Commission's Office of Inspector General has found this program "to be a useful regulatory tool enabling the NRC to objectively investigate significant operational events at operating nuclear power plants." OIG Review of NRC's Incident Investigation Program, OIG 88A-11, August 1989.

NRC's sensitivity to conflict of interest considerations is reflected in the operation of this program. Under the NRC program, Incident Investigation Teams (IITs) are established by the Commission's Executive Director for Operations to investigate significant operational events from two perspectives. The first is to fully understand the implications of the event for public health and safety. Of equal importance is the need to fully evaluate and understand any NRC shortcoming that contributed to the incident. (Augmented Inspection Teams are established by Regional Administrators to inspect those events whose implications for public health and safety are of a lesser safety or safeguards significance, and these teams do not necessarily focus on NRC shortcomings.) IITs are staffed with NRC employees who have had no significant involvement with licensing and inspection activities associated with the event or the affected facility. A special NRC office that is independent of the program staff, the Office for Analysis and Evaluation of Operational Data,[1] provides management and administrative support to each IIT. Current protocol provides that at least one member of the nuclear industry or an outside consultant with unique expertise in an area significant to an incident is asked to serve on an IIT, and that individual is also screened to avoid a conflict of interest situation.

IITs issue reports on their findings to the Executive Director for Operations and to the Commission. The reports are available to the public and excerpts are included in the NRC's quarterly report to Congress on abnormal occurrences. Directed action by the Executive Director for Operations to the NRC staff in response to the report is also available to the public and is referenced in the quarterly report to the Congress. In addition, the Office for Analysis and Evaluation of Operational Data issues an annual report to the Commission that includes a compilation of all IIT actions (resolution, status, and disposition) during the past year.

The Commission therefore believes that the goals of Senator Biden's proposed amendment to S. 2166 are already being accomplished by the NRC. Under the aegis of an office that is independent of the program staff, IITs provide a timely, structured, objective, and in-depth investigation of significant operational events for the purpose of providing a complete technical and regulatory understanding of each such event. IIT team members are specifically selected to avoid conflict of interest problems. IIT findings and recommendations are made public, they are reviewed by the NRC, and the status and disposition of directed action resulting from such review are tracked and reported.

Further, experience with the frequency of significant safety events in recent years indicates that the establishment of a Nuclear Safety Investigations Board, along with its support structure, would also be an extremely inefficient use of limited Federal resources. In the last two years, two events at operating reactors, one event relating to a materials licensee, and one event at a fuel fabrication facility were of sufficient significance to warrant an IIT investigation. Augmented Inspection Teams, which investigate events of lesser safety significance, averaged only 14 events per year. In virtually all cases, these lesser events would not warrant an investigation by the newly created Board. Thus, recent experience indicates that the workload would not be sufficient to fill the time of three Presidential appointees and the full-time staff envisioned by the proposed amendment.

In addition, the creation of an additional Board within the NRC would have significant resource implications that go beyond the six million dollar authorization of appropriations that is included in the proposed amendment. The only sure way to avoid charges that the Board's activities may be undermined by dual loyalties (to the Board and to the Commission) would be to build up a staff and facilities devoted only to its activities. The amendment seems to acknowledge this by mandating transfer to the Board of such offices of the Commission as are "properly related to the functions of the Board" (proposed section 9203(n)), and authorizing the Commission (or any other Federal agency) to detail personnel to the Board and to provide facilities, equipment, and other administrative support services to assist the Board in carrying out its duties (proposed section 9203(h)). Even though there is a provision for reimbursement, inevitably this will entail a loss of services and facilities for other NRC functions, which will have to be made up by additional NRC expenditures.

Finally, contrary to the "findings" of the proposed amendment in section 9201(a) (2) and (3) of what we understand to be the proposed amendment, the NRC believes that the creation of such a Board would not inspire greater public confidence or ensure timely consideration and implementation of the recommendations of such an organization. Rather, it will further diffuse Government responsibility for ensuring that commercial nuclear activities are carried out in this country in such a way as to ensure the health and safety of the public and industry workers. In addition, the Board's activities would hinder the Commission from acting during the pendency of the Board's investigation since the Board would be the only fact-finding body. Thus, instead of reassuring the public, the difficulties inherent in the approach visualized by the proposed amendment would create a loss of confidence in the ability of the Government to handle the issues under consideration promptly.

In summary, we do not support the creation of the proposed Nuclear Safety Investigations Board. There is no current NRC regulatory problem that would be solved by creation of a Nuclear Safety Investigations Board. The NRC, itself, is an independent regulatory agency, already has an Incident Investigation Program that meets the goals intended to be achieved by creation of this new Board. Moreover, creation of a separate organization devoted to investigation of significant safety events would be an inefficient use of Federal resources. It would inevitably lead to an increase in NRC expenditures. In addition, the introduction of the proposed Board into the investigative process would actually undermine the ability of the NRC to respond promptly to significant operational events.

Please let us know if we can be of any further assistance in your consideration of the proposed amendment.

Sincerely,

IVAN SELIN.

The PRESIDING OFFICER. The Senator from Delaware has the time, and has 8 minutes remaining. The Senator from Louisiana has 6 minutes remaining.

Mr. BIDEN. Mr. President, my friend is seeking 5 minutes, and I yield 5 minutes.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE] is recognized for 5 minutes.

Mr. WELLSTONE. Mr. President, I probably will not even need the full 5 minutes. Let me just say, I do rise to express my support for Senator BIDEN's amendment to establish an independent nuclear safety investigations board. I do this in the context of this legislation.

The Senate has adopted in this bill a so-called one-step licensing procedure wherein we have made a decision that we need to address one of the problems that the nuclear industry has, namely the distrust of the public, by cutting the public out of part of the process.

I have to say, Mr. President, that one of the reasons—there are a number of reasons—but one of the reasons I oppose one-step licensing is because I think it is precisely the wrong direction to go in. What I think citizens are asking for—and this might be a definition of relief, I would want to say on the floor—is some assurance that when they have concerns about nuclear powerplants, concerns about the health and safety of their own families and their own children, that they will have some way of expressing those concerns; that they will not be cut out of the process. That is one of the things that I think makes most people angry about Government and Government agencies today.

So I believe that Senator BIDEN's very moderate amendment would add some sorely needed balance to this legislation, and I think it is a very constructive measure which really addresses some of the public concerns that we see.

Mr. President, we can debate NRC's record in addressing safety issues forever, and we probably will not agree, but that will not change the public's perception. Many people around this country and many people in my State of Minnesota do not believe that the NRC is doing its job well. They believe that the NRC is far too sympathetic to the industry it is supposed to regulate.

This independent safety board, which is what this amendment proposes, just gives people in the country greater assurance that existing and future nuclear powerplants will operate safely. The Senator from Louisiana talked about people wanting to have some relief from bureaucracy, and talked about the cost of it.

[1] This office was established pursuant to Three Mile Island "lessons learned" to provide independence within the NRC for reviewing operational experience and events and to feed back important lessons both to industry and other NRC offices.

But there is, I suggest, Mr. President, a pretty terrible cost when these nuclear powerplants, as a matter of fact, prove not to be safe; and there is a terrible cost when people feel cut out of the process. And there is a terrible cost when people believe that they have no real way of seeking redress of grievances.

Mr. President, you attempted to introduce an amendment which was a very moderate amendment to give people some avenue for redress and judicial appeal in the nuclear licensing process. I really believe that the Senator from Delaware has, on the floor of the Senate now, introduced an amendment which I hope Senators will support because I think this is an amendment that gives people in the country the assurance they need. This is precisely the kind of relief for which people hope.

I yield the remainder of my time.

Mr. JOHNSTON. Mr. President, I yield 4 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SIMPSON], is recognized.

Mr. SIMPSON. Mr. President, I thank the Chair.

This amendment of my good friend and chairman on the Judiciary Committee, with whom I have served and whom I enjoy and admire greatly, is not a new idea. This amendment to create an Independent Nuclear Safety Investigation Board is something we have seen before. We have considered it over many Congresses in the past, under both Democrat and Republican leadership of the Nuclear Regulation Subcommittee. This is the subcommittee on which I have served for 13 years, both as ranking member and as chairman.

Such a Safety Investigation Board has historically been coupled with the NRC single-administrator legislation which I had championed in previous years. I have had concerns regarding the commission form of organization—a collegial body that I thought it did not "college"—but those days are gone. I am very satisfied and impressed with the composition of the NRC Commission today. I feel that the single-administrator legislation may not be necessary at this time, but I also feel that the Independent Nuclear Safety Investigations Board is not merited at this time.

The concept of such a Board gained support at a time when safety events occurred more frequently than they do now. The chairman of the Energy and Natural Resources Committee has described very well what has occurred in the last few years. In the past 2 years, only two events at operating reactors have merited investigation by the independent NRC incident investigation team. These events occur at a lesser rate than ever before. We have found that the industry has learned its lessons since Three Mile Island. The improved record of safe operations is attributable to operating and maintenance programs as overseen by the NRC, and the Institute of Nuclear Power Operations, and is the reflection of a maturing industry.

In any event, the NRC has an existing program called the Incident Inspection Program, which has been part of the recent debate. The Commission's Office of Inspector General has reported that the incident inspection program "is a useful regulatory tool enabling the NRC to objectively investigate significant operation events."

The Board is unnecessary. The Board would duplicate a function that is already and appropriately performed by the NRC. I venture to say that shared responsibility by the NRC incident inspection team and the proposed Board would, indeed, be duplicative. It is something we should reject. It would be costly. The Board is unnecessary and may even interfere with the NRC's ability to ensure safe nuclear facilities operation.

And, finally, some have equated the need for this Board with the need for a National Transportation Safety Board, but that is not analogous, I can assure you. The transportation industry does not have an independent regulatory commission such as the NRC. Let us not forget that the sole mission of the NRC—and why this fact is ignored is rather puzzling to me—is protection of the public health and safety and the protection of the environment. Why, then, create yet another bureaucracy?

In my judgment, the NRC is currently doing an exemplary job, and I have been one of its critics over the years, I assure you, and I assure my friend from Minnesota. And when I think they need to have the attention of oversight and detailed scrutiny, we should certainly give it as we have in the past. Now, plants are operating more safety then they ever have before. I just do not see the justification for creating a new Board with redundant responsibilities. We should use the dollars in wiser fashion.

When considering nuclear licensing, we do, finally as a result of the recent vote, have a licensing, construction, and operating license procedure, which is fair and rational. We are never going to satisfy people who are not comfortable with nuclear power, but what we have passed is good and fair; we passed it and we need it. I think people should turn their attention to what we should do with the high-level nuclear waste, which is spent fuel, from 111 operating reactors temporarily stored in a deep pool of demineralized water. There is approximately 43,000 metric tons and accumulating, and we still just babble here in the Chamber and say, "Not here, not there, not anywhere." Get in and play if you really want to do something for your country. What are we going to do with spent fuel from 111 reactors, which is stored at the reactor site? That is what we ought to be paying attention to.

I thank the Chair.

Mr. JOHNSTON. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Louisiana has 2 minutes remaining. The Senator from Delaware has 4½.

Mr. BIDEN. Mr. President, let me respond to a couple of things that have been said. First of all, if this amendment passes, there would be no duplicative function because the function now performed by the NRC would be eliminated and it would be transferred to the independent safety Board as it relates to the IIT's No. 1.

No. 2, there is no net cost. The amendment reduces by $6 million the money the NRC is spending and shifts that $6 million to this new independent regulatory agency. So there is no net cost to the taxpayer.

No. 3, the 14 events that I made reference to, those events are 14 of which were not viewed as being serious. Let me just name two of them for you. At the Salem nuclear powerplant a valve failed shutting down a turbine and it caught fire. The fact is that it blew up, and only because there was a dedicated fire brigade on the facility at Salem did it not, according to the NRC itself, turn into a very serious problem. Most plants do not have their own dedicated fire brigades on site.

Mr. JOHNSTON. Mr. President, will the Senator yield at that point?

Mr. BIDEN. Let me finish and I will yield.

At the Surry plant in Virginia, water eroded the pipe from inside, totally unexpected. It exploded and killed four workers. That was considered not to be a serious event? I think that is fairly serious. Four workers were killed by that little accident. So that is why I say I think they are nonetheless serious incidents.

But let me sum up briefly and maintain the remainder of my time by saying there is no net cost, no duplicative function if this amendment were to pass.

I reserve the remainder of my time.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. I simply wanted to ask the question, or make the point that the Salem incident referred to occurred in 1984 and resulted in an investigation, which, in turn, resulted in a study to determine whether the independent Board was needed. And the recommendation came back that the Board was not needed.

Mr. WALLOP. Will the Senator yield just 30 seconds for a further observation? The event that the Senator talked about of a fire was totally non-

nuclear related. It was nonnuclear reactor related. If the turbine fans had fallen off entirely, it still would not have affected the reactor. It was just a mechanical event.

Mr. JOHNSTON. I yield the remainder of my time to the Senator from New Mexico.

Mr. DOMENICI. How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 1 minute, 20 seconds.

Mr. DOMENICI. It might come as a surprise to some that Japan—we always talk about what does Japan do better than us—licenses nuclear powerplants in a period of time between 5 and 7 years. We take between 10 and 14 years. Japan has experts on their Commission. We would rather have nonexperts. Japan does not use lawyers to see that they are safe; they use scientists. It should not surprise anyone that they are doing better than we are.

This amendment will just load up the process of involvement after the decisions are made, and we will not be any safer. What we will do is say we do not want nuclear power, we make it so difficult that we will not spend the money on it when, indeed, other countries that are beating us in many respects with reference to jobs and prosperity are busy doing it right, doing it quicker, and doing it safely. I think that is what this bill does without this amendment. It gives us at least a chance at that with all the safety you can build into a process.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I seldom say this about my friend from New Mexico, but he has just dropped in the big hearing that does not have anything to do with anything about this amendment. He talked about Japan and lawyers and delays. This has nothing to do with that. The Safety Board does not license. It does not have lawyers. It does not do any of those things. He can talk about Japan all he wants. It has absolutely no relationship, anything he said, to what is before us with this amendment.

Is all time expired?

Mr. DURENBERGER. Mr. President, I rise in opposition to the amendment offered by my colleague from Delaware, Senator BIDEN.

I understand the purpose of the Biden amendment is to provide independent oversight of safety events that may occur at nuclear energy plants. I too am interested in assuring the American public that adequate protective measures are in place to investigate nuclear accidents. However, the Nuclear Regulatory Commission has already taken steps to ensure that such precautions are being taken.

The issue of creating an enhanced safety investigation program at the NRC was first addressed during examination of the NRC's regulatory structure following the 1979 accident at Three Mile Island.

Subsequent to the recommendations of President Carter's Commission on the Three Mile Accident, and the NRC's own independent review, the NRC established the Office for the Analysis and Evaluation of Operational Data. The AEOD, which reports to the NRC's Executive Director for Operations and the Commission itself, is responsible for evaluating the root cause of significant safety events and making recommendations for changes to regulatory programs to avoid future accidents.

In addition, the NRC has established a program for the immediate dispatch of independent incident investigation teams [IIT] when there are significant operational events requiring immediate intervention by the agency. Each IIT is composed of regulatory and inspection/enforcement personnel who have had no previous involvement in Commission decisions regarding the respective plant. Further, Mr. President, this group is assisted by staff from the AEOD office. In short, the purpose behind the Biden amendment has already been achieved by previous actions taken by the NRC.

Finally, Mr. President, the board as created by the Biden amendment is not comparable to the Chemical Safety and Hazardous Investigation Board that I created under the Clean Air Act. The Chemical Safety and Hazardous Investigations Board was created to accomplish work not being done by the EPA. Also, the need for the Biden board is not analogous to the National Transportation Safety Board because, unlike the nuclear industry, the transportation industry did not have an independent regulatory commission conducting safety investigations. It is also important to note that the Environmental Protection Agency and the Department of Transportation are executive level agencies, both of which answer to the President of the United States. The NRC, however, already stands as an independent agency. As such, it is capable to independently investigate nuclear safety incidents.

Certainly I understand that there may be room for improvement in the NRC's completion of its nuclear investigation duties. I do not think, however, that another independent agency is necessary, and I urge my colleagues to oppose the Biden amendment.

The PRESIDING OFFICER. All time has expired. Does the Senator yield his time back?

Does the Senator yield his time?

Mr. BIDEN. I yield and ask for the yeas and nays.

Mr. JOHNSTON. If the Senator will withhold, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana to lay on the table the amendment of the Senator from Delaware.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

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

The result was announced—yeas 63, nays 35, as follows:

{Rollcall Vote No. 26 Leg.}

YEAS—63

Bond	Ford	Murkowski
Boren	Fowler	Nickles
Breaux	Garn	Nunn
Brown	Glenn	Packwood
Bumpers	Gorton	Pressler
Burdick	Graham	Pryor
Burns	Gramm	Robb
Chafee	Grassley	Roth
Coats	Hatch	Rudman
Cochran	Heflin	Sasser
Cohen	Helms	Seymour
Conrad	Hollings	Shelby
Craig	Jeffords	Simpson
Cranston	Johnston	Smith
D'Amato	Kassebaum	Specter
Danforth	Kasten	Stevens
Daschle	Lott	Symms
DeConcini	Mack	Thurmond
Dole	McCain	Wallop
Domenici	McConnell	Warner
Durenberger	Moynihan	Wofford

NAYS—35

Adams	Gore	Mikulski
Akaka	Hatfield	Mitchell
Baucus	Inouye	Pell
Bentsen	Kennedy	Reid
Biden	Kerry	Riegle
Bingaman	Kohl	Rockefeller
Bradley	Lautenberg	Sanford
Bryan	Leahy	Sarbanes
Byrd	Levin	Simon
Dixon	Lieberman	Wellstone
Dodd	Lugar	Wirth
Exon	Metzenbaum	

NOT VOTING—2

Harkin	Kerrey

So the motion to lay on the table the amendment (No. 1649) was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, I was not seeking to be recognized.

The PRESIDING OFFICER. Are there further amendments?

The Senator from Iowa.

AMENDMENT NO. 1650

(Purpose: To make improvements in the replacement and alternative fuel program)

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 1650.

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

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

The amendment is as follows:

On page 60, line 1, strike "establish a program to promote" and insert ", by not later than 1 year after the date of the enactment of this section, establish, by regulation, a program that ensures the promotion of".

On page 60, line 3, strike "Such program shall promote" and insert "In carrying out such program, the Secretary shall require".

On page 60, line 6, strike "ticable." and insert "ticable, but not later than the applicable date specified in the following sentence. The Secretary shall require the replacement of conventional petroleum motor fuels with replacement and alternative fuels, on an energy equivalent basis, in an amount equal to 10 percent of the consumption of motor fuel in the United States by the calendar year 2000, and 30 percent of the amount of such consumption by the calendar year 2010. The Secretary shall require that not less than one-third of the amount of replacement and alternative fuels used to meet the requirements of the preceding sentence shall be from domestically produced renewable sources.".

Beginning on page 60, line 21, strike "technical" and all that follows through page 61, line 2, and insert "most cost-effective means of achieving the replacement of conventional fuels pursuant to subsection (a);".

On page 62, line 2, strike "and".

On page 62, line 4, strike the period and insert "; and".

On page 62, between lines 4 and 5, insert the following new paragraph:

(4) the amount of domestically produced renewable fuels used in replacement and alternative fuels applications.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I may consume.

Mr. President, last week I circulated a letter——

Mr. WALLOP. Will the Senator yield for a second on our time?

Mr. GRASSLEY. I yield.

Mr. WALLOP. I wonder if he would mind having copies of that amendment prepared. We have one but there are not enough for both sets of staff.

Mr. GRASSLEY. We will get a copy.

Mr. WALLOP. I thank the Senator.

Mr. GRASSLEY. Last week I circulated a letter and materials to all Senate colleagues announcing that I intended to offer a domestic alternative fuels amendment. So nobody should be surprised that I am offering this amendment, although it was just recently that I finally got it put together with the exact language I wanted.

That letter that I sent had three objectives:

First, to dispel the nonsense about mandates. Oil companies support mandates. But, of course, they only support mandates if they are for the oil companies' benefits. Oil companies oppose mandates that end up creating competition for them.

My letter highlighted the mandate that oil companies secured in this bill. It mandates that liquid petroleum gas be included under our alternative fuel fleet purchase program.

The oil industry, of course, should be congratulated. Their mandates make it likely the oil companies will monopolize our alternative fuel fleets and at the same time it is going to undermine the Alternative Motor Fuels Act.

My colleagues should remember that it was this act by which Congress in 1988 declared, and I quote:

The Nation's security, economic, and environmental interests require that the Federal Government should assist cleanburning nonpetroleum transportation fuels to reach a threshold level of commercial application and consumer acceptability at which they can successfully compete with petroleum-based fuels.

It is simple as this, Mr. President. By adding liquid petroleum gas, we are apparently throwing those findings of this Congress out the window and the goals of that 1988 legislation out the window.

So, quite simply, some mandates are acceptable. For that matter the word "shall," indicating mandate, is used at least 700 times in this pending energy bill. If "shall" does not mean "mandate," then you know we ought to strike all "shalls" and replace them with "mays."

The second point of my letter was to highlight the hidden petroleum subsidies, estimated at $200 per barrel for imported oil and $3 per gallon for imported gasoline depending upon which source you use.

This exposes two important points: The marketplace does not work for petroleum. Furthermore, the above-board subsidies provided for alternative fuels are really quite small in comparison to what we provide petroleum products and the oil industry.

Finally, I wanted to highlight the oil industry's billions of dollars of investment in MTBE plants overseas, so far estimated at about 70 percent of new MTBE investment.

One MTBE industry executive estimated—and I quote:

Eighty-five percent of known world-scale (MTBE) plant capacity will be located in areas which are already exporting petroleum products to the North American market.

Mr. President, my amendment merely strengthens section 4305 of the bill which mandates that the Secretary establish a program to promote the development and use of domestically produced replacement and alternative fuels.

By my count, my amendment increases the use of the word "shall" by only three times in the bill so instead of about 700 "shalls" we will have about 703.

But, since my amendment uses the word "shall" according to the oil industry, it is a mandate, and it is a mandate that the oil companies in this case strongly oppose. They oppose it because it mandates domestic competition.

My amendment simply strengthens section 4305 to ensure that this program to promote the development and use of replacement and alternative fuels will be more than mere window dressing.

S. 2166, reported by the Senate Energy Committee, mandates the Secretary establish a domestic alternative and replacement fuels program.

My amendment says that the program will require, and I quote: "the replacement of conventional petroleum motor fuels with replacement and alternative fuels on an energy equivalent basis."

My amendment says that by the year 2000, 10 percent, and by the year 2010, 30 percent of our conventional motor fuels will be replaced by domestically produced alternative and replacement fuels. Of these totals, one-third will be produced by domestically produced renewable fuels.

By building upon existing committee bill language, this amendment is as uncomplicated as it can possibly be.

Support or opposition to my amendment hinges upon a handful of questions: Do we want to guarantee that a modest percent of our alternative fuels be produced by Americans in America, or do you want them imported into this country?

Or are we satisfied to leave it to the so-called market forces that are driving us dangerously toward 75 percent foreign dependency?

It hinges upon whether or not we believe in double standards regarding the subject of mandates. Do you believe it is OK for oil to have mandates; that it is OK to have 700 other mandates in the energy bill? If not, strike them all. But if 700 are OK, what is drastic about adding three more that guarantee serious steps toward real energy independence?

Support or opposition to my amendment hinges upon whether we want to ignore the hidden subsidies such as military expenditures to protect OPEC oil supply lines.

How can the oil industry criticize aboveboard subsidies for alternative and replacement fuels to encourage domestic production when they get so much through hidden subsidies?

Mr. President, the U.S. imports almost 50 percent of its oil. Oil imports are to blame for 60 percent of our trade deficit. Some predict our dependency upon foreign oil will be 75 percent soon.

In the 1950's—now, this is in the 1950's—just 10 percent dependency was considered by the Congress of the United States a threat to national security, and it is this simple. We are heading for 75 percent dependency on foreign

oil. And everyone's answer to that is, "Well, just let the market make the decision."

Industry experts predict much of our methanol and MTBE will come from the very same oil exporting countries that now hold us hostage; and let me say, with a lot of American investment in that production overseas.

Section 4305, the Replacement and Alternative Fuel Program, provides no assurances, no assurances whatsoever, that alternatives and replacement fuels will be produced in America nor that we are going to be more energy independent as a result of it. It does little to lead us out of dangerous dependence upon foreign energy.

The committee bill suggests a goal of 30 percent domestic displacement by the year 2010, but it does not assure it. It just does not assure it at all. The Grassley amendment makes certain that we meet those goals.

It is very modest—really, maybe, I could be criticized because it is too modest of a goal. In 1955, the oil companies sought mandates to protect 90 percent of their markets. My amendment sets aside only 30 percent, and it does it 18 years from now.

Under my amendment, the Secretary of Energy is given additional instructions beyond section 4305. The Secretary is instructed to create a program that assures that 10 percent of the Nation's transportation fuels are met by domestically produced alternative fuels by the year 2000, with one-third of that being from renewable sources. This guarantees our appetite for imported oil will, in fact, be reduced.

My amendment assures that renewable fuels, such as ethanol, will be used—improving air quality, reducing our trade deficit, and creating jobs and economic development, particularly in rural America. Is this Congress really concerned about domestic job creation and spurring on our economy? Consider these facts: 5,000 jobs are created for every 100 million gallons of ethanol production. At current stock levels, corn utilization for ethanol production provides a 15- to 20-cent-per-bushel increase in the value of corn. The impact of one 75-to-100 million-bushel-per-year ethanol plant with about 300 employees creates an additional 14,000 jobs and $68 million in personal income.

Does this Congress care about the trade deficit? In the 1990's, the United States spent $54 billion for imported oil. By replacing 10 percent of our Nation's oil use with alternative fuels such as ethanol produced in the United States, our trade deficit then would drop by $12 billion. Our problem is dependency upon foreign energy, not just foreign oil.

What good does it do to exchange dependency upon foreign oil for dependency upon foreign alternative fuels? But that is what is going to happen if we do not do something about it.

Imports of methanol in 1988 shot up 71 percent from the 400 million gallons imported the year before. Industry analysts indicate that the level of imported methanol to be used for production of MTBE is likely to continue to grow to as much as 1.3 billion gallons by 1995. This is an increase of three times the methanol imported just 4 years ago.

And as we know from our debate of the Clean Air Act, ethanol-blended gasolines dramatically reduce carbon monoxide particulates, exhaust hydrocarbons, and slow the formation of urban ozone. In fact, ethanol use has a beneficial impact on greenhouse gases, and thus helps slow the global warming trend.

Mr. President, I think I should not take more time of the Senate. But I want to emphasize that the last few days, if I do not emphasize anything else, has caused some serious questions about where we are really headed in our country with the so-called National Energy Security Act. It might promote some use of alternative energies, but from foreign sources. What does that do for the trade balance? What does that do for our national security, our defense security? We need to produce more alternative fuels at home. We have the capability. We need to declare, through this act, independence from all sources of foreign energy.

I hope this bill lives up to its title, but I am skeptical. I hope that the amendment that I offer will correct some of the flaws in this legislation.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Is there further debate?

Who yields time?

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

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. GRASSLEY. I yield 6 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise in strong support of the amendment of the Senator from Iowa. I believe very strongly that we must approve this bill before we leave here, for the most critical question facing us in this Nation with respect to energy is relieving our dependence upon the importation of foreign oil.

The percentage of our trade deficit, which is the result of motor fuels, is now a little over 50 percent. If we go along with this bill and do nothing more, by the year 2010, it is going to rise to an incredible amount, about $170 billion of the cost of imports, which will raise it way, way up to almost 80 or 90 percent of our trade deficit, assuming the rest is not altered or changed.

I think it is important to remember that if we do not do anything more than what we have done, that the dependency upon Mideastern oil, in that perilous and precarious area which now has two-thirds of the world's oil reserves and which will be experiencing a doubling of population by the year 2010, to rely upon that as our source of fuel is a dangerous mission.

I would say that the Grassley amendment is a very flexible one.

You voted on a Jeffords amendment some time ago which was much more complicated and much more restrictive on the options facing the Secretary of Energy. This one merely says that the Secretary shall create a system wherein we will replace 10 percent by the year 2001 and 30 percent by the year 2010 and that a third of that shall be renewable resources and it all should be domestic sources. By doing that we will give ourselves the option of being energy independent.

I know my colleagues remember that my amendment lost. But I would like to point out that with the 39 votes that we received on it, if you added to that the number of cosponsors of my original bill who were on the committee and who felt restricted by the committee's, shall we say, policy or custom of sticking by the committee's bill and therefore not being able to follow their wishes, my amendment would have been agreed to by 4 votes.

So I hope my colleagues will realize the will of the Senate, as expressed by both the cosponsoring of my amendment and the vote on my amendment, and would say that this body believes we should move toward energy independence. My colleagues now have another opportunity to state that policy, which, unfortunately, was not stated because of the constrictions placed upon members of the committee.

Also, I point out this one does not get us into the problems which were raised by the chairman of the Energy Committee with respect to stripper well oil. Most all of the discussion was based upon that. There is nothing in here that in any way refers to stripper well oil to complicate the conclusion. It is a very simple approach. It is one which gives complete flexibility to the Secretary to come up with a program.

I also point out the cost of the program probably would be minimal, because, by utilizing our excess corn, we actually reduce the cost of the agriculture programs, probably more than any subsidies would be, especially in view of the expiration dates which are presently in the law, which would be unnecessary after a certain point.

I would also like to say that what the Senator from Iowa has done here is he has given to us an option to relieve ourselves from this incredible dependence upon foreign oil and to develop and give us the option, which I think we all want and I know from the polls conducted after Desert Storm 86 percent of the people in this Nation be-

lieve we should have. And that is an option to develop our internal resources to the extent that we can have an energy independent future if we do desire to do so and if we choose to do so.

I am hopeful this body will take this final opportunity to do what is so incredibly important to this Nation, and that is give us an option in the future to be able to relieve ourselves of the incredible dependence on foreign oil. Nothing else in this bill will do it. Only the Grassley amendment will do it.

Mr. President, by now, hopefully, everyone knows how strongly I believe that this country must reduce its energy dependency. I've also listened to many of my colleagues argue about how we need to reduce our energy dependency. Some have even offered amendments on this subject. None of these amendments are binding. Now is yet another chance to see who is for reducing our energy independence and who is for just talking about it.

Over the past few months, I have received letter after letter from the domestic energy industry telling of the loss in domestic jobs. Over and over these letters tell of the need to protect domestic energy production. Oil industry experts tell of the further loss of over half a million more jobs as a result of our growing dependence on foreign oil. There has been a lot of talk recently about a jobs bill—an infrastructure or public works program. I hear numbers of roughly $7 to $10 billion invested in America. Well, each year we send roughly $50 billion overseas for oil. And that number could triple in the next 10 years.

Based on all the floor speeches, I believe there are a few points we can agree on. First, domestic energy production is good. I think we can all agree on that.

Domestic energy production creates jobs. I believe we can agree on that. For example, I doubt my colleagues in Alabama, New Mexico, and Colorado would believe the coalbed methane projects underway in their States would disagree that these projects are good for their States. I understand that the wait for a table in a Tuscaloosa, AL, restaurant can be over an hour because of the booming energy economy in this area.

I believe we can also agree that the domestic energy industry is hurting. I believe that my colleagues from Texas, Oklahoma, or Louisiana would agree that OPEC's low prices have devastated the oil industry in their States. I believe the facts clearly show this to be true. One need only look at the over 100 refineries that closed in the United States in the 1980's to know that our domestic energy industry has been devastated.

And now, we are embarking on a new energy course. Through the Clean Air Act and this legislation, we are requiring new fuels and new vehicles to use these fuels. But guess what. The new fuels are not going to be made here. In my earlier amendment, I showed that 85 percent of the MTBE is going to come from foreign countries. Here we are starting on a new energy future, and right from the start, some people want to give the whole industry over to OPEC and other foreign interests.

What in the world is in this for Americans? When are we going to take care of our own? We have a national energy strategy which relies on international suppliers. More chances to send our constituents' hard earned money overseas.

Was it anyone's intention when passing the Clean Air Act or in supporting the fleet provisions to be encouraging yet another form of energy dependence? I think not.

A few weeks ago an amendment I offered with my colleague was defeated. It was too complex some said. Well, what could be more simple than this amendment. Simply put, this amendment offers American workers a chance to participate in providing the fuels of tomorrow. Again, we can create a domestic free market where Americans can have a chance to earn a living.

Years ago, the oil industry thought nothing of setting aside 90 percent of the oil market for American workers. Now they go ballistic if you mention even setting aside 10 percent of the market for Americans. Doesn't that make you wonder whose side they are on? Many of my colleagues heard from one particular oil company about my amendment. This oil company talked about how they know best for American workers. I predict within a few months this company will be laying off several more hundred and perhaps well over a thousand jobs. So much for caring for American workers.

Now is the time to act. Are we a body that is not even willing to take this one step for our citizens. Can we not ensure at least a minimal level of domestic production? If we are not willing to make one purpose of this bill to help domestic workers, then what is a national energy strategy for? We've seen what the current policies have done to the domestic oil and gas industry. Can't we learn from our mistakes and help the new industries we created right here in this room get a foothold in America?

I urge, urge, my colleagues to vote for this amendment. I could drag out my charts again. I only used half of them last time. But we all know the score. America is losing energy jobs overseas, and this has to stop. This amendment is simple. Ten percent of the alternative and replacement fuels have to be made here. By 2010, 30 percent have to be made here. I believe that is a very, very modest goal. Some say they didn't like the complexity of my amendment. Well, it's gone. This amendment is simple. Let us see who is for Americans and who is for oil companies.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, we have waited several days to find out whether this amendment would be offered and what it would say. We have made entreaties to the office of the distinguished Senator from Iowa, particularly yesterday and particularly today. Staff was not able to get through. I know they were busy, but the phone calls were not returned. The content of the amendment could not be produced.

A "dear colleague" was read which described another amendment, other than that presented. It dealt generally with the subject matter, but it really dealt with something else.

Finally, tonight, Mr. President, as the amendment is produced, as it was given to the President, we were able to get one copy, and we have since made copies, and we now, finally, with great suspense, know what the amendment is.

Mr. President, in all due respect, this amendment does not pass the straightface test. The amendment says in its total operative amount as follows:

> The Secretary shall require the replacement of conventional petroleum motor fuels with replacement and alternative fuels, on an energy equivalent basis, in an amount equal to 10 percent of the consumption of motor fuel in the United States by the calendar year 2000, and 30 percent of the amount of such consumption by the calendar year 2010. The Secretary shall require that not less than one-third of the amount of replacement and alternative fuels used to meet the requirements of the preceding sentence shall be from domestically produced renewable sources.

Read that ethanol, read that corn, read that corn States.

Mr. President, he does not say how this is to be done. He would turn over to the Secretary the power to require 10 percent replacement of fuels by the year 2000 without any foggy notion, first of all, of even what "replacement" means.

Are we talking about replacing vehicles? Are we talking about the consumption? Are we talking about the sale? Are we talking about the production? Are we talking about the storage? The amendment does not tell us. And, I guess, the Secretary, in his infinite wisdom, is given the authority and, indeed, the mandate to replace the U.S. Congress as the policymaking body.

This is not a "merely" amendment, Mr. President. The Department of Energy states that replacing 10 percent of current fuel demand would cost $21.4 billion if you used flexi-fueled methanol vehicles; it would cost $37.3 billion if you used compressed natural gas vehicles; or it would cost $269.7 billion if you used electric vehicles.

The amendment does not say whether these vehicles will be required or

which vehicles would be required or whether, indeed, any vehicles would be required. We do not know what the amendment means. All we know is, according to the Department of Energy, it would take somewhere between $21 billion and $269 billion in order to have the vehicles which would use the energy.

Well, maybe it does not require vehicles. Maybe it just requires producing the fuels without the vehicles—that would be a fine how do you do—to the tune of billions of gallons, literally billions of gallons of fuel produced for which there are no vehicles.

In the underlying energy bill we have a very strong, indeed some will say revolutionary, indeed some have already said too prescriptive, requirement that requires fleets to use alternatively fueled vehicles and will result in, by the year 2000, 4 million alternately fueled vehicles. That goal, as strong as it is and as ambitious as it is, is not even 25 percent of this goal. This would require 18 million vehicles. There are 180 million vehicles on the road now. Ten percent of that by the year 2000 would be 18 million vehicles by the year 2000.

How does the Secretary figure out how to do that? The amendment does not tell us how. The Secretary has to figure that out. What is he going to do, Mr. President? How is he going to take upon himself the huge authority and responsibility and tremendously expensive set of decisions, to decide how to do that kind of expensive thing? And if that is not enough, 18 million vehicles by the year 2000, by 2010 it has to be three times that amount. It has to be—what is three times 18—54 million vehicles by the year 2010.

How is he going to do that? We do not know. We will have to wait and find out. Mr. President, that would be a real game of suspense. Nothing need happen at all until the year 2000, and suddenly in the year 2000 we would find out from the Secretary how he has produced this result.

It would not happen. Really, what this is is the Jeffords amendment without the machinery. Senator JEFFORDS submitted an elaborate amendment which had elaborate machinery to it which was really very complicated. It made the entitlements program which we had after the first energy crisis look like a very simple set of rules by comparison. But at least we knew what we were getting into. This has no direction, no guidelines, no definitions, not the faintest idea of how the Secretary would produce this dramatic result, this unachievable result. This result could cost as much as $269 billion to the economy and we leave it to the Secretary as to how to figure that out.

Mr. President, we have debated the elaborate version of this amendment and this unfilled—blank amendment. I think it is very clearly not going to be voted in by the Senate. So I would be ready to yield back the remainder of my time if the proponents are ready.

Mr. GRASSLEY. Mr. President, I want to yield 4 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Iowa yields 4 minutes to the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I wish to respond to my friend, the chairman of the committee, who attacked mine as being too elaborate and too restrictive and now is attacking the simplified version as being too uncomplicated and too unsophisticated. So I hope he will realize there may be an inbetween ground.

It is important to remind everyone that the Secretary of Energy gave to the President a program similar to this which indicated that the Department of Energy was ready to implement such a program. That was defeated at the White House in January of 1991. So to say it would be impossible for the Department of Energy to do so would be to ignore the fact that they were ready to do so but were turned down by the administration.

Second, I think it is important to keep in mind that what we are talking about is making this a domestic fuel bill. The primary purpose of the Grassley amendment is to look toward domestic fuels. So much of this can be done under the present law, but with respect to reformulated gasoline, for instance, it allows no domestic product to be used. That is not going to get us anywhere near any kind of a program that will put us in a position where we can become energy independent.

I also point out that the clean air amendments will get us to the 10 percent anyway. Thus, what we would only require is that those fuels be domestic, and that is where the big part of this bill is on relying on the domestic industry. So the 10 percent goal, without too much alteration or spreading, will be accomplished by the clean air amendments reformulated gasoline which counts.

So this is not something which needs to be amplified any further. The Department of Energy is fully capable of designing a program to fulfill the desires and the purposes of the Grassley amendment.

I remind everyone that if the cosponsors of my original amendment had not been restricted by the policy of not voting against something in the bill, the Jeffords amendment would pass and carry by four votes.

In other words, the will of the Senate body is to do something here. Senator GRASSLEY has wisely given us the option to try again. OK, we have taken the stuff out about stripper wells, we have taken the complicated machinery out. We leave it up to the Secretary of Energy to design a program and put it in place and put this country where it wants to be and where this body has expressed its will to be, in a position to become energy independent by the year 2010. If we do not, things are going to get worse and worse and worse, jobs are going to be lost, jobs that could be created in this country. Hundreds of thousands of jobs could be created with the Grassley amendment, hundreds of jobs will be lost without it. Mr. President, I yield back the reminder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the distinguished chairman of our committee has spoken to the fact that this amendment is a fill-in-the-blank amendment in which it gives a great deal of authority, turns the process over to the Secretary to make a determination of how it should be implemented.

I want this body to understand very clearly that the chairman, in his legislation, has already turned over to the Secretary the authority to do this because from section 4305 it says:

> The Secretary shall establish a program to promote and develop the use of domestically produced replacement and alternative fuel.

Not CHUCK GRASSLEY, but the legislation before us gives the Secretary this authority. All my amendment does is add to the bill and the program that is already mandated by this legislation, so that this legislation will, in fact, have some teeth in it to accomplish what the chairman of the committee wants to accomplish.

So, why have section 4305 at all if it is only supposed to be window dressing? Maybe they do not want 4305 to accomplish anything. But if we expect 4305 to work, the goals of this legislation to have this country become energy independent and for the alternative fuels section to mean something and to accomplish something, we have to have these goals. And, most important, if we are going to be energy independent, those goals have to be tilted towards domestic production of alternative fuels.

This amendment of mine puts teeth in the legislation that already gives to the Secretary the authority to set up such a program.

I reserve the remainder of my time.

The PRESIDING OFFICER. Is there further debate? If no one yields time, time will run equally.

Mr. GRASSLEY. Mr. President, the Senator asked if I would yield back my time. If he still wants to do that, I will do that. I want to ask for a rollcall vote. That is the only thing I want to do.

Mr. JOHNSTON. Mr. President, I am ready to yield back the remainder of my time.

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. All time has been yielded back. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. JOHNSTON. Mr. President, I make a point of order that the amendment strikes the bill in more than one place and it is therefore out of order.

The PRESIDING OFFICER. The amendment does strike the bill——

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. GRASSLEY. I want to know what are my rights; to have a rollcall on this amendment or to raise an appeal of the Chair if the ruling is favorable to the Senator from Louisiana?

The PRESIDING OFFICER. When and if the Senate votes on the amendment, it will be by rollcall vote. Once the Chair rules on the point of order, it is appealable.

Mr. GRASSLEY. It is appealable.

The PRESIDING OFFICER. And the Chair rules that the point of order is well taken.

Mr. GRASSLEY. Mr. President, I appeal the ruling of the Chair and ask for the yeas and nays.

Mr. JOHNSTON. Mr. President, this point of order is indeed well taken, but if the vote should overrule the ruling of the Chair, then there would be a further vote on a motion to table, and I think we may save the Senate some time if I withhold the point of order and move to table.

So, Mr. President, I withdraw my point of order and move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, the point of order is vitiated.

Mr. JOHNSTON. I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

The PRESIDING OFFICER (Mr. WELLSTONE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—64

Adams	Boren	Coats
Akaka	Bradley	Cochran
Baucus	Breaux	Conrad
Bentsen	Brown	Craig
Biden	Burdick	Danforth
Bingaman	Burns	Dodd
Bond	Byrd	Domenici
Durenberger	Lautenberg	Rudman
Ford	Levin	Seymour
Garn	Lieberman	Shelby
Gorton	Lott	Simpson
Gramm	Lugar	Smith
Hatch	Mack	Specter
Hatfield	McCain	Stevens
Heflin	McConnell	Symms
Helms	Mitchell	Thurmond
Hollings	Murkowski	Wallop
Johnston	Nickles	Warner
Kassebaum	Nunn	Wirth
Kasten	Pryor	Wofford
Kennedy	Riegle	
Kohl	Roth	

NAYS—34

Bryan	Glenn	Pell
Bumpers	Gore	Pressler
Chafee	Graham	Reid
Cohen	Grassley	Robb
Cranston	Inouye	Rockefeller
D'Amato	Jeffords	Sanford
Daschle	Kerry	Sarbanes
DeConcini	Leahy	Sasser
Dixon	Metzenbaum	Simon
Dole	Mikulski	Wellstone
Exon	Moynihan	
Fowler	Packwood	

NOT VOTING—2

Harkin	Kerrey

So the motion to lay on the table the amendment (No. 1650) was agreed to.

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

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

The motion to lay on the table was agreed to.

PROPANE

Mr. GRASSLEY. Mr. President, I rise to address a concern about propane.

I ask two basic questions: Do we wish to interdict the supply and to raise the price of propane to American consumers? Do we wish to reduce reliance on imports of foreign crude oil and petroleum products or do we wish merely to achieve the cosmetic result of reducing use of motor gasoline?

In our shared zeal to find an acceptable mechanism to encourage the development of substitute fuels for gasoline for motor vehicles, we may be called upon to share the blame for including propane. I am satisfied that there is not a domestic supply of propane capable of meeting consumer needs as well as a new demand for motor vehicle use. I am satisfied that diverting propane to motor fuel use will not diminish reliance on imported crude oil and petroleum products.

If we create a new demand for propane that can only be met at the expense of householders, agricultural, and industrial consumers, for whom supply may be interdicted or, equally perverse, for whom supply may be driven to a price beyond their ability to pay, we will have done the American consumers a disservice and done nothing toward effecting a sound national energy policy.

Some Senators may say: we did not include propane in any legislation, such as S. 2166. That, if said, is part of the problem; the issue was buried in legislative language. Propane is a liquefied petroleum gas and, as such, is included in S. 2166.[1] If propane is going to be included, let us at least take the time to focus on the potential consequences.

Propane is the fourth largest source of energy for American householders, there being some 7.7 million households dependent on propane.[2] True, most of these will be in more rural areas, but rural Americans should not be called upon to forfeit their fuel for home heating and cooking so that some motorists can drive on propane. Propane, installed for home or agricultural use, is comparable to natural gas. You can cook with propane, you can dry crops, you can process foods,[3] something you had better not try with home heating oil. In addition, in the urban areas, propane is also used as a supplement to natural gas when demand exceeds the delivery capability to the cities, so the issue is not strictly rural.

Propane is already the most expensive of the homeowners' fuels, with electricity being first. Creating a new mandatory demand when the supply is already so tight that the Federal Government had to issue a red flag[4] alert on propane for the last heating season means higher and higher prices for those who can access a supply, if available.

The irony is that propane is just as much a refined petroleum product as motor gasoline. About half of the propane in this country is derived from refining crude oil.[5] It makes little sense to say that this Nation will reduce reliance on imported crude oil by reducing reliance on motor gasoline refined from crude oil and that we will achieve this result by substituting propane refined from crude oil in place of motor gasoline refined from crude oil.[6] George Orwell would have had a name for this: Circular refining fuel—it acts like motor gasoline, it is refined like motor gasoline, but it is not motor gasoline and thus is a substitute for motor gasoline. While demand for imported crude oil is not materially affected, the demand for motor gasoline is. Absurd.

The double irony is that almost a third of our propane supply, directly or indirectly, is already dependent on imports.[7] The only real source of purely domestic propane comes from those natural gas wells that have propane and other lighter hydrocarbons mixed into the stream. And that source has never been able to meet domestic supply requirements.

We have a number of options for alternative motor fuels, each with its own set of champions. Who are the champions for propane as a motor fuel use? Not the consumers, not the agricultural organizations, not the independent petrochemical companies. No. The champions are the large oil companies, those whose sales of motor gasoline will be replaced by sales of propane, and the dealers in propane.

Footnotes at end of article.

Let us not be misguided. Let us not sacrifice our propane consumers on the highways of America. They did not cause the problem; they should not be punished.

Before S. 2166 becomes the law of the land, let us each and everyone be satisfied that propane is truly abundant as a natural resource in this country, that propane is not dependent on imports of either crude oil or propane itself, and that no American consumer will be harmed by a program that diverts propane supply and raises the prices in an artificial way. In sum, let us be certain that any alternative fuels mandated or encouraged by legislation are truly domestic substitutes for motor gasoline and are not, like propane, just another product heavily dependent on the refining of crude oil.

That, Mr. President, is the least we can do. Additionally, Mr. President, I ask unanimous consent to insert in the RECORD at this point a "Dear Colleague" letter and additional material pertinent to the debate on the Grassley amendment today.

FOOTNOTES

[1] S. 2166 §4101(1) and §4304(6).

[2] Energy Information Administration, *Winter Fuels Report*, September 27, 1991 (DOE/EIA-0538(91/92-1)).

[3] *Id.*

[4] Energy Information Administration Petroleum Supply Monthly, September 1991 (DOE/EIA-0109 (91/09)). Energy Information Administration Winter Fuels Report, October 25, 1991 (DOE/EIA-0538 (91/92-5)).

[5] Energy Information Administration, Winter Fuels Report, September 27, 1991 (DOE/EIA-0538(91/92-1)).

[6] Second Interim Report of the Interagency Commission on Alternative Motor Fuels, September 1991, page 18.

[7] *Id.*

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

U.S. SENATE,
Washington, DC, February 14, 1992.

DEAR COLLEAGUE: If any of the following troubles you, please co-sponsor my alternative fuels amendment to S. 2166, the so-called "National Energy Security Act of 1991."

Does it trouble you—

That the oil industry is taking command and control of America's fledgling alternative fuels sector?

That while the oil industry cuts thousands of American jobs it invests billions in foreign sources of alternative fuels such as methanol and MTBE, thus increasing our dangerous dependency on foreign energy?

That in 1987 petroleum corporations paid Uncle Sam a mere $665 million in income taxes, while they took over $7 billion in U.S. tax credits to pay foreign governments and oil sheiks?

That the oil industry believes that "mandates" are good if they benefit oil companies (e.g., sections 4221 and 4222 of S. 2166), but bad if they create competition for oil companies?

That the oil industry's market mandate (sections 4221 and 4222) subverts the "Alternative Motor Fuels Act of 1988" that states:

"(4) The Nation's security, economic, and environmental interests require that the Federal Government should assist cleanburning, nonpetroleum transportation fuels to reach a threshold level of commercial application and consumer acceptability at which they can successfully compete with petroleum-based fuels;"

That in the name of national security, the oil industry secured government-mandated market quotas to protect it from competition? They argued 10 percent reliance on foreign oil risked our national security. Today, foreign reliance is 50 percent, heading for 75 percent, yet now oil people say "trust the marketplace . . mandates are un-American."

That the oil industry enjoys huge, backdoor import subsidies of almost $200 per barrel based upon estimates by Chairman Johnston, and up to $3 per gallon of gasoline based upon GAO data? Yet, oil people have the audacity to attack aboveboard subsidies to encourage alternative fuels such as ethanol.

If none of this troubles you, read no further, and plan on opposing my domestic alternative fuels amendment to S. 2166.

If this does trouble you, and you once and for all want to take serious, definite steps toward independence upon foreign energy, not just foreign oil, then I may have found the answer.

And it is one that oil people surely will not oppose, because my amendment is fashioned after one of the oil industry's favorite bills!

Attached you will find a copy of and materials relating to H.R. 4892, introduced on March 14, 1955, by the Congressman Edward H. Rees, Republican from Kansas.

This bill was pushed by America's oil companies who sought, and ultimately obtained protection from outside competition. It mandated that 90 percent of America's oil supply had to be domestically produced. Compromise legislation was eventually enacted that led to mandatory import quotas instituted by President Eisenhower in 1959.

If fencing off and protecting 90 percent of the domestic oil market was good enough for the oil industry, surely it is good enough for our fledgling alternative fuels sector.

"What's good for the goose, is good for the gander!"

And when our dependency on foreign oil has climbed five-fold, no one can argue there is any less of a national security risk!

With the enactment of the Alternative Motor Fuels Act of 1988, as well as the Clean Air Act, Congress went squarely on record that we need domestically produced, cleanburning, nonpetroleum alternative fuels that can compete with petroleum fuels. But it seems wheresoever you turn—EPA, DOE, Congress—you find the oil lobby trying to undue or control our efforts.

It has to stop. Time is running out. Time is running out for our national energy security, as well as for our environment. Congress must take dramatic, forceful action.

If you would like to join me in this amendment, please have your staff call my Legislative Director, Ken Cunningham, at 224-3744.

Sincerely,

CHARLES E. GRASSLEY
U.S. Senator.

H.R. 4892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to extend the authority of the President to enter into trade agreements under section 350 of the Tariff Act of 1930, as amended", approved July 1, 1954 (19 U.S.C. sec. 1352a), is hereby amended by inserting "(a)" after "Sec. 2", and by adding at the end thereof a new subsection as follows:

"(b) In order to further the policy and purpose of this section—

"(1) the President of the United States is directed to take such action as is necessary to restrict imports of commodities whenever such imports threaten to retard the domestic development and expansion of natural resource industries and such other industries as he may determine to be essential to the national security;

"(2) the total quantity of crude petroleum and petroleum products which may be imported into the United States (including oil for supplies for vessels at United States ports but excluding oil for manufacture and reexport) in any quarter of a year shall not exceed 10 per centum of the total domestic petroleum demand for the corresponding quarter of the previous year, as determined by the United States Bureau of Mines: *Provided,* That the total quantity of residual fuel oil which may be imported for consumption within the United States in any quarter of a year shall not exceed 10 per centum of the domestic demand for residual fuel oil for the corresponding quarter of the previous year, as determined by the United States Bureau of Mines: *Provided further,* That the quotas established under this subsection may be suspended by the President during any period in which he finds that there is an inadequacy of fuel supplies to meet current national consumption; and

"(3) the provision of this section shall be exercised notwithstanding the authority granted in section 1351 of this title or any foreign trade agreement wherein the United States is a party."

[From the CONGRESSIONAL RECORD; Feb. 18, 1955]

Mr. REES of Kansas. Mr. Chairman, yesterday I voted against the rule that would not permit amendments to this proposed legislation. It is my opinion that Members of the House should have a right to propose amendments to this measure whether they are for or against the legislation. If they do not see fit to support such amendments, they can vote them down. I think the House of Representatives should have a right to work its will in dealing with this far-reaching proposed legislation.

When it goes to the other end of the Capitol it will be open for full and complete discussion and debate. Members of this body are just as reasonable and just as fair as the Members of the other body. Suppose it would take a day or two longer. We have no pressing program ahead of us. I think more Members will feel a whole lot better about this situation if they, at least, had a chance to give consideration to amendments that many of us think should be considered.

I would not be misunderstood; I am not one who believes in so-called high tariff walls. I am in favor, however, of protecting the American producer and the American workingman against importations of materials at such cheap prices as to injure their economy and earning power. I had hoped to have a chance to submit an amendment that would provide against excessive imports of crude oil from foreign countries. I know consumption of crude oil is growing in the United States, but not nearly in proportion to the amount of imports from foreign countries.

At the end of World War II, the United States was supplying all but 377,000 barrels per day of the oil which it consumed. It was also exporting oil. Today it imports about 1,200,000 barrels of oil daily.

On the surface this increase in the importation of oil would seem to indicate that the

United States is running out of oil, and that it has no choice but to use oil from foreign sources. This is not the case, however. This Nation is today capable of producing at least 1,750,000 barrels of oil each day more than it is producing. This excess capacity to produce, however, comes at a time when the use of foreign oil is at an all-time high.

Much of this increased importation can be explained by the fact that the same firms that are importing the oil, are producing it overseas at much lower costs than are prevalent in this country. Five American firms own or control most of the oil that is brought into this country. Taken together, these firms form a huge international oil-trading group. About 9 out of 10 barrels of their proved reserves are located overseas. Nearly 2 out of 3 barrels of their production lies outside this country. Much of these companies' reserves lie in the Middle East. This oil is within the shadow of Russia.

If this Nation uses more of this imported oil it will at the same time encourage further concentration of control in the hands of a few companies. It will also stimulate increased oil production capability in the Russian orbit. The most disheartening aspect of increased foreign-oil use, however, is that it impairs the capability of the domestic oil-producing industry. Imports have already made serious inroads on markets for domestic oil. Further increases in imports could cause serious and permanent injury to domestic oil exploration activity, and could cause a reversal in the Nation's traditional ability to be self-sufficient in oil.

Independent producers of oil, and incidentally 75 percent of oil explorations are by small independent producers, are not asking that importation of crude oil be entirely suspended. They do ask for a fair chance at the American market. They ask only for reasonable restrictions to protect them in that market.

It hardly seems right that foreign imports be permitted to increase every week and every day. They run at the rate of approximately a million and a half barrels a day. While that is going on oil wells in the great Midwest are throttled to where they are allowed to produce at about 15 percent of their capacity. That cannot be right. It is unfair to thousands of American citizens engaged in discovery and production of oil.

Congress should act to restrain oil imports. It should be done by legislative means. Other methods have been tried and found wanting. Congress, in this matter, is the court of last resort. This Congress should act before it is too late.

[From the CONGRESSIONAL RECORD, Mar. 29, 1955]

WHY AN OIL IMPORT QUOTA?

Mr. REES of Kansas. Mr. Speaker, I am including in the RECORD today an article entitled "Why an Oil Import Quota?" It is prepared by the Independent Petroleum Association of America and is in the form of answers to 10 basic questions dealing with this problem. I believe Members of the House will be interested in the information outlined in this brief statement:

"Rising oil imports present a critical and growing problem. In the first 5 months of 1955, total oil imports are scheduled at 1,240,000 barrels daily, 16 percent higher than last year, about double the 1949 rate, and three times the 1946 volume of imports This trend, unless corrected, can only mean discouragement of domestic oil activities and inadequate oil supplies for our Nation's future needs.

"The effects on the domestic producer, while critical, are only secondary. The primary consideration is the ultimate effect on our national security and defense. To avoid increasing dependency on foreign oil and to preserve a strong domestic industry, a solution to the oil import problem must no longer be postponed.

"Therefore, 21 associations of oil and gas producers have joined in supporting a proposed amendment to the Trade Agreements Act which would (1) direct the President to restrict imports of any commodity whenever they threaten necessary domestic supplies of a natural resource or other material essential to national security; (2) limit oil imports to 10 percent of United States oil demands to assure an expanding domestic industry capable of providing future supplies.

"The following basic questions and answers explore Why an Oil Import Quota is the most effective, practical, and acceptable method to combat the ever-increasing rise in imports:

"Question. How would the proposed oil import quota work?

"Answer. It would hold total petroleum imports to 10 percent of total United States oil consumption, and restrict residual fuel-oil imports to 10 percent of United States consumption of that product. Quotas would be established quarterly, based on United States Bureau of Mines figures for the same quarter of the previous year.

"Question. What would be the net effect of such quotas?

"Answer. Total petroleum imports would be reduced about 300,000 barrels daily from 1954 levels. Unnecessary Middle and Far East imports alone add up to about this amount.

"Question. What is the basis for the 10-percent limitation?

"Answer. Experience. During the 6-year period 1946 through 1951 total petroleum imports averaged 10 percent of United States consumption, and residual imports were also 10 percent of residual consumption.

"Question. How about the quota on residual fuel oil?

"Answer. The domestic industry has always supplied most of the 1,500,000-barrel daily demand for residual fuel oil, and can continue to do so. The 10-percent residual import quota would be much more realistic and practical than the 5-percent limitation in the 1953 Simpson bill. The quota would not only be doubled, but fuel-oil imports for vessels would be permitted in addition.

"Question. Is there a precedent for the quota system?

"Answer. Yes. Import quotas are now being used by our Government on a number of commodities such as cotton, sugar, cattle, fish, wheat, cigars, etc. In fact, quotas on oil imports were in effect from December 1939, to January 1943, and again in 1951–52.

"Question. Would quotas conflict with our trade agreements program?

"Answer. No. The escape clause provisions of the Trade Agreements Act specifically provides that quotas may be established to prevent injury to domestic industries. The oil-import quota would merely implement this principle.

"Question. Would such a quota mean Federal control of the domestic oil industry?

"Answer. Absolutely not. The Federal Government has always controlled foreign trade by quotas and tariffs. This has never involved or led to Federal control of domestic industries. The law would merely limit imports, just like Texas and other States set allowables on domestic supply but with much less difficulty.

"Question. Is the quota preferable to other types of import legislation?

"Answer. Yes, for several reasons:

"Quotas would not disrupt the present trade agreements program.

"Oil import quotas, unlike tariffs, would allow both oil importers and domestic producers to share in future domestic market growth.

"Flexible import quotas would permit our Government to recognize Western Hemisphere solidarity, trade with other nations, and defense considerations.

"Question. Are other industries supporting the proposed quota?

"Answer. Yes. Coal, railroads, and others have already done so. Also, the amendment contains language which will attract support from other basic defense industries. In addition to specific oil import quotas, it would direct the President '* * * to take such action as is necessary to restrict imports of commodities whenever such imports threaten to retard the domestic development and expansion of natural resource industries and such other industries as he may determine to be essential to the national security.* * *'

"Question. Why should the quota be adopted as an amendment to the Trade Agreements Act?

"Answer. Because, as the Trade Agreements Act itself recognizes, essential defense materials should be treated separately in foreign trade policies. This principle was established in section 2 of the 1954 extension of the act. The quota amendment would make effective this congressional policy.

"Also, because all other means of solving the problem of excessive oil imports have proven unsuccessful. Continuing efforts have been made over a long period to find a solution within the industry. Despite these efforts, imports have taken a larger and larger share of the United States market. The executive branch of government has studied the problem and urged restraint necessary to the health and security of the Nation. Imports have not been restrained and it is now clear that only the Congress can provide an assured solution in the interest of national welfare and security."

1986 CORPORATION SOURCE BOOK OF STATISTICS OF INCOME, INCOME TAX RETURNS OF ACTIVE CORPORATIONS WITH ACCOUNTING PERIODS ENDED JULY 1986 THROUGH JUNE 1987—BALANCE SHEET, INCOME STATEMENT, AND SELECTED ITEMS, BY MINOR INDUSTRY, BY SIZE OF TOTAL ASSETS

[All figures are estimates based on samples—money amounts and size of total assets are in thousands of dollars]

Major group 18 returns with net income	Total	Size of total assets											
		Zero assets	1 under 100	100 under 250	250 under 500	500 under 1,000	1,000 under 5,000	5,000 under 10,000	10,000 under 25,000	25,000 under 50,000	50,000 under 100,000	100,000 under 250,000	250,000 or more
1 Number of returns	1,296	169	207	266	246	143	184	23	21	9	5	6	18

1986 CORPORATION SOURCE BOOK OF STATISTICS OF INCOME, INCOME TAX RETURNS OF ACTIVE CORPORATIONS WITH ACCOUNTING PERIODS ENDED JULY 1986 THROUGH JUNE 1987—BALANCE SHEET, INCOME STATEMENT, AND SELECTED ITEMS, BY MINOR INDUSTRY, BY SIZE OF TOTAL ASSETS—Continued

[All figures are estimates based on samples—money amounts and size of total assets are in thousands of dollars]

	Major group 18 returns with net income	Total	Size of total assets											
			Zero assets	1 under 100	100 under 250	250 under 500	500 under 1,000	1,000 under 5,000	5,000 under 10,000	10,000 under 25,000	25,000 under 50,000	50,000 under 100,000	100,000 under 250,000	250,000 or more
2	Total assets	328,763,294		10,651	36,162	98,403	93,570	395,676	190,727	282,780	406,793	401,191	2,344,200	324,503,141
3	Cash	3,728,596		4,976	8,047	21,716	31,304	40,210	14,148	15,369	16,274	30,410	28,202	3,517,941
4	Notes and accounts receivable	38,863,698		5,129	11,043	23,477	14,877	95,769	56,274	56,973	76,107	89,500	734,282	37,700,267
5	Less: Allowance for bad debts	618,624				103	98	1,209	1,160	1,126	2,112	832	11,227	600,758
6	Inventories	11,631,064			6,601	2,703	20,401	46,192	39,272	37,283	49,907	97,018	229,482	11,102,205
	Investments in Government obligations:													
7	Total	565,977						1			652		1,184	564,140
8	Other current assets	7,870,174			8,591	2,000	3,823	55,213	2,521	16,710	26,556	11,512	124,511	7,618,737
9	Loans to stockholders	1,738,255				6,908		208		52	916	1,022	2,890	1,726,257
10	Mortgage and real estate loans	54,805						136		243	104		1,343	52,980
11	Other investments	132,998,434				17,908	11,699	19,013	4,992	36,482	62,827	28,898	404,473	132,412,144
12	Depreciable assets	151,586,420		2,129	7,074	35,195	43,203	264,150	158,040	182,873	315,219	226,120	1,714,081	148,638,337
13	Less: Accumulated depreciation	67,377,380		1,583	5,194	23,067	33,015	141,689	99,305	85,935	159,914	138,464	1,069,564	65,619,649
14	Depletable assets	29,790,666				26				737	153	40,746	97,264	29,651,742
15	Less: Accumulated depletion	11,606,406								681	144	37,555	18,976	11,549,049
16	Land	5,035,234					1,025	13,068	4,564	15,766	4,535	21,295	64,513	4,910,469
17	Intangible assets (amortizable)	27,547,440				61	1,668	8,392	1,596	351	5,564	347	21,015	27,508,446
18	Less: Accumulated amortization	13,693,618				61	1,566	5,138	339	4	3,070	95	6,680	13,676,667
19	Other assets	10,648,558			−0	11,641	251	1,359	10,122	7,688	13,220	31,271	27,407	10,545,599
20	Total liabilities	328,763,294		10,651	36,162	98,403	93,570	395,676	190,727	282,780	406,793	401,191	2,344,200	324,503,141
21	Accounts payable	32,321,696		448	1,507	3,446	10,450	68,358	36,004	35,944	44,457	125,291	440,548	31,555,242
22	Mort, notes, and bonds under 1 yr	11,025,466				19,454	14,499	51,366	11,175	19,573	24,364	60,267	55,540	10,769,227
23	Other current liabilities	14,447,131		2,836	1,953	15,238	7,644	20,687	11,708	8,486	44,977	28,321	249,414	14,055,867
24	Loans from stockholders	1,300,060				3,606	3,479	14,156		6,869	4,871		951	1,266,128
25	Mort, notes, bonds, 1 yr or more	52,862,070					2,908	56,711	18,157	60,924	86,139	90,824	236,958	52,309,449
26	Other liabilities	42,486,030		121	−0			32,025	1,210	6,191	41,514	25,465	77,941	42,301,561
27	Capital stock	11,048,190		2,014	3,494	16,355	3,619	14,164	397	14,995	5,074	20,254	154,705	10,810,120
28	Paid-in or capital surplus	74,564,251				10,353	−10,386	13,305	1,950	34,222	51,516	56,518	200,577	74,206,196
29	Retained earnings, appropriated	718,889									2,159		136,670	580,060
30	Retained earnings, unappropriated	101,112,214		5,231	30,791	29,950	60,461	85,373	70,655	97,820	107,625	3,506	817,946	99,802,857
31	Other retained earnings (1120S)	81,090						41,618	39,471					
32	Less: cost of treasury stock	13,203,793			1,582		2,103	2,080		2,244	5,904	9,255	27,049	13,153,568
33	Total receipts	239,021,625	213,186	109,325	70,408	137,092	259,177	1,075,009	602,185	473,418	638,023	1,232,337	3,692,297	230,519,169
34	Business receipts	212,992,920	162,875	94,910	69,801	82,641	257,071	1,066,862	595,131	464,403	588,383	1,214,238	3,551,006	204,845,598
35	Interest	6,102,123	2,550	77		1,493	1,374	1,996	90	3,530	6,282	4,532	25,268	6,054,932
	Interest on Govt. obligations:													
36	State and local	5,722					358			3	46	752	5	4,559
	Nonqualifying interest & dividends:													
37	Forms 1120S	3,683						1,983	1,700					
38	Rents	1,548,225						877	1,508	1,847	1,455	1,203	5,107	1,536,228
39	Royalties	333,444							-	188	−0	8	663	332,585
40	Net S–T cap gain less net lt loss	11,323					24			106	33		1,578	9,581
41	Net L–T cap gain less net st loss	3,725,660		13,823		21	180	564	52	524	3,839	6,111	49,100	3,651,447
42	Net gain, noncapital assets	1,626,296	43,440	409		73	41	1,026	1,743	1,073	3,480	73	4,091	1,570,847
43	Dividends, domestic corporations	517,507	−0		607					125	1,776	2	22,441	492,556
44	Dividends, foreign, corporations	5,739,085							-				7,973	5,731,107
45	Other receipts	6,415,637	4,321	106		52,865	129	1,701	1,961	1,619	32,729	5,419	25,060	6,289,728
46	Total deductions	224,469,655	198,569	97,728	60,396	79,940	241,364	1,006,023	587,040	428,541	580,103	1,187,410	3,415,400	216,587,140
47	Cost of sales and operations	147,626,373	131,920	80,043	37,880	22,966	177,289	804,561	433,166	340,008	470,632	1,088,857	2,633,411	141,405,641
48	Compensation of officers	365,654	4,694	9,063	6,545	10,597	23,763	31,048	25,061	8,431	5,972	4,242	19,311	216,928
49	Repairs	3,308,939	688	21		394	161	2,031	8,872	1,036	521	400	130,692	3,164,122
50	Bad debts	470,779	4,524	27	325		289	3,186	1,433	1,112	861	1,550	9,215	448,258
51	Rent paid on business property	2,534,372	200	1,129	1,117	2,640	1,497	6,497	4,667	5,199	4,578	2,347	46,288	2,458,213
52	Taxes paid	10,088,288	3,194	1,172	1,941	3,810	6,230	13,215	17,208	9,145	6,583	5,596	34,544	9,985,647
53	Interest paid	10,995,533	5,157	636	184	2,852	1,990	14,910	2,905	8,153	22,429	14,917	35,353	10,886,047
54	Contributions or gifts	113,477	417	1	21	7	24	126	764	372	227	131	3,295	108,093
55	Amortization	470,818		51		63	142	738		108	254	62	384	469,017
56	Depreciation	11,693,896	1,708	426	618	5,780	3,428	25,856	12,287	18,652	21,651	21,779	130,249	11,451,462
57	Depletion	15,922,254				6	1,551	2,137		1,752	1,836	5,576	14,829	1,564,567
58	Advertising	842,270	341		900	94	269	3,336	1,844	800	427	243	7,654	826,362
59	Pension, prof SH, stock, annuity	746,059	93	1,208	462	1,103	557	2,658	1,899	1,542	1,605	388	23,776	710,766
60	Employee benefit programs	1,371,840	115	373	96		333	1,865	1,686	1,388	1,629	1,546	4,084	1,358,726
61	Net loss, noncapital assets	30,697				573		76	54	61		23	138	29,771
62	Other deductions	32,218,407	45,519	3,580	10,307	29,053	23,841	93,785	75,193	30,782	40,898	39,753	322,176	31,503,519
63	Total receipts less total deducts	14,551,970	14,617	11,596	10,012	57,153	17,812	68,985	15,145	44,877	57,920	44,927	276,897	13,932,029
64	Const taxble inc frm rel frn corps	5,158,583											3,662	5,154,921
65	Net income, total	19,704,831	14,617	11,596	10,012	57,153	17,454	68,985	15,145	44,874	57,875	44,175	280,554	19,082,391
66	Net income, forms 1120, F, L, M	19,671,633	14,617	11,596	5,696	57,153	17,454	40,222	15,026	44,874	57,875	44,175	280,554	19,082,391
67	Net income, form 1120–A	4,316			4,316									
68	Net income, forms 1120S	28,882						28,764	119					
69	Net income, form 1120–IC–DISC													
70	Net income, form 1120–FSC													
71	Statutory special deductions, total	1,192,915	−0	10,757	516	50,123		8,732		13,764	23,771	4,894	93,941	986,418
72	Net operating loss deduction	735,253		10,757		50,123		8,732		13,658	22,262	4,892	69,325	555,505
73	Dividends received deduction	457,661	−0		516					106	1,509	2	24,616	430,912
74	Public utility div paid deduction													
75	Income subject to tax, total	18,508,443	14,617	839	9,496	7,030	17,454	31,490	15,026	31,110	34,103	40,303	195,301	18,111,672
76	Net L–T cap gn taxed at alt rates	3,499,900						564	52	322	918	5,353	48,198	3,444,493
77	Inc tax (before cred), total (TX I)	8,043,125	7,481	136	1,714	1,284	5,719	12,283	6,799	14,040	15,788	18,262	85,055	7,874,564
78	Reg and alternative tax (TX II)	7,871,924	3,549	136	1,714	1,284	5,707	12,232	6,687	14,011	15,460	17,576	81,163	7,712,406
79	Tax frm recomp prior yr. inv cr	69,553	3,932				13	51	111	29	93	5	1,998	63,320
80	Additional tax for tax prefs	101,649									235	681	1,894	98,839
81	Foreign tax credit	7,071,083											7,450	7,063,632
82	U.S. possessions tax credit	38,833									6,186		22,592	10,055
83	Orphan drug credit													
84	Nonconventional source fuel credit	32,349												32,349
85	General business credit	237,073	327				4	720	160	1,130	421	2,500	12,950	218,861
86	Invest credit: cost of property	4,911,709				165		17		10,897	345	3,287	27,100	4,869,898
87	Investment qualified for credit	4,869,420				132				10,113	275	2,599	26,739	4,829,561

Net income tax paid=Line 77—lines 81–85.

[From the Washington Post, Feb. 1, 1992]

TWO CHEMICAL INDUSTRY GIANTS ARE AT ODDS OVER SENATE BILL

(By Thomas W. Lippman)

There are plenty of David vs. Goliath stories in Washington, but this one is Goliath vs. Goliath: Dow Chemical Co. and the Du Pont Co., giants of the chemical industry, on opposite sides of a bill in Congress.

Dow is trying to get rid of three words in the massive energy bill the Senate is expected to take up next week. The same three words are just fine with Du Pont.

The bill would require most urban fleets of 20 or more cars and light trucks to run on fuels other than gasoline. The permitted alternative fuels would be compressed natural gas, alcohol fuels such as methanol, electricity and "liquefied petroleum gas," or LPG.

LPG includes propane. Dow is a major consumer of propane as a feedstock, or raw material, at its petrochemical plants. The firm fears that increased demand would drive up the price. Du Pont, which uses no propane at its chemical plants but is a producer and aggressive marketer of propane through its Conoco Inc. subsidiary, would benefit.

"Of all the fuels in the bill, propane is the only one where you have existing consumers that would be hurt," said Paul N. Cicio, Dow's energy lobbyist.

Cicio is the voice of the Propane Consumers Coalition, which includes Dow, Union Carbide Co., several other chemical companies and the National Grange. The Grange is interested because farmers use about 13 percent of the nation's propane to dry crops and heat coops. Chemical companies such as Dow use about 28 percent.

But the people who stand to be hurt most, Cicio contended, are the residents of 7.7 million mostly rural homes that heat with propane. Citing Energy Department projections that the energy bill would eventually result in the consumption of 13.7 billion gallons of propane annually as a motor fuel, he said, "That's about 95 percent of today's production. * * * Prices are going to rise" with demand.

Cicio's position is "complete baloney, that's what it amounts to," said Robert E. Meyers, president of the LP Gas Clean Fuels Coalition, which is supported by Conoco.

"He just wants to protect a cheap feedstock," he said. "It has nothing to do with the 7 million homeowners."

Meyers said there is no shortage of propane, partly because companies such as Dow build up stocks of it in the summer, when it is cheap, then resell it at a profit and switch to other raw materials when the price goes up in the winter.

"The petrochemical industry has always determined the prices because they load up when the price is cheap, then they back out and use anything short of buffalo chips when the price goes up," he said. "Don't tell me this sad story about how we're going to run out of fuel."

Len Teich, manager of Conoco's natural gas liquids division, said his company is operating on the assumption that compressed natural gas, not propane, will be the fuel chosen by most fleets but "in certain parts of the country we are looking for fairly good penetration."

PAST POLICIES AND ENERGY SECURITY

Ostensibly, the United States has considered energy a security problem for at least the past three decades. In reality, however, American policies have tended to address price and economic effects more than energy security. During the two decades before 1973, the main preoccupation of American energy policy was the glut of inexpensive oil on world markets: Persian Gulf oil was a threat to higher priced American oil.

Faced with rising demand for foreign oil, President Eisenhower instituted mandatory import quotas in 1959 to limit oil imports to roughly 12 percent of total consumption (Cabinet Task Force 1970). Although the import quota program had an explicit national security goal, its real political roots were in trade protectionism. The program was a failure as a security measure because it stimulated production levels that eroded domestic reserves rather than creating stockpiles and spare capacity.

In 1970, a Cabinet Task Force recommended the gradual elimination of the quotas on the grounds that they were costly to U.S. consumers and did little for national security; but the group did not urge a national stockpile policy. Ironically, this recommendation came at the same time that U.S. consumption was increasing rapidly and domestic oil production was peaking at 11.2 million barrels per day. U.S. spare capacity of 4 million barrels per day in 1960 had represented 44 percent of U.S. demand and 21 percent of free world demand (DOE March 12, 1980). By 1973, imports had risen to 30 percent of oil consumption.

The United States was ill-prepared for the 1973 Arab oil embargo. Although the government had attempted to play a conciliating role between OPEC nations and the major oil companies early in the 1970s, it had done little to prepare effectively for an embargo. When it came, the U.S. government encouraged oil companies to spread the burden equally among all consuming countries; it accelerated diplomatic efforts toward a Middle East peace settlement; and it took the lead in organizing the International Energy Agency (IEA). Domestically, the newly created Federal Energy Administration (FEA) administered oil price controls and allocated oil among refiners. These domestic activities actually aggravated the situation. The general public lacked real understanding of the U.S. energy security situation and tended to blame the Nixon Administration and the oil companies for the crisis (McKie 1975).

Between 1973 and 1979, the official objective of U.S. energy policy was to reduce dependence on imported oil. In 1973, President Nixon's "Project Independence" set the unrealistic goal of eliminating imports by 1980. One year later, the FEA realized the need for a strategic petroleum reserve along with their efforts to reduce import levels (which could be reduced painfully by stopping economic growth). But little changed in practice. In 1975, Congress passed an Energy Policy and Conservation Act which provided for the Strategic Petroleum Reserve; but American vulnerability continued to increase. Filling of the Strategic Reserve was delayed and domestic price controls continued to encourage oil imports to rise to a peak of 47 percent of oil consumption by 1977.

After a period of coordinated creativity marked by the formation of the IEA, U.S. policymakers kept energy policy and overall political-military strategy largely separate in the mid-1970s (Nau 1978). They expected the enormous 1973 price increase to stimulate exploration for new energy supplies, restrain demand, and eventually reduce the real price of imports. It was widely believed that the price of $10 per barrel would create a glut in the market and dissolve OPEC. At one point, ironic in retrospect, U.S. diplomacy in the IEA was focused on establishing a $7 floor price so that cheaper oil would not destroy incentives for investing in long-term energy alternatives. Preoccupied with price, the United States paid insufficient attention to the international political determinants of oil supply.

To an extent, the strategy worked despite the price controls imposed in the United States. Energy efficiency in American industry improved 10 percent from 1973 to 1977. Europe and Japan—which did better at passing oil price increases through to consumers—curtailed the rate of growth in their energy use, even after adjusting for recession. From 1975 to 1979, the real dollar price of oil dropped slightly, and even more in yen and deutschmarks. But these price decreases encouraged oil consumption and left Western nations even less prepared for the consequences of the Iranian revolution in 1979. Lower prices had perverse effects on governments' ability to take necessary actions and consumers' willingness to restrain demand.

[From the CONGRESSIONAL RECORD, May 26, 1955]

EFFECTS OF MAJOR SENATE AMENDMENT TO RECIPROCAL TRADE AGREEMENTS BILL

Mr. JOHNSON of Texas. Mr. President, the Sunday, May 15, edition of the New York Times carried an article by Mr. J.H. Carmical on the effects of the major Senate amendment to the reciprocal trade agreements bill. As it sums up the situation very well, I ask unanimous consent to have the article printed in the Appendix of the RECORD.

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

OIL COMPROMISE SUITS BOTH SIDES—NO IMPORT QUOTAS ADOPTED, BUT PRESIDENTIAL POWERS BACK VOLUNTARY CURBS

(By J. H. Carmical)

The bitter fight for Federal legislation to restrict oil imports has ended with a compromise amendment to the reciprocal trade bill. And, curiously enough, the oil industry, both importers and domestic producers, and the coal interests are generally pleased with the outcome.

The amendment, as passed by the Senate, does not mention oil imports. However, it grants to the President authority to take whatever action he deems necessary to adjust imports of commodities should they threaten to impair the national-defense industries.

In view of the fight being waged by domestic oil producers and the coal industry for some restriction on oil imports, the consensus is that it was pressure from these groups that led the Senate to adopt that amendment. It is understood that the amendment had the support of the administration and consequently likely will be approved by the House-Senate conference that is scheduled this week.

If the amendment remains unchanged in the reciprocal trade bill, the President will have the implicit power to restrict oil imports should they be in excess of the ratio to domestic production that existed in 1954. That would mean that crude oil imports would be restricted to around 10 percent of domestic production.

Senator FRANK CARLSON, Kansas, Republican, said in the debate on the amendment that there was no doubt in his mind that the intent of the Senate Finance Committee was to limit oil imports to the average daily rate of 1954, based on the report of the President's

Commission on Energy Supplies and Resources Policy.

"I can assure the Senate that I would not have agreed to the amendment dealing with imports of commodities which are of national defense interest, had I not been assured that it would be the policy of those who administer the act to follow the intent of those who participated in preparing the report of the (President's) Advisory Committee."

Senator HARRY F. BYRD, Democrat, of Virginia, said the Finance Committee, believed the amendment "will provide a means for assistance to the various national-defense industries which would have been affected by the individual amendments presented."

"Congress can initiate and adopt such legislation as it might deem advisable," he said, "should the action needed to protect these essential industries not be taken."

PRODUCERS YIELD

The Independent Petroleum Association of America, which spearheaded the drive of the domestic producers for direct legislation restricting oil imports, said the Senate had fully recognized the problem involved and "it deferred legislative limitations only on the assurance of similar limitations through administrative action."

"While we believe the 1954 levels of oil imports to be too high," the association statement continued, "we must reconcile ourselves that, if the Senate provision becomes the law, imports can be held to that and, in the meantime, we can in good faith try to live within those levels and observe the effects. If it works, well and good; if it does not we must try again for more definite relief."

The consensus in the industry is that the plan will work. Already, the five major American oil companies operating abroad have gone on record to the effect that they will hold imports in line with that suggested by the President's Committee. In fact before the amendment was passed by the Senate, the heads of each of these companies individually announced that they had or would put such restraint on imports into effect.

Actually what the amendment seeks is to give the President authority to restrict oil imports should they exceed significantly the 1954 level. Without such amendment, there is some doubt that the imposition of restrictions could be put into effect if the companies were unwilling to do so voluntarily.

COAL GROUP SEES A GAIN

Following the passage of the reciprocal trade bill by the Senate, the National Coal Association noted that the amendment by Senator Mathew M. Neely, Democrat, of West Virginia, to restrict imports of oil to 10 percent of domestic consumption had been rejected by a standing vote of about 3 to 1. However, the association said:

"Although Senator Neely's amendment failed to be accepted either by the committee or on the floor, the companies which was substituted in its stead can be hailed as victory for those who have fought so long to protect coal and other United States industries from unfair foreign competition.

"As the bill waited for conference action, there was every reason to believe the compromise section on limitation of damaging imports could prove workable in halting such commodity deliveries. It was said that assurances had been given that its provisions would be used to limit oil imports to 1954 levels in relation to United States production. Only the administration pledge made acceptance of the compromise possible."

After the passage of the trade bill by the Senate, Secretary of the Interior Douglas McKay has occasion to address the National Petroleum Council, a body consisting of the heads of oil companies. Secretary McKay told the council that the industry must limit imports by voluntary, individual action to the 1954 level as had been recommended by the President's Commission, or that Government action would become necessary.

Previously, the National Petroleum Council had adopted a report submitted by Hines H. Baker, president of the Humble Oil and Refining Co. and vice chairman of the council's committee on petroleum imports to the effect that "fair and equitable relationship should obtain at all times between total imports of crude oil and its products and total demand for oil in the United States."

In its conclusion, the council's committee noted that the recent report of the President's Commission on Fuel Resources had recognized the problem of oil imports and had specific suggestions for dealing with the problem, and said that the report was worthy of careful study and consideration.

TEN PERCENT RATIO LIKELY IN 1955

With all interests involved in oil imports now in agreement that they should be limited to about the 1954 level with respect to domestic production, the consensus is that the importing companies will keep deliveries from foreign sources at that level.

Early this year, when it was thought likely that direct legislation limiting imports might be enacted, there was a sharp increase in foreign oil shipments here. In 1 week, such deliveries, including oil products, exceeded 1,500,000 barrels, compared with an average of 1,052,000 in 1954.

With the report of the President's Commission, the companies voluntarily started to restrict imports. In the week ended on April 22, they dropped to slightly below 1 million barrels a day. Currently, they are running about 1,100,000 barrels a day, but further cuts have been scheduled by some companies. The consensus is that the major importing companies will restrain their imports for the balance of 1955 at a level that will match the 1954 ratio for the full year.

[From the CONGRESSIONAL RECORD, Apr. 29, 1959]

OIL IMPORTS AND GRAVY TRAINS

Mr. MCDOWELL. Mr. Speaker, at the time of the Executive order which restricted the importation oil by the mandatory import program, I issued a press release voicing my concern for the effect of the program upon the eastern seaboard consumers. Soon after the printing of this release, I was pleased to receive from Mr. Harry B. Hilts, secretary of the Empire State Petroleum Association, a letter with some pertinent data which vindicates my position. Mr. Hilts' letter contained an enclosure—a copy of a statement to its shareholders by American Petrofina, Inc., a Belgian controlled corporation which started operation in the U.S. market in October of 1956.

Because I feel, as does Mr. Hilts, that "the eastern seaboard consumers will be required to foot the bill involved in this gravy-train operation," I feel it necessary to bring to the attention of my colleagues, a description of my position, and the information conveyed to me supporting my stand. Consequently, I under unanimous consent, introduce the following material as an extension of remarks in the CONGRESSIONAL RECORD.

First. My press release of March 26, 1959.

Second, Mr. Hilts' letter of April 13, 1959, describing the position of the Empire State Petroleum Association which Mr. Hilts represents.

Third, a statement of March 30, 1959, issued to its stockholders by American Petrofina, Inc.

Fourth. My reply of April 17, 1959, to Mr. Hilts.

Fifth. Mr. Hilts latest communication of April 20, 1959.

MCDOWELL ATTACKS PRESIDENT'S DECISION TO CUT OIL IMPORTS

Congressman Harris B. McDowell, Jr. Democrat, of Delaware, in a strong indictment of President Eisenhower's move to protect large American oil corporations, made the following statement:

"We have been hearing a lot of talk lately about inflation from the administration. Prevention of inflation seems to have been the main thing on Mr. Eisenhower's mind as we have seen from his policy of a balanced budget and tight money. He has insinuated that the Democratic Congress is composed of nothing but spendthrifts and budget busters who are bent on destroying the economy by producing inflationary conditions.

"And yet, this same President has seen fit to cut the amount of oil which this country can import. This will definitely cause more inflation than any move the Congress could make if it were bent upon producing inflation, and of course, the Congress is not." McDowell went on, saying:

"While the President's order cuts crude oil imports about 25 percent, it slashes the import of gasoline and other refined oil products more drastically. To the ordinary consumer, this means the price of gasoline will go up since with less gasoline on the market, more money is required to buy it. It means the consumer's heating bill will become larger if he heats his home with oil or any oil product.

"To the businessman, this decision means a rise in the cost of manufacturing since he must pay a greater price for oil which he consumes in large quantities. By increasing the cost of doing business, this will increase the cost of buying every article that American business manufactures. Then too, when products of American industry must be sold at a higher price, our domestic manufacturers will be at a disadvantage on the world market since they cannot sell their products as cheaply as other nations with whom they are competing.

"We can easily see that the President's decision is totally inconsistent with his previous demand to eliminate inflationary tendencies from the economy. It is also inconsistent with the President's expressed desire to aid foreign countries and increase our prestige in the international arena. As a member of the House Foreign Affairs Committee, I am deeply concerned with the effect the oil import cut will have upon our relations with friendly producer nations. Our good trade relations with Canada essentially will be destroyed, and the damage this decision will do to our already strained relationships with South America and the Middle East will be irreparable. The economic stability of these countries, whose friendship we need so badly, depends to a great extent upon the money they receive from selling oil to the United States. The President's action can do nothing but cause a loss of friendship, and a weakening of these countries' economy, making them even more susceptible to Communist influence and infiltration. This we absolutely cannot afford.

"The President has attempted to give reasons for the decision. He stated that we must cut oil imports and develop America's abil-

ity to produce oil so that in the event of a major war, the United States would not have to depend upon foreign markets. This argument is so ill advised that it becomes ridiculous."

Congressman MCDOWELL pointed to its weaknesses by stating:

"First of all by cutting off oil imports we may be increasing the American oil industry's capacity to produce more oil by increasing its employees and the size of its production plants, but along with this we are depleting the available supply of domestic oil. Secondly, the United States has sufficient oil-producing capacity right now to fight a big war. Our worry is not whether we have enough oil for war * * * we have that. The real problem is whether or not we have an adequate amount of defense to prevent a major war from starting. Thirdly, in case of a limited war, the United States would not be severed from all foreign oil sources. Oil from Canada is piped into this country, and consequently would be free from enemy action on the high seas. Fourthly, it is true that some of our foreign sources of oil would be cut off in time of war, but, with this in mind, should we not allow at least part of America's oil to lie underground and should we not take advantage of the opportunity, which may not always be with us, to bring in oil from the Middle East and South America?"

Congressman MCDOWELL went on to say: "The President's decision is harmful to every State in this Union which depends upon oil imports. This means that his decision is harmful to all but a handful of western oil-producing States. It is a devastating blow to every consumer in this country, especially those east of the Mississippi River, for both business and consumers in this area depend heavily upon imported oil.

"The only people to benefit from the President's decision are those running our large oil companies and, I might add, it is not only the Democrats who are saying that the President is looking out for the oil interests which are financially well off to start with. Senator GEORGE AIKEN, Republican, of Vermont, delivered a scorching criticism of the President's plan."

MCDOWELL said, in conclusion: "Although politics is not the reason for criticism of the decision, politics can be the only reason for the President's order. It looks as if there is collusion between certain people in both political parties to protect the oil producers in exchange for their political support. I, for one, however, will voice my disgust when I see politics played to this extent. This decision, by annihilating a major source of oil, the lifeblood of our Nation, can do nothing but cause unjustified hardship to the consumer, weaken our defenses, and decrease our stature in the field of international relations."

EMPIRE STATE PETROLEUM ASSOCIATION, INC.,
New York, N.Y., April 13, 1959.

Hon. HARRIS B. MCDOWELL, Jr.,
House of Representatives,
Washington, DC.

MY DEAR MR. MCDOWELL: We are enclosing herewith a copy of a letter sent recently to its shareholders by American Petrofina, Inc., a Belgian-controlled concern which began operating in the U.S. market on October 1, 1956.

We call your attention to the following quotation which we have underlined in the attached letter—

"* * * upon the basis of negotiations just concluded, should result in a substantial improvement in earnings."

Since the refineries owned by this company are located at inland sites, far removed from ports of entry used by oversea tankers, they cannot readily use imported oil in their operations. Thus, we assume that the substantial improvement referred to above will result from the sale of American Petrofina's oil imports under the quota system to refiners whose locations permit them to process imported oil.

So that you may more fully understand the gravy-train aspect of the situation referred to above, we estimate the windfall profit to this company as follows: Based on the going market price for foreign oil brought in under the quota system, when transferred from the quota holder to another refiner in need of the oil, we assume the additional sums accruing to American Petrofina, Inc., will total between $1 and $1.5 million this year.

We have, of course, no bone to pick with American Petrofina per se. We submit their letter only as a typical illustration of how former nonimporting refiners stand to benefit from current import restrictions.

This type of transaction is legal under the quota restrictions, but is assuming all the aspects of a "black market" operation. To substantiate this, the McGraw-Hill Publishing Co.'s daily Oilgram on March 20 pointed out that this traffic will add approximately $30 million to the coffers of formerly nonimporting refiners this year, thereby creating an inflationary impact on consumer oil prices.

We call your attention to the fact that eastern seaboard consumers will be required to foot most of the bill involved in this gravy-train operation.

Sincerely,

HARRY B. HILTS,
Secretary.

AMERICAN PETROFINA, INC.,
New York, N.Y., March 30, 1959.

To the Shareholders:

The mandatory import program recently approved by President Eisenhower, and to which reference was made in the company's 1958 annual report, extends long-awaited benefits to American Petrofina, Inc.

Under the license just received from the Department of the Interior, dated March 11, 1959, the company is authorized to import 4,050 barrels of foreign crude oil per day during the initial quota period. The effect to the company of this allocation is of real significance and, upon the basis of negotiations just concluded, should result in a substantial improvement in earnings.

During 1958, refinery realizations on manufactured products were severely depressed as a result of the availability of low-cost foreign crudes and products to various authorized companies operating under the voluntary import program, as well as to others who elected to ignore the requirements of that plan.

The controls established under the mandatory program should now prevent many of the costly abuses of the past and contribute thereby to an improvement in market conditions.

The prospects for your company for the remainder of the year are brightened by the Government's action, and I thought the information would be interesting and welcome to you.

HARRY A. JACKSON, *President.*

APRIL 17, 1959.

Mr. HARRY B. HILTS,
Secretary, Empire State
Petroleum Association, Inc.,
New York, NY.

DEAR MR. HILTS: I appreciate your letter and enclosure of April 13 for it gives factual information backing my objections to the mandatory import program. Any further information of this nature, dealing particularly with the effects of this program on the eastern seaboard consumer would be most helpful to me.

It is my feeling that your letter is the type which would be extremely effective as an extension of my remarks in the CONGRESSIONAL RECORD, and I would like to introduce it with its enclosure as such. I will, however, be guided by your feelings on this proposal and I would appreciate your expressing them to me as quickly as possible.

I truly hope that I may be of assistance to you in finding a remedy to this situation.

Sincerely,

HARRIS B. MCDOWELL, Jr.,
Member of Congress.

EMPIRE STATE PETROLEUM ASSOCIATION,
New York, NY, April 20, 1959.

Hon. HARRIS B. MCDOWELL, Jr.,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MCDOWELL: Thank you for your letter of April 17 in which you acknowledge my letter to you of April 13 and its enclosure concerning our objection to the mandatory restrictions on petroleum imports.

I note your suggestion concerning the extension of this letter and its enclosure to your remarks in the CONGRESSIONAL RECORD and would be very happy to have you use my letter and its enclosure in this way.

Sincerely,

HARRY B. HILTS, *Secretary.*

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

ETHANOL AMENDMENT

Mr. DOLE. Mr. President, I had been intending to offer an amendment with respect to providing for cleaner air and increased use of a renewable, domestically produced energy source—ethanol.

When the Congress passed the Clean Air Act in 1990, much of the debate and negotiations concerned title 2, Mobile Sources. During those deliberations, a large number of Senators were concerned that we were forcing energy production overseas, and we wanted to ensure that ethanol—a domestic product—would be given at least equal footing with imported methanol. And we were successful.

Unfortunately, the regulations being drafted by the Environmental Protection Agency do not reflect what I believe to be the congressional intent

with respect to ethanol. Rather, this agency seems bound and determined to force America to become even more dependent on less secure foreign sources and increase even more our foreign trade deficit.

At issue is whether EPA will permit ethanol to be blended with gasoline. The EPA has already decided that emissions form ethanol are far less likely to result in the creation of smog than are emissions from a wide variety of other motor gasoline components. Therefore, gasoline blended with ethanol should be given credit for this fact.

The Congress restated this in the Clean Air Act. Now, the EPA is taking the position that we did not restate it often enough in the Clean Air Bill.

The issue is fairly complicated, so I will not take the time of my colleagues at this point to go into the details. But I will not allow regulations to defy the actions of Congress. The EPA is attempting to completely shut a domestic resource out of a major portion of the market in America.

Mr. President, I have been assured by the distinguished majority leader, Senator MITCHELL and the ranking member of the Committee on Environment and Public Works, Senator CHAFEE, that they will sit down with the sponsors of this amendment, including Senator DURENBERGER—the Senator most responsible for drafting this title of the Clean Air Act, Senator DASCHLE, Senator GRASSLEY, Senator PRESSLER, myself and other interested Senators to attempt to resolve this problem.

I have, therefore, decided not to offer this amendment this evening. I do look forward to our negotiations and hope a successful conclusion can be reached. If not, I do want to alert my colleagues that the amendment will be offered in the near future.

Mr. SIMPSON. Mr. President, I will vote to pass this historic piece of legislation. For too long now, our country has been without a national energy policy that will look to our Nation's long term energy needs. This legislation does that, and I am pleased to support it.

I want to commend the fine floor managers, Senator BENNETT JOHNSTON of Louisiana, and my fine life-long friend and able colleague, the senior Senator from Wyoming, Senator MALCOLM WALLOP. These two steady statesmen have worked doggedly on this legislation. They have slaved long hours, together with their fine staffs, and have crafted one of the most solidly bipartisan bills I have ever seen on such a contentious matter: Our Nation's energy security.

Mr. President, the ranking member on the Energy Committee, Senator WALLOP, is one fine man. You know that. He is also a very close friend. He was here when I first arrived, nearly 13 years ago, and was already a true leader. Senator MALCOLM WALLOP is also a "man of Wyoming" in every sense. He is in touch with all that occurs in our fine State. He is in touch with the needs of the people and the needs of the State. But, Mr. President, as we can see here on the floor today, Senator MALCOLM WALLOP is very much aware that the needs of the State of Wyoming and its people are most effectively addressed at the Federal level with sound, bipartisan legislation that is also in the best interests of our country. In that sense, the Senior Senator from Wyoming—my old friend and colleague—is also a "man of the Nation." The people of Wyoming—indeed, the country—are very fortunate to have such a man as U.S. Senator. He has my utmost respect and admiration and, I would surely feel, the utmost respect and admiration of all Members of this body for the fine work he has done these past years on this particular legislation. Senator BENNETT JOHNSTON also deserves the very highest praise. He is such a splendid legislator.

While I am somewhat disappointed the provisions from the original energy bill, S. 1220, which would have permitted oil and gas exploration within ANWR were not voted on by the Senate, I am pleased, Mr. President, with what this body is passing today.

There is much in this legislation that will help our Nation's economy, improve our energy security while maintaining our dedication to protecting the environment, and also to help the economies of every State. I know that the people of Wyoming will benefit from the coal provisions in this legislation. Wyoming leads the country in clean coal production, and this legislation carves out a whole new area of research into clean coal technology and use. That is good for the country, our environment, and the economy of my home State of Wyoming.

I am pleased also about the provisions in this bill which will operate to expand the uses of natural gas and natural gas markets. Wyoming is also a leader in natural gas production. Besides encouraging production and efficient use of our natural resources—particularly oil, gas, and coal—this legislation will permit on-site development of power generation facilities. Natural Gas is the cleanest burning fuel we have. By using natural gas, on-site, to generate electrical power, Wyoming can grow to be a leader in the field of electrical generation as well. I am pleased to tell my colleagues that one company has already announced tentative plans to build just such a facility.

This legislation will provide much needed support to that portion of my State's economy. The Federal Government—the taxpayers—will also benefit, since most of the natural gas produced in Wyoming lies beneath public lands. That means that Wyoming will continue to provide significant revenues in royalty payments to the Federal Treasury.

We in Wyoming have always been proud of the fact that our State provides more to the Federal Government than we receive from the Government. Wyoming—indeed, the entire energy producing West—has always been a profit center for the Nation. So, with that in mind, I am especially pleased to note that the provisions which I have mentioned, and others, will also directly benefit the great State of Wyoming and, in doing so, benefit the entire country.

So again, Mr. President, I want to extend my most heartfelt congratulations to the able floor managers of this bill and to the members of the committee. This is truly a moment that the Senate can be proud of.

Mr. SEYMOUR. Mr. President, I rise in strong support of S. 2166, the National Energy Security Act, and praise the Republican and Democrat leaders of the Energy Committee, Senators WALLOP and JOHNSTON, for moving expeditiously to pass this vital legislation.

Following the defeat of S. 1220, I stood in this chamber and demanded that the Senate end its usual partisan infighting and adopt a comprehensive framework for America's energy future. Today, almost 4 months later, it looks like the Senate will act.

S. 2166 is not a perfect bill. It leaves many of our Nation's toughest energy questions unanswered. The bill contains no mention of modified corporate average fuel economy [CAFE] standards, and it avoids the politically difficult issue of drilling on Alaska's Arctic coastal plain. Some may feel that these two omissions balance each other out—one a conservation measure popular with environmentalists, and the other a domestic production measure unappealing to many environmental groups.

Unfortunately, the deletion of these two provisions does not create a balance. In fact, the lack of one actually exacerbates the omission of the other. Low fuel efficiency standards mean that our Nation will continue to increase its consumption of oil. Eliminating oil production in the Arctic coastal plain ensures that the oil we use to fulfill this increased need is imported.

During consideration of the energy bill in committee, I supported the provision in S. 1220 which required the administration to set "maximum feasible average fuel economy level[s]" for cars and light trucks in model year vehicles 1996 and beyond. I also supported exploratory drilling in Alaska. I believe that together these two measures enhance our Nation's energy security.

Even without these provisions, though, S. 2166 is an important step toward a sound national energy strategy for the United States. Passage of S.

2166 will help to provide cheaper cleaner energy to American consumers well into the 21st century.

Mr. President, I would like to take a moment to highlight several measures in S. 2166 which are of great importance to the people of my State of California.

S. 2166 contains the Seymour Year-2000 Outer Continental Shelf [OCS] moratorium amendment. The Seymour amendment, which was adopted by the Energy Committee during consideration of the National Energy Security Act, bars all new Federal oil and gas lease sales off the coast of California through the end of the century.

The amendment not only codifies President Bush's partial moratorium off the California coast but also includes the 87 tracts in the Santa Barbara Channel and Santa Marina Basin which are in the Department of the Interior's 5-year leasing plan. The passage of S. 2166 will take these lease sales off the table for at least the remainder of the decade.

Along with my OCS amendment, the committee approved a provision I offered to speed the purchase by State governments of alternative fueled vehicles. My amendment requires States to make 10 percent of all the new fleet vehicles they purchase alternate fuel vehicles by 1995. This requirement increases to 15 percent by 1996; then 25 percent by 1997; 50 percent by 1998; 75 percent by 1999; and 90 percent by 2000. I believe such increased State government purchases of alternative fuel vehicles will help create a market for these vehicles, and make the transition to alternative fuel vehicles easier for private companies and individuals.

The committee, with my strong support, also added amendments to establish electric and electric-hybrid vehicle research and development programs, enact strict showerhead efficiency standards, and grant the Secretary of Energy the authority to buy-down or subsidize interest rates on bank loans to finance renewable energy projects.

During earlier floor consideration of S. 2166, I offered another amendment to remove the exclusion of home garaged vehicles from the definition of fleet vehicles for State and Federal Government fleets. Under the previous language in S. 2166, Federal and State vehicles which meet all the necessary criteria to be considered fleet vehicles, were exempted from the alternative fuel fleet provisions of the act if they were garaged at home.

Excluding home garaged fleet vehicles runs directly counter to the current trend in California. Currently, the State of California has fleets of alternative and flex-fueled vehicles. These vehicles are often garaged in private homes at night, and then driven to work. Without the inclusion of my language, S. 2166's definition of fleets would not have covered many of the alternative fuel fleet vehicles currently used by the State of California. Realizing that such an exclusion might adversely impact the development of alternative fuel vehicles, the Senate unanimously adopted the home garaging amendment.

These are just a few of the important measures that have been included in S. 2166.

It is clear that this Nation needs a comprehensive energy strategy. Today, I am hopeful the Senate will finally act on this important legislation.

Mr. DOMENICI addressed the Chair.

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

Mr. DOMENICI. Mr. President, I rise to congratulate Senator JOHNSTON, the chairman of the Energy Committee, and Senator WALLOP, the ranking minority member. I have been on that committee for 17 years, and I think it is fair to say that we have never had such a visionary piece of legislation, and legislation that is more due for our day.

It is time that we change many laws regarding energy, and they are all accomplished in this measure. Maybe there are a few more that we could have accomplished, but I think they deserve the gratitude of the Senate, and congratulations.

I also note that Secretary of Energy Watkins is in the gallery, and I think he deserves credit for sticking with this very complicated and difficult bill. He is entitled to some measure of congratulations, and I believe we will all recognize this in years to come.

I yield.

Mr. JOHNSTON. Mr. President, I will be very brief. This is the most comprehensive, the most effective, the most balanced energy bill ever considered by either House of Congress in the history of the Congress. It is entitled "the Energy Security Act of 1992." We believe it will be just that, by changing our energy policy from one based upon imports to one based upon made-in-America energy. We emphasize energy efficiency; we emphasize conservation; we emphasize both the production and the conservation side of the energy equation.

We have revolutionized the way electricity is generated by requiring competition, which will insure to the benefit of the consumer. We streamlined the way we license natural gas pipelines. We streamlined the way that nuclear plants are licensed by taking the litigation and delay out and leaving the safety in.

Mr. President, we promote alternative fuels by putting on the road over 4 million alternatively fueled vehicles by the year 2000.

Mr. President, they say the devil is in the details, and there are a lot of details in this bill. We expect it to cover some 600 pages. But it is only by a detailed, comprehensive pattern for energy that we are going to get energy security in this country.

Mr. President, it may not be everything we can do, because we do not have jurisdiction over tax matters and a few other matters that could be considered. But everything that makes sense, outside of that which the Senate has rejected earlier that is really in Alaska and CAFE, is contained within this bill. We believe it is comprehensive and workable.

One final word, Mr. President. It would not have been possible without the excellent work—great cooperation and tremendous work—of the distinguished Senator from Wyoming, who has done a magnificent job.

Mr. President, the majority leader and the majority whip, Mr. FORD, have both been very strong in their leadership, along with Senator DASCHLE, who has shown great leadership. It would not have been possible without them.

Mr. President, finally, I want to thank, on our committee, Senator WIRTH, who has shepherded through the energy efficiency and energy conservation sections; Senator BUMPERS, who has been a tremendous source of help on this bill; Senator CONRAD, who has been strong all through this bill, and all of the other members of our committee on the majority side.

I will ask Senator WALLOP to speak for his side, which has been very strong. It has been a strong bipartisan effort. I thank all Senators for their cooperation.

Mr. WALLOP. Mr. President, the Senate is very adept at pontificating, particularly about those issues on which we are unwilling or unable to act. Few Members have passed on the opportunity to express outrage over the absence of a national energy policy. They have decried the economic, trade, and human consequences of our country's dependence on oil imported from the politically unstable Persian Gulf. They have described their indignation about the lack of a program to develop alternative fuels to replace our dependence on petroleum-based energy. The clamor for an energy policy reached a crescendo last year during the debate on the Persian Gulf War Resolution. I recall one Member lamenting that, "not a single American soldier should lose his life in the Persian Gulf because America has no energy policy worthy of the name to reduce our dependence on foreign oil."

Another colleague commented on the failure of Congress to formulate an energy policy and challenged Congress, "to lead this Nation to the formation of a comprehensive national energy policy with the goal of eliminating our dependency on foreign oil, thereby assuring that this type of crisis will not ever again happen."

And, there were many similar comments describing the need for the enactment of a long-term, comprehen-

sive, effective national energy strategy. Yet, last winter, we encountered another of our periodic energy crises. Not only did the crisis demonstrate our growing vulnerability to foreign oil, but it tipped our economy into recession. The economic damage to all Americans has been immense. Congress now has a chance to repair some of that damage. Unfortunately, it has taken us forever to act. We refused to debate a comprehensive energy policy last fall. Now, we are moving forward, but our proposal is stronger on consensus than on scope.

This bill makes great strides in advancing the development of new energy sources and the efficient use of all available energy supplies. Yet, we continue to exhibit a reluctance to develop existing domestic energy resources—a flaw that means our Nation will remain vulnerable to the same economic and energy repercussions experienced during the last three energy crises.

After the outbreak of the Persian Gulf conflict, many of us thought there was a clear mandate from the American people to formulate a national energy strategy. Instead the Congress became bogged down in jurisdictional squabbles among rival committees and between individual Members for adoption of their particular silver bullet; be it energy efficiency, CAFE standards, alternative fuels, nuclear power, PUHCA reform, or renewable energy.

What hypocrisy. The American people deserve better from their elected officials than they witnessed during debate on the motion to proceed to consideration of S. 1220, the Energy Security Act of 1991. By that vote on November 1, the Senate actually refused to debate our national energy policy. No country in the world has the luxury of being so rich or stupid as to deny itself the use of its own resources.

For the 15 years I have been in the Senate, I have observed special interests vigorously pursuing opposite philosophies, and effectively tieing up congressional debate on energy policy. With the exception of an unworkable CAFE standard, environmentalists would rather do without a bill than fashion a strategy that reflects a balance between conservation and production. What they have going for them is public indifference. The political reality is that the gulf war did not last long enough for public sentiment to force the enactment of an energy strategy. And, today, with temporarily low energy prices, there is a vast public indifference to energy issues.

Meanwhile, because of our failure to adopt a national energy strategy, imports now supply 42 percent of our oil needs. More than one-half of our balance-of-trade deficit—$65 billion—can be attributed to oil imports. And, our continuing failure to enact a national energy strategy will leave the United States dependent upon foreign sources for almost 75 percent of its oil in less than 20 years, according to the congressional Office of Technology Assessment.

We seldom take into account the true cost of our dependence on foreign oil. For instance, there are the $15 billion in external costs associated with the United States military presence in the Persian Gulf, that economist Harold King claims add $23.50 to the actual cost of each imported barrel into the United States.

Finally, well over a year after we began drafting this bill, the Senate is ready to pass a national energy strategy for the United States. The National Energy Security Act of 1992, now known as S. 2166, is a stripped-down version of the legislation we were unwilling to debate last year, S. 1220. There are four differences between S. 2166 and its predecessor, S. 1220. We have omitted provisions on ANWR, CAFE, WEPCO, and used oil.

The only fault is that in seeking a consensus on S. 2166, we have had to weaken the opportunity to produce oil domestically. This is an issue which we will have to face again. Despite this shortcoming, the measure does accomplish much of what critics have demanded from a national energy plan. It enhances our national security interests by decreasing dependence on foreign oil. The foreign oil that will be backed out of by this bill would help our balance of payments by at least $200 billion. S. 2166 will generate 700,000 additional American jobs. S. 2166 also will strengthen our economy consistent with national environmental protection policies. Any objective analysis of S. 2166 must conclude that it is a balanced and comprehensive national energy strategy, notwithstanding the omission of ANWR.

Early critics of S. 1220 have tried to prevent Senate consideration of this bipartisan effort with an onslaught of misinformation. The Senate debate which we are about to conclude has demonstrated the merits of S. 2166 and the weakness of opposing arguments.

The merits of the bill can be summarized in six major areas involving energy conservation and energy supply initiatives.

First, the measure provides incentives which foster a more efficient and expanded use of domestic supplies of natural gas, oil, and coal—all of which we have in abundance. This bill will encourage the use of domestic energy resources consistent with national environmental concerns.

Second, this measure encourages the greater use of renewable energy and energy efficiency alternatives throughout our economy. In the transportation sector, for example, the measure contains a broad range of energy efficiency and alternative fuels initiatives including the commercialization of electric and electric-hybrid vehicles and the conversion of fleets of 20 or more vehicles to alternative fuels.

The economic viability of the American economy rises and falls with the economic viability of the American automobile industry. The last thing the American auto industry needs right now is more Federal regulatory burdens. This measure, correctly, does not contain a CAFE provision.

Third, in response to increasingly tough international competition, the measure contains initiatives to more effectively deliver advanced energy technologies developed in the United States to the marketplace as a source for business and jobs. These technologies can serve as a critical component in the growth of the U.S. economy. I have further improved this section through an amendment to promote transfers to developing countries of clean coal and renewable energy technologies. This is perhaps more important than establishing an arbitrary cap on economic growth for developing countries—an idea now being discussed in the context of the "UNCED" conference. By promoting clean coal projects, we will assist developing countries to use, in an environmentally safe manner, the largest energy resource available to those countries.

Fourth, in support of this objective, the measure restructures many Federal energy research and development programs to place greater emphasis on commercialization of energy technologies. For example, the measure authorizes a broad range of cooperative agreements and joint ventures in such areas as energy efficiency, renewable energy, electric and electric-hybrid vehicles, advanced nuclear reactor technologies, and the use of natural gas.

Fifth, and an important area, the bill promotes safe nuclear power as an energy option. Nuclear power must be a viable energy option. If not, our dependence on imported oil will remain a threat to our Nation's economic health and energy security. The bill enhances the safety of nuclear powerplants by codifying the nuclear licensing process already being implemented by the Nuclear Regulatory Commission. The measure preserves opportunities for citizens to raise significant safety concerns and for the courts to review NRC licensing decisions.

Finally, the National Energy Security Act removes regulatory barriers that unreasonably restrict the use of domestic energy supplies and hamper the development of new, more environmentally benign energy technologies. These provisions, combined with the efficiency and alternative fuels requirements, represent a substantial investment in the protection of our environment. As I have already indicated, the bill fosters the development of alternative, renewable, clean fuels. The bill also contains extensive initiatives on motor vehicle fleets, alternative fuels,

reuse of used oil, natural gas regulatory reform, and energy research and development.

In our transportation section alone, the measure contains major initiatives absent from other proposals. For example, it provides for natural gas vehicle research and development, for the demonstration of hybrid-electric vehicles relying on alternative fuels, for the demonstration of electric vehicles, for an expanded battery research program, and for Federal, State, and private alternative vehicle fleet programs in 131 cities compared to the Clean Air Act's 9-city program.

Our Senate bill is now supported by a broad cross section of Americans because the measure is balanced. This support includes energy consumers, industrial users, energy producers, labor, and public officials. There is a recognition that this measure fosters energy efficiency and conservation in buildings, transportation, and industry. And there is support for our energy supply initiatives such as enhanced oil and gas production, solar and renewables, coal refining, and alternative fuels.

I remain perplexed as to why our harshest critics have ignored the environmental safeguards in our bill. S. 2166 enhances environmental values by fostering the development and deployment of more environmentally responsive energy technologies consistent with efforts to address global climate concerns.

In fact, this bill strengthens environmental policies. Contrary to a devious misinformation campaign, it does not override the Clean Water Act, nor the National Environmental Policy Act, nor the Endangered Species Act. Rather, it encourages the more efficient and environmentally sensitive use of fossil fuels. For example, the measure requires formulation of a national energy strategy to stabilize greenhouse gas emissions. When implemented, the provisions in the bill on emissions will place the United States in a leadership position in this area. Once again, we will lead the world on environmental issues. And, we will have the basis for a response to the devastating policies which some are promoting at the United Nations on global environmental issues.

It is ironic that many of the same groups who are promoting the anti-economic growth agenda for the United Nations Conference on Environment and Development are the same people who continue to oppose the National Energy Security Act. They have little interest in America's development of energy resources, such as nuclear, which reduce greenhouse gas emissions. They successfully opposed production proposals which would have provided the Federal revenues for the development of what currently are still esoteric renewable energy resources. Obviously, these groups are driven by a political agenda designed to enhance their own power—not to provide Americans with the energy we need.

It is not just our own country, but also the developing world, which would be environmentally hurt by the failure to pass this bill. We are the leader in terms of environmental technology. Our corporations, universities, and governmental agencies contain a wealth of scientific information about the environment. If we cannot bring this technology into operation, and share the benefits with developing countries, the only result will be to further damage our planet. We need a good dose of environmental realism—by Congress, industrial, and environmental interests if we ever expect to address national energy needs. There is no silver bullet which will miraculously solve our energy needs—there is only the realism that the National Energy Security Act provides.

Despite years of floors speeches and an abundance of rhetoric, this legislation is the first major energy initiative debated in the Senate and, indeed the Congress, in over 10 years. The measure represents a truly bipartisan effort that is supported by the White House.

Without this bill, the United States will have nearly a 40-percent increase in primary energy demand by the year 2010. Moreover, compared to today, oil imports will have increased some 85 percent to over 14 million barrels a day.

By comparison, enactment of S. 2166 will hold oil imports in the year 2010 at essentially today's level of about 8 million barrels a day—despite a 30-percent increase in primary energy demand. We've accomplished this by energy efficiency initiatives which by the year 2000, will reduce primary energy demand by approximately 1.6 quads—or the oil equivalent of 75,000 barrels of oil a day. By the year 2010, primary energy demand will be reduced by at least 8.1 quads (or the oil equivalent of 3.8 million barrels a day).

By encouraging such steps as the use of alternative fuels for transportation through deployment of natural gas and electric vehicles by Federal, State and private fleet operators, S. 2166 will achieve more energy efficiency and conservation than production of domestic energy supplies. This is a point often ignored by our green critics.

S. 2166 also contains major production initiatives which, according to preliminary analyses, will substantially increase domestic primary energy supplies. By the year 2000, the measure increases primary domestic energy supplies by the oil equivalent of 2.2 million barrels a day—or 4.3 quads—of which 1.7 million barrels is from increased oil production. This production is exclusive of the ANWR provisions that no longer are in S. 2166—provisions which were estimated to produce 200,000 barrels a day.

The new technologies provisions of the bill will increase oil production in the year 2000 by 1.5 million barrels a day and in 2010 by 3.3 million barrels a day. Without this bill, domestic production would significantly decline, and foreign dependence will simply grow.

As a consequence of these energy efficiency and production initiatives, oil imports are expected to be reduced in the year 2000 by an estimated 2.9 million barrels a day and in the year 2010 by at least 6 million barrels a day.

Our country is fortunate to have a broad spectrum of energy resource choices—coal, uranium, oil, gas, renewables, and energy conservation. A successful energy strategy should provide sufficient flexibility for all of these alternatives to compete in the marketplace. This one does.

Our bill is not only good for the environment, but also for the economy. S. 2166 would create jobs, lower the unemployment rate, and encourage economic growth. Our GNP in the year 2000 would be $30 billion higher annually if S. 2166 is enacted. About 315,000 more jobs would be created in the year 2000 and about 485,000 by the year 2005. The cumulative increase in GNP by the year 2010 would be more than $550 billion.

Last July, President Bush stated that "on the legislative front, we've made a substantial headway since we released the energy strategy last February * * * we need Congress to act wisely and, I think, act soon on this important domestic policy initiative. Unfortunately, some critics don't seem to see the big picture. They focus on one or two issues that admittedly are controversial."

Seven months later, we have taken much of the controversy out of the bill. But, we still have hurdles to cross before a national energy strategy is signed into law. It is time to drop the speechmaking and move forward with this legislation. We finally have a national energy policy. Now is the time for my colleagues to vote, vote in favor of S. 2166, the National Energy Security Act of 1992.

Mr. President, completion of this measure with only 11 rollcall votes was possible through the time and efforts of a cadre of committee staff members. Through their efforts we have been able to resolve and adopt over 108 amendments dealing with all elements of a national energy strategy for the United States. Among those staff members deserving special recognition for their leadership in bringing this bill to final passage are the minority staff director, Rob Wallace; minority chief counsel, Gary Ellsworth; and the senior minority staff member for energy, Richard Grundy. Also an integral part of the team on which I have heavily relied are the senior minority counsel for natural resources, Jim Beirne; Howard

Useem, professional staff member; Judy Pensabene and Jodi Brayton, counsels; and Jim O'Toole, professional staff member. And immediately behind them are the able support staff, who deserve a special thanks: Carol Craft, Gerry Hardy, Alison Spalding, and Gigi Beall.

I also wish to acknowledge the work of Ben Cooper, Mike Harvey, Patty Beneke and the rest of the majority staff.

Mr. JOHNSTON. Mr. President, as my colleagues will recall, the bill we are completing action on today (S. 2166) as introduced by Senator WALLOP and myself is identical to S. 1220 as reported by the Committee on Energy and Natural Resources on June 6, 1991 with the following changes:

First, all provisions relating to the Arctic National Wildlife Refuge [ANWR] contained in title VII of S. 1220 have been deleted;

Second, all provisions relating to corporate average fuel economy [CAFE] contained in title III of S. 1220 have been deleted;

Third, all provisions relating to the WEPCo issue—contained in section 14201 of S. 1220—have been deleted; and

Fourth, all provisions relating to used oil energy production—contained in title VI, subtitle D of S. 1220—have been deleted.

The committee's report on S. 1220 (S. Rept. 102-72) contains the legislative history applicable to S. 2166.

TITLE IX NUCLEAR LICENSING REFORM

Mr. WALLOP. Mr. President, as we conclude consideration of S. 2166, it behooves us to reflect for a moment on the reasons Senator JOHNSTON and I included title IX, nuclear licensing reform, in the bill. This country is faced with the likelihood of the need for up to 150,000 megawatts of additional baseload electrical generating capacity by the turn of the century. Even with aggressive development of conservation programs and alternative electricity generation technologies such as solar, wind, and geothermal, fossil-fuel and nuclear sources of electricity will be required for the foreseeable future if we are to have reliable electrical service to meet the anticipated increase in demand. We simply cannot afford to throw away any option we have. However, we are precipitously perched on the edge of the demise of nuclear power because we have persisted in our refusal to craft a new licensing procedure that provides a rational format and that will instill public confidence in the safety of these plants.

Nearly 40 years ago, two esteemed Members of this body argued to their colleagues the illogic of a two-step licensing process like that which we are burdened with today. The occasion was the debate on the Atomic Energy Act of 1954. Senators Hubert Humphrey and Henry "Scoop" Jackson urged that the two-step licensing concept be abandoned because of the plain silliness of deferring safety determinations to the operational stage after millions of dollars have been invested in building the plant.

Now here we are four decades later, caught up in this bizarre deja vu, grappling with the same problem. The only difference is that, in the interim, we have made a compelling case for revamping a system that even at its inception was recognized as undesirable. The promise of new advanced designs and the expertise that has come from 30 years of successful operating experience underscore the wisdom of the approach we have taken in title IX.

To our shame, our inaction on this front prior to today, has reaped the bitter harvest of extensive delays in new plant construction and operation resulting in exorbitant increases in plant costs, loss of investor confidence and skepticism in the public about our ability to safely build and operate these facilities. All of this evolved because licensing issues that should be resolved before construction begins can be raised after construction under the old licensing process.

There have been no nuclear plant orders in this country since 1978, and little wonder. It takes an average of 14 years to build and license a plant in the United States, with licensing delays increasing the cost of the plant by as much as 50 percent.

I do not understand how anyone could advocate leaving the old system in place when it has failed so miserably. Why would we deprive ourselves of an option for electricity generation that is virtually inexhaustible in supply and that we have used successful for over 30 years? Where is the logic in wringing our hands over global warming and dirty air while ignoring a technology that promises electricity generation with no air pollution?

Why would we do this to ourselves? France and Japan can build a plant in a third of the time it takes in the United States at half the cost without sacrificing a whit of safety. France expects to have 77 percent of its electricity generated by nuclear power by the year 2010. The crux of the problem has been our antiquated licensing system that permits delays occasioned by procedure alone. We put that problem to rest today by our adoption of title IX.

If we are serious about including nuclear power in the mix of options for electricity generation, we cannot belie the good judgment evinced in adoption of this reform of the licensing process. The provisions of title IX accomplish reform in a way that provides at least three opportunities for public participation in hearings on every aspect of the licensing decision before a spade of dirt is ever turned to construct the plant. The advantage of this approach is that the public will be involved from the very beginning in decisions about safety so that concerns can be addressed long before billions of dollars are invested in building the plant.

The provisions in title IX are a perfect balance between the public's interest in ensuring safety of these plants and the industry's need to have a reasonable expectation that a plant will be permitted to operate after it is built.

If the distinguished Senator from Louisiana would yield. One of the provisions in the substitute to title IX of S. 2166 is to clarify the judicial reviewability of certain licensing decisions by the NRC. Do we agree that the intent of this amendment to make clear that a decision by the NRC to allow a nuclear energy plant to begin operating is subject to judicial review, even though the decision is made in accordance with the combined construction and operating licensing procedures of proposed new section 189(a)(1)(B)?

Mr. JOHNSTON. Yes; the distinguished Senator from Wyoming is quite correct. Let me add, however, that the provision does not alter existing requirements for exhaustion of administrative remedies by an aggrieved party as a condition of judicial review.

Mr. WALLOP. The substitute is intended to apply to an NRC decision that either allows or prohibits a newly-constructed nuclear energy plant to begin operating under a combined construction and operating licensing. Is it the understanding of the distinguished Senator from Louisiana that this is the case under existing law and that this amendment merely confirms the purpose and intent of this existing law?

Mr. JOHNSTON. That is correct. As an example, if a party petitions the NRC to prohibit operation of a newly constructed nuclear energy plant based upon significant new information about the plant safety that has come to light since the NRC issued a combined construction and operating license for the plant, as NRC regulations now provide, an NRC decision denying the petition would be judicially reviewable. The NRC has stated that this would be the case under existing law. The substitute merely confirms the NRC reading of existing law and does not in any way change existing law with regard to agency actions after the authorization of initial operation. It should be noted that only a final order granting or denying a petition would be reviewable as provided in section 189b.

Mr. WALLOP. And is it also true that an NRC decision granting this kind of petition and prohibiting operation of this newly constructed nuclear energy plant would be judicially reviewable?

Mr. JOHNSTON. Yes; the intent of the substitute is to work both ways so that the party aggrieved by the NRC decision can have that decision reviewed in the court system.

Mr. WALLOP. Now with respect to the amendment to new proposed section 185(b), it appears that instead of requiring the Commission to satisfy itself that the prescribed inspections, tests, and analyses are performed and that the acceptance criteria are met, the substitute now requires a finding by the Commission to the same effect. Are we agreed that in making this finding the Commission need not hold any additional hearings, whether formal or informal, but retains the full flexibility to establish how this finding will be reached?

Mr. JOHNSTON. Yes. That is clearly the purpose of the sentence in the amendment that says, "Any finding made under the subsection shall not require a hearing except as provided in section 189(a)(1)(B)." Let me stress, too, that the underlying principle of this title is that full and comprehensive inspections, tests, and analyses, and acceptance criteria necessary for compliance with the combined construction and operating license, the Atomic Energy Act, and the regulations of the Commission will be established in the combined license after a public hearing. Because of this, the additional preoperational hearing opportunity provided by the legislation is only to address non-conformance with the acceptance criteria in these ITAACS. This legislation is intended to achieve this very important goal.

Mr. WALLOP. Like the distinguished Senator from Louisiana we, too, recognize the value of public input in the licensing process, but are cognizant that unnecessary and unproductive hearings which inject only delay in operating a safely constructed nuclear energy plant should not be tolerated. Licensing stability and certainty can only be achieved if a utility and the investment community know that a combined license is a real license that affords its holder the protection provided by other licenses. Indeed, we believe it is of paramount importance in health and safety regulation matters that a licensee who complies with its license may perform the licensed activity absent extraordinary conditions. Is this also the intent of this amendment?

Mr. JOHNSTON. Yes; it is. A basic concept imbedded in the Administrative Procedure Act, and intended to be implemented by this legislation, is to secure for the license holder the benefit of compliance with the license. This new section 185(b) is not intended to disturb this important administrative law precept.

Mr. WALLOP. The substitute, like the original title IX of S. 2166, allows a plant to begin operation notwithstanding a request for a hearing and a decision by the Commission to grant a hearing. With respect to this process, does the distinguished Senator from Louisiana agree that, despite the pendency of a hearing, the NRC shall permit interim plant operation if it concludes that there will be reasonable assurance of adequate protection of public health and safety?

Mr. JOHNSTON. This is correct. An important point, though, is that the Commission need not hold any hearing nor is it required to engage in any formal process to make the determination required by the statute. Indeed, it is the intent of this section that even if the Commission allows a hearing on the nonconformance issues, plant operation can commence if, after expeditiously considering any prima facie showing by the petitioner and the licensee response, the Commission determines that plant operation during an interim period is safe. If it does this, then the hearing process will not interfere with or delay plant operation. It is a very important principle of license reform to eliminate the past abuses whereby fully constructed nuclear plants whose generation was needed by the utility customers were nonetheless required to remain idle while endless hearings were conducted. No longer will this be the case. If the Commission determines that a plant is safe to operate during an interim period, then it shall let it do so while a hearing is conducted on any allegations of license non-conformance.

Mr. WALLOP. It appears clear from the text of the amended section 189(a)(1)(B)(iv) that the NRC has complete discretion to determine the appropriate hearing procedures at any preoperational hearing. Is it the intent of the legislation to restrict the NRC authority to determine whether discovery is appropriate, whether there should be examination or cross examination of witnesses or to restrict NRC authority to effectuate any other procedure which would expedite the decision process?

Mr. JOHNSTON. No. The NRC retains full authority to determine those matters. The legislation only requires that the NRC state its reasons for determining the appropriate hearing procedures; however, neither this requirement nor anything else in the legislation is intended to create a right to an interlocutory appeal of the NRC's decisions on these matters.

Mr. WALLOP. Does the Senator from Louisiana also agree that passage of this legislation is not intended to imply that the existing Atomic Energy Act is not sufficient statutory authority for the licensing reforms the NRC has attempted to implement in its promulgation of part 52 of its regulations?

Mr. JOHNSTON. Yes, it is very important to emphasize that this legislation is intended to explicitly clarify the Commission's existing authority under the Atomic Energy Act for the licensing reforms contained in part 52. It should also be noted that reforms in addition to those contained in part 52 that might further streamline the licensing process would not necessarily be outside the bounds of the Commission's authority under the existing Atomic Energy Act.

TRANSMISSION ACCESS

Mr. CRAIG. Mr. President, in light of the recent colloquy addressing transmission access, I wish to state that I agree it would be premature to consider mandatory access legislation. At this point, neither the Senate Energy and Natural Resources Committee nor the Senate as a whole has had an opportunity to fully consider the need for, or the ramifications of, mandated open access to the electric transmission system.

When addressing issues of this importance, it is my belief that we should only consider legislation that is a product of the deliberative legislative process of the committee. It is fundamental that governmental action affecting basic components of our society should be the product of deliberative and well-founded political judgment. In that regard, there is no question that this Nation's electric grid is such a basic component.

Mr. President, in view of the Senate having not considered this issue I strongly object to any attempt to make sweeping changes in the operation of the Nation's power grid without thorough consideration of this body. It would be ill advised to run the risk of disrupting the national energy grid by rushing forward with legislative action that has not been completely considered.

COMMENDING THE ADMINISTRATION'S SPEED-UP OF CFC ELIMINATION

Mr. DOMENICI. Mr. President, last week, President Bush announced an important change in U.S. policy to address the rapid shrinking of the stratospheric ozone layer, our shield against the Sun's damaging rays. I am pleased at the President's quick response to the news of the worsening of a problem about which I have been worried for many years.

In 1975—17 years ago—Senator DALE BUMPERS and I formed a subcommittee and held nine hearings on CFC's and the ozone layer. At these groundbreaking hearings, scientists told us that the seemingly benign chlorofluorocarbons [CFC's], which were then widely used as aerosol propellants and refrigerants, turned into ozone destroyers when they floated up to the stratosphere. The scientists warned that the thinning ozone would let through the Sun's damaging ultraviolet rays, and that this would lead to increases in skin cancer and cataracts.

In 1977, as a result of the many hearings, amendments to the Clean Air Act included a section on ozone protection. This section set up a research program on atmospheric effects, control technologies, and the economic impacts of regulation. It also authorized international negotiation; however, back

then no other countries were interested.

By 1978, enough concern had developed that the FDA and EPA, under the Toxic Substances Control Act, banned CFC's in aerosol sprays and other nonessential uses.

In the years that followed, I continued to advocate expansion of research programs to investigate the negative effects of ozone loss, the mechanisms by which CFC's and other chemicals destroy the ozone and the many ways CFC's and other ozone destroyers are used in the United States and in the world.

In 1985, the Antarctic ozone hole was discovered. This hole, as the 50-percent depletion in ozone was called, was unexpected. Scientists had not realized that the unique wind patterns and ice clouds in the Antarctic would intensify chlorine's destruction of ozone molecules. This new threat brought the industrialized nations of the world together, and in 1986, the Senate ratified the Vienna accord, an international agreement to work toward protection of the ozone layer.

In 1987, the connection between CFC's and the ozone hole was scientifically confirmed and the largest ozone hole ever was recorded. That same year, 47 countries agreed to the Montreal Protocol on Substances that Deplete the Ozone Layer. This first ozone treaty froze consumption of CFC's and would have reduced the use of CFC's by 50 percent in the industrialized nations by the end of the century. The U.S. Senate quickly ratified this important treaty, and we met our treaty obligations with the passage of clean air and tax legislation.

In 1989, the President proposed to auction off the limited rights to produce CFC's. As part of the 1989 budget, I worked with other members of the Senate Committee on Environment and Public Works as well as administration officials, to ensure that we imposed a charge, either through marketable permits or fees, to provide an incentive to reduce emissions of harmful CFC's. The resulting 1989 Omnibus Budget Reconciliation Act established a tax on ozone-depleting chemicals. Congress authorized annual increases in this tax as part of the 1990 Budget Reconciliation Act.

Meanwhile, evidence mounted that the increasing ultraviolet rays could also harm the human immune system, photosynthesis in crops, and the growth of the phytoplankton at the bottom of the ocean food chain.

In 1990, the Clean Air Act amendments, which many of us worked on, strengthened the regulatory provisions on substances affecting the ozone layer. In particular, title VI of the act accelerated the phaseout of CFC's and other ozone destroyers.

At the same time, delegates from over 100 nations met in London and agreed to accelerate the phaseout of CFC's to a complete phaseout in 2000. The London conferees also agreed to set up an international fund to help developing nations switch to CFC-free technologies and comply with the new protocol. When these negotiations stalled over the U.S. resistance to this ozone layer fund, 12 of us in the Senate signed a letter to President Bush urging reconsideration. The United States reconsidered and the fund was created. This was a critical factor in China's decision to sign the agreement the following year.

Last spring, NASA scientists who had analyzed data from global satellite transmissions announced that concentrations of ozone in the temperate zones in both the Northern and Southern Hemispheres were declining about twice as fast as previously believed.

Finally, we have this latest disturbing news. On February 3, 1992, NASA scientists announced their January measurements of very high concentrations of ozone-destroying chemicals. The data implied that the ozone layer above 50 degrees latitude, about where the United States-Canada border is, could be disappearing at the rate of 1–2 percent a day. If conditions are right, a Northern Hemisphere ozone hole could form. On February 6, we in the Senate voted unanimously to recommend a speedup of the CFC reduction level. On February 11, little more than a week after the announcement of this disturbing news, President Bush announced a phaseout of ozone-destroying CFC's by the end of 1995—5 years earlier than we agreed in the Montreal protocol treaty.

I would like to commend the President for this rapid action as well as commend the Congress for its foresight in passing a Clean Air Act which authorized the President's action.

But the news is not all bad. There has been a 40-percent drop in CFC consumption since 1986. Many of the industries which used CFC's are ahead of schedule in replacing them; some of the CFC replacements work better and are cheaper than CFC's. The entire private sector is committed to replacing CFC's and the need for rapid transition has spurred innovative research.

I am reminding my fellow colleagues of this history because there's been considerable talk in this Chamber about how the administration, and we in the Senate have not done enough to respond to the ozone-depletion threat. On the contrary, we have accomplished a great deal. We, in the Senate, have understood the need to regulate and study ozone destroyers since 1975. The administration has responded to our concerns, and in this latest CFC phaseout initiative, it has properly assessed the problem, and implemented its policies accordingly.

I look forward to the United States once again leading the nations of the world in the upcoming negotiations to speed up the elimination of CFC's and other ozone-destroying chemicals worldwide.

Mr. JEFFORDS. Mr. President, soon, we will be voting on final passage of this legislation. I sincerely want to thank the chairman and ranking member for their consideration and assistance over the past year and especially in the past few weeks.

I believe the Energy Committee worked very hard and diligently on this legislation. I am however, still concerned regarding this legislation. In my opinion, this legislation does nothing to reduce our dependence on foreign energy sources for our country's transportation fuels.

I know that a number of amendments have been accepted related to energy independence and to alternative or renewable fuels. Resolutions calling on the Finance Committee to take action or setting nonbinding goals for energy independence will not accomplish this goal. Our dependence on foreign oil will grow under S. 2166. Information provided to me by the Department of Energy confirms that oil dependency will grow. Several of my Republican colleagues made the same argument with respect to drilling in ANWR.

The fact is our country is going to become more dependent on oil. More American dollars are going to be sent overseas to finance the growth of foreign economies. Again, the American worker loses.

A year ago American soldiers died to keep the oil flowing to the United States. How can we in good conscience tell the American people and in particular those families, that we have just passed a national energy strategy that will not decrease our dependence on this oil? I cannot. We must address this problem before final passage.

I am also concerned about many issues raised during consideration of this bill. Some argued against so-called mandates while in the same breath pointing to how great the vehicle mandates are. I fail to understand how mandating vehicles helps create a domestic alternative fuels industry. Sure there will be new fuels, but with the exception of natural gas, these new fuels will be produced in foreign countries. The U.S. Senate has created through this act and through the Clean Air Act a brand new fuels industry. Then, the U.S. Senate handed this industry over to foreign governments.

A number of my colleagues have spent considerable time blaming the President for our trade imbalance, yet, a majority failed to take any action to reverse this trend. Who is to blame here?

Again, my colleagues point to new automobile fleet requirements as proof that we do not need to bring in the oil companies. Yet these fleet mandates could place many, many more burdens

on other parties. And, if past history is any guide, Americans probably won't even be making these new cars. We're going to hand not only the new fuels industry to our competitors, but we may even be giving them a new car industry?

What in the world are we doing?

This bill does provide for some commercialization of new fuels technologies. But where is the money going to come from to finance these technologies? The United States of America is broke. Nothing in this bill addresses where the money will come from. I believe this leaves us with hollow promises.

I've heard my colleagues argue about why we need the free market, yet, we all know a free market doesn't exist.

Some have argued that we should not pick the winners in the fuels industry. Yet, this legislation does indeed pick winners.

Portions of this bill support the development of new nuclear reactors. American taxpayer money, if appropriated, will go to finance a technology few Americans are comfortable with. Can we then say we are doing this for the American people?

I think not, particularly when the Senate then limits these citizens rights to review nuclear plant licenses.

I've heard the arguments about why we need nuclear power. Some say it's good for global warming. Well, that's rubbish. We know how to solve the global warming problem. We could do that right now with a little resolve. We do not know what to do with nuclear waste. Nuclear waste will be around for thousands and thousands of years. Long after we're gone, our progeny will be dealing with our wastes.

The argument is made that we should let the market decide. Yet, S. 2166 states that in terms of uranium enrichment, it's a matter of national security that this enrichment be done here. Yet, somehow it is not a matter of national security that we set some limits on foreign energy imports.

Let me quote from S. 2166 regarding uranium production:

> The United States uranium industry has long been recognized as vital to the United States energy independence and as essential to United States national security, but has suffered a drastic economic setback, including a 90 per centum reduction in employment, closure of almost all mines and mills, more than a 75 percent drop in production, and a permanent loss of uranium reserves.

Let me continue:

> A variety of economic factors, policies of foreign governments, foreign export practices, the discovery and development of low cost foreign reserves, new Federal regulatory requirements, and cancellation of nuclear power plants have caused most United States producers to close or suspend operations over the past 6 years * * *

This is used to justify a program to protect domestic producers.

Earlier today, the chairman quizzed us about which industry has lost the most jobs. That industry is the oil and gas industry that the chairman states has lost over 317,000 jobs. At no time was the uranium industry mentioned. Yet, S. 2166 offers protection to domestic uranium production. And most Americans don't even like nuclear power. I ask, how can we tell the American people that we cannot protect domestic oil and alternative fuel jobs here in this country in the same legislation that protects the domestic nuclear industry.

What are we doing here?

Mr. President, we need to stop thinking short term and start thinking long term. We need to set aside a certain portion of our energy demand for domestic producers. Even more that it is an issue for uranium workers, it is important to our other energy industries. They need to know they can count on the United States of America to support their efforts to create domestic jobs. Right now, we are all but telling them it's OK to move offshore, in fact, we're just plain encouraging them to do so. And then we call this a national energy policy.

We've seen America decline over the last 20 years. I think much of this decline can be tied to our dependence on oil. The oil price disruptions lead to inflation and a perverse economic situation where rather than invest, America consumed. We have to change this.

I hope, Mr. President, that when this bill goes to conference, the conferees will set a limit on our dependence. A binding limit. Not some feel good talk of goals, non-binding goals, but a definite, firm, no-nonsense guarantee of domestic production.

I know there is strong support for energy independence. A majority of the Energy Committee cosponsored my original alternative fuels amendment. Add the cosponsors to those voting for energy independence and you have a majority of the Senate supporting energy independence and protecting domestic jobs. I strongly hope that in conference, the conferees will work to strengthen the protections for domestic workers, domestic industry, and energy independence. My vote on the conference report will depend upon the efforts made to reduce our dependence on foreign oil.

Mr. JOHNSTON. Mr. President, the bill we are about to pass is the most effective and comprehensive energy policy legislation ever considered by the U.S. Senate. S. 2166 is one of the most important bills the Senate will consider this year. Few issues have a broader effect on national security, the economy, and our everyday lives than energy policy.

This bill will affect the life of every American. With its enactment, we will move toward greater control of our energy future and a stronger and more secure economy.

Mr. President, this bill means jobs. It means jobs in construction: Pipelines and power plants, but also energy-efficient housing and appliances and infrastructure for alternative fuels. It means jobs in producing domestic energy resources: Natural gas and coal, but also biomass, hydropower, and solar energy.

This bill means a lower trade deficit. Instead of sending dollars overseas, we can keep them at home to invest in our own economy. We paid $50 billion for oil imports in 1991. Unless we change things, in 2000 we will pay more than $100 billion. With this bill, we have a chance to reduce this enormous tax that American business is paying to foreigners.

Finally, this bill means enhanced competitiveness. We must continually move toward an economy that is more efficient, an economy with lower costs. This bill provides economic efficiency by streamlining regulation without compromising the goals of regulation. The bill provides for energy efficiency by accelerating introduction energy-efficient equipment and practices. This bill also accelerates introduction of new natural gas and renewable energy technologies. All these actions improve our capital stock, reduce costs, and enhance economic competitiveness.

More specifically, the legislation we are passing this afternoon:

Creates a bold new program to shift Federal, State, and private business fleet vehicles from gasoline to alternative fuels;

Promotes solar, biomass, photovoltaic, wind, hydropower, and geothermal energy sources;

Promotes energy efficiency in Federal, State, industrial, commercial, and residential uses;

Promotes the development of improved nuclear reactors, provides for a more rational nuclear licensing process, and puts the Federal uranium enrichment business on a sounder footing;

Promotes the use of clean-burning natural gas;

Provides impact aid for States and communities affected by OCS leasing and protects sensitive coastal areas from oil and gas leasing until the year 2000;

Calls for research and development efforts on coal, natural gas, electric vehicles, and a host of other energy technologies;

Amends our Depression-era system of utility regulation, the Public Utility Holding Company Act of 1935 [PUHCA], to remove obstacles to wholesale power competition; and

Accelerates filling the strategic petroleum reserve and creates a new defense petroleum inventory.

Mr. President, in the almost 2 weeks that the Senate has actively considered this legislation, we have adopted numerous amendments which have significantly strengthened and expanded the energy efficiency and alternative

fuels provisions of the reported bill. We have adopted other amendments which I think have improved the bill and I commend my colleagues for their diligence and hard work in making S. 2166 a better bill.

Mr. President, in the past 19 years, we have endured three energy crises and fought a war largely over oil. We have had our share of energy bills, policies, programs, goals, and initiatives. Every President since Richard Nixon has had a solution to our Nation's energy problems. Although these plans differed in many respects, they have had one thing in common—they didn't work.

The primary reason they didn't work is because they were not balanced. They did not deal with energy in a comprehensive framework. Today, finally, we are recognizing this fatal flaw in previous plans and are addressing the energy issue in a balanced and comprehensive manner. This is truly a historic day for energy policy in this country and I urge my colleagues to join me in voting for this legislation.

ENERGY EFFICIENCY IN HOUSING

Mr. CRANSTON. Mr. President, I would like to congratulate the chairman of the Committee on Energy and Natural Resources, Senator JOHNSTON, and the chairman of the Subcommittee on Regulation and Conservation, Senator WIRTH, for their leadership on energy policy. I am privileged to serve on the Banking Committee with Senator WIRTH and I have worked with him to promote energy efficiency in housing, including the use of energy efficient mortgages under several Federal housing programs.

I would like now to engage the Senators in a colloquy concerning two provisions of S. 2166 that promote energy efficiency in housing. The first provision, section 6101 of the bill as reported by the Senate Energy Committee, requires Federal agencies that guarantee mortgages for newly constructed buildings to ensure that the properties comply with a Federal building energy code to be promulgated by the Department of Energy. The second provision, a floor amendment adopted by the Senate on February 5 requires the Department of Housing and Urban Development and the Department of Veterans Affairs to conduct a pilot program of energy efficient mortgages in five States.

I am concerned that these provisions potentially conflict with provisions enacted by Congress in the National Affordable Housing Act.

Let me first discuss the problems presented by section 6101.

Section 6101 appears to conflict with section 109 of the National Affordable Housing Act. The latter provision requires the Department of Housing and Urban Development to promulgate energy efficiency standards for new construction of public and assisted housing and FHA insured single family homes and multifamily housing. Such standards are required to, first, meet or exceed the most recent edition of the Model Energy Code of the Council of American Building Officials and second, be cost effective with respect to construction and operating costs. The provision requires the HUD Secretary to consult with an advisory task force composed of homebuilders, housing agencies, and other groups.

Section 6101 would continue the Department of Energy's authority to promulgate a Federal building energy code as originally enacted under title III of the Energy Conservation and Production Act (Public Law 94-385) in 1976 and duplicating authority granted to HUD in the National Affordable Housing Act in 1990. The provision links the Federal code to standards promulgated by the private sector and would require the code to "assure the inclusion in Federal buildings of all energy efficiency measures that are technologically feasible and economically justified." Finally, the provision would require the Secretary of Energy to consult with several specific organizations.

I am concerned that if section 6101 becomes law, the Federal Government runs the risk of having multiple, perhaps conflicting, energy efficiency standards—despite the need for uniformity and consistency in this area.

I believe we must pursue a cooperative strategy—involving the Energy, Banking, and Veterans' Affairs Committees—to develop a coherent national policy in this area. I think we should use this opportunity to explore the status of implementing section 109 of the National Affordable Housing Act—perhaps in a joint letter to HUD Secretary Jack Kemp—and to resolve, prior to conference on this bill, a series of issues regarding the promulgation of energy efficiency standards in housing.

For example, which Federal agency should have the primary responsibility of promulgating energy efficiency standards—HUD or DOE? What relation should such standards have to the existing DOE code and to the existing private energy efficiency standards such as the CABO Model Energy Code? What cost effectiveness measure should the standards have? Which organizations should be consulted?

I propose that we allow section 6101 to stand as is and use the energy bill as an opportunity to reach consensus on the issues described above among the interested committees. I also propose that issues raised by other housing-related provisions in the energy bill—such as sections 6102 and 6103—be resolved on a consensus basis. Do the two chairmen agree that this is a satisfactory way to proceed?

Mr. WIRTH. I appreciate the distinguished Chairman of the Veterans Affairs Committee and the Housing Subcommittee bringing these issues to our attention. And I am happy to join him in working on these provisions as this bill moves toward a conference with the House of Representatives.

I think there is general agreement—in this bill, in the National Affordable Housing Act, and in an amendment that I intended to offer on this subject—that we want to work toward basing efficiency standards for new housing on the standards developed by the Council of American Building Officials. I believe there is general agreement on that point and I hope we can work toward consensus in that area.

The chairman is correct about the need to resolve the issue of which Federal agency, HUD or DOE, should have primary responsibility for promulgating energy efficiency standards. We also need to explore further some very legitimate concerns that have been raised about the need to ensure that any Federal standards are cost effective and promote, not harm, housing affordability. In this regard, I would call my colleagues' attention to a resolution recently adopted by the National Association of Homebuilders on these issues. I applaud NAHB for this resolution and, in general, I think it is a good resolution and I will ask that the resolution be included in the RECORD following our remarks.

With reference to new residential construction, particularly housing programs geared to first-time homebuyers, energy efficiency standards should be cost effective and affordable. By cost effective, I mean that the economic benefits—the savings in utility costs—of any code should equal or exceed the economic costs of that code. And there are a variety of factors associated with this issue that the National Association of Homebuilders has addressed in its resolution. The homebuilders have done an outstanding job of addressing some controversial issues regarding this matter, particularly addressing the needs of first-time homebuyers. I hope that as we move into the conference on this bill that all will agree that cost-effective standards should guide the development of our policy.

I agree with the chairman's suggestion that we let section 6101 stand as is with the understanding that we will be working on these provisions to reach consensus among the committees and other interested Senators on the issues we have discussed.

Mr. JOHNSTON. I agree with the recommendations of both Senators and I look forward to working with the senior Senator from California to resolve issues raised by sections 6101, 6102, and 6103. Let me reassure the Senators of my desire to work closely with them in building a consensus on these issues before and during conference. What are the Senator's concerns with respect to the pilot program amendment?

Mr. CRANSTON. There are two problems posed by the pilot program

amendment. First, the National Affordable Housing Act contains several provisions to improve and expand energy-efficient mortgages and establishes a task force on the issue to provide recommendations for additional measures to encourage the use of this special mortgage financing.

Second, the pilot program appears to contradict fundamental elements of the Department of Veterans Affairs Guaranteed-Loan Program. The pilot program amendment would "permit the final loan amount to exceed the normal VA, FHA loan limits." However, VA-guaranteed loans are not subject to a statutory limit on the loan amount. Only the amount of the guaranty is limited by law; the private lenders who make the loans and the Government National Mortgage Association—Ginnie Mae—set the effective limit on VA-guaranteed loans. Authorizing higher guaranty limits would not ensure the availability of higher-value loans, since Ginnie Mae, which controls over 90 percent of the market in VA-guaranteed loans, would have to agree to increase its limits.

I am also concerned about the additional workload that this new pilot program would impose on VA's already strained loan guaranty staff. VA could use hundreds of additional employees just to service existing loans and manage its large portfolio of foreclosed properties.

Finally, with respect to the provision in the amendment allowing lenders to override current underwriting standards, I note that the current standards already allow lenders to consider reduced energy costs associated with energy efficiency measures. I believe we need to exercise care that any changes in underwriting not increase the likelihood of the veterans defaulting.

I would suggest that—building upon my earlier recommendation—we use the existence of the pilot program amendment as an opportunity to explore how best to encourage the use of energy-efficient mortgages.

Mr. WIRTH. Mr. President, I would appreciate the opportunity to work on these provisions with my colleague, Senator CRANSTON. As chairman of both the Veterans' Affairs Committee and the Housing Subcommittee, he is in a unique position to ensure that legislation concerning energy-efficient housing is effective in conserving energy without significantly restricting the affordability of housing.

Mr. WALLOP. Mr. President, I would like to add that I am pleased that we will revisit the issue of residential energy efficiency standards. I have always been opposed to mandatory energy efficiency standards for private housing, particularly if they are linked to federally guaranteed mortgages. However, if we are to have them, at the very least we must ensure the technical feasibility of such standards and their positive effects within the private housing market. In that regard, I note that the Department of Energy has been working in this area for over 10 years. It seems prudent that we utilize the Department's expertise in this area in the formulation of any new standards. Similarly, those in private industry, such as the Council of American Building Officials and the National Association of Homebuilders, who have been working for years on this issue should have input into the development of a cost-effective, workable energy code that will not prove burdensome to the building industry. It is imperative that we do not link these standards to mortgage financing programs in a manner that will have deleterious effects on mortgage markets and home buyers. Finally, I would also like to state my intention to work with the Senators from Colorado and California to reach a consensus on these provisions as this legislation moves forward.

Mr. JOHNSTON. I share the sentiments of the Senators from Colorado and Wyoming. I would like to make one additional point regarding the statement of the Senator from California. I want to emphasize that the Energy Efficient Mortgage Pilot Program is intended to make housing more affordable by reducing utility costs and thus allowing purchasers to have more money available for housing costs. The Pilot Program is intended to compliment existing energy efficient mortgage programs within the Department of Veterans Affairs.

In conclusion, I think that what has been proposed here today offers the Senate a unique opportunity for collaboration and cooperation. I reiterate my intention to work closely with the Senators from Colorado and California to develop a consensus on these energy efficiency provisions before and during the conference on this legislation. The end product of such cooperation will be a significantly improved statute and, most importantly, a renewed commitment of the Federal Government to energy efficiency in housing.

Mr. WIRTH. Mr. President, I ask unanimous consent that the resolution to which I referred be printed in the RECORD.

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

NAHB RESOLUTION—COST EFFECTIVE AND AFFORDABLE ENERGY CODES

Whereas, Congress is considering legislation mandating energy efficiency requirements for new homes;

Whereas, the housing industry has already voluntarily made significant strides towards reducing the nation's overall energy consumption as demonstrated by Energy Department studies indicating that houses built between 1980-1984 are almost twice as energy efficient as older homes;

Whereas, the Senate reported out legislation which would authorize the U.S. Department of Energy to develop a performance based code which would apply to new homes insured or guaranteed by FHA, FmHA, and VA, as well as federally owned and leased buildings;

Whereas, the Department of Energy has not yet revealed this federal building energy code, which could dramatically affect the cost of new federally insured or guaranteed homes that must comply with the code;

Whereas, HUD is already under a statutory mandate to adopt the Council of American Building Officials (CABO) Model Energy Code (MEC) or its equivalent as its minimum property standard;

Whereas, the House of Representatives is considering legislation requiring *all* states to adopt an energy code that meets or exceeds the most recent version of the CABO MEC for all new home construction; and

Whereas, there are constant efforts to increase energy standards through the model code and ASHRAE processes,

Now, therefore, be it resolved that NAHB will support only those energy codes that are cost effective and affordable,

Be it further resolved that NAHB defines increases in thermal performance standards to be "affordable" only if:

1. A buyer of a home who qualifies to purchase the home before the addition of the thermal performance standards would still qualify to purchase the same home after the additional cost of the energy-saving construction features,

2. The buyer can include the cost of the energy-saving construction features in the mortgage,

3. The buyer is not required to provide the incremental increase in the down payment due to the additional cost of the energy-saving construction features,

4. The maximum mortgage limit has been increased to cover the additional cost of the energy-saving construction features, and

5. Principal, interest, taxes, and insurance plus utilities will be no greater after the inclusion of the cost of the additional energy-saving construction features required by any new energy code than before,

Be it further resolved that NAHB considers increases in energy code requirements to be "cost-effective" only where their economic benefits exceed their economic costs, based on a multi-year analysis that:

1. Bases all assumptions from the perspective of a typical first-time home buyer,

2. Includes benefits and cost over a time period that does not exceed the typical period of occupancy by the first time buyer, which is approximately seven years,

3. Evaluates the benefits and cost of successive increases in code requirements on an incremental basis, rather than comparing multiple alternatives to a fixed "base case",

4. Uses a discount rate that accurately reflects the limited resources of first-time home buyers,

5. Does not assume any fuel price increases that exceed the assumed general rate of price inflation, and

6. Assigns a realistic residual value to the energy construction features at the end of the analysis period based on recognized appraisal methods for the energy-saving construction features.

Be it further resolved that where the federal government mandates energy codes for federally insured or guaranteed housing, such codes must be cost effective and affordable, and

Be it further resolved that NAHB support replacing the requirement in the House legislation that all states adopt an energy code

that meets or exceeds the most current version of the CABO MEC for all new home construction with the provision that new federally insured or guaranteed homes be built to energy codes that are cost effective and affordable.

TRANSMISSION ACCESS

Mr. MACK. Mr. President, during the debate on S. 2166 there was discussion by some of my colleagues concerning the issue of transmission access. The Energy Committee discussed this matter and decided not to include any provisions mandating transmission access in S. 2166.

The companion bill in the House, however, contains language dealing with transmission access. My colleague, the chairman of the Energy Committee, has suggested that the issue of including a transmission access provision in S. 2166 be considered in the possible Senate and House conference on a National Energy Strategy bill.

Transmission access is a very complex issue. Neither the Senate Energy Committee nor the Senate as a whole has had the opportunity to consider fully the need for or ramifications of mandating open access to the Nation's electric grid. There are a number of questions that I would like to have answered on this issue, and if the issue of transmission access is too contentious to be dealt with in the Senate or in the Senate Energy Committee, then, with all due respect, I think it inappropriate for us to delegate this policy decision to the conference committee.

If it should become necessary at some point to deal with the issue of transmission access, I would stress that many legitimate concerns have been brought to my attention regarding this issue. I want to have the opportunity to evaluate whether these concerns can be addressed. Frankly, I do not think this is possible in the context of the conference.

Mr. BENTSEN. Mr. President, I rise in support of S. 2166, the national energy package, the product of many months of work and negotiation by my friends, the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Wyoming [Mr. WALLOP]. There is no area of policymaking where leadership is more difficult, or more desperately needed, than in energy policy, Mr. President. More than a decade of inaction from Washington bears witness to how tough it is to build a consensus around any effort to address our growing dependence on foreign oil. Senators JOHNSTON and WALLOP are to be commended for crafting a bill that represents our last, best chance to finally enact a national energy strategy this year.

S. 2166 comes to the floor of the Senate at a critical time for our domestic oil and gas industry. Natural gas prices have plunged to the lowest levels in over a decade and now stand at the equivalent of $7.50 per barrel. Rig counts, the industry's index of leading economic indicators, are at the lowest levels since records were first kept in 1940, and stand at almost half the level necessary to maintain gas supplies for America's future needs. Eleven years ago more than 4,500 drilling rigs were in operation in the United States; today there are 650, and the number continues to fall. Last year, U.S. oil production fell to it's lowest fourth-quarter level in 30 years, and we are now losing production at an annual rate of 300,000 barrels a day.

The energy exploration and development capacity of our country is fleeing the United States in search of survival in foreign markets. Many observers believe this shift in capital from the United States to international markets will be permanent. Virtually everywhere else in the world, oil and gas are considered to be strategic commodities—except here in the United States. An increasing number of countries, which in the past had strictly limited foreign investment in their oil and gas industries, are now offering U.S. companies opportunities that are no longer available here at home. The entire world, from the former Soviet Republics to countries in Asia and South America, is looking to American technology and know-how to ensure their own energy security.

We must wake up to the fact, as virtually every other nation in the world has done, that—at least for the next decade—oil and gas will remain the primary energy source for the economies of the world.

In truth, what is now occurring is nothing short of the systematic destruction of our Nation's domestic energy exploration and production infrastructure. If we were not doing it to ourselves, Mr. President, it would be an act of war.

The great irony, of course, is that no other nation on Earth is more dependent on oil that we are. Our per capita consumption of oil is more than twice that of Japan, France, and Brazil. And all Americans pay a very dear price for this dependence.

Last year, we had a trade deficit in oil of over $50 billion—nearly equal to our entire trade deficit with Japan and all other Asian countries combined. And by some estimates, our oil trade deficit could reach $100 billion by 1995 as the world economy rebounds, driving U.S. demand and world oil prices upward.

Mr. President, S. 2166 is not a perfect bill. It does too little to halt the decade-long decline of the independent segment of our oil and gas industry. Our independents drill 85 percent of all domestic wells and find more than half of all new oil and gas reserves in the United States. They bear the risk of the six-out-of-seven new-field wildcat wells that turn out dry.

In Texas over the past 10 years, we've seen the number of exploratory wells plunge by 75 percent, and since 1985, we've seen fully one-third of all independent producers go out of business.

Within the straitjacket of U.S. energy politics, S. 2166 represents real progress. Critics who claim this bill is solely a conventional fuels, production-oriented measure are seriously misled. There are important mandates for the purchase of alternative fuel vehicles by public and private fleet owners and strong provisions encouraging the development of renewable energy resources from biofuels, geothermal, wind, and solar technologies.

With the addition of amendments brought by the Senator from Colorado [Mr. WIRTH] and the Senator from Ohio [Mr. GLENN], along with amendments by my friend from Louisiana, S. 2166 also includes aggressive energy conservation and efficiency measures for Federal, State and private sector buildings; industrial and commercial equipment; and electrical appliances.

Even where the bill focuses on production-oriented measures, S. 2166 recognizes the need to develop supply-side options in an environmentally responsible manner. S. 2166 contains important provisions encouraging the use of clean-burning natural gas and the development and use of clean coal technologies.

The natural gas provisions of S. 2166 are especially significant because they recognize the unique role gas can play in reducing our dependence on foreign oil while meeting the rigorous new requirements of the Clean Air Act. S. 2166 takes a big step forward in dispelling the notion leftover from the Federal Fuel Use Act of 1978 that gas supplies are so limited that it's use must be restricted by Federal law. In fact, natural gas supplies are abundant. Despite the fact that producers are receiving such low prices, improved production technology has caused known domestic supplies to increase faster than consumption.

The Department of Energy Estimates there is at least a 25-year supply of gas in the lower 48 States at prices equivalent to $17.50 a barrel oil and a 40-year supply at prices equal to $29.00 oil.

S. 2166 recognizes these facts by making natural gas a cornerstone of the Nation's energy policy. It does so by promoting gas as a clean fuel for automobiles and power generation, removing Federal regulatory obstacles to the efficient transportation and pricing of natural gas, and greatly expanding Federal R&D programs for natural gas end-use and resource recovery technologies. Some 90 percent of the gas consumed in the United States comes from domestic production and virtually all the rest from Canada. Moreover, natural gas is our cleanest fossil fuel and can play a critical role in cleaning up the air of our polluted cities, reducing acid rain, and clearing the haze that obscures the views of many of our national parks.

Mr. President, I agree with my friend from Louisiana that the only way to provide America with an effective energy policy is to consider comprehensive legislation, like S. 2166, that covers a wide range of energy supply and demand-side alternatives. There has been a great deal of second-guessing of the decision to move a comprehensive energy package. Critics have claimed that we should not complicate matters by putting so many proposals in a single bill.

Mr. President, we will never make progress if we try to deal with these issues one at a time. There are powerful opponents to virtually every meaningful step we can take. Our only hope for overcoming this opposition is to combine our efforts, for the good of the Nation, and press the adoption of a broad energy bill. This approach makes sense from another perspective as well, Mr. President. No single production or demand-side alternative will free us from our vulnerability to the Saddam Husseins of the world.

If we fail to act now, we will lose any opportunity—perhaps for years—to secure our future against dependence on foreign sources for 50, 60, and even 70 percent of our oil supplies.

S. 2166 represents a long-term investment in our Nation's economic security. Many of these measures will not have a major impact until the end of the decade and beyond. But if we fail to act now, we will extend our growing vulnerability well into the next century. We can't let that happen, Mr. President. We must get on with the business of securing America's energy future.

Mr. DODD. Mr. President, I rise today to express my support for the National Energy Security Act, S. 2166, as amended.

The urgent need for this legislation is clear—today, our Nation is heavily dependent on fossil fuels, and is increasingly dependent on imported oil. We consume more energy than any other; the United States, with only 5 percent of the world's population, uses nearly 25 percent of the world energy output. Our Nation also falls behind other nations in efforts to conserve and use energy efficiently. Our environment is suffering; recent studies point to an alarming thinning in the ozone layer—not over some far distant continent, but over New England. If we need further proof of the high price we pay for our Nation's lack of an energy policy, we need only glance back to headlines from 1 year ago, when Americans were overseas patrolling the oil fields of Kuwait and Saudi Arabia.

While the problems we face are clear, the answers are not. This legislation has been long in reaching the floor, certainly longer than I had hoped. But, Mr. President, as we move to pass this measure, the Senate has recognized that we as a Nation cannot bury our head in the sand any longer when it comes to our Nation's energy security—or we will yet again find our Nation's young men and women dug into the sands of the Persian Gulf.

As amended, S. 2166 begins to put the Nation on the right track toward a secure energy future. Although there were few rollcall votes on this measure, this legislation has truly undergone a transformation on the floor. One only need glance at the list of accepted amendments for evidence of the Senate's progress toward a bipartisan, environmentally sound energy policy. To a great extent, credit for this progress must be given to the managers of this measure, Senator JOHNSTON and Senator WALLOP, who have accommodated the concerns expressed by many Senators, myself included, regarding the original provisions of this measure. On the whole, I believe that the Senate has produced a strong, comprehensive bill that balances environmental and energy concerns.

Perhaps as important as the provisions included in the bill are some of those not included. In particular, this bill, does not open the Arctic National Wildlife Refuge to drilling—for now, ANWR, one of our Nation's premiere wildernesses, is safe. Although unlikely, I hope that the Senate will take up and pass a measure I have cosponsored, S. 39, which would permanently protect the refuge and thereby close off the possibility of opening up this fragile arctic wilderness to development. But in the meantime, I am most pleased that the effort made in the ANWR provision of the original energy bill to drill our way out of oil dependence has been removed from this bill.

S. 2166 moves forward on several other important fronts. It includes important initiatives for increased conservation and efficiency in our use of energy. The demand-side management provisions included will help our utilities to realize the full potential of energy savings through conservation. Additionally, I was pleased that Senators WIRTH and GLENN'S amendments, which I cosponsored, to increase efficiency for motors and lighting and for Federal buildings, were adopted by the Senate significantly strengthening the efficiency measures in this bill. It is unfortunate that agreement could not be reached to include increased corporate average fuel economy standards for cars and trucks—I firmly believe that increased CAFE standards alone could serve as the cornerstone of our Nation's energy security.

Important steps forward were made with respect to the development of renewable and alternative fuels. Certainly, renewables are our future, and we must, as we have done in this bill, continue to strengthen Federal support for these critical programs. I was disappointed that Senator JEFFORDS alternative fuels amendment was defeated in the Senate's consideration, as I strongly believe that it would have gone a long way to ensuring the future of an alternative fuels industry in our nation. However, the increased Federal commitment to R&D in the alternative and renewable fuels sector is of critical importance.

Another important environmental provision included in S. 2166 is Senator GORE'S resolution recommending an accelerated timetable for the phaseout of ozone depleting substances. I have worked with Senator GORE, as a cosponsor of the original resolution and am pleased that on a 96-to-0 vote it was included in this measure.

Significant changes were also made to the title on the licensing of nuclear plants. While these changes did not go far enough for some, I felt strongly that the amendment adopted went a long way to meeting the concerns and needs of the public in the nuclear plant licensing process. As amended, S. 2166 provides for judicial review of Nuclear Regulatory Commission decisions. In regard to interim operations, the bill specifies that no operations can take place until the NRC determines a plant is safe—an assurance that was unclear in the original measure. While the bill does not guarantee an adjudicatory hearing to resolve all preoperational issues, it does guarantee that these issues will be resolved in a hearing—either formal or informal—with full judicial review of the NRC's findings.

Other important provisions of the energy bill were also improved in floor consideration. Amendments substantially improved the titles of this bill relating to hydropower and natural gas pipeline development and, to a lesser extent, addressed some of the problems with the Outer Continental Shelf title. Given the jurisdiction of the Securities Subcommittee, which I chair, over the Public Utilities Holding Company Act [PUHCA], I was deeply concerned regarding the long-term affects of the changes to PUHCA originally proposed in this measure. In this regard, I was pleased to work with Senator RIEGLE and Senator JOHNSTON to include important consumer protection and self-dealing amendments to the PUHCA title. On another matter, I was pleased that the language affecting imported natural gas was removed from the bill—this provision would have unfairly penalized regions of the country, like New England, where reliance on Canadian gas imports is high.

Mr. President, S. 2166 is not perfect, it is not the answer to all our energy problems. It works to achieve a balance between environmental concerns and energy concerns. Comprehensive in scope, it acknowledges today's realities, but looks beyond to meeting tomorrow's needs with renewable and alternative fuels. The bottom line is it is a start in the right direction. In this regard, I urge my colleagues to join me in voting for its adoption.

Mr. MITCHELL. Mr. President, today the Senate takes a historic step in passing comprehensive energy legislation. In my view, this legislation has improved considerably since its original introduction early last year.

The energy conservation and efficiency provisions are much stronger than originally proposed and significantly stronger than the proposals first advanced by the President. The legislation improves energy efficiency standards for lighting, appliances, motors, commercial heating, and air conditioning equipment. The bill establishes efficiency standards for new, federally insured housing. The legislation expands research and development programs for alternative and renewable energy resources. These are important steps forward.

Improved energy efficiency and conservation enhances our competitiveness, creates jobs, and can curb emissions of greenhouse gases. Similarly, increased reliance on renewable sources of energy provides many environmental benefits and has the potential for creating new jobs.

I am also pleased this legislation now includes a provision that I sponsored with Senators COHEN, KENNEDY, and KERRY to protect the offshore waters of New England, including the Georges Bank. These environmentally sensitive waters provide irreplaceable fisheries resources for Maine and the Nation.

I am, however, disappointed that the nuclear licensing provisions streamline the process for the applicants but impose new roadblocks on the public. The public is entitled to hearings on the safety of the plant before it begins operation. These provisions, in my view, will only add to the public's skepticism of the safety of nuclear power and should be modified.

While it is unfortunate that these nuclear licensing provisions are included in this legislation, I believe the bill as amended takes steps toward reducing U.S. dependence on oil, providing for the needs of future generations, protecting the environment, and assuring this Nation's leadership on sustainable development.

These were the goals of energy legislation I set forth last year. The bill is significantly improved over its original form. Taken as a whole in its current form, I will vote for this important measure.

I appreciate the efforts of the managers of the bill and the many Senators who worked so hard to fashion a comprehensive package.

Mr. BYRD. Mr. President, I congratulate the chairman of the Committee on Energy and Natural Resources, Senator JOHNSTON, and the ranking minority member, Senator WALLOP, for their determination in bringing this measure, S. 2166, the National Energy Security Act of 1992, to the Senate floor, and shepherding it through to final passage.

I have spoken many times on this floor over the years on the need for a national energy plan. We have been forcefully reminded on a number of occasions during the last 20 years that our national security and our economic security are highly dependent upon our energy security. Yet, even faced with this truism, this Nation has suffered a piecemeal approach to solving its energy problems, the center of which was a blind faith in free market forces. The consequence of this failed policy has been years of delay in pursuing legitimate opportunities to free ourselves from the stranglehold of foreign oil through the pursuit of new technologies and new energy sources.

The legislation before us, S. 2166, establishes a comprehensive and balanced plan that plots a course for this Nation to begin reducing its excessive dependence on foreign sources of energy. This legislation will help stimulate the production and use of our own domestic energy resources, such as coal, as well as encourage greater conservation and the more efficient use of energy. It will enhance our energy security and, by reducing our use of imported oil, will help reduce our balance of payments deficit, making our economy stronger and the goods that we produce more competitive. In this sense, S. 2166 is an important element of a comprehensive economic growth program for America.

I believe that S. 2166 will put our Nation on a sensible course of energy efficiency, conservation, and domestic energy development that will forever reduce our dependence on foreign oil. S. 2166 is a comprehensive bill, and it includes a variety of approaches to achieving these goals. I endorse the concept of relying on multiple approaches because I do not believe that we should base our national energy policy on a single fuel source or a single strategy.

In this regard, I am pleased that one of the strategies included in S. 2166, and one of the resources acknowledged as fundamental to our energy independence, is coal—our Nation's most abundant and lowest cost energy resource. The recoverable coal reserves of the United States total 168 billion tons, an amount nearly equal to the energy value of the known petroleum reserves of the entire planet. Coal represents almost 90 percent of this Nation's fossil fuel reserves, the remaining amount coming from oil and natural gas.

We are blessed by our abundant reserves of coal so long as we have the good sense to continue to use this resource wisely and to pursue the commitments embodied in S. 2166 to invest in the development and implementation of innovations that will enhance efficiency and address environmental concerns.

S. 2166 recognizes our reliance upon coal as a primary energy source for the production of electricity. Coal is especially suited for the generation of electric power and coal currently supplies the fuel for 55 percent of the Nation's electric output. It is projected that the United States will need as much as 100,000 megawatts of new electrical generating capacity by the end of the decade, and as much as 320,000 megawatts by 2010. It is estimated that, in 20 years, electricity will supply 41 percent of our total energy needs.

How will we meet this challenge and satisfy this growing demand for electric power? Clearly, energy efficiency and conservation must play a role in restraining growth in our requirements for energy. In addition, increased consideration and development of natural gas, nuclear, hydro, solar, and other alternative fuels must also be part of the package. However, the realities of our Nation's current and projected energy needs are clear. If America is to possess the electric-generating capacity necessary for economic growth and prosperity, we must continue to develop our immense coal resources. In so doing we must redouble our commitment to developing and using these resources in ways that address environmental concerns.

S. 2166 contains provisions to make these goals achievable without resorting to costly subsidies or efficiency distorting government mandates. S. 2166 provides strong incentives for the deployment of efficient, clean, state-of-the-art technologies for coal-fired electric power generation. These technologies will save money and enable demonstrable reductions in atmospheric emissions. The adoption of these technologies will be good for business, and will be good for the environment.

S. 2166 also seeks to advance the state of the art in the use of coal for power generation and as an alternative transportation fuel by authorizing a program of research, development, and demonstration. I commend the managers of the bill for the vision shown in this regard.

Finally, just as S. 2166 will help put America on the road to energy independence, as well as help achieve important environmental and economic goals, it will also encourage the transfer and sharing of these same benefits to other nations in both the industrialized and developing worlds.

Current estimates are that the demand for energy in the years ahead will grow significantly faster in the developing world than among industrialized nations. It is likewise projected that developing nations will rely heavily on the use of coal to meet their energy needs. If the global environment is of concern to us, as it should be, we should work to make available to the developing nations of the world the most advanced, efficient, and cleanest generating technologies available. Such efforts and investments will be

repaid manyfold over through environmental improvements, reduced worldwide dependence on unstable sources of oil, and increased opportunities for the export of American coal and related technology.

In closing, I again want to express my sincere gratitude to Senators JOHNSTON and WALLOP for the countless hours that they have toiled to bring this bill to the floor. This is a good bill; it is comprehensive, it is balanced, it looks to the future, and it deserves our support. I urge my colleagues to vote for this measure.

TRIBUTE TO SENATOR WALLOP

Mr. DOLE. Mr. President, I rise to congratulate the distinguished Senator from Wyoming, Senator WALLOP, for his tireless efforts to obtain the first comprehensive energy legislation considered by the Senate in a dozen years.

The Persian Gulf crisis taught us again just how vulnerable America is to supply disruption and price aberrations in the international oil market. Where we once led the way in drilling for and producing hydrocarbons, we now dangle on the end of a supply network over which we have no control. Energy is the lifeblood of our economy, yet we are now forced to rely on others for the source of that lifeblood.

My colleagues and citizens throughout our Nation owe a deep debt of gratitude to Senator WALLOP for his perseverance, dedication, and tenacity in guaranteeing this bill would be approved by the Senate.

I know the Senator from Wyoming would have liked to have additional provisions included in this comprehensive bill, provisions which would allow even greater production of domestic resources. He fought hard for them, but in the end he did and we did the best we were able.

Once again, Mr. President, I want to congratulate my friend and colleague for a job well done.

Mr. WELLSTONE. Mr. President, let me begin by expressing my appreciation to the chairman and ranking minority member of the Senate Energy Committee for their leadership and cooperation during the Senate consideration of S. 2166. Chairman JOHNSTON and Senator WALLOP, and their respective staffs, have made tremendous efforts to secure passage by the Senate of the National Energy Security Act, as now amended, for which they deserve significant credit.

Ten months ago, almost to the day, we began the process of marking up the legislation which stands before us today. On the first day of markup, I expressed my views on S. 341 which was then before the committee. My remarks went into some detail about energy policy, and the need for a far-reaching, forward-looking, positive energy strategy.

As I stated then, I believe that energy is crucial to all our national priorities—to our economic prosperity and competitiveness, to our national security, to our public health, and above all of the future survival of our life-support systems on this planet. For all of these reasons, I have viewed the committee and Senate floor action on this bill as vitally important.

It is well known that I authored extensive minority views in the committee report on S. 1220. Those remarks built upon my opening statement to detail what I felt were the many shortcomings of S. 1220—shortcomings so severe that I voted against reporting the bill from committee and joined a filibuster to prevent its consideration by the Senate.

Today, the bill which the Senate is about to report is greatly improved. It no longer hinges national energy policy on opening the Arctic National Wildlife Refuge to development. It includes enhanced efforts to promote energy efficiency, including a pilot program for States to prepare sustainable energy transition plans. It no longer threatens thousands of miles of rivers with provisions exempting hydroelectric facilities from environmental regulation. This bill no longer seeks to weaken the Clean Air Act by allowing reconstruction of coal burning power plants that do not meet new source performance standards.

These are all notable improvements, and I applaud the managers of the bill for adopting amendments to improve these provisions of S. 2166. These, and other amendments, mark real steps forward toward a positive energy policy.

Yet, I do not believe that this bill meets our urgent national needs for a new direction in energy policy. I hope that in the months and weeks ahead that the Senate Energy Committee will begin an examination of the measures needed to begin an energy transition in this country and throughout the world.

There is no question that we need to begin a transition to sustainable energy use, but there remain many questions about how to proceed in that direction. In legislation which I introduced late last year, S. 2020, I made one proposal to move our Nation in that direction. I am sure there are other constructive proposals which can be fashioned into a comprehensive new energy plan.

While many Members of the Senate would support moving in such a direction, there is not yet a majority in the Senate committed to this change. We can go further to develop renewable resources and become more energy efficient. But, without the support of the White House and the Department of Energy, it is not possible for the Senate to go much further than it will today.

While I wish to recognize the many improvements which have been made in the bill before us, I also must submit that it still has serious problems. It does not contain any significant provisions to improve the efficiency of two-thirds of our Nation's energy use—the energy used in transportation and industry. Most significantly, it does not include provisions to adopt corporate average fuel economy standards such as those proposed in S. 279 of which I am a cosponsor.

Discussions about an amendment proposed by Senators SEYMOUR, CRANSTON, and myself to allow States to adopt incentive programs for more efficient automobiles led to a stalemate. The major U.S. automakers opposed any efforts, even incentive programs by the States, to improve automobile fuel economy. Even offering such an amendment was viewed as a major dealbreaker which would have brought about the complete unraveling of the measure before us.

In addition, S. 2166 still adopts an incomplete approach to reform of the electric utility industry—so called PUHCA reform. Not only do I believe that the provisions must deal with the problem of access to the electric utility grid, but the self-dealing amendment adopted should be stronger. Furthermore, I still believe that the provisions adopted do not adequately protect against monopolistic practices, may undermine State efforts to achieve least cost electric utility service, and will encourage the construction of unnecessary generating capacity.

Finally, I strenuously object to the provisions of this bill which represent an attempt to resuscitate the nuclear power industry at the expense of the taxpayer and the public—subsidizing uranium milling, writing off the billions of dollars in debt owed for enrichment services, authorizing a new quasi-government enrichment authority, and cutting the public out of the licensing process. When the Senate voted, by a narrow margin, to support a modified version of so-called one-step licensing it undercut efforts to reform these provisions.

I did not fight against building a huge DC powerline across Minnesota that threatened farmers health and property only to turn around now and vote for a bill that encourages construction of hundreds of new powerplants, and does so largely by cutting the public out of the process. I did not run for the U.S. Senate on an environmental platform that called for conservation and the development of alternative energy sources only to turn around and vote for more subsidies to the coal and nuclear industry.

Based upon these provisions alone, I could justify voting against final passage of this legislation.

When some view this situation they would surmise that we must not let the perfect become the enemy of the good. In some ways, that statement has

truth to it. It is in large part because of my belief in our democratic institution that I agreed to vote in favor of the consideration of this measure—of course, the other part was the clear assurance that any provision regarding ANWR would be defeated.

However, in voting on final passage of this bill I must weigh in my own mind its totality. What is the sum total of this bill? In reaching this conclusion, I believe that my vote should be one of judgment, not of expediency.

When all is said and done, I believe that while this bill has been improved, it still retains serious flaws. It violates many of the principles I believe are important, principles of public participation in decisionmaking, principles of protecting the consumer and taxpayer, principles of preserving due process for farmers and ranchers. Further, on balance S. 2166 proposes too much support for nuclear power and coal, and too little for renewable energy and efficiency. Finally, I cannot defend this legislation as representing an energy policy which responds to our most urgent problem—global climate change.

Our planet is threatened by the wasteful and unnecessary burning of fossil fuels, which according to the great majority of the world's scientists could lead to catastrophic changes in the global environment. The United States is the largest single contributor of carbon dioxide emissions. With less than 5 percent of the world's population, we contribute almost one-quarter of the greenhouse gases.

This bill does not alter that picture. As we prepare to join the nations of the world in the Earth summit this June, it is morally indefensible that we are not facing up to this problem. When our European allies have committed themselves to targets and timetables for stabilizing and reducing their output of carbon dioxide and have agreed in principle to impose a new European Community carbon tax to accomplish this, I cannot defend this bill as responsible energy policy.

Mr. President, in conclusion, I will cast my vote against final passage of this bill, and in the months and years ahead will continue to work toward adoption of a sustainable energy policy for the sake of our Nation and the world.

Mr. BRADLEY. Mr. President, it is with great pleasure that I rise today to support S. 2166, the national energy strategy bill. The Energy Committee chairman especially deserves praise.

Last fall, Chairman JOHNSTON was unsuccessful in his efforts to bring his bill before the full Senate. At a time when many others would be laying blame, Senator JOHNSTON was laying a foundation for a successful return to the Senate floor. He met assiduously, diligently with Members to understand and address their problems. Both the chairman and the ranking member, Senator WALLOP, showed a willingness to converse, negotiate, and compromise, if needed. The result is a much improved bill.

We all know that the chairman was quick to recognize that the initial Senate vote was predominantly about a single issue: The development of the arctic coastal plain. Senator JOHNSTON was responsive to the concerns of the Senate. In spite of his own unambiguous position and convictions, the chairman argued successfully to jettison the ANWR title. With this one act, the bill was transformed. With ANWR as its centerpiece, the bill represented a business-as-usual strategy of more and more oil development. Without it, the door was opened to turn the bill into a blueprint for a more progressive, proactive policy.

Mr. President, we can't drill our way out of our predicament. And we shouldn't try. Instead, we need to reorient our economy to less dependence on oil. We need a diversity of energy supplies and greater efficiency in their use.

On the Senate floor, we've strengthened the bill significantly. We have deleted provisions which sought to penalize consumers of reliable Canadian natural gas supplies. We've added new Federal energy standards for increased energy efficiency in lighting and electric motors. We've strengthened the provisions on alternative fuels. We've added reasonable consumer and environmental safeguards to the committee's efforts to streamline the development of independent power generation and hydropower. And, we've retained my provision which put the brakes on Outer Continental Shelf oil leasing that promised energy consumers next to nothing, in exchange for endless anxiety in our coastal communities.

This is a bill that is easily oversold. It's far from a perfect bill. It will not solve our Nation's energy problems. But it will improve our collective security. More importantly, it points us on a path that we can build on. For that reason alone, I thank my colleagues on the Energy Committee for their efforts.

Mr. DURENBERGER. Mr. President, today the Senate will finally pass S. 2166, the National Energy Security Act of 1992. I will, as I have several times in the past, vote against this bill.

Once again, Mr. President, we in the Senate have been panicked into the elusive goal of energy independence, and once again we are being asked to support expensive, exotic, and foolish solutions.

I am, of course, encouraged that the leadership of the Energy Committee removed the ANWR provisions from S. 2166. I have long believed that drilling the Arctic National Wildlife Refuge is not sustainable, environmentally prudent energy policy.

However, S. 2166 still represents a flawed attempt at energy policy. On several occasions over the past 20 years, this Nation has spasmodically responded to Middle East turmoil with efforts to establish a comprehensive energy policy. Each unfortunately has produced disaster.

President Nixon gave us Operation Independence, and put price controls on domestic oil. This, as my colleagues know, actually encouraged our use of oil, and increased our dependence on it.

President Ford gave us Project Independence. President Carter called it the moral equivalent of war. In 1977, as some of my colleagues will recall, we acted to limit the use of natural gas, especially in the generation of electricity. When this too failed to decrease our energy dependence, we repealed that measure.

The National Energy Security Act of 1980 led to the creation of the Synthetic Fuels Corporation, which was authorized to spend up to $80 billion to get liquid fuel from shale oil and coal. That too failed and was repealed.

Mr. President, the list of failed energy policies goes on and on and on. Solar and wind energy tax credits and conservation tax credits accomplished little and have also been repealed.

Now, Mr. President, we have the National Energy Security Act of 1992. This bill, like many of its predecessors, is intended to reduce our dependence on foreign oil.

What speaks most loudly to me, though, is that by passing this bill, we in the Senate will prove that we have learned nothing from our mistakes. This bill is stuffed with the same type of extravagant policies that we have rushed to enact in the past.

For example, we have set a national goal of 30 percent alternative fuels in the transportation sector by the year 2010. Have any of my colleagues taken the time to consider that reaching this goal will be prohibitively expensive and that attaining it would cost considerable more that importing the equivalent amount of oil?

Importing a million barrels of oil per day results in a $9 billion per year trade imbalance. The capital investment that would be required to replace that oil with natural gas would be $60 billion, and to replace it with ethanol or methanol would be $80 billion. Spending $60 to $80 billion to save $9 billion is in a word, Mr. President, stupid.

The attitude in the Senate has been for far too long that cost does not matter; and that we must stop importing Middle East oil at all costs. The more expensive the scheme, and the more bizarre the solution, the longer the line of Senate supporters. Somewhere, Mr. President, this body has lost its common sense.

Do my colleagues really believe that American consumers are going to be willing to give up their $1 per gallon Middle East oil for $2 per gallon etha-

nol derived from corn, or $3 per gallon liquid fuel from coal, or $4 per gallon from some of the proposed conservation technologies proposed in this bill? The answer to me is quite obviously no.

Passing this bill will again force us to sometime quietly repeal measures that for the last week have been loudly proclaimed. Passing this bill will not solve our Nation's economic hardship and it will certainly not decrease our dependence of imported oil.

Mr. President, I am opposed to spending millions of taxpayer dollars in the elusive quest for energy independence. This bill is a formula for foolishness that we in this body have followed too often in the past and I encourage my colleagues to oppose this measure.

Mr. BIDEN. During the past two decades, our Nation has been told in no uncertain terms, again and again, that we need to develop a national energy strategy. The oil embargoes of the 1970's were the initial warning signals. The relative quiet of the 1980's may have convinced some that we could do just fine without one. That misguided notion was destroyed as Iraqi tanks rolled in Kuwait in August 1991.

The focus rightly returned to the absence of a national effort to reduce our dependency on imported oil. This time no one continued to dispute the need for a national strategy, but, of course, titanic struggles ensued over the details. And that is where an effective strategy is made or lost.

I believe the bill the Senate passed, and I supported, is a step in the right direction, but I cannot make the argument that it represents a final product that our Nation can rely on for the next decade. The bill rightly raises the attention paid to conservation and energy efficiency, but we could and should establish bolder programs in these areas.

We have raised the profile of conservation and efficiency, the so-called demand side of the energy equation, but it was largely the Senate's doing that resulted in these provisions. The administration did not place the priority on reducing demand as they did on efforts to produce our way out of our situation.

The clearest example of this misguided emphasis was the administration's position in the early part of this debate on drilling in the Alaska National Wildlife Refuge. Word was passed that if drilling was not allowed in ANWR, the President would veto the bill. I was struck by the threats of a veto over a provision that might or might not reduce our dependency on imported oil, but silence on other provisions that absolutely and unquestioningly would reduce oil imports.

We saw no threats of vetoes if the Congress failed to strengthen energy efficiency or energy conservation programs. Vetoes were not threatened if we did not increase support for solar energy. The President did not promise to return a bill to Congress if it did not require energy savings from motors, lighting equipment or appliances.

Of course, no one expected that the administration would put the weight of a veto behind those provisions, but it is on the demand side that we can make the most progress in balancing our energy conditions. Perhaps in the future, stronger backing will be provided to these proven programs.

I have other concerns about the bill. As I stated during debate on my amendment to create an independent nuclear safety board, there are improvements that need to be made in the way our Nation produces its energy, in the disparate levels of support we provide some energy sources, while seeming to hinder the development of others.

But the Senate has made progress. We have turned a corner from arguing over whether a strategy is needed, to arguing over the details of one. We have also turned a corner in recognizing the demand side of the energy equation, one that will take on added importance in the future. Production obviously has an important role in an energy strategy, but we no longer look solely to supply to save us from our woes.

This bill represents a policy that we will undoubtedly have to build upon in the future. I would like to think that our latest oil shock has finally convinced us of the importance of action on energy issues. Unfortunately, history has indicated otherwise. I hope we can avert future disasters both through effective use of the tools in this bill, and a memory of past economic shocks will prevent us from falling into an energy trap for a fourth time.

Mr. COHEN. Mr. President, after much debate, the Senate has passed the first comprehensive national energy strategy legislation to be debated in over 10 years. This bill has had a long and complicated history, and, because of serious shortcomings, I did not support its consideration last fall.

However, much has changed since that November vote, and I supported passage of this revised energy bill. I was pleased that the provisions allowing oil drilling in the Arctic refuge were removed from the bill before its consideration, as I remain unconvinced that encouraging our present levels of consumption with tenuous assurances of domestic oil production is the best way to go about reducing our dependence on foreign oil.

Moreover, this bill improved tremendously during the Senate's debate. Several amendments were adopted to improve energy efficiency, including three that I cosponsored which target the Federal Government's energy use and procurement processes. The bill also includes new provisions to encourage renewable energy, through research and development funding and the addition of solar-powered cells to the list of alternative fuels permitted in vehicle fleets.

The bill does contain strong provisions to improve the development and use of alternative fuels. I supported amendments to improve the bill's standards, but, unfortunately, those amendments were defeated. Substantially increasing production and use of alternative fuels may not be the stated will of the Senate at this time, but I know that this issue will continually resurface as long as we profess to be uncomfortable with our reliance on oil. I particularly commend my colleague from Vermont, Senator JEFFORDS, for his tireless pursuit of this important goal.

I was pleased that my colleagues and I were successful in removing the bill's provisions which would restrict the import of Canadian natural gas. While this section was meant to redress anticompetitive practices against United States gas producers, importers from my State have found that Canadian gas producers are willing to accept competitive gas prices under long-term contracts. Moreover, I believe that the energy security of heavy oil-importing regions, such as the Northeast, depends on our uninhibited access to all available energy sources at competitive prices.

I also cosponsored an amendment to codify the current moratorium on oil drilling in the North Atlantic planning area, which includes the coast of Maine. The adoption of this amendment will further protect the Georges Bank fishing ground from drilling until the year 2000.

I supported my colleagues from Florida in their attempts to extend bans on drilling in the outer continental shelf off the coast of Florida, and to expand the Department of the Interior's lease cancellation options and increase the Department's emphasis on environmental protection in leasing decisions. Unfortunately, the amendment the Senate adopted did not go as far as I would have liked to protect this region.

I should point out that the bill we have adopted still contains some significant flaws. Despite the Senate's debate on amendments that I supported which would have given the public a greater say in the issue of nuclear licensing, the bill still contains a streamlined licensing process. This concerns me, as I believe that the public should have every opportunity to comment on an issue that could so directly affect health and safety.

I am disappointed that corporate average fuel economy standards were not a part of this debate, as I believe that increased CAFE standards would go a long way toward increasing our energy efficiency. As a nation, we must look

for sensible energy production measures, but we must also aggressively pursue ways to use our current resources more wisely.

Overall, Mr. President, I am confident that this bill provides the basis for a strong energy strategy for our country, and I will continue to work on many of these unresolved issues. This debate was long overdue, and I am pleased that we have taken this important step.

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

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

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

The PRESIDING OFFICER (Mr. WELLSTONE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—94

Adams	Ford	Mitchell
Akaka	Fowler	Moynihan
Baucus	Garn	Murkowski
Bentsen	Glenn	Nickles
Biden	Gore	Nunn
Bingaman	Gorton	Packwood
Bond	Gramm	Pell
Boren	Grassley	Pressler
Bradley	Hatch	Pryor
Breaux	Hatfield	Reid
Brown	Heflin	Riegle
Bryan	Helms	Robb
Bumpers	Hollings	Rockefeller
Burdick	Inouye	Roth
Burns	Jeffords	Rudman
Byrd	Johnston	Sanford
Chafee	Kassebaum	Sarbanes
Coats	Kasten	Sasser
Cochran	Kennedy	Seymour
Cohen	Kerry	Shelby
Conrad	Kohl	Simon
Craig	Lautenberg	Simpson
Cranston	Leahy	Specter
D'Amato	Levin	Stevens
Danforth	Lieberman	Symms
Daschle	Lott	Thurmond
DeConcini	Lugar	Wallop
Dixon	Mack	Warner
Dodd	McCain	Wirth
Dole	McConnell	Wofford
Domenici	Metzenbaum	
Exon	Mikulski	

NAYS—4

Durenberger	Smith	Wellstone
Graham		

NOT VOTING—2

Harkin	Kerrey

So the bill (S. 2166) was passed.

The text of S. 2166, as amended, as passed by the Senate on this date will appear in a future edition of the RECORD.)

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

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

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I rise today to congratulate the chairman of the Energy and Natural Resources Committee, Senator JOHNSTON, on the passage of the National Energy Security Act of 1992. This legislation will move the Nation a long way toward the goal of energy independence. The bill successfully addresses alternative energy sources, both in terms of research and development, it places an important priority on conservation, and it takes needed steps in the area of energy efficiency.

Title XII of the bill addresses Outer Continental Shelf [OCS] activities. I am pleased to say that the Commerce Committee, which I chair, played an important role in crafting the OCS revenue sharing provisions of this title as recently adopted by the Senate.

The Commerce Committee has been involved in revenue sharing legislation for a number of years. As recently as this Congress, two bills, S. 49 and S. 2175, both dealing with OCS revenue sharing, were referred solely to the Commerce Committee. S. 55, in the 99th Congress, was also solely referred to the committee. In addition, in the 98th Congress, Senator JOHNSTON joined me in introducing S. 872, a revenue sharing proposal, which was referred to the Commerce Committee. In the same Congress, another revenue sharing bill, S. 800, was introduced by Senators STEVENS, PACKWOOD, GORTON, and MURKOWSKI. This legislation was also referred to the Commerce Committee.

The provisions included in title XII of S. 2166 establish two revenue sharing funds. The first fund is comprised of 12.5 percent of new revenues from the OCS. New revenues are defined as "royalties and miscellaneous payments received from tracts coming into production after the date of enactment." The fund is allocated among States and counties based on their distance from the producing lease. All States and counties within 200 miles of a producing lease will receive moneys from the fund. Half of the fund is distributed to States, and the remaining half is distributed to counties. The moneys from this fund are to be used for designated environmental and natural resource uses.

The second fund is comprised of 4 percent of new revenues from the OCS. Coastal States, as defined in the legislation, with an approved Coastal Zone Management Program are eligible to receive moneys from this fund. Moneys are provided through block grants to the States based on the presence of energy facilities in the coastal zone, shoreline mileage, and coastal population. At least one-third of the moneys from this fund is to be allocated to local governments. Grants are to be used for environmental or other specified purposes.

Mr. President, the provisions in title XII represent an important effort to craft a sound OCS revenue sharing program.

Mr. JOHNSTON. Mr. President, this is my 20th year in the U.S. Senate. I have never seen a staff operation as well done as I have seen on this bill by the majority staff as well as the minority staff. And it is appropriate to pay short tribute at this time to that staff.

Ben Cooper, our staff director, and Mike Harvey, our chief legal counsel, have been incredible in the job they have done in coordinating this whole bill and in seeing it through and overseeing a very talented staff.

Tom Williams worked on ANWR as well as other parts of this bill and is the conscience of the staff. Patty Beneke worked on Outer Continental Shelf and organized the whole effort.

Tom Jensen has worked on hydro. Bill Conway worked on Public Utility Holding Act reform, and is without peer in that field anywhere in the Nation.

Lisa Vehmas worked on Outer Continental Shelf. Don Santa, our incredible expert on natural gas, as well as the parliamentarian on the majority side.

Leslie Cordes on renewables and global warming did such a good job, as well as Al Stayman on energy efficiency, that we did not have a single vote, as I recall, on that whole area, even though it is many, many, many pages in length.

Karl Hausker on CAFE and the strategic petroleum reserve. Karl, our economist.

Mary Louis Wagner on all nuclear issues, as well as coal research and development.

Sam Fowler on nuclear licensing, on alternative fuels and fleets, as well as the CAFE amendment.

Marilyn Pedretti and Wanda Freeman came early and stayed late and produced the documents. Vicki Thorne, our chief clerk deserves special recognition as do all of the support staff including, Marjorie Gordner, Heather Hart, Diane Nagel, Clay Nelson, Raymond Paul, Celeste Miller, Anne Svoboda, Pat Temple, and Becky Murphy.

Mr. President, it is an effort by the staff which is really notable. We generally compliment staffs around here on bills. But this time we really mean it. They really did an incredible, incredible job, and we appreciate it very much.

Just because we have success, please do not anybody leave the staff, because we are going to have future battles. This is not the last one.

Congratulations to you. It is hats off to the staff.

Mr. FORD. Mr. President, just before we go to closing, I want to add my

voice to the compliments of the two leaders for a terrific job they have done and the staff on both sides of the aisle. We could not ask for anything any better. I started a long time ago when I was Governor to become interested in new sources of energy. In the 17 years I have been here, our response to the energy crisis has been basically Band-Aid. Today we embark on a new journey after a long and hard fought debate.

Mr. President, there have been three major oil crises in 1973, 1979, and 1990 plus a few minor ones in between. Yet, we never had a comprehensive national energy policy. Our response to energy crises so far has been piecemeal and short term.

Today we embark on a new journey. After a long and hard fought debate, the U.S. Senate has passed a comprehensive energy bill. It is not perfect but it represents the best attempt by the Senate in the present political climate. I sincerely hope the House acts soon so that we can go to conference and pass a law this year. Mr. President, implementation of energy options takes a long time. Early action by the Congress is important for the economic security of the United States.

In the 1990 gulf crisis, the United States risked and uprooted the lives of hundreds of thousands of Americans in order to protect its Mideast oil supply. While our gulf war allies have paid for a substantial portion of war expenses, the United States has spent billions of dollars on the conflict in order to maintain a secure energy supply. Even in peacetime, the Pentagon spends billions to maintain the foreign oil supply.

We would be much further ahead in energy self sufficiency and national energy security if we had used the money spent by the Pentagon to protect our foreign oil supply on areas such as clean coal technology, alternative fuels, renewable energy, energy efficiency improvement, energy conservation, natural gas, advanced oil recovery, and other energy options.

The United States has vast natural resources. It does not make sense that we are so heavily dependent on foreign oil supply. What we should be doing is making a national commitment to use domestic resources in an environmentally sound manner. For example, we should invest heavily in natural gas, clean coal technology, and advanced oil recovery.

To achieve national energy security, we need a multipronged approach. We need to do all we can possibly do in energy efficiency and conservation, but that alone will not take care of our growing energy needs. By the year 2010, we need nearly 200,000 MW of new electrical generation to meet our domestic power requirements. This cannot be met by energy efficiency and conservation alone. We need to explore all primary energy sources such as coal, nuclear, natural gas, and others. These are all domestic sources and we have vast quantities of them.

For example, the United States has about 30 percent of the world's recoverable coal which is enough for more than 2 centuries. In terms of energy reserves, this is more than the world's entire oil or natural gas reserves in terms of oil equivalency. America is the Saudi Arabia of coal but sadly still heavily dependent on others for its energy supply.

The question is not whether the United States will use coal in the future but rather how to utilize it in an even more efficient and environmentally sound manner. Since 1970, the United States has increased its use of domestic coal by 90 percent and has reduced sulfur dioxide emission by 28 percent. Further reductions will result due to the clean coal technology, CCT initiative.

It is estimated that worldwide CCT market will be about $80 billion per year by 2000. Total coal-fired generating capacity worldwide is expected to nearly double over the next 30 years. All this new capacity will be a candidate for clean coal technology. We need to invest in CCT now so that we can compete in the world market.

We need to adopt a refining-based approach to coal utilization. In other words, we should develop integrated processing facilities to use coal for electricity, transport fuel, and chemical feed stocks. We can process coal, urban, and biological waste resource into an array of products including electricity.

The geopolitical importance of coal is also likely to increase since the world's resource is predominantly controlled by three nations: the United States, China, and the U.S.S.R.

Besides coal, United States has a vast amount of natural gas reserves. We should use this enormous domestic resource for our power and other needs. The demand for peak electrical power can be met by the use of gas turbines. It is estimated that 40,000MW of new peak electric power generation can be made by the use of natural gas.

S. 2166 proposes a major effort in the design and licensing of nuclear power reactors. Nuclear power is and will continue to be an integral and important part of our national energy supply. It presently supplies about 20 percent of our electric power. It is important that we continue our effort to design the next generation of nuclear reactors that are inherently safe and will be an essential component in meeting our growing energy needs.

Some people have suggested that the bill is tilted toward production and does not have enough for energy efficiency, energy conservation, renewable energy, and alternative fuels. While there is always a scope for improvement, the basic premise of these statements is not correct. For example, the bill requires 90 percent of all Federal and qualified State fleets that are purchased in 2000 to be alternative-fuel vehicles. There is a major emphasis on the development of electric and electric-hybrid vehicles.

Research, development, and demonstration activities are essential in order for the United States to stay competitive. It is also necessary so that we develop new energy options. The bill encourages research, development, demonstration, and commercialization in many areas of energy.

Unless we take immediate action to move the new uranium enrichment technology AVLIS out of the laboratory and into the marketplace, we will lose another critical technology to our foreign competitors. Due to our lack of foresight, the United States has lost its leadership in many technologies to Japan and Western Europe. At present, the United States has an edge in uranium enrichment R&D. However, the Congress has taken no action in this area even though the Senate has passed the uranium enrichment bill seven times. Besides the need to stay competitive, there is also the question of reliability of foreign suppliers. For reasons of national and economic security, it is urgent that the Congress take immediate action on uranium enrichment.

For our national energy and economic security, we need to invest in technology-intensive industries, strengthen our manufacturing base, and improve the Nation's technical infrastructure in the area of energy. S. 2166 is taking a step in this direction.

This Nation is losing its competitive edge. Half of our trade deficit is due to oil imports. We cannot and should not let this continue any more. For the sake of this Nation's economic security and its future, we need to adopt a national energy policy now. It will not be perfect. It will not please every one. We all need to compromise otherwise this debate will go on for another 20 years and there still will be no energy policy. Mr. President, the country needs and demands a comprehensive national energy act passed by the Congress in this session.

Mr. JOHNSTON. Mr. President, I thank the Senator from Kentucky for his comments.

MORNING BUSINESS

AN INNOVATIVE SUGGESTION FOR U.N. PEACEKEEPING

Mr. PELL. Mr. President, the New York Times recently published an article by its eminent columnist Flora Lewis concerning the idea of a standing U.N. peacekeeping force. I ask unanimous consent that the full text of the

column be printed at the conclusion of my remarks.

In 1945, I was present at the San Francisco conference which drew up the United Nations Charter, and as a member of the conference secretariat, I worked on the articles providing for the creation of a U.N. peacekeeping force. In the 47 years since that time, I have been a strong supporter of U.N. efforts to promote peace and stability through the concept of collective security.

Mr. President, supporting the United Nations has not always been easy. For much of its history, the United Nations—in particular the Security Council—was hamstrung by the cold war rivalry between the two superpowers. I also recall vividly the General Assembly's passage of the infamous "Zionism Is Racism" resolution on November 10, 1975, arguably the darkest day in the United Nations' history. Finally, during the early 1980's, the United Nations' unwieldy budget and administration procedures threatened the viability of the entire organization.

Notwithstanding these setbacks, however, the United Nations has also known great success. The United Nations has made important contributions in preserving the international environment, in halting the spread of nuclear weapons, and in protecting the health and well-being of the world's children. But perhaps nowhere has the United Nations' success been more evident than in the field of peacekeeping and mediation.

In the last decade, under the capable stewardship of Secretary General Javier Perez de Cuellar, the United Nations experienced an incredible surge in popularity and effectiveness. In my view, the successful U.N. operations in the Persian Gulf, Afghanistan, Namibia, and Angola, and the ongoing U.N. efforts in Cyprus, Yugoslavia, El Salvador, the western Sahara, and Cambodia are the foundation of the United Nations' rebirth.

As a result, the United Nations has evolved into one of the most important and effective instruments in the world's quest for stability. Where the international community—and the United States in particular—once scorned the notion of turning to the United Nations in a crisis, it is now depending on the United Nations in a crisis, it is now depending on the United Nations in a crisis, it is now depending on the United Nations to intervene in the most important and pressing issues of the day.

If we are to continue to rely upon the United Nations in times of crisis, however, we must be certain that it has the support, resources, and tools to do the job properly. In these recessionary times, it is crucial that we consider new and creative ideas to promote effectiveness and to save money.

Flora Lewis, in her recent column, suggests that the United Nations follow through on a longstanding proposal to create a permanent peacekeeping force, and do so by enlisting the services of the Gurkhas—the hardy Nepalese units of the British Army. Ms. Lewis develops a cogent and convincing argument in favor of her idea, and I commend her piece to my colleagues.

[From the New York Times, Feb. 8, 1992]

GURKHAS CAN SOLVE THE U.N.'S PROBLEM

(By Flora Lewis)

The idea of a U.N. standing force to intervene where fighting threatens isn't new. It was included in the Charter in 1945 but was never carried out because of the cold war. Now it is being cautiously revived but along the old lines of traditional military contributions from members. The idea is still good, but today's circumstances show that a new approach is needed.

President Francois Mitterrand of France has offered to send 1,000 men on 48 hours' notice and 1,000 more with a week's notice. That's helpful, but it's a piecemeal approach.

Instead, the U.N. should have a permanent force in readiness, loyal to its flag and to no state, that would be supplemented by national contributions, particularly in logistics. It just so happens that a perfect base exists—the Gurkhas, the doughty units from Nepal's martial tribes who have served with the British Army since 1814 and have given a good account of themselves.

There are many reasons why the Gurkhas can form the heart of the world's first real police force. A major reason is that nobody hates them and they don't hate any ethnic group, country or religion.

There are 7,500 well-trained Gurkhas in the British Army—1,000 in Brunei; 1,500 based in the United Kingdom, with some deployed in Cyprus, Kuwait and Belize, and 5,000 in Hong Kong. When Hong Kong reverts to China in 1997, all British forces presumably will have to withdraw.

In any case, the British Army is to be drastically cut, including the Gurkhas. Current plans call for a reduction to 2,500 by the year 2000. Those who have served 15 years will be sent home with a pension of a little under $500 a year, others with somewhat less money. The subsistence income in Nepal is estimated at $450 or less a year. Gurkhas are not expensive to hire.

There are 65,000 more Gurkhas in the Indian Army, paid on a similar scale, and no shortage of recruits eager to take on a foreign military career.

The Gurkhas have a reputation for being well disciplined, doggedly loyal to their superior officers, respectful of families and not at all mean. Gurkhas don't go berserk on the battlefield and commit atrocities, as soldiers from other countries have done for ethnic or other reasons of enmity.

Some would call them mercenaries; the British Army gags at the thought, pointing out that they have been enlisted by agreement with the Government of Nepal. But mercenaries—troops serving no state—are exactly what the U.N. needs, for the same reason that the Vatican hired Swiss Guards in medieval times so that its protectors would be beholden to no other master.

The French Foreign Legion operates on a similar principle. Those are probably the troops President Mitterrand has in mind. They were among the professional French forces sent to fight in Operation Desert Storm; for domestic political reasons, no conscripts could be included in the forces France sent to Saudi Arabia and Iraq.

In addition to logistical support, a Gurkhas force would need a command structure. The highest rank any has reached under the British is lieutenant colonel. Most are in the infantry, and some are in engineers' units and some are signal specialists. None are men of the high-tech rocketry, armor and aviation forces that overwhelmed Iraq, but that isn't what a standing U.N. force is most likely to require.

It needs well-trained professional soldiers willing to go in and restore peace, primarily in brush-fire wars in difficult parts of the world. Should they be sent without the invitation of a host government? That big political decision underlies the idea of a new world order—new, purposeful international law that puts certain principles above untouchable national sovereignty.

The Gurkhas are just what is needed for the base of a U.N. force, and no doubt they are willing. Certainly, they are able.

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 101-649, appoints the following individuals as members of the Commission on Legal Immigration Reform: Mr. Richard Estrada, of Texas, and Mr. Michael Teitelbaum, of New York.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 102-23

Mr. JOHNSTON. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Protocol Amending the 1974 Extradition Treaty with Australia, Treaty Document No. 102-23, transmitted to the Senate today by the President and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol Amending the Treaty on Extradition between the United States of America and Australia, signed at Seoul on September 4, 1990. I also transmit for the information of the Senate the report of the Department of State with respect to the Protocol.

The Protocol supplements and amends the Treaty on Extradition between the United States of America and Australia, signed at Washington on May 14, 1974. It is designed to update and standardize the conditions and procedures for extradition between the United States and Australia. Most sig-

nificant, it removes an outdated list of extraditable offenses from the 1974 Treaty and expands upon the dual criminality approach contained in that Treaty. The Protocol also provides a legal basis for temporarily surrendering prisoners to stand trial for crimes against the laws of the requesting State. The provisions in this Protocol follow generally the form and content of extradition treaties recently concluded by the United States.

This Protocol will make a significant contribution to international cooperation in law enforcement. I recommend that the Senate give early and favorable consideration to the Protocol and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *February 19, 1992.*

MEASURE INDEFINITELY POSTPONED—S. 739

Mr. JOHNSTON. Mr. President, I ask unanimous consent that Calendar Order No. 74, S. 739, a bill to authorize the Architect of the Capitol to accept certain gifts on behalf of the U.S. Botanic Garden be indefinitely postponed.

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

WORKERS' FAMILY PROTECTION ACT

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 388, S. 353, the Workers' Family Protection Act.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 353) to require the Director of the National Institute for Occupational Safety and Health to conduct a study of the prevalence and issues related to contamination of workers' homes with hazardous chemicals and substances transported from their workplace and to issue or report on regulations to prevent or mitigate the future contamination of workers' homes, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workers' Family Protection Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) hazardous chemicals and substances that can threaten the health and safety of workers are being transported out of industries on workers' clothing and persons;

(2) these chemicals and substances have the potential to pose an additional threat to the health and welfare of workers and their families;

(3) additional information is needed concerning issues related to employee transported contaminant releases; and

(4) additional regulations may be needed to prevent future releases of this type.

(b) PURPOSE.—It is the purpose of this Act to—

(1) increase understanding and awareness concerning the extent and possible health impacts of the problems and incidents described in subsection (a);

(2) prevent or mitigate future incidents of home contamination that could adversely affect the health and safety of workers and their families;

(3) clarify regulatory authority for preventing and responding to such incidents; and

(4) assist workers in redressing and responding to such incidents when they occur.

SEC. 3. EVALUATION OF EMPLOYEE TRANSPORTED CONTAMINANT RELEASES.

(a) STUDY.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of the National Institute for Occupational Safety and Health (hereafter in this Act referred to as the "Director"), in cooperation with the Secretary of Labor, the Administrator of the Environmental Protection Agency, the Administrator of the Agency for Toxic Substances and Disease Registry, and the heads of other Federal Government agencies as determined to be appropriate by the Director, shall conduct a study to evaluate the potential for, the prevalence of, and the issues related to the contamination of workers' homes with hazardous chemicals and substances, including infectious agents, transported from the workplaces of such workers'.

(2) MATTERS TO BE EVALUATED.—In conducting the study and evaluation under paragraph (1), the Director shall—

(A) conduct a review of past incidents of home contamination through the utilization of literature and of records concerning past investigations and enforcement actions undertaken by—

(i) the National Institute for Occupational Safety and Health;

(ii) the Secretary of Labor to enforce the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

(iii) States to enforce occupational safety and health standards in accordance with section 18 of such Act (29 U.S.C. 667); and

(iv) other government agencies (including the Department of Energy and the Environmental Protection Agency), as the Director may determine to be appropriate;

(B) evaluate current statutory, regulatory, and voluntary industrial hygiene or other measures used by small, medium and large employers to prevent or remediate home contamination;

(C) compile a summary of the existing research and case histories conducted on incidents of employee transported contaminant releases, including—

(i) the effectiveness of workplace housekeeping practices and personal protective equipment in preventing such incidents;

(ii) the health effects, if any, of the resulting exposure on workers and their families;

(iii) the effectiveness of normal house cleaning and laundry procedures for removing hazardous materials and agents from workers' homes and personal clothing;

(iv) indoor air quality, as the research concerning such pertains to the fate of chemicals transported from a workplace into the home environment; and

(v) methods for differentiating exposure health effects and relative risks associated with specific agents from other sources of exposure inside and outside the home;

(D) identify the role of Federal and State agencies in responding to incidents of home contamination;

(E) prepare and submit to the Task Force established under subsection (b) and to the appropriate committees of Congress, a report concerning the results of the matters studied or evaluated under subparagraphs (A) through (D); and

(F) study home contamination incidents and issues and worker and family protection policies and practices related to the special circumstances of firefighters and prepare and submit to the appropriate committees of Congress a report concerning the findings with respect to such study.

(b) DEVELOPMENT OF INVESTIGATIVE STRATEGY.—

(1) TASK FORCE.—Not later than 12 months after the date of enactment of this Act, the Director shall establish a working group, to be known as the "Workers' Family Protection Task Force". The Task Force shall—

(A) be composed of not more than 15 individuals to be appointed by the Director from among individuals who are representative of workers, industry, scientists, industrial hygienists, and government agencies including the National Research Council, except that not more than one such individual shall be from each appropriate government agency and the number of individuals appointed to represent industry and workers shall be equal in number;

(B) review the report submitted under subsection (a)(2)(F);

(C) determine, with respect to such report, the additional data needs, if any, and the need for additional evaluation of the scientific issues related to and the feasibility of developing such additional data; and

(D) if additional data are determined by the Task Force to be needed, develop a recommended investigative strategy for use in obtaining such information.

(2) INVESTIGATIVE STRATEGY.—

(A) CONTENT.—The investigative strategy developed under paragraph (1)(D) shall identify data gaps that can and cannot be filled, assumptions and uncertainties associated with various components of such strategy, a timetable for the implementation of such strategy, and methodologies used to gather any required data.

(B) PEER REVIEW.—The Director shall publish the proposed investigative strategy under paragraph (1)(D) for public comment and utilize other methods, including technical conferences or seminars, for the purpose of obtaining comments concerning the proposed strategy.

(C) FINAL STRATEGY.—After the peer review and public comment is conducted under subparagraph (B), the Director, in consultation with the heads of other government agencies, shall propose a final strategy for investigating issues related to home contamination that shall be implemented by the National Institute for Occupational Safety and Health and other Federal agencies for the period of time necessary to enable such agencies to obtain the information identified under paragraph (1)(C).

(3) CONSTRUCTION.—Nothing in this section shall be construed as precluding any government agency from investigating issues related to home contamination using existing procedures until such time as a final strategy is developed or from taking actions in addition to those proposed in the strategy after its completion.

(c) IMPLEMENTATION OF INVESTIGATIVE STRATEGY.—Upon completion of the investigative strategy under paragraph (2)(C), each Federal agency or department shall fulfill the role assigned to it by the strategy.

SEC. 4. REGULATIONS.

(a) IN GENERAL.—Not later than 4 years after that date of enactment of this Act, and periodi-

cally thereafter, the Secretary of Labor, based on the information developed under section 3 and on other information available to the Secretary, shall—

(1) determine if additional education about, emphasis on, or enforcement of existing regulations or standards is needed and will be sufficient, or if additional regulations or standards are needed to protect workers and their families from employee transported releases of hazardous materials; and

(2) prepare and submit to the appropriate committees of Congress a report concerning the results of such determination.

(b) ADDITIONAL REGULATIONS OR STANDARDS.—If the Secretary of Labor determines that additional regulations or standards are needed under subsection (a), the Secretary shall promulgate such regulations or standards as determined to be appropriate not later than 3 years after such determination.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this Act.

AMENDMENT NO. 1651

(Purpose: A technical corrections amendment)

Mr. WALLOP. Mr. President, I send a Jeffords technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP], for Mr. JEFFORDS, proposes an amendment numbered 1651.

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

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

The amendment is as follows:

On page 15, line 18, strike "F", and insert "E".

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

The amendment (No. 1651) was agreed to.

Mr. HATCH. Mr. President, will the Senator from Vermont yield for a quick question before we proceed? I believe my friend will agree that any research of the type addressed in S. 353 must be free from bias and based on good science. As the Senator is aware, concerns over whether this legislation adequately assures this result have been brought to our attention. I would like to explore these concerns before proceeding further and would the Senator comment on how he would ensure the best possible product?

Mr. JEFFORDS. The easiest way I believe to address this concern is to have NIOSH include the National Academy of Sciences or the National Research Council in the peer review process. This would provide an additional scientific check on the strategy. I strongly support peer review, as I would hate to find out halfway through the implementation of the strategy that the strategy was not well through out. Including the Academy or the Council in the peer review process should ensure that everyone has confidence in the results.

I am concerned about NIOSH's budget, however. The bill attempts to minimize NIOSH's costs. By using an independent party like the National Research Council for peer review, NIOSH's costs could increase. Since several agencies will have a role in implementing this strategy, I believe each agency should contribute to these costs. This should not pose a problem for these agencies as the maximum annual cost of the entire bill is estimated to be less than $300,000. Thus, the costs for each agency would be very small. Does this proposal sound agreeable to my colleague?

Mr. HATCH. I thank my colleague for addressing these concerns.

Mr. JEFFORDS. In addition, we need to correct a small typographical error in the bill as printed. The task force is to review the background information complied by NIOSH, not the firefighter study. I, of course, hope the task force will also review the firefighter study. Thus, a small technical amendment has been drafted.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

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

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 353

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workers' Family Protection Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) hazardous chemicals and substances that can threaten the health and safety of workers are being transported out of industries on workers' clothing and persons;

(2) these chemicals and substances have the potential to pose an additional threat to the health and welfare of workers and their families;

(3) additional information is needed concerning issues related to employee transported contaminant releases; and

(4) additional regulations may be needed to prevent future releases of this type.

(b) PURPOSE.—It is the purpose of this Act to—

(1) increase understanding and awareness concerning the extent and possible health impacts of the problems and incidents described in subsection (a);

(2) prevent or mitigate future incidents of home contamination that could adversely affect the health and safety of workers and their families;

(3) clarify regulatory authority for preventing and responding to such incidents; and

(4) assist workers in redressing and responding to such incidents when they occur.

SEC. 3. EVALUATION OF EMPLOYEE TRANSPORTED CONTAMINANT RELEASES.

(a) STUDY.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of the National Institute for Occupational Safety and Health (hereafter in this Act referred to as the "Director"), in cooperation with the Secretary of Labor, the Administrator of the Environmental Protection Agency, the Administrator of the Agency for Toxic Substances and Disease Registry, and the heads of other Federal Government agencies as determined to be appropriate by the Director, shall conduct a study to evaluate the potential for, the prevalence of, and the issues related to the contamination of workers' homes with hazardous chemicals and substances, including infectious agents, transported from the workplaces of such workers'.

(2) MATTERS TO BE EVALUATED.—In conducting the study and evaluation under paragraph (1), the Director shall—

(A) conduct a review of past incidents of home contamination through the utilization of literature and of records concerning past investigations and enforcement actions undertaken by—

(i) the National Institute for Occupational Safety and Health;

(ii) the Secretary of Labor to enforce the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

(iii) States to enforce occupational safety and health standards in accordance with section 18 of such Act (29 U.S.C. 667); and

(iv) other government agencies (including the Department of Energy and the Environmental Protection Agency), as the Director may determine to be appropriate;

(B) evaluate current statutory, regulatory, and voluntary industrial hygiene or other measures used by small, medium and large employers to prevent or remediate home contamination;

(C) compile a summary of the existing research and case histories conducted on incidents of employee transported contaminant releases, including—

(i) the effectiveness of workplace housekeeping practices and personal protective equipment in preventing such incidents;

(ii) the health effects, if any, of the resulting exposure on workers and their families;

(iii) the effectiveness of normal house cleaning and laundry procedures for removing hazardous materials and agents from workers' homes and personal clothing;

(iv) indoor air quality, as the research concerning such pertains to the fate of chemicals transported from a workplace into the home environment; and

(v) methods for differentiating exposure health effects and relative risks associated with specific agents from other sources of exposure inside and outside the home;

(D) identify the role of Federal and State agencies in responding to incidents of home contamination;

(E) prepare and submit to the Task Force established under subsection (b) and to the appropriate committees of Congress, a report concerning the results of the matters studied or evaluated under subparagraphs (A) through (D); and

(F) study home contamination incidents and issues and worker and family protection policies and practices related to the special

circumstances of firefighters and prepare and submit to the appropriate committees of Congress a report concerning the findings with respect to such study.

(b) DEVELOPMENT OF INVESTIGATIVE STRATEGY.—

(1) TASK FORCE.—Not later than 12 months after the date of enactment of this Act, the Director shall establish a working group, to be known as the "Workers' Family Protection Task Force". The Task Force shall—

(A) be composed of not more than 15 individuals to be appointed by the Director from among individuals who are representative of workers, industry, scientists, industrial hygienists, and government agencies including the National Research Council, except that not more than one such individual shall be from each appropriate government agency and the number of individuals appointed to represent industry and workers shall be equal in number;

(B) review the report submitted under subsection (a)(2)(E);

(C) determine, with respect to such report, the additional data needs, if any, and the need for additional evaluation of the scientific issues related to and the feasibility of developing such additional data; and

(D) if additional data are determined by the Task Force to be needed, develop a recommended investigative strategy for use in obtaining such information.

(2) INVESTIGATIVE STRATEGY.—

(A) CONTENT.—The investigative strategy developed under paragraph (1)(D) shall identify data gaps that can and cannot be filled, assumptions and uncertainties associated with various components of such strategy, a timetable for the implementation of such strategy, and methodologies used to gather any required data.

(B) PEER REVIEW.—The Director shall publish the proposed investigative strategy under paragraph (1)(D) for public comment and utilize other methods, including technical conferences or seminars, for the purpose of obtaining comments concerning the proposed strategy.

(C) FINAL STRATEGY.—After the peer review and public comment is conducted under subparagraph (B), the Director, in consultation with the heads of other government agencies, shall propose a final strategy for investigating issues related to home contamination that shall be implemented by the National Institute for Occupational Safety and Health and other Federal agencies for the period of time necessary to enable such agencies to obtain the information identified under paragraph (1)(C).

(3) CONSTRUCTION.—Nothing in this section shall be construed as precluding any government agency from investigating issues related to home contamination using existing procedures until such time as a final strategy is developed or from taking actions in addition to those proposed in the strategy after its completion.

(c) IMPLEMENTATION OF INVESTIGATIVE STRATEGY.—Upon completion of the investigative strategy under paragraph (2)(C), each Federal agency or department shall fulfill the role assigned to it by the strategy.

SEC. 4. REGULATIONS.

(a) IN GENERAL.—Not later than 4 years after that date of enactment of this Act, and periodically thereafter, the Secretary of Labor, based on the information developed under section 3 and on other information available to the Secretary, shall—

(1) determine if additional education about, emphasis on, or enforcement of existing regulations or standards is needed and will be sufficient, or if additional regulations or standards are needed to protect workers and their families from employee transported releases of hazardous materials; and

(2) prepare and submit to the appropriate committees of Congress a report concerning the results of such determination.

(b) ADDITIONAL REGULATIONS OR STANDARDS.—If the Secretary of Labor determines that additional regulations or standards are needed under subsection (a), the Secretary shall promulgate such regulations or standards as determined to be appropriate not later than 3 years after such determination.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this Act.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

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

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty.

(The treaty received today is printed at the end of the Senate proceedings.)

REPORT ON BUDGET RESCISSIONS AND DEFERRALS—MESSAGE FROM THE PRESIDENT—PM 109

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified on April 4, 1986, referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $16.7 million, one revised deferral, and one new deferral of budget authority. Including the revised and the new deferrals, funds withheld in FY 1992 now total $5.6 billion.

The proposed rescission affects the Department of Housing and Urban Development. The deferrals affect the Agency for International Development and the Department of Agriculture.

The details of the proposed rescission and deferrals are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *February 19, 1992.*

MESSAGES FROM THE HOUSE

At 12:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 476) to designate certain rivers in the State of Michigan as components of the National Wild and Scenic Rivers System, and for other purposes.

The message also announced that pursuant to the provisions of section 4355(a) of title 10, United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Military Academy the following Members on the part of the House: Mr. HEFNER, Mr. LAUGHLIN, Mr. FISH, and Mr. LOWERY of California.

The message further announced that pursuant to the provisions of section 6968(a) of title 10, United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Naval Academy the following Members on the part of the House: Mr. MCMILLEN of Maryland, Mr. MRAZEK, Mr. SKEEN, and Mrs. BENTLEY.

The message also announced that pursuant to the provisions of section 102(b) of Public Law 102-62, the Speaker appoints Mr. Christopher T. Cross of Chevy Chase, MD, from private life to the National Education Commission on Time and Learning on the part of the House, to fill the existing vacancy thereon.

The message further announced that pursuant to the provisions of section 9355(a) of title 10, United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Air Force Academy the following Members on the part of the House: Mr. DICKS, Mr. BARNARD, Mr. HEFLEY, and Mr. DELAY.

The message also announced that pursuant to the provisions of section 194(a) of title 14, United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members on the part of the House: Mr. GEJDENSON and Mrs. JOHNSON of Connecticut.

The message further announced that pursuant to the provisions of section 1295b(h) of title 46, United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Members on the part of the House: Mr. MANTON and Mr. BATEMAN.

The message also announced that pursuant to the provisions of section 5(a)(2) of Public Law 101-363, the Speaker appoints Mr. SIKORSKI to the National Advisory Council on the Public Service on the part of the House.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and doc-

uments, which were referred as indicated:

EC-2593. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated February 1, 1992; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Finance, the Committee on Foreign Relations, and the Committee on Commerce, Science, and Transportation.

EC-2594. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the President's second special impoundment message for fiscal year 1992; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Foreign Relations, the Committee on Energy and Natural Resources, and the Committee on Veterans' Affairs.

EC-2595. A communication from the Assistant Secretary of Defense (Production and Logistics), transmitting, pursuant to law, an analysis of the supply depot consolidations that occurred through calendar year 1991; to the Committee on Armed Services.

EC-2596. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on training and certification of executive directors and other officers and members of local, regional, and State public housing agencies; to the Committee on Banking, Housing, and Urban Affairs.

EC-2597. A communication from the Chairman of the Board of the National Credit Union Administration, transmitting, pursuant to law, the annual report of the National Credit Union Administration for calendar year 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC-2598. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the administration of the Marine Mammal Protection Act for calendar year 1991; to the Committee on Commerce, Science, and Transportation.

EC-2599. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, a report on compensatory royalty agreements for oil and gas involving unleased government lands entered into during fiscal year 1991; to the Committee on Energy and Natural Resources.

EC-2600. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, "Hydropower 2002", Reclamation's energy initiative to help secure America's energy future; to the Committee on Energy and Natural Resources.

EC-2601. A communication from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to clarify authority of the Secretary of the Interior to cooperate with non-Federal entities in the conduct of research concerning the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

EC-2602. A communication from the Administrator of General Services, transmitting, pursuant to law, a proposed prospectus for the lease of space for the National Labor Relations Board in Washington, D.C.; to the Committee on Environment and Public Works.

EC-2603. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on services performed by full-time USG employees for which reimbursement is provided for fiscal year 1991; to the Committee on Foreign Relations.

EC-2604. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the status of each loan and each contract or guaranty or insurance to which there remains outstanding any unpaid obligation or potential liability and the status of each extension of credit for the procurement of defense articles or defense services; to the Committee on Foreign Relations.

EC-2605. A communication from the Chairman of the Commission on Agricultural Workers, transmitting, pursuant to law, a report on the system of management controls and financial systems in effect at the Commission during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2606. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on the system of management controls and financial systems in effect at the Department of Labor during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2607. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report of the Commission on competition advocacy for fiscal year 1991; to the Committee on Governmental Affairs.

EC-2608. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2609. A communication from the Chairperson of the Retirement Trust, Navy Exchange Service Command, Department of the Navy, transmitting, pursuant to law, the annual pension report of the Trust for the 1990 plan year; to the Committee on Governmental Affairs.

EC-2610. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, a report on the system of management controls and financial systems in effect at the Foundation during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2611. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the system of management controls and financial systems in effect at the Department during fiscal year 1991; to the Committee on Governmental Affairs.

EC-2612. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report under the Indian Health Care Improvement Act for fiscal year 1990; to the Select Committee on Indian Affairs.

EC-2613. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the annual report of the Bureau for fiscal year 1991; to the Committee on the Judiciary.

EC-2614. A communication from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting, pursuant to law, the annual report of the System under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2615. A communication from the Director of the Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the Administration's 1992 National Drug Control Strategy; to the Committee on the Judiciary.

EC-2616. A communication from Members of the National Council on Education Standards and Testing, transmitting, pursuant to law, the final report of the Council covering the period from June 27, 1991 to January 15, 1992; to the Committee on Labor and Human Resources.

EC-2617. A communication from the Assistant Attorney General (Civil Rights Division) as Chairperson of the Interagency Coordinating Council, transmitting, pursuant to law, the annual report on the activities of the Council for the period July 1, 1990 to August 1, 1991; to the Committee on Labor and Human Resources.

EC-2618. A communication from the Secretary of Education, transmitting, pursuant to law, notice of Final Interpretations and Designation of Critical Foreign Languages, Foreign Languages Assistance Program; to the Committee on Labor and Human Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DECONCINI:

S. 2231. A bill to establish a new educational assistance program for veterans who served during the Persian Gulf War and to make benefits under that program comparable to those provided to veterans of other wars, to provide comparability between the Persian Gulf War educational assistance program and the educational assistance program provided under chapter 30 of title 38, United States Code, and for other purposes; to the Committee on Veterans Affairs.

By Ms. MIKULSKI (for herself, Mr. LEVIN and Mr. RUDMAN):

S. 2232. A bill to make available to consumers certain information regarding automobiles; to the Committee on Commerce, Science, and Transportation.

By Mr. SANFORD:

S. 2233. A bill to extend until January 1, 1995, the existing suspension of duty on Cefixime; to the Committee on Finance.

By Mr. GORTON:

S. 2234. A bill to make it unlawful to offer for sale or distribute certain pyrotechnic devices to individuals under the age of 16 or to any other person without a required warning label; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN:

S. 2235. A bill to extend until April 1993 the demonstration project under which influenza vaccinations are provided to medicare beneficiaries; to the Committee on Finance.

By Mr. SIMON (for himself, Mr. HATCH, Mr. DECONCINI, Mr. SPECTER, Mr. KENNEDY, Mr. INOUYE, Mr. MCCAIN, Mr. DASCHLE, Mr. DURENBERGER, Mr. CRANSTON, Mr. BINGAMAN, Mr. WIRTH, Mr. METZENBAUM and Mr. DIXON):

S. 2236. A bill to amend the Voting Rights Act of 1965 to modify and extend the bilingual voting provisions of the Act; to the Committee on the Judiciary.

By Mr. D'AMATO:

S.J. Res. 255. A joint resolution to designate September 13, 1992 as "Commodore Barry Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DECONCINI:

S. 2231. A bill to establish a new educational assistance program for veterans who served during the Persian Gulf war and to make benefits under that program comparable to those provided to veterans of other wars, to provide comparability between the Persian Gulf War Educational Assistance Program and the Educational Assistance Program provided under chapter 30 of title 38, United States Code, and for other purposes; to the Committee on Veterans' Affairs.

DESERT STORM SERVICEPERSONS READJUSTMENT ACT

Mr. DECONCINI. Mr. President, I rise to introduce important legislation for America's Persian Gulf war veterans. This legislation simply seeks to increase the level of educational benefits for Persian Gulf war era veterans from the level currently provided to eligible veterans to a level comparable to that provided veterans who fought for their country in prior wars. In short, the Desert Storm Serviceperson's Readjustment Act of 1992 would increase the full-time GI bill educational assistance payments to $777 from $350 per month, and also would eliminate the present requirement for individual contribution while on active duty.

Mr. President, the current level of educational assistance benefits authorized for individuals who served during the Persian Gulf war are not comparable to the GI bill benefits provided to veterans of World War II, the Korean or Vietnam war. Instead, current veterans' educational assistance benefits have been scaled back to address specific needs and purposes related to peacetime military service and our Nation's growing budget deficit.

Nonetheless, the Montgomery GI bill has served our peacetime needs fairly well. Testimony after testimony given before the Senate and House Committees on Veterans' Affairs and Armed Services in recent years indicated that the services attracted a significantly higher caliber recruit as a direct result of the Montgomery GI bill. The Nation profited as well from the Montgomery GI bill, or new GI bill as many refer to it. Some estimates even indicate that the new GI bill, like the original, will return far more than what the Nation expends on it.

However, the sad truth is full-time new GI bill educational assistance for veterans at today's rate of $350 per month may not even cover tuition costs at State colleges. To make matters worse, book costs have risen into the hundreds of dollars, and lab fees and other university-required charges have skyrocketed. The combined effect of inflation and lower levels of Federal assistance to higher education has eroded more than half the value of the GI bill. The latest data reveal that a veteran with active duty service of 3 years or more will receive only about 42 percent of the average cost of a college education.

In short, benefits under the new GI bill simply don't measure up to those provided under the old GI bill. The current educational assistance available to the Desert Storm veteran is inconsistent with the longstanding commitment of a grateful nation to provide a comprehensive program of benefits, including educational assistance, to each and every person who serves in defense of our freedoms during periods of war. When the veterans of these former wars came home, they could rely upon their country via the old GI bill to pay its fair share. The Desert Storm veteran cannot.

Mr. President, my purpose today is not to argue what amount of benefits constitutes a fair share for these Desert Storm veterans nor which veterans should be considered as beneficiaries. In the weeks and months to come, I will be speaking to those issues and others in the Senate Committee on Veterans' Affairs as well as on the floor. My purpose today is solely to lay a much broader issue before the Senate as we begin to consider what our domestic budget priorities will be in light of a reduced foreign military threat. My purpose today is to remind my colleagues that the peace dividend we may be spending is the product of the sweat and blood of the men and women of the armed services. I want to assure the men and women who served their country at home and abroad during the Persian Gulf war that their Nation has not forgotten them, even though all the ticker tape and yellow ribbons have been swept up and thrown away.

Mr. President, I want to acknowledge the leadership efforts by the American Legion in the development of this legislation. Once again, the American Legion, the Nation's largest veterans service organization, is at the forefront of issues affecting the veterans community. I am indebted to them for all the assistance they have provided to date on this important veterans legislation and look forward to working closely with them as this legislation works its way through Congress.

Mr. President, I strongly urge all my colleagues to cosponsor this legislation which is so important to the men and women of the Armed Forces who served during the Persian Gulf war. I urge its expeditious enactment.

Mr. President, I note on the floor the ranking member of the Veterans' Affairs Committee, the Senator from Pennsylvania, who has been a leader in veterans' affairs for as long as he has been in the Senate.

I wanted to include in my statement here recognition of his support, although he has not become a cosponsor of this bill, his strong support for the education of our veterans. He has indeed taken the lead in the Appropriations Committee as well as on the Veterans' Affairs Committee to see that our veterans are fairly treated. I am grateful for his leadership on that matter.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Arizona for those very kind remarks. I have not yet had an opportunity to examine the legislation to which he has referred but I shall do so and we share common objectives. I am delighted to work with him on all these matters in the future.

Mr. DECONCINI. Mr President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2231

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Desert Storm Servicepersons' Readjustment Act of 1992".

FINDINGS AND DECLARATIONS

SEC. 2. (a) The Congress finds that—

(1) The members of the active, reserve and national guard forces of the United States carried out their responsibilities in Operations Desert Shield and Desert Storm in an exemplary manner;

(2) The men and women who served in the Armed Forces during the Persian Gulf War deserve a comprehensive program of veterans' benefits, as provided by a grateful nation, no less than their forebears who served during World War II and the Korean and Vietnam Wars;

(3) The benefits currently provided through the Department of Veterans Affairs and other Federal agencies were established in some instances to address specific needs or purposes related to peacetime military service;

(4) The veterans of World War II, and the Korean and Vietnam Wars, received proportionally more educational assistance as readjustment assistance than currently is available for Persian Gulf War veterans under chapter 30 of title 38, United States Code; and

(5) The members of the Armed Forces who served during the Persian Gulf War are now entitled to educational assistance benefits at least equivalent to those received by veterans of previous wars.

(b) The Congress therefore declares that the purpose of this Act is to provide, on behalf of a grateful nation, educational assistance benefits to individuals who served during the Persian Gulf War which are comparable to those benefits provided to veterans of others wars, to establish educational assistance programs that are adequate to ensure a high degree of participation by eligible veterans, and to provide for comparability of benefits under the Montgomery GI Bill.

PERSIAN GULF WAR EDUCATIONAL ASSISTANCE PROGRAM

SEC. 3. (a)(1) Title 38, United States Code, is amended by inserting after chapter 43 the following new chapter:

"CHAPTER 44—PERSIAN GULF WAR EDUCATIONAL ASSISTANCE PROGRAM

"SUBCHAPTER I—PURPOSE—DEFINITIONS

"Sec.
"2101. Purpose.
"2102. Definitions.

"SUBCHAPTER II—ELIGIBLITY AND ENTITLEMENT

"2110. Eligibility; entitlement; duration.
"2111. Time limitations for completing a program of education.
"2112. Educational and vocational counseling.

"SUBCHAPTER III—ENROLLMENT

"2120. Selection of program.
"2121. Applications; approval.
"2122. Disapproval of enrollment in certain courses.
"2123. Discontinuance for unsatisfactory conduct or progress.
"2124. Education outside the United States.

"SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

"2130. Educational assistance allowance.
"2131. Computation of Educational assistance allowances.
"2132. Approval of courses.
"2133. Apprenticeship or other on-job training; correspondence courses.
"2134. Work-study allowance.

"SUBCHAPTER V—SPECIAL ASSISTANCE FOR THE EDUCATIONALLY DISADVANTAGED

"2140. Purpose.
"2141. Elementary and secondary education and preparatory educational assistance.
"2142. Tutorial assistance.
"2143. Effect on educational entitlement.

"SUBCHAPTER VI—GENERAL AND ADMINISTRATIVE PROVISIONS

"2151. Bar to duplication of educational assistance benefits
"2152. Allocation of administration and of program costs
"2153. Reporting requirement

"SUBCHAPTER I—PURPOSE—DEFINITIONS

"§ 2101. Purpose

"The Congress of the United States hereby declares that the educational assistance program created by this chapter is for the purpose of (1) providing veterans who served on active duty during the Persian Gulf War with educational assistance benefits comparable to those enjoyed by their forebears who served in other wars, (2) extending the benefits of a higher education to qualified and deserving young persons who might not otherwise be able to afford such an education, (3) providing vocational readjustment and restoring lost educational opportunities to those service men and women whose careers have been interrupted or impeded by reason of active duty during the Persian Gulf War, and (4) aiding such persons in attaining the vocational and educational status which they might normally have aspired to and obtained had they not served their country.

"§ 2102. Definitions

"For the purposes of this chapter and chapter 36 of this title—

"(a) The term "incremental costs associated with Operation Desert Storm" means costs referred to in section 251(b)(2)(D)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(ii)).

"(b) The term "Persian Gulf War" means the period beginning on August 2, 1990, and ending thereafter on the date prescribed by Presidential proclamation or by law.

"(c)(1) The term "eligible veteran" means any veteran who—

"(A) served on active duty for a period of more than 90 days during the Persian Gulf War, and was discharged or released there from under conditions other than dishonorable; or

"(B) contracted with the Armed Forces and was enlisted in or assigned to a reserve component (including the Army National Guard of the United States and the Air National Guard of the United States) prior to August 2, 1990, and as a result of such enlistment or assignment served during the Persian Gulf War on active duty, any part of which commenced within 12 months after August 1, 1990, and was discharged or released from such active duty under conditions other than dishonorable; or

"(C) was discharged or released from active duty, any part of which was performed during the Persian Gulf War, or following entrance into active service from an enlistment or assignment provided for under subparagraph (B) of this paragraph, because of a service-connected disability.

"(2) The requirement of discharge or release, prescribed in paragraph (1) (A) or (B), shall be waived in the case of any individual who served more than 90 days in an active-duty status for so long as such individual continues on active duty without a break therein.

"(3) For purposes of paragraph (1)(A) and section 2110(a), the term "active duty" does not include any period during which an individual (A) was assigned full time by the Armed Forces to a civilian institution for a course of education which was substantially the same as established courses offered to civilians, (B) served as a cadet or midshipman at one of the service academies, or (C) served under the provisions of section 511(d) of title 10 pursuant to an enlistment in the Army National Guard or the Air National Guard or as a Reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve unless at some time subsequent to the completion of such period of active duty for training such individual served on active duty for a consecutive period of 90 days or more during the Persian Gulf War (not including any service as a cadet or midshipman at one of the service academies).

"(d) The term "program of education" means any curriculum or any combination of unit courses or subjects pursued at an educational institution which is generally accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective. Such term also means any curriculum of unit courses or subjects pursued at an educational institution which fulfill requirements for the attainment of more than one predetermined and identified educational, professional, or vocational objective if all the objectives pursued are generally recognized as being reasonably related to a single career field. Such terms also means any unit course or subject, or combination of courses of subjects, pursued by an eligible veteran at an educational institution required by the Administrator of the Small Businesss Administration as a condition to obtaining financiual assistance under the provisions of section 7(i)(1) of the Small Business Act (15 U.S.C. 636(i)(1)).

"(e) The term "educational institution" means any public or private elementary school, secondary school, vocational school, correspondence school, business school, university, or scientific or technical institution, or other institution furnishing education for adults.

"(f) The term 'dependent' means—

"(1) a child of an eligible veteran;

"(2) a dependent parent of an eligible veteran; and

"(3) the spouse of an eligible veteran.

"(g) The term 'training establishment' means any establishment providing apprentice or other training on the job, including those under the supervision of a college or university or any State department of education, or any State apprenticeship agency, or vocational education, or any joint apprenticeship committee, or the Bureau of Apprenticeship and Training established pursuant to chapter 4C of title 29, or any agency of the Federal Government authorized to supervise such training.

"(h) The term 'institution of higher learning' means a college, university, or similar institution, including a technical or business school, offering postsecondary level academic instruction that leads to an associate or higher degree if the school is empowered by the appropriate State education authority under State law to grant an associate or higher degree. When there is no State law to authorize the granting of a degree, the school may be recognized as an institution of higher learning if it is accredited for degree programs by a recognized accredit agency. Such term shall also include a hospital offering educational programs at the postsecondary level without regard to where the hospital grants a postsecondary degree. Such term shall also include an educational institution which is not located in a State, which offers a course leading to a standard college degree, or the equivalent, and which is recognized as such the secretary of education (or comparable official) of the country or other jurisdiction in which the institution is located.

"(i) The term 'standard college degree' means an associate or higher degree awarded by (1) an institution of higher learning that is accredited as a collegiate institution by a recognized regional or national accrediting agency; or (2) an institution of higher learning that is a 'candidate' for accreditation as that term is used by the regional or national accrediting agencies; or (3) an institution of higher learning upon completion of a course which is accredited by an agency recognized to accredit specialized degree-level programs. For the purpose of this section, the accrediting agency must be one recognized by the Secretary of Education under the provisions of section 1775 of this title.

"SUBCHAPTER II—ELIGIBILITY AND ENTITLEMENT

"§ 2110. Eligibility; entitlement; duration

"(a) Except as provided in the second sentence of this subsection, each eligible veteran shall be entitled to educational assistance under this chapter or chapter 36 for a period of 36 months (or the equivalent thereof in part-time educational assistance). If an eligible veteran has served a continuous period of 18 months or more on active duty after August 1, 1990, and has been released for such service under conditions that would satisfy the veteran's active duty obligations, the veteran shall be entitled to educational assistance under this chapter for a period of 45 months (or the equivalent thereof in part-

time educational assistance). In the case of any person serving on active duty on the date that the period of the Persian Gulf War is ended by Presidential proclamation or by law, or a person whose eligibility is based on section 2102(d)(1)(B) of this chapter, the ending date for computing such person's entitlement shall be the date of such person's first discharge or release from active duty after the ending date of such Persian Gulf War.

"(b) Whenever the period of entitlement under this section of an eligible veteran who is enrolled in an educational institution regularly operated on the quarter or semester system ends during a quarter or semester, such period shall be extended to the termination of such unexpired quarter or semester. In educational institutions not operated on the quarter or semester system, whenever the period of eligibility ends after a major portion of the course is completed such period shall be extended to the end of the course or for twelve weeks, whichever is the lesser period.

"(c) Except as provided in subsection (b) and in subchapter V of this chapter, no eligible veteran shall receive educational assistance under this chapter in excess of 45 months.

"§ 2111. Time limitations for completing a program of education

"(a)(1) Subject to paragraph (4) of this subsection, no educational assistance shall be afforded an eligible veteran under this chapter beyond the date 10 years after the veteran's last discharge or release from active duty after August 2, 1990; except that, in the case of any eligible veteran who was prevented from initiating or completing such veteran's chosen program of education with such time period because of a physical or mental disability which was not the result of such veterans's own willful misconduct, such veteran shall, upon application made within one year after the last date of the delimiting period otherwise applicable under this section, or the termination of the period of such mental or physical disability, whichever is the latest, be granted an extension of the applicable delimiting period for such length of time as the Secretary determines, from the evidence, that such veteran was so prevented from initiating or completing such program of education. When an extension of the applicable delimiting period is granted a veteran under the preceding sentence, the delimiting period with respect to such veteran will again begin running on the first day following such veteran's recovery from such disability on which it is reasonably feasible, as determined in accordance with regulations which the Secretary shall prescribe, for such veteran to initiate or resume pursuit of a program of education with educational assistance under this chapter.

"(2)(A) Notwithstanding the provisions of paragraph (1) of this subsection, any veteran shall be permitted to use any such veteran's unused entitlement under section 2110 of this title for the purpose of eligibility for an education loan, pursuant to the provisions of subchapter III of chapter 36 of this title, after the delimiting date otherwise applicable to such veteran under such paragraph (1), if such veteran was pursuing an approved program of education on a full-time basis at the time of the expiration of such veteran's eligibility.

"(B) Notwithstanding any other provision of this chapter or chapter 36 of this title, any veteran whose delimiting period is extended under subparagraph (a) of this paragraph may continue to use any unused loan entitlement under this paragraph as long as the veteran continues to be enrolled on a full-time basis in pursuit of the approved program of education in which such veteran was enrolled at the time of expiration of such veteran's eligibility (i) until such entitlement is exhausted, (ii) until the expiration of the delimiting date otherwise applicable to such veteran under paragraph (1) of this subsection, or (iii) until such veteran has completed the approved program of education which such veteran was enrolled at the end of the delimiting period referred to in paragraph (1) of this subsection, whichever occurs first.

"(3)(A) Subject to subparagraph (C) of this paragraph and notwithstanding the provisions of paragraph (1) of this subsection, an eligible veteran who served on active duty during the Persian Gulf War shall be permitted to use any of such veteran's unused entitlement under section 2110 of this title for the purpose of pursuing—

"(i) a program of apprenticeship or other on-job training;

"(ii) a course with an approved vocational objective; or

"(iii) a program of secondary education, if the veteran does not have a secondary school diploma (or an equivalency certificate).

"(B) Upon completion of a program or course pursued by virtue of eligibility provided by this paragraph, the Secretary shall provide the veteran with such employment counseling as may be necessary to assist the veteran in obtaining employment consistent with the veteran's abilities, aptitudes, and interests.

"(C)(i) Educational assistance shall be provided a veteran for pursuit of a program or course described in clause (i) or (ii) of subparagraph (A) of this paragraph using eligibility provided by this paragraph unless the Secretary determines, based on an examination of the veteran's employment and training history, that the veteran is not in need of such a program or course in order to obtain a reasonably stable employment situation consistent with the veteran's abilities and aptitudes. Any such determination shall be made in accordance with regulations which the Secretary shall prescribe.

"(ii) Educational assistance provided a veteran for pursuit of a program described in clause (iii) of subparagraph (A) of this paragraph using eligibility provided by this paragraph shall be provided at the rate determined under section 2141(b)(2) of this title.

"(D) Educational assistance may not be provided by virtue of this paragraph after a date to be determined by the Secretary, pursuant to regulations which the Secretary shall prescribe.

"(4) For purposes of paragraph (1) of this subsection, a veteran's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service unless the individual involved is discharge or released for a service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, for hardship, or as a result of a reduction in force as described in section 1411(a)(1)(A)(ii)(III) of this title.

"(b) In the case of any eligible veteran who has been prevented, as determined by the Secretary, from completing a program of education under this chapter within the period prescribed by subsection (a), because the veteran had not met the nature of discharge requirements of this chapter before a change, correction, or modification of a discharge or dismissal made pursuant to section 1553 of title 10, the correction of the military records of the proper service department under section 1552 of title 10, or other corrective action by competent authority, then the 10-year delimiting period shall run from the date the veteran's discharge or dismissal was changed, corrected, or modified.

"(c) In the case of any veteran (1) who served on or after August 2, 1990, (2) who became eligible for educational assistance under the provisions of this chapter or chapter 36 of this title, and (3) who, subsequent to the veteran's last discharge or release from active duty, was captured and held as a prisoner of war by a foreign government or power, there shall be excluded, in computing the veteran's 10-year period of eligibility for educational assistance, any period during which the veteran was so detained and any period immediately following the veteran's release from such detention during which the veteran was hospitalized at a military, civilian, or Department of Veterans Affairs medical facility.

"(d) No educational assistance shall be afforded any eligible veteran under this chapter or chapter 36 of this title after a date to be determined by the Secretary, pursuant to regulations which the Secretary shall prescribe.

"§ 2112. Educational and vocational counseling

"The Secretary shall make available to any eligible veteran, upon such veteran's request, counseling services, including such educational and vocational counseling and guidance, testing, and other assistance as the Secretary deems necessary to aid such veteran in selecting (1) an educational or training objective and an educational institution or training establishment appropriate for the attainment of such objective, or (2) an employment objective that would be likely to provide such veteran with satisfactory employment opportunities in light of such veteran's personal circumstances. In any case in which the Secretary has rated the veteran as being incompetent, such counseling shall be required to be provided to the veteran prior to the selection of a program of education or training. At such intervals as the Secretary deems necessary, the Secretary shall make available information respecting the need for general education and for trained personnel in the various crafts, trades, and professions. Facilities of other Federal agencies collecting such information shall be utilized to the extent the Secretary deems practicable. The Secretary shall take appropriate steps (including individual notification where feasible) to acquaint all eligible veterans with the availability and advantages of such counseling services.

"SUBCHAPTER III—ENROLLMENT

"§ 2120. Selection of program

"Subject to the provisions of this chapter, each eligible veteran may select a program of education to assist the veteran in attaining an educational, professional, or vocational objective at any educational institution (approved in accordance with chapter 36 of this title) selected by the veteran, which will accept and retain the veteran as a student or trainee in any field or branch of knowledge which such institution finds the veteran qualified to undertake or pursue.

"§ 2121. Applications; approval

"Any eligible veteran, or any person on active duty (after consultation with the appropriate service education officer), who desires to initiate a program of education under this chapter shall submit an application to the Secretary which shall be in such form, and

contain such information, as the Secretary shall prescribe. The Secretary shall approve such application unless the Secretary finds that (1) such veteran or person is not eligible for or entitled to the educational assistance for which application is made, (2) the veteran's or person's selected educational institution or training establishment fails to meet any requirement of this chapter or chapter 36 of this title, (3) the veteran's or person's enrollment in, or pursuit of, the program of education selected would violate any provision of this chapter or chapter 36 of this title, or (4) the veteran or person is already qualified, by reason of previous education or training, for the educational, professional, or vocational objective for which the program of education is offered. The Secretary shall notify the veteran or person of the approval or disapproval of the veteran's or person's application.

"§ 2122. Disapproval of enrollment in certain courses

"(a) The Secretary shall not approve the enrollment of an eligible veteran in—

"(1) any bartending course or personality development course;

"(2) any sales or sales management course which does not provide specialized training within a specific vocational field;

"(3) any type of course which the Secretary finds to be avocational or recreational in character (or the advertising for which the Secretary finds contains significant avocational or recreational themes) unless the veteran submits justification showing that the course will be of bona fide use in the pursuit of the veteran's present or contemplated business or occupation; or

"(4) any independent study program except one leading to a standard college degree.

"(b) The Secretary shall not approve the enrollment of an eligible veteran in any course of flight training other than one given by an educational institution of higher learning for credit toward a standard college degree the eligible veteran is seeking.

"(c) The Secretary shall not approve the enrollment of an eligible veteran in any course to be pursued by radio or by open circuit television, except that the Secretary may approve the enrollment of an eligible veteran in a course, to be pursued in residence, leading to a standard college degree which includes, as an integral part thereof, subjects offered through open circuit television.

"(d)(1) Except as provided in paragraph (2) of this subsection, the Secretary shall not approve the enrollment of any eligible veteran, not already enrolled, in any course for any period during which the Secretary finds that more than 85 percent of the students enrolled in the course are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution or by the Department of Veterans Affairs under this title or under chapter 106 of title 10. The Secretary may waive the requirements of this subsection, in whole or in part, if the Secretary determines, pursuant to regulations which the Secretary shall prescribe, it to be in the interest of the eligible veteran and the Federal Government. The provisions of this subsection shall not apply to any course offered by an educational institution if the total number of veterans and persons receiving assistance under this chapter or chapter 30, 31, 32, 34, 35, or 36 of this title or under chapter 106 of title 10 who are enrolled in such institution equals 35 percent or less, or such other per centum as the Secretary prescribes in regulations, of the total student enrollment at such institution (computed separately for the main campus and any branch or extension of such institution), except that the Secretary may apply the provisions of this subsection with respect to any course in which the Secretary has reason to believe that the enrollment of such veterans and persons may be in excess of 85 percent of the total student enrollment in such course.

"(2) Paragraph (1) of this subsection—

"(A) does not (except as provided in section 2141(c) of this title) apply with respect to the enrollment of a veteran in a course offered pursuant to subchapter V of this chapter;

"(B) does not apply with respect to the enrollment of a veteran in a farm cooperative training course; and

"(C) does not apply with respect to the enrollment of a veteran in a course described in section 1789(b)(6) of this title.

"§ 2123. Discontinuance for unsatisfactory conduct or progress

"The Secretary shall discontinue the educational assistance allowance of an eligible veteran if, at any time, the Secretary finds that according to the regularly prescribed standards and practices of the educational institution, the veteran's attendance, conduct, or progress is unsatisfactory. The Secretary may renew the payment of the educational assistance allowance only if the Secretary finds that—

"(1) the veteran will be resuming enrollment at the same educational institution in the same program of education and the educational institution has both approved such veteran's reenrollment and certified it to the Department of Veterans Affairs; or

"(2) in the case of a proposed change of either educational institution or program of education by the veteran—

"(A) the cause of the unsatisfactory attendance, conduct, or progress has been removed;

"(B) the program proposed to be pursued is suitable to the veteran's aptitudes, interests, and abilities; and

"(C) if a proposed change of program is involved, the change meets the requirements for approval under section 1791 of this title.

"§ 2124. Education outside the United States

"An eligible veteran may not enroll in any course at an educational institution not located in a State unless such course is pursued at an approved institution of higher learning and the course is approved by the Secretary. The Secretary may deny or discontinue educational assistance under this chapter in the case of any veteran enrolled in an institution of higher learning not located in a State if the Secretary determines that such enrollment is not in the best interest of the veteran or the Federal Government.

"SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

"§ 2130. Educational assistance allowance

"(a) The Secretary shall, in accordance with the applicable provisions of this section and chapter 36 of this title, pay to each eligible veteran who is pursuing a program of education under this chapter an educational assistance allowance to meet, in part, the expenses of the veteran's subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

"(b) The educational assistance allowance of an eligible veteran pursuing a program of education, other than a program exclusively by correspondence, at an educational institution shall be paid as provided in chapter 36 of this title.

"§ 2131. Computation of educational assistance allowances

"(a)(1) Except as provided in subsection (b), (c), or (g) of this section or section 1787 of this title, while pursuing a program of education under this chapter of half-time or more, each eligible veteran shall be paid during the period beginning on October 1, 1991, and ending on September 30, 1993, the monthly educational assistance allowance set forth in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the applicable type of program as shown in column I:

Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional training:				
Full-time	$777	$925	$1,054	$66
Three-quarter time.	583	692	789	49
Half-time	389	463	528	35
Cooperative	629	735	836	48

"(2) With respect to the fiscal year beginning on October 1, 1993, the Secretary shall pay, in lieu of the rates payable under paragraph (1) of this subsection, the monthly rates payable under such paragraph and shall provide a percentage increase in such rates equal to the percentage by which the Consumer Price Index (all items, United States city average, published by the Bureau of Labor Statistics) for the 12-month period ending June 30, 1993, exceeds such Consumer Price Index for the 12-month period ending June 30, 1992.

"(3) With respect to any fiscal year beginning on or after October 1, 1994, the Secretary shall pay, in lieu of the rates payable under paragraph (1) of this subsection, the monthly rates payable under this subsection for the previous fiscal year and shall provide, for any such fiscal year, a percentage increase in such rates equal to the percentage by which—

"(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

"(4) A 'cooperative' program, other than a 'farm cooperative' program, means a full-time program of education which consists of institutional courses and alternate phases of training in a business or industrial establishment with the training in the business or industrial establishment being strictly supplemental to the institutional portion.

"(b) The educational assistance allowance of an individual pursuing a program of education—

"(1) while on active duty, or

"(2) on less than a half-time basis,

shall be computed at the rate of (A) the established charges for tuition and fees which the institution requires similarly circumstanced nonveterans enrolled in the same program to pay, or (B) $777 per month (or such rate as adjusted pursuant to subsection (a)(2) of this section) for a full-time course, whichever is the lesser. An individual's entitlement shall be charged for institutional courses on the basis of the applicable monthly training time rate as determined under section 1788 of this title.

"(c)(1) An eligible veteran who is enrolled in an educational institution for a 'farm cooperative' program consisting of institutional agricultural courses prescheduled to fall within 44 weeks of any period of 12 consecutive months and who pursues such program on—

"(A) a full-time basis (a minimum of ten clock hours per week or four hundred and forty clock hours in such year prescheduled to provide not less than eighty clock hours in any three-month period),

"(B) a three-quarter-time basis (a minimum of 7 clock hours per week), or

"(C) a half-time basis (minimum of 5 clock hours per week), shall be eligible to receive an educational assistance allowance at the appropriate rate provided in the table in paragraph (2) of this subsection, if such eligible veteran is concurrently engaged in agricultural employment which is relevant to such institutional agricultural courses as determined under standards prescribed by the Secretary. In computing the foregoing clock hour requirements there shall be included the time involved in field trips and individual and group instruction sponsored and conducted by the educational institution through a duly authorized instructor of such institution in which the veteran is enrolled.

"(2) The monthly educational assistance allowance of an eligible veteran pursuing a farm cooperative program under this chapter during the period beginning on October 1, 1991, and ending on September 30, 1993, shall be paid as set forth in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the basis shown in column I:

Column I	Column II	Column III	Column IV	Column V More than two dependents
Basis	No dependents	One dependent	Two dependents	
				The amount in column IV, plus the following for each dependent in excess of two:
Full-time	$629	$735	$836	$48
Three-quarter time	472	551	627	37
Half-time	315	369	419	25

"(3) With respect to the fiscal year beginning on October 1, 1993, the Secretary shall pay, in lieu of the rates payable under paragraph (2), the monthly rates payable under such paragraph and shall provide a percentage increase in such rates equal to the percentage by which the Consumer Price Index (all items, United States city average, published by the Bureau of Labor Statistics) for the 12-month period ending June 30, 1993, exceeds such Consumer Price Index for the 12-month period ending June 30, 1992.

"(4) With respect to any fiscal year beginning on or after October 1, 1994, the Secretary shall pay, in lieu of the rates payable under paragraph (2), the monthly rates payable under this subsection for the previous fiscal year and shall provide, for any such fiscal year, a percentage increase in such rates equal to the percentage by which—

"(A) the Consumer Price Index (all items, United States average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

"(d)(1) Notwithstanding the prohibition in section 2121 of this title prohibiting enrollment of an eligible veteran in a program of education in which such veteran has 'already qualified,' a veteran shall be allowed up to six months of educational assistance (or the equivalent thereof in part-time assistance) for the pursuit of refresher training to permit such veteran to update such veteran's knowledge and skills and to be instructed in the technological advances which have occurred in such veteran's field of employment during and since the period of such veteran's active military service.

"(2) A veteran pursing refresher training under this subsection shall be paid an educational assistance allowance based upon the rate prescribed in the table in subsection (a)(1) or subsection (c)(2) of this section, whichever is applicable.

"(3) The educational assistance allowance paid under the authority of this subsection shall be charged against the period of entitlement the veteran has earned pursuant to section 2110(a) of this title.

"(e) The educational assistance allowance of an eligible veteran pursuing an independent study program which leads to a standard college degree shall be computed at the rate provided in subsection (b) of this section. If the entire training is to be pursued to independent study, the amount of such veteran's entitlement to educational assistance under this chapter shall be charged in accordance with the rate at which the veteran is pursuing the independent study program but at not more than the rate at which such entitlement is charged for pursuit of such program on less than a half-time basis. In any case in which independent study is combined with resident training, the educational assistance allowance shall be paid at the applicable institutional rate based on the total training time determined by adding the number of semester hours (or the equivalent thereof) of resident training to the number of semester hours (or the equivalent thereof) of independent study that do not exceed the number of semester hours (or the equivalent thereof) required for the less than half-time institutional rate, as determined by the Secretary, for resident training. A veteran's entitlement shall be charged for a combination of independent study and resident training on the basis of the applicable monthly training time rate as determined under section 1788 of this title.

"(f) The educational assistance allowance of an eligible veteran pursing a course in part by open circuit television shall be computed in the same manner that such allowance is computed under subsection (e) of this section for an independent study program.

"(g)(1) Subject to the provisions of paragraph (2) of this subsection, the amount of the educational assistance allowance paid to an eligible veteran who is pursuing a program of education under this chapter while incarcerated in a Federal, State, or local penal institution for conviction of a felony may not exceed such amount as the Secretary determines, in accordance with regulations which the Secretary shall prescribe, is necessary to cover the cost of established charges for tutition and fees required of similar circumstances nonveterans enrolled in the same program and to cover the cost of necessary supplies, books, and equipment, of the applicable monthly educational assistance allowance prescribed for a veteran with no dependents in subsection (a)(1) or (c)(2) of this section or section 1787(b)(1) of this title, whichever is the lesser. The amount of the educational assistance allowance payable to a veteran while so incarcerated shall be reduced to the extent that the tuition and fees of the veteran for any course are paid under any Federal program (other than a program administered by the Secretary) or under any State or local program.

"(2) Paragraph (1) of this subsection shall not apply in the case of any veteran who is pursuing a program of education under this chapter while residing in a halfway house or participating in a work-release program in connection with such veteran's conviction of a felony.

"§ 2132. Approval of courses.

"An eligible veteran shall receive the benefits of this chapter while enrolled in a course of education offered by an educational institution only if such course is approved in accordance with the provisions of subchapter I of chapter 36 this title.

"§ 2133. Apprenticeship or other on-job training; correspondence courses

"Any eligible veteran may pursue a program of apprenticeship or other on-job training or a program of education exclusively by correspondence and be paid an educational assistance allowance or training assistance allowance, as applicable, under the provisions of section 1787 or 1786 of this title.

"§ 2134. Work-study allowance

"(a)(1) Individuals utilized under the authority of subsection (b) of this section shall be paid an additional educational assistance allowance (hereafter referred to as "work-study allowance"). Such work-study allowance shall be paid in an amount equal to the applicable hourly minimum wage times the number of hours worked during the applicable period, in return for such individual's agreement to perform services, during or between periods of enrollment, aggregating not more than a number of hours equal to 25 times the number of weeks in the semester or other applicable enrollment period, required in connection with (1) the out-reach services program under subchapter IV of chapter 3 of this title as carried out under the supervision of a Department of Veterans Affairs' employee, (2) the preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the Department of Veterans Affairs, (3) the provision of hospital and domiciliary care and medical treatment under chapter 17 of this title, (4) any other activity of the Department of Veterans Affairs as the Secretary shall determine appropriate, or (5) in the case of an individual who is receiving educational assistance under chapter 106 of title 10, activities relating to the administration of such chapter at Department of Defense facilities. An individual shall be paid in advance an amount equal to 40 per centum of the total amount of the work-study allowance agreed to be paid under the agreement in return for the individual's agreement to perform the number of hours work specified in the agreement.

"(2) For the purposes of paragraph (1) of this subsection, the term "applicable hourly minimum wage" means (A) the hourly minimum wage under section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)), or (B) the hourly minimum wage under comparable law of the State in which the services are to be performed, if such wage is higher than the wage referred to in clause (A) and the Secretary has made a determination to pay such higher wage.

"(b) Notwithstanding any other provision of law, the Secretary shall utilize, in connection with the activities specified in subsection (a)(1) of this section, the service of individuals who are pursuing programs of rehabilitation, education, or training under chapter 30, 31, 32, or 34 of this title or chapter

106 of title 10, at a rate equal to at least three-quarters of that required of a full-time student. In carrying out this section, the Secretary, wherever feasible, shall give priority to veterans with disabilities rated at 30 percent or more for purposes of chapter 11 of this title. In the event an individual ceases to be at least three-quarter-time student before completing such agreement, the individual may, with the approval of the Secretary, be permitted to complete such agreement.

"(c) The Secretary shall determine the number of individuals whose services the Department of Veterans Affairs can effectively utilize and the types of services that such individuals may be required to perform, on the basis of a survey, which the Secretary shall conduct annually, of each Department of Veterans Affairs regional office in order to determine the numbers of individuals whose services can effectively be utilized during an enrollment period in each geographical area where Department of Veterans Affairs' activities are conducted, and shall determine which individuals shall be offered agreements under this section in accordance with regulations which the Secretary shall prescribe, including as criteria (a) the need of the individual to augment the individual's educational assistance or subsistence allowance; (2) the availability to the individual of transportation to the place where the individual's services are to be performed; (3) the motivation of the individual; and (4) in the case of a disabled veteran pursuing a course of vocational rehabilitation under chapter 31 of this title, the compatibility of the work assignment to the veteran's physical condition.

"(d) While performing the services authorized by this section, individuals shall be deemed employees of the United States for the purposes of the benefits of chapter 81 of title 5 but not for the purposes of laws administrated by the Office of Personnel Management.

"SUBCHAPTER V—SPECIAL ASSISTANCE FOR THE EDUCATIONALLY DISADVANTAGED

"§ 2140. Purpose

"It is the purpose of this subchapter (1) to encourage and assist veterans who have academic deficiencies to attain a high school education or its equivalent and to qualify for and pursue courses of higher education, (2) to assist eligible veterans to pursue postsecondary education through tutorial assistance where required, and (3) to encourage educational institutions to develop programs which provide special tutorial, remedial, preparatory, or other educational or supplementary assistance to such veterans.

"§ 2141. Elementary and secondary education and preparatory educational assistance

"(a) In the case of any eligible veteran who—

"(1) has not received a secondary school diploma (or an equivalency certificate), or

"(2) is not on active duty and who, in order to pursue a program of education for which the veteran would otherwise be eligible, needs refresher courses, deficiency courses, or other preparatory or special educational assistance to qualify for admission to an appropriate educational institution, the Secretary may, without regard to so much of the provisions of section 2121 of this title as prohibit the enrollment of an eligible veteran in a program of education in which the veteran is "already qualified," approve the enrollment of such veteran in an appropriate course or courses or other special educational assistance program.

"(b)(1) The Secretary shall pay to an eligible veteran pursuing a course or courses or program pursuant to subsection (a)(2) of this section, an educational assistance allowance as provided in sections 2130 and 2131(a) or (b) of this title.

"(2) The Secretary shall pay to an eligible veteran described in subsection (a)(1) of this section who is pursuing a course or courses or program under this subchapter for the purpose of attaining a secondary school diploma (or an equivalency certificate) an educational assistance allowance (A) at the rate of established charges for tuition and fees required of similarly circumstanced nonveterans enrolled in the same course, courses, or program, or (B) at the institutional full-time rate provided in section 2131(a) of this title, whichever is the lesser.

"(c) The provisions of section 2122(d)(1) of this title, relating to the disapproval of enrollment in certain courses, shall be applicable to the enrollment of an eligible veteran who, while serving on active duty, enrolls in one or more courses under this subchapter for the purpose of attaining a secondary school diploma (or an equivalency certificate).

"§ 2142. Tutorial assistance

"(a) In the case of any eligible veteran who—

"(1) is enrolled in and pursuing a postsecondary course of education on a half-time or more basis at an educational institution; and

"(2) has a deficiency in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved program of education, the Secretary may approve individualed tutorial assistance for such veteran if such assistance is necessary for the veteran to complete such program successfully.

"(b) The Secretary shall pay to an eligible veteran receiving tutorial assistance pursuant to subsection (a) of this section, in addition to the educational assistance allowance provided in section 2131 of this title, the cost of such tutorial assistance in an amount not to exceed $400 per month, for a maximum of twelve months, or until a maximum of $4,800 is utilized, upon certification by the educational institution that—

"(1) the individualized tutorial assistance is essential to correct a deficiency of the eligible veteran in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved program of education;

"(2) the tutor chosen to perform such assistance is qualified and is not the eligible veteran's parent, spouse, child (whether or not married or over eighteen years of age), brother, or sister; and

"(3) the charges for such assistance do not exceed the customary charges for such tutorial assistance.

"§ 2143. Effect on educational entitlement

"The educational assistance allowance or cost of individualized tutorial assistance authorized by this subchapter shall be paid without charge to any period of entitlement the veteran may have earned pursuant to section 2110(a) of this title.

"SUBCHAPTER VI—GENERAL AND ADMINISTRATIVE PROVISIONS

"§ 2151. Bar to duplication of educational assistance benefits

"(a) An individual entitled to educational assistance under a program established by this chapter who is also eligible for educational assistance under a program under chapter 30, 31, 32, 34 or 35 of this title, under chapter 106 or 107 of title 10, or under the Hostage Relief Act of 1980 (Public Law 96-449; 5 U.S.C. 5561 note) may not receive assistance under two or more of such programs concurrently but shall elect (in such form and manner as the Secretary may prescribe) under which program to receive educational assistance.

"(b) A period of service counted for purposes of repayment under section 90 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note), of an education loan may not also be counted for purposes of entitlement to educational assistance under this chapter.

"§ 2152. Allocation of administration and of program costs

"(a) Except to the extent otherwise specifically provided in this chapter, the educational assistance programs established by this chapter shall be administered by the Department of Veterans Affairs.

"(b) The payments for entitlement under this chapter are hereby designated as incremental costs associated with Operation Desert Storm. Except as provided in section 5 of the Desert Storm Servicepersons' Readjustment Act of 1991, payments for entitlement earned under this chapter shall be made from funds appropriated to, or otherwise available to, the Department of Veterans Affairs for the payment of readjustment benefits.

"§ 2153. Reporting requirement

"(a) The Secretary shall submit to the Congress at least once every two years a report on the operation of the program provided for in this chapter.

"(b) The Secretary shall include in each report submitted under this section—

"(1) information concerning the level of utilization of educational assistance and of expenditures under this chapter; and

"(2) such recommendations for administrative and legislative changes regarding the provision of educational assistance under this chapter to members of the Armed Forces and veterans as the Secretary considers appropriate.

"(c) The first report by the Secretary under this section shall be submitted not later than January 1, 1993.".

(2) The table of chapters at the beginning of Part III of title 38, United States Code, is amended by adding the following new item:

"44. Persian Gulf War Educational Assistance Program ..... 2101".

(b) Chapter 44 of title 38, United States Code, as added by subsection (a), shall take effect on the date of enactment of this Act.

MONTGOMERY GI BILL EDUCATIONAL ASSISTANCE ADJUSTMENTS

SEC. 4(a) Section 1411 of title 38, United States Code, is amended—

(1) in subsection (a) by striking out "Except as provided in subsection (c)" and by inserting in lieu thereof "Except for an individual who is entitled to basic educational assistance under chapter 44 of this title, and except as further provided in subsection (c)".

(2) in subsection (b) by inserting "(1)" prior to the text thereof, and by inserting the following new paragraphs:

"(2)(A) The amount by which an individual's basic pay is reduced on or after August 1, 1990 pursuant to paragraph (1) of this subsection shall be deemed to be payable to such individual as readjustment assistance, and shall be paid by the Secretary pursuant to regulations which the Secretary shall prescribe.

"(B) In the event that an individual's basic pay was reduced prior to August 1, 1990 pursuant to paragraph (1) of this subsection, and such individual subsequently demonstrates that, for good cause shown, he or she was unable to receive educational assistance under this chapter, the Secretary shall pay to such individual as readjustment assistance the amount by which such individual's basic pay was reduced prior to such date. Payment under this subparagraph shall be made by the Secretary pursuant to regulations which the Secretary shall prescribe.

"(3) The authority provided by paragraph (1) of this subsection to reduce basic pay shall terminate on the date of enactment of the Desert Storm Servicepersons' Readjustment Act of 1991. Notwithstanding the provisions of subsection (c)(1) of this section, any individual who made an election pursuant to such subsection not to receive educational assistance under this chapter shall be entitled to such assistance: *Provided*, That the monthly rate of educational assistance to such an individual for an approved program of education shall be reduced by an amount not to exceed $50 for an approved program pursued on a full-time basis, or by proportionally lesser amounts for approved programs pursued on a less-than-full-time basis, as determined by the Secretary pursuant to regulations that shall be prescribed by the Secretary, until the cumulative amount of such reduction in basic educational assistance paid to such individual totals that amount by which such individual's basic pay would have been reduced prior to August 1, 1990, had such individual not made such election pursuant to subsection (c)(1) of this section.".

(3) in subsection (c)(1) by adding at the end the following new sentences: "The provisions of this paragraph shall not apply to an individual who initially enters on active duty as a member of the Armed Forces on or after August 2, 1990. Any individual who initially enters on active duty as a member of the Armed Forces on or after August 2, 1990, shall be deemed to have elected to receive educational assistance under this chapter.".

(b) Section 1412 of title 38, United States Code, is amended—

(1) in subsection (a) by striking out "Except as provided in subsection (d)" and by inserting in lieu thereof "Except for an individual who is entitled to basic educational assistance under chapter 44 of this title, and except as further provided in subsection (d)".

(2) in subsection (c) by inserting "(1)" prior to the text thereof, and by inserting the following new paragraphs:

"(2)(A) The amount by which an individual's basic pay is reduced on or after August 1, 1990 pursuant to paragraph (1) of this subsection shall be deemed to be payable to such individual as readjustment assistance, and shall be paid by the Secretary pursuant to regulations which the Secretary shall prescribe.

"(B) In the event that an individual's basic pay was reduced prior to August 1, 1990 pursuant to paragraph (1) of this subsection, and such individual subsequently demonstrates that, for good cause shown, he or she was unable to receive educational assistance under this chapter, the Secretary shall pay to such individual as readjustment assistance the amount by which such individual's basic pay was reduced prior to such date. Payment under this subparagraph shall be made by the Secretary pursuant to regulations which the Secretary shall prescribe.

"(3) The authority provided by paragraph (1) of this subsection to reduce basic pay shall terminate on the date of enactment of the Desert Storm Servicepersons' Readjustment Act of 1991. Notwithstanding the provisions of subsection (d)(1) of this section, any individual who made an election pursuant to such subsection not to receive educational assistance under this chapter shall be entitled to such assistance: *Provided*, That the monthly rate of educational assistance to such an individual for an approved program of education shall be reduced by an amount not to exceed $50 for an approved program pursued on a full-time basis, or by proportionally lesser amounts for approved programs pursued on a less-than-full-time basis, as determined by the Secretary pursuant to regulations that shall be prescribed by the Secretary, until the cumulative amount of such reduction in basic educational assistance paid to such individual totals that amount by which such individual's basic pay would have been reduced prior to August 1, 1990, had such individual not made such election pursuant to subsection (d)(1) of this section.".

(3) in subsection (d)(1) by adding at the end the following new sentences: "The provisions of this paragraph shall not apply to an individual who initially enters on active duty as a member of the Armed Forces on or after August 2, 1990. Any individual who initially enters on active duty as a member of the Armed Forces on or after August 2, 1990, shall be deemed to have elected to receive educational assistance under this chapter.".

(c) Section 1413 of title 38, United States Code, is amended by amending subsection (c) to read as follows:

"(c) Subject to section 1795 of this title, each individual entitled to basic educational assistance under section 1418 of this title shall be entitled to 36 months of educational assistance under this chapter (or the equivalent thereof in part-time educational assistance).".

(d) Section 1415 of title 38, United States Code, is amended—

(1) in subsection (f)(1) by striking out "$350 and $275" and inserting in lieu thereof "$777 and $518";

(2) in subsection (f)(2) by striking out "may" each time it appears and inserting in lieu thereof "shall"; and

(3) in subsection (f)(3) by striking out "may" each time each appears and inserting in lieu thereof "shall".

(e) Section 2131 of title 38, United States Code, is amended—

(1) in subsection (b)(2)(A) by striking out "$170, $128, and $85" and inserting in lieu thereof "$377, $284, and $189";

(2) in subsection (b)(2)(B) by striking out "may" each time it appears and by inserting in lieu thereof "shall"; and

(3) in subsection (b)(2)(C) by striking out "may" each time it appears and by inserting in lieu thereof "shall".

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FROM DEFENSE COOPERATION ACCOUNT.—

(a) AUTHORIZATION.—There is hereby authorized to be appropriated from the Defense Cooperation Account such sums as may be necessary for payment in fiscal years 1992 through 1995 of the costs of educational assistance programs established in chapter 44 of title 38, United States Code.

(b) INCREMENTAL COSTS ASSOCIATED WITH DESERT STORM.—Notwithstanding the requirement of Presidential designation in section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, the educational assistance benefits described in subsection (a) of this section are hereby designated as incremental costs associated with Operation Desert Storm, and as such are costs referred to in section 251(b)(2)(D)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(ii)).

COORDINATION WITH OTHER VETERANS' EDUCATION AND TRAINING PROGRAMS

SEC. 6. (a) Section 708 of title 10, United States Code, is amended in subsection (e) by striking out "chapter 30" and inserting in lieu thereof "chapter 30 or 44".

(b) Section 135 of title 26, United States Code, is amended in subparagraph (d)(1)(B) by striking out "Chapter 30, 31, 32, 34, or 35" and inserting in lieu thereof "chapter 30, 31, 32, 34, 35 or 44".

(c) Section 113 of title 38, United States Code, is amended in subsection (c)(2) by striking out "or 36" and inserting in lieu thereof "36, or 44".

(d) Section 1508(f)(1) of title 38, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking out "chapter 30 or 34" and inserting in lieu thereof "chapter 30, 34 or 44"; and

(B) by striking out "chapter 30 or chapter 34" and inserting in lieu thereof "chapter 30, chapter 34, or chapter 44"; and

(2) in subparagraph (B), by striking out "30 or 34" and inserting in lieu thereof "30, 34 or 44".

(e) The third sentence of section 1673(d)(1) of title 38, United States Code is amended by striking out "or 36" and inserting in lieu thereof "36, or 44".

(f) Section 1685 of title 38, United States Code, is amended in subsection (b) by striking out "chapter 30, 31, 32 or 34" and inserting in lieu thereof "chapter 30, 31, 32, 34 or 44".

(g) Section 1774 of title 38, United States Code, is amended in subsection (a)(1) by striking out "chapter 30 through 35" and inserting in lieu thereof "chapter 30 through 35 and chapter 44".

(h) Section 1781 of title 38, United States Code is amended—

(1) in subsection (a) by striking out "or 36" and by inserting "36, or 44" in lieu thereof; and

(2) in subsection (b)(1) by striking out "and 36," and inserting in lieu thereof "36, and 44".

(i) Section 1784 of title 38, United States Code, is amended in subsection (c) by striking out "chapter 31, 34 or 35" and inserting in lieu thereof "chapter 31, 34, 35 or 44".

(j) Section 1790(b)(3) of title 38, United States Code, is amended in subparagraph (A) by striking out "chapter 30, 32, 34, or 35" and inserting in lieu thereof "chapter 30, 32, 34, 35 or 44".

(k) Section 1792 of title 38, United States Code, is amended in subsection (a) by striking out "or 35" and inserting in lieu thereof "35, or 44".

(l) Section 1793 of title 38, United States Code, is amended—

(1) in subsection (a) by striking out "chapters 30 through 36" and inserting in lieu thereof "chapters 30 through 36 and 44"; and

(2) in subsection (b) by striking out "chapters 30 through 36" and inserting in lieu thereof "chapters 30 through 36 and 44".

(m) Section 1795(a) of title 38, United States Code, is amended by striking out "and 36," in clause (4) and inserting in lieu thereof "36, and 44".

(n) Section 1797 of title 38, United States Code, is amended in subsection (a) by striking out "chapter 30, 32, 34 or 35" and inserting in lieu thereof "chapter 30, 32, 34, 35 or 44".

(o) Section 3013 of title 38, United States Code, is amended by striking out "and 35" and inserting in lieu thereof "35, and 44".

(p) Section 3103A of title 38, United States Code, is amended in subsection (b)(3)(F) by striking out "chapter 30" and inserting in lieu thereof "chapter 30 or 44".

By Ms. MIKULSKI (for herself, Mr. LEVIN, and Mr. RUDMAN):

S. 2232. A bill to make available to consumers certain information regarding automobiles; to the Committee on Commerce, Science, and Transportation.

AMERICAN AUTOMOBILE LABELING ACT

Ms. MIKULSKI. Mr. President, today I want to talk about introducing legislation called the American Automobile Labeling Act of 1992. I call this my stick up for America legislation.

Mr. President, we are in a war for America's future. We need jobs today, and we need jobs tomorrow. It is time for us to stick up for America, and I believe it is time for us to stand up for American jobs. I believe we do that by practicing pocketbook patriotism. Here is how I would like to do it.

I am introducing legislation called the American Automobile Labeling Act calling upon the car industry in the United States of America, and anyone who sells a car in the United States of America, to put a label on their cars telling us how many parts are produced and how much labor is generated here in the United States of America; to tell us what portion of those cars are built in the United States of America, and what portion of the parts are from the United States of America.

My bill defends not only the automobile worker but the American car buyer. American auto workers want to preserve their jobs, and American car buyers have a right to know where their cars are made.

They need to know and have a right to know where their Toyota or their BMW is made; how many parts does the car have that have been made in America; how much of the actual hands-on labor in their car was here in America?

At the same time, if you walk into a dealer and the name has Chevrolet, or Dodge, or any of the American names, you have a right to know. Was this car made in the United States of America according to its component parts and its component labor?

So I am calling on us today to stick up for America, to practice pocketbook patriotism, and make sure we have on our cars the label "Made in the U.S.A."

Millions of Americans want to buy American cars because our economy depends upon jobs in the auto industry. And they want to do that because they believe it is the patriotic thing to do. They want to practice pocketbook patriotism.

Mr. President, we can label anything in America. We now label our clothing. When you walk in to buy your trousers, or I walk in to buy my blouse, there will be a label that will tell us where it is made. When we go into a grocery store, we will be able to read a label that tells us how many calories are in that can of soup or vegetables. And certainly when we walk in to buy a $12,000 or $15,000 or $30,000 automobile, we have the right to know what amount of parts are made in the United States of America, and how much labor is from the United States of America.

When I talk to consumers, they tell me they would like to buy American, they would like to build America, they would like to practice pocketbook patriotism but they cannot tell whether their car has been made in Mexico. I understand some Dodges are made in Korea. Yet at the same time we have Hondas that are made in Ohio.

Mr. President, in Baltimore, they build a General Motors minivan. If you take a look at it, as I did, and read the label, you will see that 94 percent of the parts come from the United States of America: 94 percent of the labor is in the United States of America—most of it right here from Baltimore, on Broening Highway.

The minivan is primarily an American car. I know that the auto workers on Broening Highway in Baltimore build some of the best minivans anywhere. I am proud of that. I want to be able to advocate that.

My legislation meets consumer needs, and I believe it will preserve American jobs. I know that, given the choice, many Americans will buy American. They want to build America, and practice pocketbook patriotism. I believe my legislation is a good salvo in this war for America's future.

Mr. President, I ask unanimous consent that the text of the bill and a summary of the bill be printed in the RECORD.

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

S. 2232

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Automobile Labeling Act".

SEC. 2. DISCLOSURE.

(a) LABEL REQUIREMENT.—(1) Each manufacturer of a new automobile distributed in commerce for sale in the United States shall cause to be affixed, and each dealer shall cause to be maintained, on each such automobile manufactured in any model year after model year 1992, in a prominent place, a label—

(A) indicating the percentage (by value) of automobile equipment on such automobile which originated in the United States;

(B) indicating the percentage (by manhour) of labor on such automobile performed by workers in the United States in assembling such automobile; and

(C) indicating the name of any country, other than the United States, where at least one-third of the automobile equipment (by value) in such automobile originated.

(2) Percentages required by this Act may be rounded to the nearest 10 percent.

(b) FORM AND CONTENT OF LABEL.—The form and content of the label required under subsection (a), and the manner in which such label shall be affixed, shall be prescribed by the Secretary by rule. The Secretary may permit a manufacturer to comply with this Act by permitting such manufacturer to disclose the information required under this Act on the label required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

(c) REGULATIONS.—The Secretary, in consultation with the Secretary of Commerce and the Secretary of the Treasury, shall promulgate such regulations as may be necessary to carry out this Act.

SEC. 3. VIOLATIONS AND PENALTIES.

Any manufacturer of automobiles distributed in commerce for sale in the United States who willfully fails to affix to any new automobile so manufactured or imported by him for sale in the United States the label required by this Act, or any dealer who fails to maintain such label as required by this Act, shall be fined not more than $1,000. Such failure with respect to each automobile shall constitute a separate offense.

SEC. 4. DEFINITIONS.

For purposes of this Act—

(1) The term "manufacturer" means any person engaged in the manufacturing or assembling of new automobiles, including any person importing new automobiles for resale and any person who acts for and is under the control of such manufacturer, assembler, or importer in connection with the distribution of new automobiles.

(2) The term "person" means an individual, partnership, corporation, business trust, or any organized group of persons.

(3) The term "automobile" includes any passenger car, passenger van, or any other vehicle with respect to which the labeling requirements of section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232) apply.

(4) The term "automobile equipment" means any system, part, or component of an automobile installed on or attached to such automobile at the time of its initial shipment by the manufacturer to a dealer for sale to an ultimate purchaser.

(5) The term "new automobile" means an automobile the equitable or legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

(6) The term "dealer" means any person or resident located in the United States, including any territory of the United States, or the District of Columbia, engaged in the sale or the distribution of new automobiles to the ultimate purchaser.

(7) The term "commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State.

(8) The term "Secretary" means the Secretary of Transportation.

(9) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone and American Samoa.

AMERICAN AUTOMOBILE LABELING ACT OF 1992

Requires that all automobiles sold in the U.S. include a label which identifies the percentage of parts and assembly labor which originate in the U.S.

Also requires that the label identify any country where at least ⅓rd of parts in the auto originate.

To make it easy to administer, percentages identified in the label could be rounded off to the nearest 10% and only the percentage of U.S. labor and parts would be required (not the percentage of foreign parts).

An example of a label might be: "Parts: USA (60%), Korea. Labor: USA (70%)."

The bill does not specify where the label would appear—it could be part of the window sticker which also includes EPA mileage information.

Enforcement by U.S. Dept. of Transportation.

By Mr. SANFORD:

S. 2233. A bill to extend until January 1, 1995, the existing suspension of duty on Cefixime; to the Committee on Finance.

EXTENSION OF DUTY SUSPENSION ON CEFIXIME

• Mr. SANFORD. Mr. President, I rise today to introduce a simple duty extension for cefixime, the active ingredient in an orally administered antibiotic. Currently, there is no domestic manufacturer of this product and we have heard no objections to a 2-year duty suspension.

Lederle Laboratories, a Division of American Cyanamid Co., is the importer of cefixime. Lederle-Praxis Biologicals has 127 employees at its plant right outside of Raleigh, NC which manufactures biopharmaceutical products, primarily vaccines and antibiotics.

Due to the fact that there is no domestic producer of this important component to a necessary antibiotic, the extension will offset the cost of the product to the U.S. consumer and continue to provide important jobs to over 100 North Carolinians.

Companion legislation, H.R. 1701, was introduced in April 1991 and was referred to the House Ways and Means Committee. I urge my colleagues to support this noncontroversial duty suspension extension.•

By Mr. GORTON:

S. 2234. A bill to make it unlawful to offer for sale or distribute certain pyrotechnic devices to individuals under the age of 16 or to any other person without a required warning label; to the Committee on Commerce, Science, and Transportation.

SIGNAL FLARE SAFETY ACT

• Mr. GORTON. Mr. President, today I am introducing the Signal Flare Safety Act. This legislation is designed to keep dangerous pyrotechnic signal flares out of the hands of children.

Mr. David Hoins, one of my constituents from Vancouver, WA, learned that his fifth grade son purchased a magnesium signal flare launcher without his knowledge or consent at a clearance outlet in Vancouver.

Upon examination, Mr. Hoins discovered that this signal flare launcher, which resembles an ordinary highlighter pen, is actually a high powered, flammable device capable of firing a red meteor approximately 500 feet in the air.

Even more disturbing than the fact that a 10-year-old could purchase such a dangerous device, is that nowhere on the exterior packaging of this signal flare launcher was there so much as a warning label.

The bill I am introducing today will require the Consumer Product Safety Commission to enforce the following provisions. The bill will prohibit the sale of these pyrotechnic signal flares to individuals who have not attained the age of 16. It will also require specific warning labels to be printed on the exterior packaging which state: the sale or distribution to children under 16 is prohibited, as well as this product is dangerous and flammable, should be used with extreme care, and kept away from children.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 2234

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Signal Flare Safety Act".

SEC. 2. DEFINITIONS.

In this Act, the term "pyrotechnic signal device" means any device listed in Table 175.130 under section 175.130 of title 46, Code of Federal Regulations (as in effect on January 1, 1992).

SEC. 3. BANNED HAZARDOUS PRODUCT.

Notwithstanding section 3(a)(1)(G) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(1)(G)), a pyrotechnic signal device shall be considered a banned hazardous product under section 8 of the Consumer Product Safety Act (15 U.S.C. 2057) if—

(1) such device is offered for sale or is distributed in commerce to an individual who has not attained the age of 16; or

(2) such device does not bear the following label statements, the placement, conspicuousness, and contrast of which shall comply with section 1500.121 of title 16, Code of Federal Regulations:

(A) "WARNING: Sale or other distribution to children under 16 is prohibited by law.".

(B) "CAUTION: This product is dangerous and flammable, should be used with extreme care, and should be kept away from children.".

SEC. 4. EFFECTIVE DATE.

This Act shall take effect on the 180th day after its date of enactment.•

By Mr. MOYNIHAN:

S. 2235. A bill to extend until April 1993, the demonstration project under which influenza vaccinations are provided to Medicare beneficiaries; to the Committee on Finance.

EXTENSION OF MEDICARE INFLUENZA VACCINATION DEMONSTRATION PROJECT

• Mr. MOYNIHAN. Mr. President, I rise today to introduce health legislation that will maintain influenza vaccination coverage for nearly 2 million older Americans. The bill that I propose today would establish a 1-year extension for the Medicare influenza vaccination demonstration projects currently in effect in New York, Pennsylvania, Michigan, Ohio, Oklahoma, Arizona, Massachusetts, North Carolina, Texas, and Illinois.

The demonstration projects were mandated by Congress to run for 4 years between October 1988 and September 1992. Based on their success, it is expected that Medicare coverage of the vaccine will become permanent. A final report on cost effectiveness and recommendation for permanency to Congress is due in April 1993. If the demonstration is discontinued in September 1992, 6 months before the report to Congress is due, however, 1.9 million Medicare recipients will be without vaccine coverage for the 1992–93 influenza season.

Influenza is an uncomfortable disease for even the healthiest individuals. For some it can be very serious indeed. Flu epidemics have led to thousands of deaths and tens of thousands of hospitalizations nationwide. In 1989, over 75,000 people died from pneumonia or influenza and the Federal Government spent $69 million on influenza research, education, and prevention. For the Medicare population, particularly for those with conditions such as heart disease and upper respiratory ailments, the effects of influenza can be devastating. Among the elderly and chronically ill, influenza can cause pneumonia and other serious complications. Eighty to ninety percent of all reported deaths from influenza occur among persons aged 65 and older. Annual vaccination of elderly and chronically ill persons against influenza to prevent morbidity and mortality has long been recommended by the Public Health Service.

In New York State's Monroe County health care providers have already reached over 60 percent of the Medicare population and expect that number to reach 70 percent during the current year. While the success of the demonstration has yet to be thoroughly documented, preliminary results are promising. Mr. President, the 1-year extension for the Medicare influenza vaccination demonstration projects will permit us to find out with greater certainty. I urge my colleagues to support this legislation.•

By Mr. SIMON (for himself, Mr. HATCH, Mr. DECONCINI, Mr. SPECTER, Mr. KENNEDY, Mr. INOUYE, Mr. MCCAIN, Mr. DASCHLE, Mr. DURENBERGER, Mr. CRANSTON, Mr. BINGAMAN, Mr. WIRTH, Mr. METZENBAUM, and Mr. DIXON):

S. 2236. A bill to amend the Voting Rights Act of 1965 to modify and extend the bilingual voting provisions of the act; to the Committee on the Judiciary.

VOTING RIGHTS ACT LANGUAGE ASSISTANCE AMENDMENTS

• Mr. SIMON. Mr. President, I rise today to introduce the Voting Rights Act Language Assistance Amendments of 1992, legislation to extend the Voting Rights Act language assistance provisions for 15 years and to clarify the coverage of American Indians living on Indian lands. Without passage of this legislation, the language assistance provisions will expire on August 6 of this year.

The Voting Rights Act of 1965 has been described as our most important piece of civil rights legislation ever. As chairman of the Judiciary Subcommittee on the Constitution, I am pleased to be joined in this extension bill by my distinguished colleagues Senator ORRIN HATCH, our ranking member Senator ARLEN SPECTER, and the other distinguished members of our subcommittee.

In 1975, Congress amended the Voting Rights Act to extend its coverage to jurisdictions in which more than 5 percent of the citizens of voting age are members of a single-language minority and the illiteracy rate of that group exceeds the national average. American Indians, Asian-Americans, Alaska Natives, and persons of Hispanic ancestry are considered language minorities under the act. The amendments were designed to address one result of the unequal educational opportunities experienced by these groups.

The bilingual election provisions have successfully enfranchised American citizens who, because of their inability to fully speak, write or understand English, were blocked from exercising the most fundamental civil right in our representative government—the right to vote. In 1982, Congress extended the bilingual election provisions to their current expiration date. Since the original enactment of the language minority provisions, as was true for African-Americans under the Voting Rights Act, voter participation among Hispanics, Asian-Americans, and others covered under the act has increased dramatically. By making available the same written and oral voting assistance that English-speaking voters get from election officials, the Voting Rights Act provisions ensure that these voters can cast intelligent votes.

Mr. President, I believe that there is a continuing need for bilingual elections. Although great strides have been made in language minority communities since we originally enacted these provisions, the need continues. With one exception, our bill is a simple 15 year extension of the current provisions. The only change made by this legislation relates to the coverage of Native Americans on Indian lands.

Currently, non-English speaking residents of Indian reservations are covered under the act if they account for 5 percent of the county or political subdivision in which they reside. However, some Indian reservations cross county or even State lines. In these instances, some parts of a reservation are covered but others, where there is the same need in the same election, are not. Our bill will afford coverage to Indian lands where 5 percent of a reservation is non-English speaking in the same native language.

It is fitting that the Voting Rights Act Language Assistance Amendments of 1992 engender vigorous bipartisan support and I encourage my colleagues to cosponsor this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2236

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Voting Rights Act Language Assistance Amendments of 1992".

SEC. 2. BILINGUAL VOTING.

Section 203(b) of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a(b)) is amended—

(1) in the first sentence—

(A) by striking "Prior to August 6, 1992" and inserting "(1) Except as provided in paragraph (2), prior to June 29, 2007";

(B) by striking "determines (i)" and inserting "determines—

"(A)(i)";

(C) by striking "and (ii) that" and inserting "; or

"(ii) if a political subdivision contains all or any part of an Indian reservation, that more than 5 percent of the American Indian, or Alaska Native, citizens of voting age of the Indian reservation are members of a single language minority; and

"(B) that"; and

(D) by striking "rate: *Provided,*" and all that follows through "which" and inserting "rate.

"(2) Within a State described in paragraph (1)(A)(i), the prohibitions of this subsection shall not apply in a political subdivision described in paragraph (1)(A)(i) that";

(2) beginning with the next to last sentence, by striking "For purposes" and all that follows through "The" and inserting the following:

"(3) The"; and

(3) by adding at the end the following:

"(4) For purposes of this subsection:

"(A) The term 'illiteracy' means the failure to complete the fifth primary grade.

"(B) The term 'Indian reservation' means a reservation, as defined in—

"(i) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

"(ii) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).".•

ADDITIONAL COSPONSORS

S. 360

At the request of Mr. BUMPERS, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 360, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small businesses, and for other purposes.

S. 703

At the request of Mr. ROCKEFELLER, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 703, a bill to amend the Harmonized Tariff Schedule of the United States to correct the tariff rate inversion on certain iron and steel pipe and tube products.

S. 972

At the request of Mr. BRADLEY, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 972, a bill to amend the Social Security Act to add a new title under such Act to provide assistance to States in providing services to support informal caregivers of individuals with functional limitations.

S. 1102

At the request of Mr. MOYNIHAN, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 1102, a bill to amend title XVIII of the Social Security Act to provide coverage of qualified mental health professionals services furnished in community mental health centers.

S. 1332

At the request of Mr. BAUCUS, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1332, a bill to amend title XVIII of the Social Security Act to provide relief to physicians with respect to excessive regulations under the Medicare Program.

S. 1883

At the request of Mr. HOLLINGS, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1883, a bill to provide for a joint report by the Secretary of Health and Human Services and the Secretary of Agriculture to assist in decisions to reduce administrative duplication, promote coordination of eligibility services and remove eligibility barriers which restrict access of pregnant women, children, and families to benefits under the food stamp program and benefits under titles IV and XIX of the Social Security Act.

S. 2064

At the request of Mr. HATFIELD, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 2064, a bill to impose a one-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

S. 2070

At the request of Mr. MOYNIHAN, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 2070, a bill to provide for the management of judicial space and facilities.

S. 2077

At the request of Mr. MOYNIHAN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 2077, a bill to amend title XIX of the Social Security Act to provide for optional State coverage of coordinated care, and to improve Federal requirements with respect to the provision of coordinated care by health maintenance organizations in order to allow States to reduce costs and improve quality care in contracting for managed care services under the medicaid program.

S. 2109

At the request of Mr. BAUCUS, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 2109, a bill to amend the Internal Revenue Code of 1986 to permit certain entities to elect taxable years other than taxable years required by the Tax Reform Act of 1986, and for other purposes.

S. 2204

At the request of Mr. DURENBERGER, the names of the Senator from Montana [Mr. BURNS] and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 2204, a bill to amend title 23, United States Code, to repeal the provisions relating to penalties with respect to grants to States for safety belt and motorcycle helmet traffic safety programs.

SENATE JOINT RESOLUTION 214

At the request of Mr. RIEGLE, the names of the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of Senate Joint Resolution 214, a joint resolution to designate May 16, 1992, as "National Awareness Week for Life-Saving Techniques."

SENATE JOINT RESOLUTION 222

At the request of Mr. DASCHLE, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Wisconsin [Mr. KASTEN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Joint Resolution 222, a joint resolution to designate 1992 as the "Year of Reconciliation Between American Indians and non-Indians."

SENATE JOINT RESOLUTION 230

At the request of Mr. REID, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Missouri [Mr. BOND], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from Montana [Mr. BURNS], the Senator from Arizona [Mr. DECONCINI], the Senator from Tennessee [Mr. GORE], the Senator from Alabama [Mr. HEFLIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 230, a joint resolution providing for the issuance of a stamp to commemorate the Women's Army Corps.

SENATE JOINT RESOLUTION 233

At the request of Mr. BIDEN, the names of the Senator from West Virginia [Mr. BYRD], the Senator from Kansas [Mr. DOLE], the Senator from Arkansas [Mr. BUMPERS], the Senator from Michigan [Mr. RIEGLE], the Senator from Vermont [Mr. LEAHY], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Joint Resolution 233, a joint resolution to designate the week beginning April 12, 1992, as "National Public Safety Telecommunicators Week."

SENATE JOINT RESOLUTION 247

At the request of Mr. DOLE, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Montana [Mr. BURNS], the Senator from Missouri [Mr. BOND], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 247, a joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day."

SENATE JOINT RESOLUTION 254

At the request of Mr. D'AMATO, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Indiana [Mr. LUGAR], the Senator from Florida [Mr. GRAHAM], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 254, a joint resolution commending the New York Stock Exchange on the occasion of its bicentennial.

SENATE CONCURRENT RESOLUTION 17

At the request of Mr. HATCH, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Delaware [Mr. ROTH], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Tennessee [Mr. SASSER], the Senator from Oregon [Mr. HATFIELD], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Washington [Mr. ADAMS], the Senator from Alaska [Mr. STEVENS], the Senator from Illinois [Mr. SIMON], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Concurrent Resolution 17, a concurrent resolution expressing the sense of Congress with respect to certain regulations of the Occupational Safety and Health Administration.

SENATE RESOLUTION 249

At the request of Mr. D'AMATO, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Resolution 249, a resolution expressing the sense of the Senate that the United States should seek a final and conclusive account of the whereabouts and definitive fate of Raoul Wallenberg.

AMENDMENT NO. 1629

At the request of Mr. DOLE the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Amendment No. 1629 proposed to S. 2166, a bill to reduce the Nation's dependence on imported oil, to provide for the energy security of the Nation, and for other purposes.

AMENDMENTS SUBMITTED

NATIONAL ENERGY SECURITY ACT

BRYAN AMENDMENT NO. 1644

Mr. BRYAN proposed an amendment to the bill (S. 2166) to reduce the Nation's dependence on imported oil, to provide for the energy security of the Nation, and for other purposes, as follows:

Beginning on page 125, strike line 15 and all that follows through page 126, line 2, and insert the following new subsection:

(c) INDUSTRIAL ENERGY INFORMATION, SAVINGS TARGETS AND GRANTS.—(1) The Secretary shall establish a program to compile information on energy consumption by corporations in major energy consuming industries and energy intensity trends relating to the corporations. The Secretary shall ask and encourage each corporation that consumes at least 500 billion Btu's of energy in a calendar year within one or more major energy consuming industries to submit an annual report to the Secretary or a qualified sponsor pursuant to paragraph (4) on a standard reporting form, as described in paragraph (2).

(2) Each annual report described in paragraph (1) shall include, with respect to the calendar year described in the report—

(A) information on the quantity of energy consumed by the reporting corporation, including information on the quantity of energy consumed per unit of output, by fuel type and estimates of energy consumption by major industry types;

(B) a comparison of each quantity described in subparagraph (A) with comparative information based on energy consumption in a reference year that the Secretary shall determine; and

(C) information on any significant energy efficiency measure, process improvement, or product change by the corporation that led to a reduction in energy consumption per unit of output.

Not later than 6 months after the date of the enactment of this Act, the Secretary shall publish a standard reporting form.

(3) For the purposes of this subsection, the term "major consuming industry" shall include the following industries:

(A) Food and kindred products.
(B) Textiles.
(C) Lumber and wood products.
(D) Paper.
(E) Chemicals.
(F) Petroleum.
(G) Stone, clay, and glass.
(H) Primary metals.
(I) Fabricated metal products.
(J) Transportation equipment.
(K) Such other industries as the Secretary determines to be appropriate.

(4)(A) Each corporation which meets the conditions of paragraph (1) shall be asked to submit an annual report required under this subsection to the Secretary or to a qualified sponsor by not later than July 1 of the calendar year following the calendar year that is the subject of the report. Reporting shall be voluntary.

(B) For the purposes of this paragraph, the term "qualified sponsor" means a trade association that collects data from one or more corporations, compiles the data, and reports the aggregate data to the Secretary in accordance with requirements established by the Secretary.

(5)(A) The Secretary shall publish and submit to Congress a comprehensive annual report for each calendar year with respect to which the Secretary receives reports pursuant to paragraph (4).

(B) The report described in subparagraph (A) shall include aggregate energy consumption data, energy intensity data (including calculations of changes in energy intensity from the preceding calendar year, and from a reference year that the Secretary shall determine) and a discussion of energy conservation trends for each major energy consuming industry for which the Secretary receives data.

(6) In carrying out the program under this subsection, the Secretary shall ensure that no trade secrets or other proprietary information are disclosed as part of the program.

(7)(A) Within 18 months after the date of enactment of this Act, the Secretary shall establish voluntary energy efficiency improvement targets for each major energy consuming industry specified in paragraph (3). The targets shall represent a percentage reduction in energy consumption per unit of production that the Secretary determines is cost effective and achievable by 1997.

(B) The Secretary may also set voluntary energy efficiency improvement targets within each major energy consuming industry. Targets within major industries can be either at a three-digit or four-digit SIC code level.

(C) The Secretary shall seek input from affected industries and provide an opportunity for public comment in setting voluntary energy efficiency improvement targets.

(D) The Secretary shall assess the degree to which industries have achieved the targets and shall modify the targets every 5 years, beginning in 1997 for targets that apply in 2002.

(8) The Secretary shall establish an annual award program to recognize firms who have significantly improved their energy efficiency relative to industry trends.

(9)(A) The Secretary shall provide grants for educational and promotional projects, implemented through industry associations or otherwise as appropriate, that support achievement of the voluntary energy efficiency improvement targets. Each grant shall be no more than $250,000 and shall pay for up to 75 percent of the total project cost. Projects eligible for grants shall include the following:

(i) Workshops.

(ii) Training seminars.

(iii) Handbooks.

(iv) Newsletters.

(v) Data bases.

(B) The Secretary shall request project proposals and provide grants on a competitive basis each year. In evaluating grant proposals under this paragraph, the Secretary shall consider—

(i) potential energy savings;

(ii) potential environmental benefits;

(iii) the degree of cost sharing;

(iv) the degree to which new and innovative technologies will be encouraged;

(v) the level of industry involvement; and

(vi) estimated project cost effectiveness.

(C) In order to qualify for a grant, an industry association must establish a reporting program (or continue with an existing reporting program) and provide energy efficiency information to the Secretary. The reporting program should enable the industry association to determine the average energy consumption per unit of production among a majority of its members and the progress these companies are making toward reaching voluntary savings targets. The industry association shall provide the Secretary information on energy intensity improvements among its members and their progress toward reaching the voluntary savings targets, on an aggregate basis each year.

(10) There are authorized to be appropriated such sums as are necessary to carry out this section.

MACK AMENDMENT NO. 1645

Mr. JOHNSTON (for Mr. MACK) proposed an amendment to the bill S. 2166, supra, as follows:

On page 391 strike beginning on line 21 through line 4 on page 392, and insert in lieu thereof the following:

"(v) require as a condition for the approval of the purchase of a particular long term wholesale power supply that the seller provide reasonable assurance of its access to sources of fuel adequate to perform its obligations under the terms of the contract for the sale of such power supply.".

GRAHAM (AND MACK) AMENDMENT NO. 1646

Mr. GRAHAM (for himself and Mr. MACK) proposed an amendment to the bill S. 2166, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . FLORIDA OUTER CONTINENTAL SHELF.

(a) PROHIBITION OF LEASING AND PRELEASING ACTIVITY.—

(1) IN GENERAL.—Prior to January 1, 2000, the Secretary of the Interior may not prepare for or conduct any preleasing or leasing activity under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) off the coast of the State of Florida with respect to those portions of the Eastern Gulf of Mexico Planning Area, the Straights of Florida Planning Area, and the South Atlantic Planning Area located seaward from the State of Florida.

(2) EXCLUSION.—This subsection shall not apply to any area of the Outer Continental Shelf located—

(A) west of a line that begins at the point where the boundary between the State of Florida and the State of Alabama intersects with the Gulf of Mexico, and which extends seaward to the south;

(B) north of a line that begins at the point where the boundary between the State of Florida and the State of Georgia intersects the Atlantic Ocean, and which extends seaward to the east;

(b) EXISTING LEASES.—

(1) REPORT.—With respect to all leases issued under the Outer Continental Shelf Lands Act for locations off the coast of the State of Florida east of the longitude of 86 degrees west, and south of the latitude of 26 degrees north, the Secretary of the Interior shall prepare a report that includes an analysis of the alternatives for exchanging such leases for any other land owned by the United States or interest in land of the United States (including submerged lands), as a means of providing compensation for the cancellation of such leases. Not later than 1 year after the date of the enactment of this section, the Secretary of the Interior shall submit a copy of the report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

(2) BUY BACK.—The Secretary of the Interior is authorized and directed, subject to the availability of funds appropriated for that purpose, to cancel and buy back leases issued under the Outer Continental Shelf Lands Act for any location off the coast of the State of Florida east of the longitude of 86 degrees west, and south of the latitude of 26 degrees north.

JOHNSTON AMENDMENT NO. 1647

Mr. JOHNSTON proposed an amendment to amendment No. 1646 proposed by Mr. GRAHAM (and Mr. MACK) to the bill S. 2166, supra, as follows:

In the pending amendment, strike all after "Sec. ." and insert in lieu thereof the following:

"FLORIDA MORATORIUM.—The Secretary of the Interior shall not prepare for or conduct any preleasing or leasing activity under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) until after January 1, 2000, with respect to that area offshore Florida south of 26 degrees north latitude and east of 86 degrees west longitude placed under restriction in the President's moratorium statement of June 26, 1990.

"SEC. . BUYBACK OF CERTAIN LEASES.—Notwithstanding the provisions of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), the Secretary of the Interior is authorized and directed, subject to the availability of funds appropriated for that purpose, to cancel and buyback leases issued under the Outer Continental Shelf Lands Act offshore Florida south of 26 degrees north latitude and east of 86 degrees west longitude, consistent with the provisions of this subsection. Any lease canceled pursuant to this provision shall require full compensation. Such compensation shall include all expenses incurred on the lease, with interest, including expenditures made prior to lease issuance unless the lessee proves that it is entitled to greater damages, including but not limited to, lost profits, or the Secretary proves that the lessee is entitled to lesser damages. Any other leases canceled pursuant to the Outer Continental Shelf Lands Act shall require compensation in accordance with the Act. The authorization contained in this subsection shall expire on December 31, 1993.

"SEC. . REPORT.—With respect to all leases issued under the Outer Continental Shelf Lands Act offshore Florida east of 86 degrees west longitude and south of 26 degrees north latitude, the Secretary of the Interior shall prepare a report analyzing the alternatives of exchanging such leases for any other land or interest in land, including submerged lands, owned by the United States as a means of providing compensation for the cancellation of such leases. Such report shall be submitted to the Committee on Energy and Natural Resources of the United States Senate and the United States House of Representatives within one year after the date of enactment of this provision.".

GRAHAM (AND OTHERS) AMENDMENT NO. 1648

Mr. GRAHAM (for himself, Mr. MACK, and Mr. SANFORD) proposed an amendment to the bill S. 2166, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . RESTORATION OF BALANCE TO THE OUTER CONTINENTAL SHELF LANDS ACT.

(a) CONGRESSIONAL DECLARATION OF POLICY.—Section 3(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1332(3)) is amended by striking "expeditious and".

(b) ADMINISTRATION OF LEASING.—Section 5(a)(2) of such Act (43 U.S.C. 1334(a)(2)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) that such cancellation shall occur if the Secretary determines, after a hearing, that—

"(i) activity pursuant to such lease or permit has resulted in serious harm or poses a serious threat of harm or damage to life (including fish and other aquatic life), to property, to any mineral (in areas leased or not leased), to the national security or defense, or to the marine, coastal, or human environment; and

"(ii) the environmental or other resources harmed or placed at risk are of substantial value;";

(2) in subparagraph (B)—

(A) by inserting "or pursuant to an Act of Congress" after "Secretary"; and

(B) by striking "five years" and inserting "1 year"; and

(3) in subparagraph (C), by striking "such compensation as he shows" and inserting "such compensation (in the form of currency, forgiveness of the lessee's obligation to pay rents or royalties on another lease issued pursuant to this Act, or credits against bonus payments for future lease purchases pursuant to this Act) as the lessee shows".

(c) COORDINATION AND CONSULTATION WITH AFFECTED STATE AND LOCAL GOVERNMENTS.—The second sentence of section 19(c) of such Act (43 U.S.C. 1345(c)) is amended to read as follows: "For purposes of this subsection, the national interest shall be determined by application of a balancing process that gives equal weight to obtaining oil and gas supplies and to protection of the environment.".

(d) ENVIRONMENTAL STUDIES.—Section 20(a)(2) of such Act (43 U.S.C. 1346(a)(2)) is amended by adding at the end the following new sentence: "Each study required by paragraph (1) of this subsection shall be completed, subjected to peer review by at least three qualified scientists not employed or compensated by the Secretary, and published, not later than 180 days before the date on which the lease sale is announced.".

BIDEN AMENDMENT NO. 1649

Mr. BIDEN proposed an amendment to the bill S. 2166, supra, as follows:

On page 189, between lines 11 and 12, insert the following new heading:

SUBSTITLE A—NUCLEAR REACTOR LICENSING

On page 193, between lines 6 and 7, insert the following new subtitle:

Subtitle B—Independent Nuclear Safety Investigations Board

SEC. 9201. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) there exists a potential for conflict of interest in the investigation of significant safety events arising out of activities licensed or otherwise regulated by the Nuclear Regulatory Commission (hereafter in this subtitle referred to as the "Commission"), where the Commission's prior action or inaction may have been a partial contributor to the cause of such event;

(2) an independent organization for the investigation of such events will inspire greater pubic confidence in the investigatory process for such incidents; and

(3) the increased stature and enhanced visibility of the investigations conducted by such an independent organization, and the recommendations made as a result of such investigations, will help to ensure timely consideration and implementation of the recommendations of such an organization.

(b) PURPOSE.—The purpose of this subtitle is to establish an Independent Nuclear Safety Investigations Board to—

(1) conduct independent investigations of significant safety events arising out of activities at production or utilization facilities licensed by the Commission under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133 and 2134, respectively); and

(2) submit to the Commission and to the Congress the results of any such investigation, including any recommendations for actions to be taken by the Commission to prevent the recurrence of such events.

SEC. 9202. ESTABLISHMENT OF NUCLEAR SAFETY INVESTIGATIONS BOARD.

(a) IN GENERAL.—There is hereby established within the Commission an independent board to be known as the Independent Nuclear Safety Investigations Board (hereafter in this subtitle referred to as the "Board").

(b) MEMBERS.—The Board shall consist of three members who shall be appointed by the President, by and with the advice and consent of the Senate. The members shall be appointed on the basis of technical qualification, professional standing, and demonstrated competence and knowledge relevant to the investigative functions of the Board. No more than two members of the Board shall be of the same political party. Not later than 90 days after the date of enactment of this Act, the President shall submit to the Senate the nominations for appointment to the Board. The President shall designate one member to serve as the Chairperson of the Board.

(c) TERMS.—The terms of office of members of the Board shall be 3 years, except as otherwise provided in this subsection. Any individual appointed to fill a vacancy occurring on the Board prior to the expiration of the term of office for which his or her predecessor was appointed shall be appointed for the remainder of the term. Upon the expiration of his or her term of office, a member shall continue to serve until his or her successor is appointed and shall have qualified. Any member of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance of office.

(d) CHAIRPERSON.—

(1) IN GENERAL.—The chairperson shall be the chief executive officer of the Board and shall exercise the executive and administrative functions of the Board with respect to the appointment and supervision of personnel employment by the Board, the distribution of business among such personnel and among administrative units of the Board, and the use and expenditure of funds.

(2) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by adding at the end the following: "Chairperson, Independent Nuclear Safety Investigations Board.".

SEC. 9203. DUTIES AND AUTHORITIES.

(a) IN GENERAL.—The Board shall have the following functions and authorities described in this section.

(b) INVESTIGATIONS.—

(1) IN GENERAL.—The Board shall investigate or cause to be investigated those significant safety events, as defined by the Board, arising out of activities at production or utilization facilities licensed by the Commission under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133 and 2134, respectively) that the Board determines are important because of possible adverse effects on the health or safety of the public, and may investigate or cause to be investigated other safety events upon the request of the Commission.

(2) PURPOSE.—The purpose of any investigation initiated pursuant to this subsection shall be to determine the facts, conditions, and circumstances of the events investigated, including—

(A) an assessment of the implications of such event for public health and safety;

(B) a determination of whether such event is part of a pattern of similar events at production or utilization facilities licensed by the Commission under section 103 or 104 of the Atomic Energy Act of 1954 (43 U.S.C. 2133 and 2134, respectively) that could adversely affect the public health or safety; and

(C) an assessment of the root causes of such event, including the contribution, if any, of any action (or inaction) of the Commission with respect to such event.

(3) REPORTS.—The Board shall report in writing, and shall submit such report to the Commission, on the facts, conditions, and circumstances of each event investigated pursuant to this subsection, including—

(A) the date and place of the event;

(B) the nature and probable consequence of the event;

(C) the cause or causes of the event; and

(D) any action recommended to prevent the recurrence of the event, including any recommendations for actions to be taken by the Commission with regard to regulatory requirements or practices.

(4) RESPONSE TO RECOMMENDATIONS.—(A) The Commission shall respond in writing to any recommendations of the Board within 120 days of receipt of such recommendations. Such written response shall detail specific measures adopted or to be adopted by the Commission in response to such recommendations, and explanations for the Commission's inaction on any recommendations not adopted.

(B) The recommendations of the Board made pursuant to paragraph (3) and the response of the Commission to such recommendations shall be made available to the public and shall be submitted to Congress.

(5) PROCEDURE FOR INVESTIGATIONS.—Except for investigations initiated at the request of the Commission, the Board shall, prior to the initiation of an investigation pursuant to this section, consult with the Chairman of the Commission and, if an investigation is warranted, the Board shall set forth in writing the basis for the Board's determination that the event constitutes a significant safety event, as defined by the Board. The written statement of the Board's basis for initiating an investigation shall not be subject to judicial review. The written statement shall be made available to the public and shall be submitted to the Congress.

(6) EXCLUSION.—No part of the conclusions, findings, or recommendations of any report of the Board relating to any event or the in-

vestigation of such event shall be admitted as evidence or used in any suit or action for damages growing out of any matter mentioned in such report.

(c) INSPECTION.—Following the issuance of a written determination pursuant to subsection (b)(5), or upon the initiation of an investigation requested by the Commission, any employee of the Board, upon presenting appropriate credentials, including any security clearance required by the Commission, and a written notice of inspection authority, may enter the facility where the event has occurred and do all things appropriate for a proper investigation. The employee may inspect, at reasonable times, records, files, papers, processes, controls, and facilities relevant to the investigation of such event. Each inspection shall be commenced and completed with reasonable promptness.

(d) INFORMATION.—Subject to section 552a of title 5, United States Code, the Board may secure directly from any agency or instrumentality of the United States such information as that agency or instrumentality may already possess as may be necessary to enable the Board to carry out an investigation pursuant to this subtitle. Upon request of the Board, the head of such agency or instrumentality shall furnish such information to the Board. The information that the Board may secure under this subsection may include any material designated as classified material pursuant to the Atomic Energy Act of 1954, or any materials designated as safeguards information and otherwise protected from disclosure under section 147 of the Atomic Energy Act of 1954 (42 U.S.C. 2167).

(e) GENERAL AUTHORITIES.—

(1) IN GENERAL.—Following the issuance of a written determination pursuant to paragraph (b)(5), or upon the initiation of an investigation requested by the Commission, the Board, or, upon authority of the Board, any member thereof, any administrative law judge employed by or assigned to the Board, or any officer or employee duly designated by the Board, may, for the purpose of carrying out this subtitle, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpoena or otherwise attendance and testimony of such witnesses and the production of evidence as the Board or such officer or employ considers advisable. Subpoenas shall be issued only under the signature of the Chairperson and may be served by any person designated by the Board.

(2) PENALTY.—Any person who willfully neglects or refuses to qualify as a witness, or to testify, or to produce any evidence in obedience to any subpoena duly issued under the authority of this paragraph shall be fined not more than $5,000, or imprisoned for not more than 6 months, or both. Upon certification by the Board of the facts concerning any willful disobedience by any person to the United States Attorney for any judicial district in which the person resides or is found, the attorney may proceed by information for the prosecution of the person for the offense.

(f) ADMINISTRATION.—

(1) IN GENERAL.—Subject to such rules as may be prescribed by the Board, the Board may appoint and fix the pay of such officers and employees (including investigators and attorneys) as the Board considers necessary to carry out the powers and duties of the Board. Appointments shall be made under this paragraph in such manner that not more than the equivalent of 55 full-time officers and employees are employed by the Broad at any time.

(2) STAFF.—The staff of the Board shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(g) TEMPORARY AND INTERMITTENT SERVICES.—Subject to such rules as may be prescribed by the Board, the Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code. The amount of consultant services that may be obtained by the Board under this subsection shall not exceed, during any fiscal year period, the amount of services that would be obtained if the Board procured on a full-time basis the services of 12 consultants.

(h) COOPERATIVE ACTIVITIES.—Upon request of the Board, the Commission, or the head (or governing authority) of any other Federal agency or instrumentality may—

(1) detail to the Board, on a reimbursable basis, such personnel as may be desirable to assist the Board in carrying out its duties; and

(2) make available to the Board, on a reimbursable basis, such facilities, equipment, or other administrative support services as may be desirable to assist the Board in carrying out its duties.

(i) STAFF.—The Commission shall provide the Board with appropriate and adequate office space, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of the Board and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

(j) LOCAL GOVERNMENTS.—The Board may confer with employees of State or local government agencies and may use, on a reimbursable basis, such services, records, and facilities as such agencies may make available to the Board.

(k) MAIL.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(l) REPORTS.—

(1) IN GENERAL.—The Board shall report annually to the Congress on the activities of the Board. Such report shall contain—

(A) a summary of the significant safety events (as defined by the Board) investigated by the Board during the preceding calendar year; and

(B) a summary, in such detail as the Board considers advisable, of the recommendations made by the Board pursuant to subsection (b)(3)(D), together with the observed response of the Commission to each such recommendation.

(2) AVAILABILITY.—Such reports shall be made available to Federal, State, and local government agencies concerned with safety at production or utilization facilities licensed by the Commission under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133 and 2134, respectively). Upon request, such reports shall be made available to other interested persons.

(m) OPERATION.—The Board is authorized to establish rules, procedures, or other appropriate guidance governing the operations of the Board and the conduct of Board investigations.

(n) TRANSFER OF AUTHORITIES.—There shall be transferred to the Board such offices of the Commission, or functions, powers, or duties of such offices, as the Commission may determine are properly related to the functions of the Board and will further the purposes of this subtitle, except that there shall not be transferred to the Board any program operating responsibilities.

(o) TERMINATION.—The Board shall terminate at the end of fiscal year 1997.

SEC. 9204. AUTHORIZATION.

There are hereby authorized to be appropriated to carry out this subtitle, for each of fiscal years 1993, 1994, 1995, 1996, and 1997, an amount equal to $6,000,000.

SEC. 9205. EFFECTIVE DATE.

This subtitle shall take effect on such date during the 6-month period beginning on October 1, 1992, as the President may direct in an Executive order. If the President fails to issue an Executive order for the purpose of this section, this subtitle shall take effect on March 1, 1993.

GRASSLEY AMENDMENT NO. 1650

Mr. GRASSLEY proposed an amendment to the bill S. 2166, supra, as follows:

On page 60, line 1, strike "establish a program to promote" and insert ", by not later than 1 year after the date of the enactment of this section, establish, by regulation, a program that ensures the promotion of".

On page 60, line 3, strike "Such program shall promote" and insert "In carrying out such program, the Secretary shall require".

On page 60, line 6, strike "ticable." and insert "ticable, but by not later than the applicable date specified in the following sentence. The Secretary shall require the replacement of conventional petroleum motor fuels with replacement and alternative fuels, on an energy equivalent basis, in an amount equal to 10 percent of the consumption of motor fuel in the United States by the calendar year 2000, and 30 percent of the amount of such consumption by the calendar year 2010. The Secretary shall require that not less than one-third of the amount of replacements of the preceding sentence shall be from domestically produced renewable sources.".

Beginning on page 60, line 21, strike "technical" and all that follows through page 61, line 2, and insert "most cost-effective means of achieving the replacement of conventional fuels pursuant to subsection (a);".

On page 62, line 2, strike "and".

On page 62, line 4, strike the period and insert "' and".

On page 62, between lines 4 and 5, insert the following new paragraph:

(4) the amount of domestically produced renewable fuels used in replacement and alternative fuels applications.

WORKER'S FAMILY PROTECTION ACT

JEFFORDS AMENDMENT NO. 1651

Mr. WALLOP (for Mr. JEFFORDS) proposed an amendment to the bill (S. 353) to require the Director of the National Institute for Occupational Safety and Health to conduct a study of the prevalence and issues related to contamination of workers' homes with hazardous chemicals and substances transported from their workplace and to issue or

report on regulations to prevent or mitigate the future contamination of workers' homes, and for other purposes, as follows:

On page 15, line 18, strike "F", and insert "E".

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a hearing on current trends in money laundering.

This hearing will take place on Thursday, February 27, 1992, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Eleanore Hill of the subcommittee staff at 224-3721

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Wednesday, February 19, 1992, at 10 a.m. to conduct a hearing on the nomination of J. Carter Beese, Jr., to be a member of the Securities and Exchange Commission.

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

SUBCOMMITTEE ON READINESS, SUSTAINABILITY AND SUPPORT

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Subcommittee on Readiness, Sustainability and Support of the Armed Services Committee be authorized to meet on Wednesday, February 19, 1992, at 10 a.m. to receive testimony on S. 2066, a bill to require the Secretary of Defense to provide financial assistance to local educational agencies administering public school districts where military installations are located.

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

COMMITTEE ON ENVIRONMENTAL AND PUBLIC WORKS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, February 19, beginning at 10 a.m., to conduct an informational hearing to receive testimony from Andrew H. Card, Jr., nominated by the President to be Secretary of Transportation.

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

COMMITTEE ON ARMED SERVICES

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, February 19, 1992, at 2 p.m., in open session, to receive testimony on the long range fiscal outlook for Defense and the Federal budget.

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

COMMITTEE ON THE JUDICIARY

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, February 19, 1992, at 10 a.m. to hold a hearing on the nomination of Mary Little Parell, to be U.S. district judge for the District of New Jersey, Garland E. Burrell, Jr., to be U.S. district judge for the Eastern District of California, Roderick R. McKelvie to be U.S. district judge for the District of Delaware and William B. Traxler, Jr., to be U.S. district judge for the District of South Carolina.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 19, at 10 a.m. to hold a hearing on strategic nuclear reductions in a post-cold war world.

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

SUBCOMMITTEE ON TERRORISM, NARCOTICS AND INTERNATIONAL OPERATIONS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics and International Operations of the Foreign Relations Committee be authorized to meet during the session of the Senate on Wednesday, February 19, at 2 p.m. to hold a hearing on the regulatory response to the BCCI affair.

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

SUBCOMMITTEE ON TAXATION

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Subcommittee on Taxation of the Committee on Finance be authorized to meet during the session of the Senate on February 19, 1992, at 2 p.m. to hold a hearing on alternative minimum tax.

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

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., February 19, 1992, to receive testimony on S. 780, S. 1105, H.R. 1592, S. 801, H.R. 479, S. 1064, S. 1360, H.R. 1642, S. 1811, S. 1919, H.R. 1216, H.R. 2896, and S.J. Res. 219.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Wednesday, February 19, 1992, at 10 a.m., for a hearing on the subject: waste and financial management problems at Air Force.

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

COMMITTEE ON FINANCE

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 19, 1992, at 10 a.m. to hold a hearing on economic growth and the President's budget proposals.

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

ADDITIONAL STATEMENTS

TIKKUN

• Mr. SIMON. Mr. President, I am catching up on my reading, and recently I came across the prayer and commentary designed for Yom Kippur by Michael Lerner, the editor of Tikkun magazine, a relatively new magazine that I hope gets a larger and larger readership. It deserves it. It is a magazine that calls on all of us to be more sensitive to everything and everyone around us.

The introduction and the prayers are composed by Mike Lerner, and it is designed specifically for those of the Jewish faith. I happen to be a Lutheran. My wife is Roman Catholic.

But whether you are a Lutheran, Roman Catholic, Jewish, Muslim, Buddhist, or what your religious leaning, if any, the spirit that I sense of sensitivity, as well as contrition, in this prayer and introduction is something that is applicable not simply to the Jewish community.

I ask to insert it into the RECORD at this point.

The prayer follows:

FOR OUR SINS

For all our sins, may the force that makes forgiveness possible forgive us, pardon us, and make atonement possible.

For the sins we have committed before you and in our communities by being so preoccupied with ourselves that we ignored the social world in which we live;

And for the sins we have committed by being so directed toward the political and social world that we ignored our own spiritual development;

For the sins of accepting the current distribution of wealth and power as unchangeable;

And for the sins of giving up on social change and focusing exclusively on personal advancement and success;

For the sins of feeling so worn out when we hear about oppression that we finally close our ears;

And for the sins of dulling our outrage at the continuation of poverty and oppression and violence in this world;

For the sins of participating in a racist society and not dedicating more energy to fighting racism;

And for the sins we have committed by allowing our food and our air to be poisoned;

For the sins of allowing our government to continue the arms race;

And for the sins of squandering the resources of the planet in order to produce frivolous goods;

For the sins of not doing enough to challenge sexist institutions and practices;

And for the sins of turning our back on—or participating in—the oppression of gays and lesbians;

For the sins of allowing our society to give low priority to the fight against AIDS, cancer, Alzheimer's and other diseases;

And for the sins of allowing homelessness, poverty, and world hunger to continue;

For all these sins we ask God and each other to give us the strength to forgive ourselves and each other.

For the sins we have committed by not forgiving our parents for what they did to us when we were children;

And for the sins of having too little compassion or too little respect for our parents or for our children;

For the sins of not seeing the spark of divinity within each person we encounter and within ourselves;

And for the sins of not learning from and giving adequate respect to our elders;

For the sins of being jealous and trying to possess and control those whom we love;

And for the sins of being judgmental of others and ourselves;

For the sins of withholding love and support;

And for the sins of doubting our ability to love or to get love from others;

For the sins of not trusting others or ourselves;

And for the sins of thinking that we didn't really need to rely on others and could do everything ourselves;

For the sins of fearing to lose ourselves in a commitment to another person or to a cause;

And for the sins of insisting that everything we do have a payoff;

For sins of not allowing ourselves to play;

And for the sins of being manipulative or hurting others to protect our own egos;

And for the sins of not recognizing the humanity and pain of the Israeli people or for blaming the conflict with the Palestinians entirely on the Jewish people or Israelis or Zionism;

For the sins of not fostering a dialogue between Israelis and Palestinians;

And for the sins of ignoring the racism of Jews towards Arabs;

For the sins of allowing the beating, gassing, shooting, and killing of Palestinians to continue;

And for the sins of denying Palestinians in the Territories fundamental human rights;

For the sins of focusing only on Israel's sins without also acknowledging the intransigence and insensitivity of the PLO and the violence against suspected collaborators;

And for the sins of ignoring the victims of Palestinian terrorism;

For the sins of allowing conservative or insensitive leaders to speak on behalf of all American Jews;

And for the sins of being critical of Jewish life from a distance rather than from personal involvement and commitment;

For the sins of not learning more of our Jewish heritage and tradition;

And for the sins of not giving enough time and energy to building the kind of Jewish community we desire but instead expecting things to happen without contributing to make them happen;

For the sins of thinking we are more conscious or more intelligent or more ethical or more politically correct than everyone else;

And for the sins we have committed by being insensitive or insulting to non-Jews;

For the sins of not sharing responsibility for child-rearing;

For the sins we have committed by not publicly supporting the Jewish people and Israel when they are being treated or criticized unfairly;

And for the sins we have committed by not publicly criticizing Israel or the Jewish people when they are acting as oppressors;

For the sins of not doing enough for Soviet Jews or other Jews fleeing anti-Semitism;

And for the sins of caring only about the oppression of Jews and not giving energy and attention to helping others who are fleeing oppression;

For the sins of not recognizing the humanity and pain of the Palestinian people;

And for the sins of not taking care of each other;

For the sins of not having compassion for each other;

And for the sins of always having to be right;

For the sins of focusing only on our sins and not on our strengths and beauties;

And for the sins of not adequately rejoicing and celebrating the beauty and grandeur of God's creation;

For all these, Lord of Forgiveness, forgive us, pardon us, grant us atonement.•

HONORING OLYMPIC SILVER MEDALIST, HILARY LINDH

• Mr. MURKOWSKI. Mr. President, over this past weekend, a milestone was reached in Alaskan history. On Saturday, February 15, 1992, Hilary Lindh of Juneau, AK, became Alaska's first winter Olympic medalist. In fact, she was the first American woman to win a medal in the Olympic downhill in 16 years.

Hilary Lindh grew up in Juneau and learned to ski at Eaglecrest ski area. She went on to win the Silver Medal for the United States in the women's downhill competition—only missing the gold by six-hundredths of a second.

Over the years, Hilary Lindh has proven herself in the skiing world. In 1986, Hilary was the first American to ever win a gold medal in the world junior championships. She also brought home a gold medal from the U.S. alpine championships.

Skiing is an important part of Juneau, but is clear that its importance will grow as other young Alaskans try to emulate Hilary's terrific success. While it will be difficult for anyone to match her most recent accomplishment, I have no doubt that Alaskans will rise to the challenge and produce more world class athletes—like Hilary.

As Hilary heads off to Vail, CO, to compete in the world cup races, I know I join with her parents, her many friends and indeed, all of Alaska as they wish here the very best in the races and I am honored to share in the pride that all of Alaska feels in their own Olympic medalist, Hilary Lindh.•

PERU'S VIOLENCE

• Mr. HATFIELD. Mr. President, where there is human need there is often violence. I have always believed this to be true and have spent a good deal of time working with many of my colleagues in the attempt to create programs which ease the needs of our people and citizens abroad.

A Peruvian woman lost her life recently because she would let nothing stand between her and her work to end the hunger of children and the difficulties of women and men in Peru's poor areas, known as pueblos jovenes. In Villa El Salvador on Saturday, Maria Elena Moyano fell victim to a bombing attack which has been blamed on the Sendero Luminoso, also known as the Shining Path.

Maria Elena Moyano, as vice mayor of Villa El Salvador, led me through her village last September. The community is a remarkable feat of central planning and neighborly spirit. These people are poor but survive because they have each other to rely upon for economic assistance, for emotional and spiritual support, for education and for health. Ms. Moyano took the time to show me her glass of milk program which operates throughout the village, delivering milk to all needy children.

Peru is an extremely poor country and the severe effects of an economic restructuring program have left the government with few resources to help people such as those who lived with Ms. Moyano. Yet the residents of Villa El Salvador wore their independence from government programs proudly. They are proud to be able to help themselves.

Villa El Salvador proclaimed its independence from the influences of Sendero just as defiantly. The emphasis in the community not political, but rather the informal motto is "Peace and Life." But only a few days after I left Lima, the warehouse of the glass of milk program was bombed. This destructive act, which destroyed the powdered milk intended for the children, was blamed on Sendero.

Maria Elena Moyano and the other women of Villa El Salvador were not easily intimidated and marched to protest the bombing. Now, a few months later, it appears that she has been made to pay for her actions.

I am saddened by the violence which is perpetrated by all sides of the conflict in Peru. But today I am especially sorry to know that the violence has claimed the life of a woman who understood that the best hope for peace lies with the effort to meet the needs of the poor. I hope that her death does not mean the end of Villa El Salvador's community spirit and admirable success.•

TRIBUTE TO EARL PHILLIPS

• Mr. MACK. Mr. President, as a Senator from Florida, it has been my pleasure to know Earl Phillips. Earl has served as the executive director of Dade County's Department of Housing and Urban Development [DCHUD] in Miami, FL. Given my appointment to the Senate Housing and Urban Affairs Subcommittee, I have depended on Earl for his advice and counsel on low income housing issues.

Over the last 20 years, Earl has built an impressive record as an outstanding public housing administrator and manager. Earl is now completing his third term as the president of the Council of Large Public Housing Authorities [CLPHA] Board. Given Earl's record, I know his successor will have a great challenge ahead of him.

Before coming to Miami, Earl restored the integrity of the Housing Authority of the city of Houston in Texas. Under his leadership, Houston's rent collection rate rose to 99 percent. Most importantly, Earl succeeded in bringing a renewed sense of optimism and hope to low income families who are living in public housing.

After having accomplished his goal of removing DCHUD from the troubled list of the U.S. Department of Housing and Urban Development, Earl will now go to Atlanta to head up that city's housing efforts. DCHUD manages a $200 million budget which serves approximately 30,000 residents. DCHUD's 600 employees, who have been stimulated by Earl's presence, I trust will carry on his legacy of hard work and dedication to the families the Federal Government has committed to assist.

I will miss Earl and greatly and I know Dade County will also sense his absence. But his integrity and his ability to move those around him will continue to mean positive change for low income families throughout the country.•

SOUND COAL TECHNOLOGIES

• Mr. WALLOP. Mr. President, the formulation of a national energy strategy that is responsive to environmental concerns is a challenge for all nations. This is particularly true for those developing nations that must rely on indigenous coal resources to support sustainable economic development.

Much has been said about on-going negotiations on a global climate change convention. An integral part of these deliberations has been the United Nations efforts to examine the policy issues and options for environmentally sound coal technologies. An international conference on this subject was held by the U.N. Centre for Science and Technology for Development in Beijing, China, from December 1 to 6, 1991.

Among the participants at that conference was a member of the professional staff of the Committee on Energy and Natural Resources, Richard Grundy, who presented a paper discussing congressional deliberations on a U.S. energy strategy that is responsive to national and international environmental concerns. I ask that his paper be reprinted in the RECORD at this point.

The paper follows:

UNITED STATES ENERGY STRATEGY: CONGRESSIONAL DELIBERATIONS

(By Richard D. Grundy)

INTRODUCTION

Americans owe their standard of living to an abundance of indigenous natural resources. Spurred on by the Industrial Revolution, the United States used its wealth of low-cost natural resources to improve its standard to living to a level now sought by developing countries. Coal has been crucial to our industrialization, as I am sure it will be in China. China's proven coal resources are ranked third in the world behind the Soviet Union and the United States. We in the United States share with China an abundance of indigenous coal reserves that enabled our industrialization.

Our respective economic futures depend on finding the means to continue to our use these abundant coal resources so as to provide for sustainable economic development consistent with environmental protection. This should be a matter of common concern to both developed and developing nations. As the 18 June 1991 Beijing Ministerial Declaration on Environment and Development aptly observes, the issues require effective actions by the international community and provide an opportunity for global cooperation. The subject of this International Conference on Environmentally Sound Coal Technologies is timely in light of on-going global climate change negotiations.

Coal, the world's most abundant fossil fuel, provides one-third of all primary energy consumption and 44 percent of the world's electricity. In the United States, coal supplied 57 percent of the electricity generated in the United States in 1989, and will still constitute 54 percent by the year 2010. The deployment of clean coal technologies is going to be crucial if the United States is going to meet its energy needs consistent with environmental concerns. Since China is facing a similar challenge, it is only fitting that we should share with you the benefits of our energy and environmental experiences; in particular, our expertise with clean coal technologies.

After 25 years of national attention to our environmental problems, we in the United States have made significant progress in dealing with our past mistakes. The cost to correct these mistakes has been expensive, and these costs are adversely effecting our competitive position in the world economy. Our experience is that the costs of abatement of environmental pollution after it has occurred are greater than the costs of prevention of pollution before it occurs. Therefore, greater attention is now being placed on the adoption of control strategies that emphasize preservation and enhancement of environmental quality.

Sustainable economic development demands that the technologies deployed not contribute to degradation of the environment which, in turn, will undermine the development process itself. Each country has a sovereign right to use their indigenous resources in keeping with their national priorities. This was the case for the United States during its industrial development. We are now dealing with the environmental consequences of our actions. However, one way for developing countries to avoid our mistakes is through technology cooperation.

Any convention or agreement on global climate change must encourage participation of the largest number of countries possible. It is essential that each country commit itself to specific actions that make sense in the context of its own political and economic situation. If an international agreement requires only industrialized nations to act, any reductions in greenhouse gas emissions are likely to be transitory if the projected increased emissions by developing countries actually occur. Therefore, we all need to do our part.

The costs to the United States of further reducing our own emissions could be quite high because of our major dependence on the use of indigenous coal resources. These costs can be reduced through greater use of clean coal technologies, which will enable us to continue to use our most plentiful domestic fuel source. However, even with the use of clean coal technologies these costs will still be significant.

If we are to reduce these costs, we need to be more creative—clean coal technologies offer us that possibility. We need a methodology that produces a win-win solution to our emissions reduction problem. That is to say, we need a problem solving approach to global climate change in which all parties can benefit or at least perceive themselves as benefiting. Right now that is not the approach being taken in current discussions.

Approaches that center on the establishment of quantitative targets and timetables do not take diversity into consideration and move us toward a system that creates advantages for some and disadvantages for others—winners and losers. If a flexible approach is adopted each country can select those actions that are most cost effective in its own national context. Clean coal technologies can play an important role in both China and the United States in this regard.

We also need a cooperative partnership between developed and developing countries to achieve environmental benefits, including global climate change benefits, at minimum cost. There is finite pool of capital, and we must expend it wisely. This capital is needed not just for environmental expenditures but for other urgent development priorities throughout the world. The point is, we need to integrate these two concerns and aim for a pattern of economic growth that sacrifices neither economic growth nor environmental quality.

BACKGROUND

In the United States, the final responsibility for the incorporation of national policies into law resides with the Congress (which is comprised of the Senate and the House of Representatives). Where international policies are involved the responsibilities of the Executive Branch and the Congress are not as clear. While the President is responsible for foreign affairs, treaties must be specifically approved by the United States Senate and the necessary statutory authorities to implement treaties and international agreements within the United States must be enacted by the Congress. For example, the Canadian Free Trade Agreement required enactment of implementing legislation. Therefore, it was to be expected that the Congress would eventually become engaged in the debate over any international agreement on global climate change.

In the early 1960's, in the United States there emerged a crescendo of human concern for the adverse environmental and public health consequences that, in the industrialized countries, has become almost synonymous with economic development. Feeling threatened by a deterioration in the quality of the environment around them, the American public began to demand that their national leaders do something about it.

Prior to enactment of the landmark 1967 Clean Air Act, in the United States, responsibility for abatement of the environmental effects of man's activities were viewed to rest with individual State governments. The Federal government's enforcement powers were considered restricted to situations of interstate pollution. Even then, the Federal government exercised its enforcement powers only in situations where a governor of one State requested abatement actions against polluters in an adjacent State.

With enactment of the Clean Air Act the Federal government began to assume responsibility for not just the abatement, but the prevention of environmental pollution in what was to become a plethora of laws encompassing all environmental media: air, water, and land. Any human activity affecting the environment is now addressed in public law to some degree, both from the standpoint of abatement of existing activities and the assurance that new activities are more environmentally benign than current practices.

Even in 1967, the Congress was aware that because of environmental controls the United States would be faced in the 1980's and 1990's with more expensive energy supplies. The Clean Air Act thus launched a major Federal research program on clean fuels and pollution control technologies. This program was the predecessor of our current Clean Coal Technology Program which is being discussed at this conference.

After two decades of debate in the Congress, there now is universal acceptance of an "environmental ethic" that needs to be applied to both domestic and international economic activities. Unfortunately, however, economic growth and environmental quality too frequently are still portrayed as fundamentally antagonistic, when in fact economic progress cannot be sustained unless it is responsive to environmental concerns. When the environment is degraded to allow for economic progress, the resultant environmental degradation eventually impedes economic development.

Many lessons, both positive and negative, can be learned from the United States' experience. Foremost among these is that prevention of environmental degradation is more consistent with the achievement of sustainable economic activity and is also more cost-effective. Abatement of pollution is more costly and can easily become a drag on economic activity.

I am a senior staff advisor on energy policy to the United States Senate. I work for the Committee on Energy and Natural Resources which is currently considering legislation to implement President Bush's National Energy Strategy. The observations in the paper are based on 25 years of participation in Congressional deliberations during the formulation of sustainable energy and environmental policies for the United States.

THE UNITED STATES' NATIONAL ENERGY STRATEGY

Members of the United States Congress are fully aware of the potential consequences of global climate change. The Congress is similarly aware that the United States needs to formulate a national energy policy that facilitates an orderly transition to the efficient use of all energy resource, the environmentally sound use of fossil fuels and renewable energy resources, and a reduction of oil imports.

Early in 1971, the Congress became concerned with the United States' dependence on uncertain foreign sources of energy. Under the leadership of Senator Henry M. Jackson, the Committee on Energy and Natural Resources launched the Senate's National Fuels and Energy Policy Study to address the creation of an integrated energy policy for the development of energy and the maintenance and enhancement of environmental quality. At the time I was the Study's Executive Secretary.

In the intervening 20 years, five Presidents and the Congress have labored with the complexities of these issues. Presidents Nixon and Ford pursued the goals of Project Independence, while President Carter's 1977 National Energy Plan placed its major emphasis on energy conservation and the substitution of indigenous coal for oil and natural gas. A major set-back was realized when the Reagan Administration, over the objections of the Congress, attempted to abolish the Department of Energy. Efforts to formulate a national energy policy for the United States fell on hard times, and much of the earlier progress toward greater energy efficiency and use of renewable energy resources was lost. Naturally, the United States' dependence on imported oil increased.

Our perspective on energy and environmental goals deteriorated so badly that what many policy makers and American industry previously considered Bad News was embraced as Good News. For example, it was considered Good News when the Energy Information Administration reported that crude oil and natural gas reserves fell slightly in 1990 and the decline was lower than previous years. We ignored the truly Bad News that since 1973 domestic crude oil production, excluding Alaska, had fallen by 38 percent (or 19 percent if Alaskan oil production is counted).

From 1981 through 1988, following President Reagan's decontrol of oil prices, energy prices in the United States declined. Little national attention was devoted to energy concerns. However, proposals to merge the Department of Energy into the Department of Commerce did not receive Congressional support. During this period, the programs of the Department were restructured to place greater emphasis on energy efficiency and the commercialization of new energy technologies, particularly solar and renewable energy technologies. Another exception was establishment of the clean coal technology program and completion of the United States strategic petroleum reserve.

With President Bush's election in 1988 the political climate changed. Political concern emerged for the national security implications of our growing dependence on oil imports, which were approaching 560 percent of our consumption. Congressional and Administration priorities immediately focused in 1989 on reauthorization of the Clean Air Act while awaiting formulation of the Bush Administration's national energy strategy. Nevertheless, the Senate immediately began consideration and passed the National Energy Policy Act of 1990. This bill addressed many of the initiatives that were later included in President Bush's national energy strategy, including global climate change, integrated resource planning, energy conservation and alternatives fuels.

Concurrently, the Congress and the Bush Administration hammered out an agreement on the 1990 Clean Air Act Amendments. Throughout debate particular attention was devoted to such associated energy issues as acid rain, clean coal technologies, and alternative transportation fuels. In the electricity sector of our economy, the final law commits the United States to major improvement in energy efficiency that will produce significant reductions in greenhouse gas emissions over the next ten years. The statute also mandates reductions in emissions of volatile organic compounds which are precursors for the formation of tropospheric ozone. In addition, the final legislation contained major energy initiatives promoting the use of transportation fuels, other than gasoline, and electric vehicles.

CURRENT CONGRESSIONAL DEBATE

Thus in early 1991 the Congress and, in particular the Senate, remained poised to begin consideration of President Bush's National Energy Strategy announced in February 1991. For the first time in over 10 years, the Congress and the Administration now are actively engaged in bipartisan discussions on the elements of a national energy strategy for the United States that will both boost domestic energy production and improve efficiency in our use of energy.

When the new Congress convened in 1991, Senate Bennett Johnston (D) from Louisiana (a major oil producing state), and Senate Malcolm Wallop (R) from Wyoming (a major coal, natural gas and uranium producing state) continued the Energy and Natural Resources Committee's legislative agenda with the introduction of the National Energy Security Act of 1991. The measure expanded the scope of the previous National Energy Policy Act of 1989, which had passed the Senate on 4 August 1990.

The so-called "Johnston/Wallop" bill (S. 1220) incorporates provisions dealing with domestic energy production, including advanced nuclear reactor commercialization, uranium enrichment, expediting the construction of natural gas pipelines, and oil and gas leasing in the Arctic National Wildlife Refuge (ANWR). What is at stake in this effort is our nation's economic security, our foreign policy flexibility and our defense preparedness.

Consistent with this approach, there is a general consensus between the Congress and the Bush Administration in support of the following objectives.

Development not only of domestic supplies of fossil fuels—natural gas, oil, and coal, of which we have an abundance, but development of the means to use them consistent with national environmental concerns.

Greater use of renewable energy and energy efficiency alternatives throughout our economy, in the construction and renovation of buildings, including Federal buildings, and throughout industry.

Establishment of energy research and development goals and objectives that emphasize the transfer of new energy technologies into the marketplace as consumer goods and services.

Revitalization of nuclear power as a domestic energy alternative by commercialization of "passively" safe reactor designs in which the American people have confidence.

Removal of certain regulatory barriers that unreasonably restrict the availability of domestic energy supplies such as natural gas or hydro-electic power, or constrain the deployment of new, advanced and often more environmentally benign energy technologies.

And, perhaps the greatest challenge, we must find an equitable balance between our

national environmental and energy objectives—which does not now exist.

Significantly, our energy strategy is being constructed from the "bottom-up" by the incorporation of specific actions in the strategy, rather than the more common "top-down" approach based on the adoption of targets set by the government on the basis of political, rather than economic, considerations. Targets established by government tend to be static and inflexible; they also lack for accountability. An essential feature of the approach being used by the United States is that its national energy strategy is flexible. Specific program objectives can be changed as circumstances warrant.

The National Energy Strategy being formulated by the Congress is sufficiently broad and comprehensive to result in a significant reduction in the United States' contribution to greenhouse gases. This is due to the reliance being placed on integrated resource planning, energy conservation, and the expanded use of renewable resources and nuclear power. As a result of the strategy, the United States' total greenhouse gas emissions are estimated to decline from 1990 levels after 2015.

COAL AND CLEAN COAL TECHNOLOGIES

Significantly, both the Senate and the House of Representatives advocate Federal support for energy research and development. Support is especially strong for the commercial demonstration of advanced coal-based technologies that build upon success of DOE's on-going clean coal technology cost-share program. This program was established in 1984 when the Congress directed the Department of Energy to solicit proposals for innovative clean coal technology projects that would be jointly funded by the Federal government and private industry. Subsequently, in March 1986, at the U.S.-Canadian Summit meeting, President Reagan committed his administration to seek the creation of a five-year, $5 billion cost-shared program to demonstrate innovative clean coal technologies. The Congress and the Administration have followed through on that commitment.

In the intervening five years, the Department has conducted five solicitations and a sixth is provided for by law. The 42 projects selected so far for commercial demonstration represent an aggregate investment of $4.6 billion. Clean coal projects are underway or planned in 22 states. At the conclusion of the fifth solicitation, the total investment by government and industry will approach $6 billion.

The current clean coal technology program, with its emphasis on joint industry and government funding, provides a link to commercialization of new energy technologies. Because of the success of this program, it is receiving broad Congressional support and is being promoted as a model for similar joint Federal/industry funded activities in energy efficiency, renewable energy, and electric vehicle.

The Senate bill (S. 1220) supports an expanded commercial demonstration program with an emphasis on those clean coal technologies that will achieve high sulfur dioxide or nitrogen dioxide control; will be capable of converting coal into cost-competitive transportation fuels; will be capable of converting coal into synthetic gaseous, liquid, and solid fuels; will achieve greater energy efficiency; and will be commercially available by 2010.

Other coal initiatives in the Senate bill include expanded programs to—

Advance DOE's coal research and development program to assure the commercialization by 2010 of clean coal technologies which achieve greater energy conversion efficiencies consistent with national environmental control requirements;

Commercialization coal refining and non-fuel coal technologies, for example, for the production of coke and carbon-based chemical intermediates;

Commercialization underground coal gasification technologies;

Foster the export of clean coal technologies manufactured by American industry.

In recognition of the important trade and global climate change benefits that can accompany the utilization of clean coal technologies, both Senate and House legislation support establishment of a Clean Coal Technology Export Coordinating Council to facilitate and expand the exportation and use of clean coal technologies, with a priority on such transfer and use in developing countries. The United States thus would to become the principal supplier of clean coal technologies to the world.

Clean coal technologies can provide an effective mechanism for the prevention of environmental pollution in developing countries. Clean coal technologies are also a cost-effective means for producing electricity from coal. From a global perspective, coal is going to be the predominant fuel of choice in countries such as China. It therefore is eminently sensible for the United States and China to work together to reap environmental benefits derived from the use of clean coal technologies, for which the United States is the acknowledged leader.

NATIONAL RESEARCH PRIORITIES

Beginning in the early 1980's, American industry has been encountering increasingly tough international competition. Our trade deficit is partially explained by new foreign competition. The challenge is whether we can be more effective in delivering American developed energy technologies to the marketplace as a source for new businesses and jobs.

With the phase down of the Cold War, proposals abound for making the scientific and technological capabilities of the national laboratories of the Department of Energy available to the private sector to jointly commercialize new technologies. These laboratories possess significant capabilities in the areas of computers, human health, the environment and manufacturing, to name a few. These laboratories provide a unique opportunity to address many of the problems facing technological man, including his energy and environmental problems.

Consistent with this objective, energy legislation working its way through both houses of the Congress encourages American industry to utilize the capabilities in our national laboratories to jointly commercialize new energy technologies in the areas of energy efficiency, renewable energy, coal refining and high-efficiency heat engines, to mention a few areas. Initiatives are being launched to enhance production from existing natural gas and oil reserves, as an energy conservation measure.

In addition, the legislation builds on our experience with the Committee on Renewable Energy Commerce and Trade which was created in 1976 to foster the export of renewable energy technologies to developing countries. Similar export programs are now being launched in the areas of energy efficiency and clean coal technology.

While greater emphasis is being given to research and development, I would be remiss if I didn't mention that we also have budgetary problems. Last fall the Congress and the White House crafted a 5-year budget. Perhaps the most significant implication of this Budget Agreement is its effect on the availability of funds for any Federally funded activity, including research and development. The total Federal funds for research and development are effectively frozen for five years. For every dollar allocated for new research and development activities there will be a corresponding reduction somewhere within the Federal government in science and engineering research and development. For the most part this fact has been totally overlooked.

What is significant about current legislation pending before the Senate is that the Federal royalties from development of oil in the Arctic National Wildlife Refuge (ANWR) in Alaska would be dedicated to energy research and development, with particular emphasis on energy efficiency and renewable energy resources. Consequently, if ANWR is not included the national energy strategy enacted by the Congress, there may well be insufficient funds for the very programs that the environmentalists are advocating as an alternative to development of ANWR oil development.

For whatever reason, we in the United States have not done well in establishing national research and development priorities that reflect enhancement of technological competitiveness. Both industry and government are reluctant to enter into joint research and development programs. A major exception is the Department of Energy's clean coal technology program, which was initiated in response to a political concern, acid rain. The legislation mentioned earlier (S. 1220) attempts to build on this experience in the areas of energy efficiency, renewable energy, coal refining, and battery and electric vehicle commercialization. The outcome remains to be seen. In each of these areas the program initiatives are being driven by environmental concerns, as was clean coal, which may well be the reason for their success.

INTERNATIONAL TECHNOLOGY COOPERATION

If sustainable economic development is to be achieved consistent with environmental quality, and in response to global climate change concerns, there needs to be greater technology cooperation. I use the term technology cooperation because, unlike the term "technology transfer", in the broadest context, technology cooperation includes not only hardware and equipment, but also the operational practices, know-how and methodologies that are often taken for granted.

We are talking about ways to share experiences that have broad economic implications. What I am talking about is a partnership in which a developing country might participate in the joint development of a technology that has commercial significance within an extended region. The developing country, in cooperation with the industrialized country, could then jointly market the technology. Success in this regard will require that representatives of both the developed and developing countries sit down and define their respective capabilities and needs.

Clean coal technology offers such an opportunity. In recognition of benefits from clean coal technologies for combustion efficiency improvements and reduced greenhouse gas emissions, there is broad support in the United States for promoting the export of such technologies. The role of the Federal government is to support the efforts by private industry companies to market their products.

In support of such activities, the Congress proposes establishment of a Clean Coal Technology Exporting Council. Among its activities would be financial support for prefeasibility and feasibility studies by U.S. companies for international trade and development activities.

If developing countries invest in traditional coal combustion technologies, their actions are likely to inhibit the deployment of the clean coal technologies and thus transfer the burden of global climate change remediation to others. Clearly, as this conference suggests, the preferable course of action is to keep in mind the objective of avoiding unnecessary emissions of greenhouse gases through the use of clean coal technologies.

However, it must be recognized that in the United States these technologies and the knowledge that accompanies them is owned by individuals, not the government. Private funds, not government funds, developed many of the more environmentally benign energy technologies, such as clean coal. Under our laws it is not possible for the Federal government to make these technologies available to others without their owners being compensated.

Mandating transfer of technology by the private sector under an international agreement clearly would serve as a disincentive to development of the very technologies being sought by developing countries. In effect the government would be appropriating the technology without compensation. Faced with this possibility, industry would have not incentive, in fact would have a disincentive, to apply the resources and expertise to develop the technology in the first place.

INTEGRATED RESOURCE PLANNING

A critical area of concern to policy makers in the United States is in the area of so-called, "integrated resource planning" or "least-cost energy planning". The concept is to incorporate the negative external societal costs into the price of any good or service. It is a way of incorporating individual market incentives (micro-economics) to be more consistent with societal goals (macro-economics). While current discussions emphasize environmental costs, there are many other considerations such as national security costs, land use impacts, and health effects, to name a few.

In practice, societal cost pricing is as much an exercise in practical politics than the application of economic science. What are really qualitative considerations, such as environmental effects or national security concerns, are frequently assigned quantitative values. In the case of global climate change, this practice often is being politically driven because the stakes are both significant and well understood. But we must not delude ourselves into thinking that by such quantification that we actually understand the social, economic, energy, or environmental consequences of proposed actions.

Several different countries are investigating how macroeconomic measure can be modified to incorporate resource and environmental factors. Economists generally agree that national income, rather than gross national product, is a useful indicator of economic progress. Economists also would agree that per capita national income is a measure of economic well-being. However, there is no agreement on how to incorporate environmental factors into national income measurements. Nevertheless, quality of the environment is universally perceived as an intrinsic and necessary part of the standard of "quality of life".

Attempts to use the market system to encourage environmental progress continue. Considerable time is being spent in the United States discussing the concept of "least-cost" planning. In the context of debate on a national energy strategy, what is envisioned is the formulation of a "Least Cost National Energy Plan" that reflects an analysis of the energy, social, economic and environmental consequences of the energy options available to the United States. What also is being sought is an analysis of the implications of the various proposed energy strategies for global climate change. Consistent with this thinking, President Bush's National Energy Strategy speaks of this concept as one of "Integrated Resource Planning".

The interests of both developed and developing countries must be accommodated within any strategy intended to address global climate change or other environmental issues. For example, efforts to reach an international agreement on global climate change must be structured to reflect overall global economic development considerations in such a way as to not diminish the economic development objectives of either developed and developing countries.

For example, where there is need for development of an energy or transportation infrastructure, it is far more effective from an environmental perspective and from an economic perspective to address both these concerns up front and determine the best overall system. The alternative is to build the infrastructure and then be faced with the added costs of making it environmentally acceptable.

Admittedly, the developed countries have a responsibility to take those actions necessary to enable sustainable economic growth and development for both developed and developing countries. However, developing countries share in this obligation; otherwise they are likely to become the constraining force on even their own economic development. Critical to the success of our joint obligation is the establishment of funding mechanisms that reflect environmental concern.

The recent report of the International Institute for Energy Conservation on "The Least Cost Energy Path for Developing Countries" concludes that "at a time when borrowers confront growing financial and environmental constraints on their pursuit of the traditional path of energy development, the banks must ensure that every dollar of investment yields the greatest return in energy services. Integrated energy-efficiency in borrowers' energy development strategies and investment plans offers that assurance; better energy services for billions of people, at lower economic and environmental costs." However, out of the more that $5 billion obligated by the multilateral development banks annually, less than one percent goes toward improving end-use efficiency.

The World Bank estimates that investments of $1 trillion will be needed in the next decade, and over $4 trillion over the next three decades, to meet developing countries' needs alone. Investment costs aside, such increases in energy generation and consumption pose enormous environmental and health costs if not addressed. Pollution levels in many developing countries already exceed World Health Organization standards and much of this is due to energy use.

Trade-environment interactions are difficult to sort out. Forging agreements that protect both free trade and environmental quality will be a challenge. Again, however, we must seek both. Trade is important because it can reinforce environmental aims through the export and consequently the deployment of environmentally sensitive products. To the extent that freer trade means greater economic growth for all, we can reduce at least one important source of environmental degradation, and that is poverty.

To pursue only economic growth without respect for the environment is foolish, however. Experience has taught us that the price of rectifying our environmental mistakes is much greater than the cost of avoiding them in the first place. The Brundtland Report concludes that the sources and causes of pollution are far more diffuse, complex and interrelated—and the effects of pollution more widespread, cumulative and chronic—than hitherto believed. The ability of ordinary human activities to disrupt environmental systems continues to be a surprise; so whether it be trade, economics, health, or human settlements, we must begin to think environmentally before we act.

Likewise, our national leadership is aware of the tremendous pace of population growth in the world; for example, it took until about the year 1800 for the world to reach its first billion in population, we are now at 5.3 billion and in just 10 years we will add another one billion. Over the next century, 95 percent of the growth in world population will occur in developing countries; 85 percent in urban areas. Coupled with lower mortality rates as a result of improvements in health, hygiene and sanitation, the potential impacts on both the natural and human environments are tremendous. This will be particularly true if developing countries emulate the development style of the developed countries.

CONCLUSION

As a trading nation, the United States requires the unhindered flow of resources to sustain its economic viability. And no commodity is more essential to a modern society than energy. The United States has no shortage of domestic energy alternatives; what is missing is a long-term, comprehensive, and consensus-based national energy strategy based on the use of available energy supplies as well as the development of new energy resources for the future.

Together the Congress and the Bush Administration seek a national energy strategy for the United States in which the American people can have confidence. What we seek is a national energy policy that reflects a balance between energy supply and demand (or energy efficiency) initiatives that are responsive to national and international environmental concerns. We also are looking for a strategy that is sufficiently flexible for all energy alternatives, including coal, to compete in the marketplace.

Environmental protection, economic development and human well-being are interdependent. If we are going to achieve an acceptable quality of life for all peoples, mankind must carry out its activities in an ecological, economical and stainable manner.

The environmental efficacy of a particular strategy to meet these needs and aspirations depends on the cost-effectiveness of environmental strategies; the rate of economic growth, the management of financial and natural resources and the extraction, production, use and disposal practices and technologies. Technological cooperation, both technical and economic, between developed and developing countries will help the developing countries avoid the environmental degradation that the developed countries are not being forced to correct.

There is an ancient Chinese proverb worth repeating here: "If we do not change our di-

rection, we are likely to end up where we are heading."•

ESTONIAN INDEPENDENCE DAY

• Mr. LEVIN. Mr. President, this coming Monday, February 24, 1992, marks the 74th anniversary of the Republic of Estonia's declaration of independence. The February 24, 1918, declaration began a too brief period of independence for Estonia that was ruthlessly and illegally extinguished as a result of the secret 1939 Molotov-Ribbentrop pact between Hitler and Stalin.

Through the long, dark 50 years of Soviet domination, the Estonian people never lost their dream of renewed independence. And the United States shared that dream and determination, never recognizing the illegal Soviet annexation.

This year's observation of Estonian Independence Day is special. This year's commemoration is a true celebration. This is the first year, finally, that on Estonian Independence Day true freedom, sovereignty, and independence have been restored to Estonia. The struggle was long and the sacrifices were great. But now the victory is final, and freedom won.

This is the year all freedom-loving people were determined to witness. We are privileged to share the celebration of the steadfast people of Estonia, who have struggled, sacrificed, and won. Estonia is free.•

ARMED SERVICES COMMITTEE HEARING ON IMPACT AID

• Mr. SIMON. Mr. President, I support S. 2066. This important bill, sponsored by my colleague from Illinois, directs the Secretary of Defense to administer impact aid funding for local education agencies in areas affected by Federal military installations. I am pleased to be an original cosponsor of this legislation, and I commend my colleague and friend from Illinois for his outstanding leadership on this crucial issue.

Impact aid is intended to compensate financially local school districts that are adversely affected by activity of the Federal Government. Unfortunately, impact aid is not achieving its purpose because inadequate funding prevents federally impacted districts from meeting the additional costs incurred by educating military students, and the consequences are devastating.

These school districts are being shortchanged by the Federal Government. For example, in Illinois, North Chicago District No. 187 and Highland Park District No. 111 are losing up to $4,000 per year for each military child. This has forced North Chicago to cut 45 of 140 teachers in order to meet payroll. Our students deserve better, and it is time for the Department of Defense to do its part to ensure that military students receive the quality education they deserve.

Our Federal defense budget is nearly 10 times larger than our education budget. I am pleased that the Department of Defense now helps pay for educating children of members of the Armed Forces who are still stationed in Europe to protect it from being invaded by the former Soviet Union. As a result of the end of the cold war, most of these families will soon return to American soil. At that time, the Department of Defense should shift some of these resources to help pay for educating our military students at home.

I have tried to persuade Secretary Cheney that the Department of Defense should take over the military portion of the Impact Aid Program. Impact aid funds appropriated for this year are roughly equivalent to the cost on one B-2 bomber. I don't have to ask what is more important to our future, manufacturing another bomber or providing access to a quality education for 600,000 students.

In short, transferring the military portion of impact aid to the Department of Defense makes sense. What better way to show our appreciation to the individuals who serve in our Armed Forces—many of whom served so bravely in the Persian Gulf—than to contribute to full and fair funding for educating their children?•

IN RECOGNITION OF LT. ORLEY R. "BUTCH" BARTON

• Mr. SEYMOUR. Mr. President, it is always a pleasure to come before my distinguished colleagues in the Senate to honor individuals in my State who have demonstrated a selfless dedication and commitment to the public service.

One of these individuals is Lt. Orley R. "Butch" Barton, one of the thousands of local police officers who have put their lives on the line daily to protect the very freedoms we hold so dear. Our local law enforcement officers are on the front lines of our war on crime and drugs, and it is important that we take time out of our legislative schedules to recognize the accomplishments of those heroes who have spent a lifetime executing the hand of justice.

From his days as a rookie on the Los Angeles Police Department [LAPD] back in 1962, to his retirement this past January, Lieutenant Barton has exemplified the very pride and passion associated with a successful career in law enforcement.

During a career spanning more than 29 years, Lieutenant Barton received numerous commendations for his outstanding work as a police officer. The experience he gained on the streets of Los Angeles and various duty assignments helped him to attain the knowledge and expertise necessary to take an active, leading role in the Organized Crime and Intelligence Division of the LAPD.

Over the years, Lieutenant Barton fought to cure the city of Los Angeles of a cancer that has gradually infected the metropolis with an unending flood of crime, drugs, and gangs. Without the courage of men like Lieutenant Barton, the people of Los Angeles would most certainly have no hope for the future.

Each day, Lieutenant Barton confronted the challenge of fighting our Nation's incredibly violent war of attrition against crime and drugs. And, his long and distinguished career has demonstrated that the word surrender was not a part of his vocabulary. Our police officers in Los Angeles, as well as other major metropolitan areas around the country, face increasingly difficult odds. These men and women in blue are being outgunned and outmanned, and it takes a true hero to stand strong and fight this battle head-on as Lieutenant Barton did for almost 3 decades.

Mr. President, Lieutenant Barton embodies the very spirit of what a police officer should be. And, I am positive that if his wife Mary Ann, his children, his fellow officers, and the people of Los Angeles were here in Washington today, they would all join me in commending his unrelenting years of service. Lieutenant Barton, we salute you.•

A TRIBUTE TO CHICAGO'S LOUIS SUDLER

• Mr. SIMON. Mr. President, next week, one of Chicago's most trusted and respected supporters of the arts and other civic activities will celebrate his 89th birthday. Louis Sudler has spent much of his adult life combining the careers of real estate and music with distinction, bringing joy to music lovers in and outside of Illinois.

While born on Maryland's Eastern Shore, he moved to Chicago when he was 10. He began his singing career at Yale, where he was a member of both the Glee Club and the infamous Whiffenpoof Singers. He returned to Chicago to start a real estate firm with his brother, a firm that has been involved in some of the biggest commercial and residential real estate projects in Chicago, including the John Hancock Center.

But music had always been essential to Louis Sudler and in 1945, 20 years after returning to Chicago, Louis began an operatic career, a career that has seen him sing a number of roles with the Chicago Opera, as well as other companies throughout the country. Prior to exploring an operatic career, Louis Sudler began a love affair with marching bands, an affair that started with his exposure to John Philip Sousa's band playing at the Steel Pier in Atlantic City and ended with the establishment of the Sudler Trophy for the outstanding college marching band of

the year. The trophy is awarded annually to a college band that has demonstrated high musical standards and innovation in its marching routines and ideas.

In addition to chairing the Chicago Symphony Association, Louis Sudler has given so much of his time and energy to music and community affairs. For 14 years he ran a television program that gave aspiring young Chicago area artists an opportunity to appear before the public. He has made a significant contribution to his alma mater, Yale, to help them develop one of the finest fine arts undergraduate and graduate programs in the country. And, as he approaches his 89th birthday, he continues to be a vital, critical force in Chicago, respected and appreciated by so many of us. We in Illinois, and throughout the country's music community, owe Louis Sudler our thanks and appreciation.•

JEWISH NATIONAL FUND'S 90TH ANNIVERSARY

• Mr. DECONCINI. Mr. President, I rise today to congratulate the Jewish National Fund [JNF] on its 90 years of environmental achievement. Since its formation at the First Zionist Conference in Basel, Switzerland, it has been an integral part of the State of Israel. One cannot travel in that country without marvelling at a once desolate land now thriving with forests, urban greenbelts, agricultural communities, parks, and industrial areas. I was introduced to the JNF through their collaboration with arid land researchers at the University of Arizona. My admiration for their work has grown ever since.

The JNF does not limit its activities to Israel alone. The fund has joined forces with the University of Arizona, other universities, and the U.S. Department of Agriculture to discover ways to arrest arid land development and to then apply that research in the United States and elsewhere. The International Arid Lands Consortium strives to focus world attention on the challenge of human survival in these lands, to create a program reversing the trend of man-made deserts, and to help developing nations foster sustainable agriculture.

In the near century of its existence, the JNF has planted over 190 million trees, reclaimed 250,000 acres of difficult terrain for farming, housing, and industry, prepared land for 820 rural villages, built 3,750 miles of roads, and created 14 major parks and hundreds of picnic areas. Every tree in Israel, whether in a forest or on a city street, was planted by the fund in an effort to make Israel a better place to live for all of its people.

In the next 90 years, the Jewish National Fund hopes both to continue and expand its work on increasing the water supply, preparing land suitable for housing, and the other tasks necessary to improve the Israeli people's quality of life. Its accomplishments are a beacon of light in a region heavily shadowed by conflict. I wish them continued success through the next century.•

CONGRESSIONAL CALL TO CONSCIENCE

• Mr. SIMON. Mr. President, I am pleased to once again participate in the Congressional Call to Conscience.

For the people of the former Soviet Union, these are hopeful times. With the fall of communism and the rise of democracy, the promise of freedom is being extended to millions of people.

For 1½ million more, though, these are also harrowing times. Political instability, economic uncertainty and ethnic strife all threaten their new found freedoms.

The people I speak of are the Jewish people of the Commonwealth of Independent States. In the weeks and months ahead, as we struggle to forge new ties and help to foster the growth of democracy in these republics, we must not forget the plight of these people. We owe them this responsibility.

Throughout the republics of the CIS, the specter of anti-Semitism has reared its ugly head and threatens not only freedom for Jews, but also their very lives. Aniti-Semitism is an evil deeply rooted in Soviet society, and today, in the climate of economic, political and national instability, it is becoming a more and more powerful force in many areas.

Despite tremendous strides toward equality, an insidious view of Jews as being the root of both past and current difficulties is again manifesting itself in the public's consciousness. In the present state of hardship and strife in the CIS, many are looking for someone to blame. It is politics of hate, echoed by a variety of emerging right wing groups, that blames Jews for everything from the rise of communism to Stalin's purges to the collapse of communism and the present economic problems. As Grigory Kanovich of Vilnius, a noted Russian author and a self-described Soviet realist, stated, "Russia never had better scapegoats than Jews."

Former President Mikhail Gorbachev recognized as recently as October of last year that in Soviet society today "social expressions of anti-Semitism have not been surmounted and certain reactionary circles are exploiting this fact."

Among those reactionary circles are such extremist groups as Pamyat and the Union of Writers of the Russian Republic. With the emergence of such political mouthpieces, hatred of Jews has emerged as a consolidating force among the Russian new right.

These groups and others have given rise to fears that a revival of turn-of-the-century pogroms may be at hand. Unfortunately, those fears are not without justification.

Especially threatening are the nationalistic movements that have come to the forefront of several of the states. We must beware that mounting nationalism in these regions is not subverted for the purposes of anti-Semitism. Anti-Semitism, though cloaked in the guise of nationalism, is still anti-Semitism.

Thomas Jefferson said, "Eternal vigilance is the price of liberty." I urge my colleagues, as the Soviet people struggle toward the once distant goals of freedom and democracy, to remember that we must stand on guard against the vicious specter of anti-Semitism and work to stamp it out wherever it rises, whether at home or abroad.•

NATIONAL ENGINEERING WEEK

• Mr. D'AMATO. Mr. President, I rise today to honor the accomplishments of our Nation's engineers. February 16–22, 1992, is National Engineers Week, a national celebration of the engineering profession. The purpose of this designation is to increase public awareness of the contributions engineers make, through innovation and technology, to our quality of life.

We honor our Nation's engineers this week because of the significant role they have played in conquering many frontiers: on the Moon, in the operating room, on the ocean floor, and on the Earth. Although engineers and scientists make up only 4 percent of America's workers, their accomplishments touch all of our lives. As we progress through the 1990's, we will continue to depend on our engineers to conquer new frontiers.

As our Nation's spotlight shines on engineers, the focus is on those who have had starring roles in dynamic projects. However, National Engineering Week is also a time to focus on our school-age citizens because this is a unique opportunity to cultivate interest in math, science, and engineering among the engineers and scientists of tomorrow.

Engineering involves the invention, design, and building of tools, machines, structures, and devices in an efficient manner. It poses problems and suggests possibilities. Every industrial area, be it nuclear energy, waste disposal, computers, or ceramics, requires specially trained engineers to meet the disparate needs of an ever-advancing society.

It is only right that we take this time to honor our engineers and express our gratitude for all that engineers have done to better our world.•

CONGRATULATIONS TO EPA ADMINISTRATOR REILLY

• Mr. DURENBERGER. Mr. President, last night, in the face of a U.S. Appeals

Court order to vacate two critically important hazardous waste rules, the Administrator of the Environmental Protection Agency [EPA] made the right decision and signed an interim final rule repromulgating the rules until April 28, 1993. By that date, the EPA expects to have final revisions to the rules in place.

These rules, the so-called mixture and derived-from rules, are critically important underpinnings of EPA's hazardous waste program. The mixture rule provides that if a generator mixes a hazardous waste and a nonhazardous waste together, the entire mixture becomes hazardous. This rule was developed to prevent hazardous waste generators from simply diluting hazardous waste to a level no longer legally hazardous under RCRA but which nevertheless remains a threat to human health and the environment.

The derived-from rule provides that residues from the treatment, storage, or disposal of hazardous waste remain hazardous. For example, as a residue from the burning of hazardous waste, incinerator ash from hazardous waste incinerators is itself considered a hazardous waste because of the derived-from rule.

Had the Administrator allowed these rules to lapse, it is possible that hundreds of thousands of tons of hazardous waste could have been removed from regulation as hazardous waste.

In a recent decision by the U.S. Appeals Court for the District of Columbia, in the case of Shell Oil Company versus EPA, the court ordered the rules vacated as of January 21, 1992. In its decision to vacate the rules, the court found that EPA had not given Shell Oil an opportunity to comment on the rules prior to their becoming final.

On January 21, 1992, we were all hoping that EPA would have repromulgated the rules at that time. Instead, in a decision designed to address apparent opposition to the rules by the administration, the Agency asked the court to rehear the case—a move, acknowledged by all, to buy more time for the Agency to work out these conflicts.

Unfortunately, EPA and other administration officials were unable to come to an agreement on the rules prior to the court's order becoming effective. Despite suggestions to repromulgate the rules on an interim basis made by the appeals court itself, several Members of the Senate, the attorneys general of 25 States, the environmental community, the hazardous waste treatment industry, and many in the regulated community, most notably, the American Petroleum Institute, some in the administration apparently remain opposed to this temporary reissuance.

Fortunately, in the interest of public health, safety, and the environment, Administrator Reilly decided to repromulgate the rules on an interim basis.

Administrator Reilly is to be congratulated as are all the EPA employees who worked so hard to address the concerns raised about these rules. Allowing the mixture and derived-from rules to lapse would have at best created chaos in the EPA hazardous waste program and at worst, could have resulted in serious damage to public health or our environment.●

THE 75TH ANNIVERSARY OF NATHAN'S FAMOUS

● Mr. D'AMATO. Mr. President, it is with great pleasure that I rise today to acknowledge the 75th anniversary of Nathan's Famous.

Established in 1916 by Nathan and Ida Handwerker in Coney Island, NY, Nation's Famous has become a national restaurant chain with plans to expand internationally.

Best known for its frankfurters, the Coney Island restaurant has been a favorite stop for entertainers, elected officials, kings and queens during its 75 years of operations.

Nation's Famous remains an important part of the economic community of New York City and its metropolitan area by employing thousands of New Yorkers.

Nation's Famous has become an indispensable piece of history for Brooklyn and New York City as a whole. Therefore, it is with great pride that I salute Nation's Famous for its achievements and wish it continued growth for the next 75 years.●

WEPCO

● Mr. SIMPSON. Mr. President, the Clean Air Act conferees agreed at the end of 1990 to delete provisions regarding WEPCO in order that the Environmental Protection Agency could promulgate regulations on the issue. WEPCO refers to Wisconsin Electric Power Co. litigation against EPA. That litigation addresses the question of when a plant modifying its operations should be treated as a new facility. This is a complex and contentious issue.

Consistent with this agreement, EPA last year proposed a rule on WEPCO. Many persons commented on the proposal and the administration testified before Congress on the matter. The time has come for the administration to promulgate final regulations on this issue.

Mr. BAUCUS. I agree with the distinguished Senator from Wyoming that the administration should publish final WEPCO regulations. I understand that EPA has revised its proposed rules, based on public comments and based on administration testimony before Congress. EPA is circulating its revised proposal for comments by other executive agencies. I understand that EPA has received no written comments from any other agency.

Mr. SIMPSON. It is imperative that this issue be resolved so that I would not have to resort to a legislative remedy. I would hope that the administration could promulgate a final rule on this important issue as soon as possible and publish the final rule.

Mr. BAUCUS. I strongly urge the agencies to submit their written comments to EPA and to work together on the revised draft and publish the final rule.●

TRIBUTE TO AN OUTSTANDING FIGURE IN YOUNGSTOWN

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to a very special person who has made many great contributions to numerous New Yorkers, Nancy Price. Her selfless giving to her community as recreation director for the village of Youngstown is only superseded by her courage and determination. Ms. Price has been recreation director for the past 14 years and has recently been informed that she has cancer and is undergoing treatments.

She grew up in a foster home with loving and nurturing foster parents. This experience crystallized her knowledge that children need to feel loved and wanted. This is the special gift that Ms. Price brings to the Youngstown Community Center. She has been a true leader to the young people of her community. She has helped hundreds of the Youngstown youth with her excellent programs.

Her many accomplishments are great, her approach is selfless caring and loving, and we might say that Nancy Price is a model individual. She has done much for her community—she was instrumental in creating the youth center in the Red Brick School—and for New York State. At this time, despite illness, she is still active in making sure that the youth center continues to thrive.

I am grateful to Ms. Price for her relentless dedication to the Youngstown community for 14 years as recreation director and for many more years as bus driver for Ransomville Bus Lines.

I am also grateful to the Kiwanis Club of Lewistown, NY, for sponsoring a benefit for Nancy Price. Their kindness will help to defray some of Ms. Price's medical and living expenses.

For all she has done and all she has yet to do to make the world a little better place to live, I am grateful. Thank you, Nancy Price.●

IN HONOR OF THE ADVERTISING COUNCIL

● Mr. DOMENICI. Mr. President, this year marks the 50th anniversary of the founding of an organization that

changed the lives of all Americans. The organization is the Advertising Council, established at the start of World War II by the advertising and media industries.

This volunteer coalition has saved and improved thousands of lives, brought us better schools, fewer forest fires, and a greater understanding of the way our Government works. It has reduced the toll of polio, TB, cancer, crime, and addictions; helped abused children, the handicapped, veterans, minorities, and got us started on protecting the environment. And who can forget the tear on the cheek of the crying Indian in Ad Council TV messages as he focused national attention on the necessity of reducing pollution and litter.

During its first half century, the Advertising Council, volunteer driven, has provided $20 billion in donated advertising to causes for the public good.

Public service advertising messages have helped the Federal Government in campaigns for savings bonds, the census, physical fitness, Social Security, and voting. The Council serves both private nonprofit organizations and Government. The National Safety Council reported that its Ad Council messages prevented accidents that would have taken 600,000 lives in the post war years. Today, its TV crash dummies, Vince and Larry, labor around the media clock for the U.S. Department of Transportation with their constant reminders to buckle up.

The Ad Council is a three-way pro bono partnership of advertisers, who lend their expertise and financial support; ad agencies, which contribute creative work; and, the media, donating the time and space to deliver critical messages to all Americans.

This uniquely American institution got public service advertising started three weeks after Pearl Harbor. It was then known as the War Advertising Council. It mobilized Americans to buy $30 billion in war bonds, nurture 50 million victory gardens, recycle millions of tons of paper, fats, rubber, tin, and steel, as well as urged our citizens to protect this country's vital secrets. It recruited women for war jobs and influenced the trend toward more females in positions of importance in the workplace.

When the war ended, the Ad Council continued its fine work. It developed campaigns to advise veterans in buying homes and keeping their GI insurance, for support of the armies of occupations, victory bonds, the Red Cross, Radio Free Europe, the Freedom Train, and prevention of forest fires.

Ad Council artists created Smokey Bear and McGruff, the crime prevention hound. Copywriters coined such slogans as "A mind is a terrible thing to waste" for the United Negro College Fund and "The toughest job you'll ever love" for the Peace Corps. Some of you recall their nagging question, "Is this trip necessary?" that saved gasoline and the worn-out family flivver in wartime.

The nonprofit Ad Council generated $1.5 billion in donated media for public service messages last year, ranking as the fifth largest national advertiser.

I am confident you will want to join me in gratitude to the Advertising Council for its many contributions in the past half century, and in offering our best wishes for its next 50 years of public service.•

SENATE QUARTERLY MAIL COSTS

• Mr. FORD. Mr. President, in accordance with section 318 of Public Law 101–520, I am submitting the summary tabulations of Senate mass mail costs for the first quarter of fiscal year 1992, that is the period of October 1, 1991 through December 31, 1991, to be printed in the RECORD, along with the quarterly statement from the U.S. Postal Service setting forth the Senate's total postage costs for the quarter.

The tabulations follow:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING DEC. 31, 1991

Senators	Original total pieces	Pieces per capita	Original total cost	Cost per capita
Adams	293,299	0.06027	$51,111.83	$0.01050
Akaka	596	.00054	531.63	.00048
Baucus	147,050	.18403	23,054.69	.02885
Bentsen	150,860	.00888	27,859.98	.00164
Biden				
Bingaman	141,920	.09367	25,163.86	.01661
Bond	50,841	.00994	14,444.84	.00282
Boren				
Bradley	1,090,700	.14110	162,497.75	.02102
Breaux	113,400	.02687	18,992.53	.00450
Brown	18,015	.00547	3,162.04	.00096
Bryan				
Bumpers	127,400	.05420	22,522.37	.00958
Burdick	96,200	.15059	16,773.29	.02626
Burns	76,236	.09541	15,657.12	.01959
Byrd	888	.00050	213.34	.00012
Chafee	6,300	.00628	904.08	.00090
Coats				
Cochran				
Cohen	90,409	.07363	14,953.47	.01218
Conrad	38,537	.06033	17,194.58	.02692
Craig	16,450	.01634	2,740.38	.00272
Cranston	3,027,950	.10175	519,859.82	.01747
D'Amato	220,693	.01227	42,991.83	.00239
Danforth	37,250	.00728	5,111.33	.00100
Daschle	174,322	.25046	24,803.62	.03564
DeConcini				
Dixon	12,910	.00113	3,165.07	.00028
Dodd	26,495	.00806	12,240.35	.00372
Dole				
Domenici				
Durenberger	118,900	.02718	21,478.99	.00491
Exon				
Ford				
Fowler	748,691	.11557	111,314.61	.01718
Garn				
Glenn				
Gore				
Gorton	131,780	.02708	25,054.58	.00515
Graham	95,900	.00741	17,890.61	.00138
Gramm	2,500	.00015	447.30	.00003
Grassley	8,850	.00319	1,392.99	.00050
Harkin	321,600	.11582	50,298.12	.01811
Hatch				
Hatfield				
Heflin				
Helms				
Hollings				
Inouye				
Jeffords	82,050	.14580	11,678.23	.02075
Johnston				
Kassebaum				
Kasten	426,609	.08721	75,709.56	.01548
Kennedy				
Kerrey				
Kerry	189,350	.03147	27,928.29	.00464
Kohl				
Lautenberg	17,750	.00230	3,495.49	.00045
Leahy	44,050	.07828	7,282.16	.01294

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING DEC. 31, 1991—Continued

Senators	Original total pieces	Pieces per capita	Original total cost	Cost per capita
Levin	3,210	.00035	639.95	.00007
Lieberman	131,596	.04003	25,406.55	.00773
Lott	1,050	.00041	198.96	.00008
Lugar	109,650	.01978	18,389.58	.00332
Mack	2,285,800	.17667	386,396.35	.02987
McCain	200,123	.05460	41,943.22	.01144
McConnell				
Metzenbaum				
Mikulski	174,650	.03653	25,392.34	.00531
Mitchell	445,450	.36277	63,424.08	.05165
Moynihan	10,300	.00057	2,280.06	.00013
Murkowski	3,197	.00581	2,535.05	.00461
Nickles	651,378	.20708	118,358.31	.03763
Nunn				
Packwood	365,200	.12849	62,635.51	.02204
Pell				
Pressler	75,502	.10848	13,826.80	.01987
Pryor	136,840	.05821	21,990.96	.00935
Reid				
Riegle	1,146,987	.12339	173,492.69	.01866
Robb				
Rockefeller	156,250	.08712	21,457.09	.01196
Roth			1,968.36	.00295
Rudman				
Sanford	2,349	.00035	2,111.74	.00032
Sarbanes	28,775	.00602	6,069.11	.00127
Sasser	634,630	.13012	99,768.76	.02046
Seymour	1,900,100	.06385	308,986.99	.01038
Shelby	691,700	.17119	101,158.22	.02504
Simon	74,000	.00647	13,736.52	.00120
Simpson	20,000	.04409	2,839.74	.00626
Smith				
Specter	2,597,875	.21865	369,859.76	.03113
Stevens				
Symms	17,650	.01753	3,527.13	.00350
Thurmond				
Wallop	5,985	.01319	1,751.61	.00386
Warner	16,135	.00261	4,674.76	.00076
Wellstone	4,000	.00091	801.44	.00018
Wirth	207,702	.06305	43,357.18	.01316
Wofford				

Other offices	Pieces	Cost
The Vice President		
The President pro-tempore		
The Majority Leader		
The Minority Leader		
The Assistant Majority Leader		
The Assistant Minority Leader		
Secretary of Majority Conference		
Secretary of Minority Conference		
Agriculture Committee		
Appropriations Committee		
Armed Services Committee		
Banking Committee		
Budget Committee		
Commerce Committee		
Energy Committee		
Environment Committee		
Finance Committee		
Foreign Relations Committee		
Governmental Affairs Committee		
Judiciary Committee		
Labor Committee		
Rules Committee		
Small Business Committee	15,042	$3,720.58
Veterans Affairs Committee		
Ethics Committee		
Indian Affairs Committee	595	243.39
Intelligence Committee		
Aging Committee		
Joint Economic Committee		
Joint Committee on Printing		
Democratic Policy Committee		
Democratic Conference		
Republican Policy Committee		
Republican Conference		
Legislative Counsel		
Legal Counsel		
Secretary of the Senate		
Sergeant at Arms		
Narcotics Caucus		

U.S. POSTAL SERVICE,
Washington, DC, February 4, 1992.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Detailed data on franked mail usage by the U.S. Senate for the first quarter, Fiscal Year 1992, is enclosed. Total postage and fees for the quarter is $3,616,503.

A summary of Senate franked mail usage based upon the first quarter of actual data for Fiscal Year 1992 is as follows:

Volume 19,573,452

Revenue per piece	$0.1848
Revenue	$3,616,503
Provisional payments (prorated to Dec. 13, 1991)	$6,451,613
Excess in provisional payments	$2,835,110

The First Postal Quarter results, when projected to an annual figure based upon historical trends for Senate franked mail activity, provide the following estimates for FY 1992:

Volume	75,836,699
Revenue per piece	$0.1902
Total Revenue	$14,425,620
Current Appropriation	$32,000,000
Estimated Surplus	$17,574,380

However, the validity of these projections does remain questionable due to substantial variances in Senate quarterly mailing patterns over the past several years.

If you or your staff have any questions, please call Tom Galgano of my staff on 268-3255.

Sincerely,

JAMES S. STANFORD,
General Manager, Official and International Mail Accounting Division, Office of Accounting.

SENATE FRANKED MAIL POSTAL QUARTER I, FISCAL YEAR 1992

Subcategories	Pieces	Rate	Amount
1. Letters: 1st class (total)	2,375,549	$0.2900	$688,909
2. Flats: 1st class (total)	121,988	1.1133	135,809
3. Parcels:			
Priority—up to 11 oz			
Priority—over 11 oz	13,194	4.7365	62,493
4th class—regular	22,507	4.0257	90,606
Total	35,701	4.2884	153,099
4. Orange bag pouches:			
1st class	121,365	.3665	44,480
Priority—up to 11 oz	2,290	2.8991	6,639
Priority—over 11 oz	8,281	4.1920	34,714
Total	131,936	.6506	85,833
5. Agriculture bulletins:			
First class			
Priority—up to 11 oz			
Priority—over 11 oz	3	20.3500	61
3d class			
4th class special (Bk)	12	10.3502	124
4th class regular	75	8.5333	640
Total	90	9.1667	825
6. Yearbooks: 4th class special (Bk) (total)	0		0
7. Other (odd size parcels):			
Priority—up to 11 oz			
Priority—over 11 oz	514	34.8204	17,898
4th class special (Bk)			
4th class regular	3,094	12.5046	38,689
Total	3,608	15.6838	56,587
Total outside D.C.	325,565	.4766	155,177
Permit imprint mailings:			
3d class bulk rate	16,848,100	.1163	1,959,947
Parcel post—PI	466	8.6996	4,054
1st class single piece—PI			
Address corrections (3,547's)	743	.3499	260
Address corrections (3d Cl)	34,214	.2900	9,922
Mailing list correction (10 names or less)			
Mailing list correction (more than 10 names)			
Mailgrams:			
IPA—international priority airmail			
Mailing fees (registry, certified, etc.)			
Postage due/short paid mail			550
Permit fees			75
Miscellaneous charges/adj			
Express mail service			502,855
Subtotal	19,877,960	.1888	3,753,902
Adjustments (PFY to GFY 1991)	-304,508	.4512	-137,399
Grand total	19,573,452	.1848	3,616,503 •

SELECTION OF HANFORD TO SITE THE LASER INTERFEROMETER GRAVITATIONAL WAVE OBSERVATORY

• Mr. ADAMS. Mr. President, I rise today to applaud the decision of the National Science Foundation to locate one of two laser interferometer gravitational wave observatories at the Hanford reservation in Washington State.

I am delighted about this news. LIGO will be a tremendous boon to Hanford and the Tri-Cities. The competition for LIGO has been very intense. I am pleased to see that the NSF has come to share my belief that, of all of the possible sites across the Nation, Hanford is the best possible location for LIGO.

This news is not only exciting scientifically, it is very exciting personally. Scientifically, LIGO will provide unprecedented insights into the nature and origin of the universe. Personally, siting LIGO at Hanford signifies that the mission I have advocated for Hanford for the last 5 years is truly becoming a reality.

Hanford was conceived in the birth of the nuclear age, and molded into one of the Nation's leading defense-production facilities. That time is clearly over. Though the transition has not been easy, Hanford is now emerging as one of the Nation's leaders on another front: environmental restoration and basic and applied science.

Siting LIGO at Hanford will solidify Hanford's reputation as a leader in scientific research. The facility, in conjunction with a similar observatory to be constructed in Louisiana, will detect cosmic gravitational waves and harness these waves for scientific research. When it is completed, it will be open for use by the national research community, and will become part of a planned worldwide network of gravitational wave observatories.

Hanford and the Tri-Cities provide the ideal community for this groundbreaking research. The scientific infrastructure at Hanford is unparalleled in the Nation and is growing every day. The site is remote enough so that city noises will not interfere with the delicate wave sensors. At the same time, the human community at the Tri-Cities—including some of the most knowledgeable nuclear scientists in the world and most committed supporters—are in place to make LIGO the best possible research center.

LIGO will also provide resources to Hanford. Between Hanford and Louisiana, the project is planned to cost $211 million over 5 years. It will provide significant employment to these sites and the surrounding communities, both during construction and in operation.

I am very pleased to have been able to help to make this project a reality at Hanford.•

TRIBUTE TO ACCESS

• Mr. RIEGLE. Mr. President, the Detroit Metropolitan area is home to the largest concentration of Arabic-speaking people in the United States. Approximately 300,000 Arabic-speaking people reside in the State of Michigan. This figure continues to grow as families are reunited, skilled, and talented professionals immigrate and refugees enter into our State and begin to call it home.

A critical factor in the effective resettlement of the Arabic-speaking population has been the emergence of socially active organizations. In the Detroit metropolitan area, the best known is the Arab Community Center For Economic and Social Services, or ACCESS. Currently located in the city of Dearborn, MI, ACCESS was founded 21 years ago with volunteers providing help to immigrants from an office located in a small store. Today, the organization operates from a new center that will service tens of thousands of people annually through a variety of programs designed to address individual and family needs.

ACCESS is the doorway to support for many new Americans. Its skilled and trained staff offer counseling on immigration and family matters, education, and health concerns. These services are important not only because they are often made available in the Arabic language, but also because they are given with a particular sensitivity to Arab-Americans. ACCESS has clearly shown that its service to people is done with heart and a genuine concern that the people who seek help receive it in an atmosphere of dignity and multicultural awareness.

In addition to the wide variety of services it offers to the Arab-American community, ACCESS engages in other activities that benefit the entire metropolitan area. It sponsors festivals, exchange programs, dances, and summer activities for the community in general, and gives Americans the chance to learn the Arabic language as well as attend lectures and view films that highlight Arabic culture and its contributions to the world. ACCESS has also begun the ambitious project of establishing an Arab-American museum. This museum will provide Michigan with a center for learning about the rich and diverse Arabic cultural arts.

ACCESS has faced a number of challenges during its history. Natural tragedies have destroyed property and endangered lives. There have been misunderstandings about the work of its staff and the goals of its founders, and the group has encountered prejudices that face almost all ethnic and racial groups as they become a part of the American society. Yet ACCESS has survived and has thrived, gaining credence and credibility in its work.

As Senator from the State of Michigan it gives me great pleasure to salute

ACCESS, its organizers, leaders, workers and volunteers. Years of devotion, determination, and hard work have helped to establish an organization that has helped tens of thousands of people on the road to stability and citizenship. Economic and job training programs sponsored by ACCESS have benefited all of our communities, and I am aware of the many success stories in which the students of yesterday are, today, the productive business, educational and political cornerstones of cities across our State.

It is my sincere hope that ACCESS will continue its critically important work in the State of Michigan for many years to come. With the help of associations like ACCESS, members of the Arab-American community will have the opportunity to develop and prosper, and, in so doing, enrich the lives of all of our citizens.•

REMEMBERING EXECUTIVE ORDER 9066

• Mr. ADAMS. Mr. President, today marks the 50th anniversary of President Roosevelt's signing of Executive Order 9066. With one stroke of a pen, over a hundred thousand Japanese-Americans were suddenly designated a threat to national security and were stripped of their citizenship, their property, and their rights.

In my own State of Washington, some 24,000 were affected by the relocation order. I can remember, as a high school student, coming to school one day to discover that my Japanese-American friends had simply disappeared. Close to one-third of my class was rounded up and sent to camps in the deserts of Idaho and California. The gross unfairness of this event remains with me to this day. It was perhaps my earliest and most keenly felt experience of racial discrimination.

I am proud to have been an original cosponsor of legislation in the 100th Congress to make reparations to the Japanese-Americans who were interned during the Second World War. With my friends and colleagues DANIEL INOUYE and the late Spark Matsunaga, I helped to persuade this body to reaffirm the principles our country was founded on: equal justice for all. Moreover, as a member of the Appropriations Committee, I worked to secure the funding that made the reparations possible. I am only sorry that the thousands of Issei and Nisei who were wrongfully interned had to wait so long for restitution.

We cannot undo what has been done. Reparations legislation went a long way in apologizing for the wrong that was committed. More important than an apology, however, is the promise never to forget and the vow never to repeat the sins of the past. On this day, we should all remember the injustice that was perpetrated in the name of national security and should renew our efforts to preserve the civil liberties and the human rights of all our citizens. Ultimately, the real security of our Nation lies in the strength of our commitment to all the members of our society.•

ORDER OF BUSINESS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that Senator AKAKA be recognized to address the Senate, and that at the conclusion of his remarks, the Senate stand in recess as ordered.

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

The Senator from Hawaii is recognized.

OBSERVANCE OF THE 50TH ANNIVERSARY OF EXECUTIVE ORDER 9066

Mr. AKAKA. Mr. President, a great society gains wisdom from the recognition of its failures and grows stronger by ensuring that the lessons of history are never forgotten. While we cannot alter events gone by, we must remember the consequences of allowing hysteria and racial prejudice to override the civil liberties of our citizenry.

Today marks the 50th anniversary of Executive Order 9066. This is not an occasion which will be observed with parades and pageants or revelry. Yet, this anniversary, much like that of Pearl Harbor, affords us the opportunity to reflect on our national character—past, present, and future.

On February 19, 1942, President Roosevelt signed Executive Order 9066, and thus began the relocation of over 120,000 citizens and resident aliens of Japanese ancestry. Within months, thousands of Japanese-Americans were compelled to leave their homes and businesses, abandon their livelihood, and resettle in internment camps and temporary detention centers located in eight Western States. Once relocated, evacuated residents were forbidden from leaving designated internment sites without express approval from military authorities.

Solely on the basis of race, all persons of Japanese ancestry, regardless of citizenship or loyalty, without proof or justification, were denied their civil rights. In addition to the denial of their personal liberty, those Americans were deprived of other basic constitutional guarantees and fundamental human rights. Freedom of speech and assembly was denied. The right to vote in Federal and local elections was denied. Religious freedom was restricted. Living conditions were crowded and inhumane.

Mr. President, in 1988, after 46 years of hindsight and unjust recrimination, America recognized its act of grave injustice and affirmed its commitment to liberty and justice for all in the enactment of the Civil Liberties Act of 1988.

One key purpose of the act was to inform the public about the internment of Japanese-Americans in order to prevent the recurrence of any similar event. To further this objective, Congress recently acted to preserve the tragic record and lesson of interment for this and future generations by passing the Manzanar National Historic Site and Japanese American Theme Study Act. As this important bill now goes on to the White House, I urge President Bush to sign it into law.

This legislation designates the Manzanar War Relocation Center as a national historic site. As the first of 10 relocation centers, Manzanar is the only national historic landmark commemorating the internment of over 120,000 Japanese-Americans during World War II. Manzanar's designation as a national historic site will facilitate the appropriate preservation of a visible reminder of the internment.

The second part of the act directs the Secretary of the Interior to conduct a national historic landmark theme study of all key sites that exemplify this sad and shameful chapter in American history. The Secretary is then directed to recommend suitable locations for designation as national historic landmarks.

The theme study would also examine other locations of significance in Japanese-American history during World War II such as Camp Shelby, MS, where the 442d Infantry Regimental Combat Team was trained, and Camp McCoy, WI, training installation for the 100th Infantry Battalion. Japanese-American volunteers in both units served with distinction and valor and are among the most decorated combat units in American history. I can think of no greater example of patriotism and love of country than the service offered by those in defense of a constitution and nation that failed them.

By designating these significant locations as national historic sites and landmarks, we commemorate this unfortunate period in our Nation's history. We remember the broader consequences of allowing hysteria and racial prejudice to override constitutional rights, and we teach this lesson to our children, to avoid a repetition of our mistakes of the past.

Mr. President, I yield the floor.

ORDERS FOR TOMORROW

Mr. JOHNSTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m., Thursday, February 20; that following the prayer, the Journal of proceedings be approved to date; that following the time for the two leaders, there be a period for morning business not to extend beyond 12:30 p.m., with Senators permitted to speak

therein for up to 5 minutes each, with the following Senators recognized to speak for up to 10 minutes each: Senators PRESSLER, WIRTH, ROCKEFELLER, SARBANES; further, that Senator GORTON be recognized for up to 15 minutes; and that Senator SIMPSON be recognized for up to 5 minutes; that on Thursday, the Senate stand in recess from 12:30 p.m. until 2:30 p.m. I further ask unanimous consent that at 2:30 p.m., Thursday, February 20, the Senate proceed to the consideration of Calendar Order No. 310, S. 1150, the higher education reauthorization bill.

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

RECESS UNTIL TOMORROW AT 11 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 11 a.m., Thursday, February 20.

Thereupon, the Senate, at 8:11 p.m., recessed until Thursday, February 20, 1992, at 11 a.m.