I also announce that the Senator from Vermont [Mr. LEAHY] is absent due to death in the family.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 44, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—52

Abraham	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Pressler
Brown	Gregg	Roth
Burns	Hatch	Santorum
Chafee	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	
Frist	McCain	

NAYS—44

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Breaux	Heflin	Nunn
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Byrd	Johnston	Reid
Campbell	Kennedy	Robb
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Simon
Dodd	Kohl	Wellstone
Dorgan	Lautenberg	Wyden
Exon	Levin	

NOT VOTING—4

Bradley	Leahy
Glenn	Rockefeller

The PRESIDING OFFICER. On this vote the yeas are 52, the nays are 44.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MEGAN'S LAW

Mr. DOLE. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 393, H.R. 2137.

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

The clerk will report.

The bill clerk read as follows:

A bill (H.R. 2137) to amend the Violent Crime Control and Law Enforcement Act of 1994 to require the release of relevant information to protect the public from sexually violent offenders.

The Senate proceeded to consider the bill.

Mr. DOLE. Mr. President, Tuesday night the House passed an important measure that will help protect our Nation's children from sexual predators.

By a vote of 418 to 0, the House passed legislation, known as Megan's law, that strengthens existing law to require all 50 States to notify communities of the presence of convicted sex offenders who might pose a danger to children.

In 1994, the crime bill allowed but did not require States to take such steps. And since that time, 49 States have enacted sex offender registration laws, and 30 States have adopted community notification provisions.

But not all States have taken the necessary steps to require such notification, and this is a tragedy in the making.

For once, let us prevent a tragedy instead of waiting for some other horrific crime and then taking action. We should pass this law now.

How can we hesitate one moment?

Every parent in America knows the fear, the doubts, he or she suffers worrying about the safety of his or her children. Parents understand that their children cannot know how truly evil some people are. They know that no matter how hard they try, they cannot be with their children every second of the day.

And a second is all it takes for tragedy to strike.

We have an obligation to ensure that those who have committed such crimes will not be able to do so again. This is a limited measure, but an absolutely necessary one.

Mr. GORTON. Mr. President, we will act tonight on Megan's law, which strengthens and improves a good law, and provides families with needed protection against the most heinous of crimes. Although Megan's law will not affect my State of Washington, which should, and does serve as a model for other States around the country, it will assist those States that, for whatever reason, have been slower to act or more timorous in their fight against crime.

In 1994, Congress passed the Violent Crime Control and Law Enforcement Act. The act contained a number of good provisions, perhaps the one I cared about most was the provision calling for the registration of sexual offenders and community notification. Most States have already implemented systems to require people who abduct children, or who commit sexual crimes, to register their addresses with State or local law enforcement officials. The provision in the 1994 act, however, was not as tough as I would have liked. The Act permitted State and local law enforcement to notify communities that there was a sexual predator in their midst, but it did not require this notification. We are back now to improve upon that law by requiring community notification. Even with this mandate, however, State and local law enforcement officials, still will retain the substantial discretion to determine when community notification is called for, what information to release, and how to best inform the community.

Parents have a right to know that their children are in danger, that the person living next door to them, or down the street is a convicted sexual predator. The need for this notification was tragically illustrated in the case of Megan Kanka, for whom the law before us today is named. Two years ago, Megan was allegedly raped and murdered by a man who lived across the street from her, a man who twice before had been convicted of being a sexual predator, and who lived with two house mates who were themselves sexual predators. Megan's parents did not know this. If they had, they could have advised their daughter not to accept her neighbor's invitation to come into his house to see a puppy.

Mr. DOLE. I ask unanimous consent the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements in the bill be printed at the appropriate place in the RECORD.

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

The bill (H.R. 2137) was deemed read three times and passed.

Mr. DOLE. I think, just for the information of my colleagues, this bill just passed is commonly referred to as Megan's law.

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3960 WITHDRAWN

Mr. DOLE. Mr. President, I withdraw my amendment No. 3960.

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

The amendment (No. 3960) was withdrawn.

AMENDMENT NO. 3961 TO AMENDMENT NO. 3955

Mr. DOLE. Mr. President, I now send an 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 Kansas [Mr. DOLE], for himself and Mr. ROTH, proposes an amendment numbered 3961 to amendment No. 3955 to the instructions of the motion to refer H.R. 2937.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

CLOTURE MOTION

Mr. DOLE. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Dole amendment, No. 3961:

Bob Dole, Trent Lott, Craig Thomas, Larry E. Craig, R.F. Bennett, Mark Hatfield, Ben N. Campbell, Spencer Abraham, Nancy Landon Kassebaum, Don Nickles, Chuck Grassley, Conrad Burns, John Ashcroft, Jim Inhofe, P. Gramm, W.V. Roth, Jr.

Mr. DOLE. Mr. President, for the information all Senators, this cloture vote on my new amendment, which contains only the gas tax bill, will occur on Tuesday, May 14. I will consult with the Democratic leader prior to setting the next cloture vote.

Let me explain precisely what this amendment contains. My Democratic colleagues have just blocked repeal of the 4.3-cent gas tax. They blocked an increase also in the minimum wage. So I have laid down another amendment to repeal the gas tax. This amendment contains additional funding that completely offsets the cost of the repeal. The amendment raises $4.1 billion in fiscal 1996 and by adopting provisions the President and Secretary Rubin have specifically asked for. I have their letters here for the RECORD. The amendment will also help avert another savings and loan crisis. This is the so-called BIF–SAIF provision.

In the spirit—I have thought about it—in the spirit of the President's press conference yesterday asking for cooperation, I have decided to offer the gas tax repeal, which he said he would sign, and pay for it with a measure that he wants desperately. In fact, on April 14 he said that there is a proposal before Congress from the administration to:

. . . restore the Savings Association Insurance Fund to full health and assure that interest payments on the so-called FICO bonds continue uninterrupted. With the enactment of this legislation, we could all take pride in achieving a resolution of the last remaining consequences of the thrift industry's problems of the 1980's. Moreover, we can do this without imposing additional costs on American taxpayers.

This necessary proposal will protect taxpayers, who have already paid over $125 billion to assure that no insured depositor suffered any loss as a result of these problems.

I am accommodating the President's request. I know some of the bankers and others may not be totally satisfied with this, but I suggest they call area code 202–456–1414.

I also will have printed in the RECORD a letter from Secretary Rubin received just yesterday, pleading with us to move on this legislation which is important. Underscoring the importance of the legislation, it would "restore the Savings Association Insurance Fund." They said we have had it before us for some time and they have "consistently urged the SAIF legislation should receive immediate action."

Again in response, and I discussed this with my assistant leader, Senator LOTT, in response to the request of the President, his bipartisan appeal yesterday, and the letter from the Secretary of the Treasury, we have offered that as a way to pay for the repeal of the gas tax.

I ask unanimous consent to have the letter from the President and the letter from the Secretary printed at this point in the RECORD.

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

THE WHITE HOUSE,
Washington, DC, April 24, 1996.

Hon. BOB DOLE, Majority Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: The Congress has before it a proposal from the Administration that would restore the Savings Association Insurance Fund to full health and assure that interest payments on the so-called FICO bonds continue uninterrupted. With the enactment of this legislation, we could all take pride in achieving a resolution of the last remaining consequences of the thrift industry's problems of the 1980's. Moreover, we can do so without imposing additional costs on American Taxpayers.

This necessary proposal will protect taxpayers, who have already paid over $125 billion to assure that no insured depositor suffered any loss as the result of these problems. I believe this legislation has broad bipartisan support, and I urge the Leadership to consider immediate Congressional action.

Sincerely,

BILL CLINTON.

DEPARTMENT OF THE TREASURY,
Washington, DC, May 7, 1996.

Hon. ROBERT DOLE, Majority Leader,
U.S. Senate, Washington, DC.

DEAR BOB: I am writing to you in furtherance of the President's letter of April 24, 1996. As the President explained, it is a matter of great national importance to enact legislation that would restore the Savings Association Insurance Fund (SAIF) to full health and assure that interest payments on the FICO bonds continue uninterrupted. The Congress has before it a proposal from the Administration that would accomplish these ends. As the Administration has consistently urged, the SAIF legislation should receive immediate action. Moreover, we believe that the SAIF legislation would be a suitable means to help pay for other appropriate legislation.

Sincerely,

ROBERT E. RUBIN.

Mr. DOLE. So, I would say hopefully on Tuesday, then, we can obtain cloture. Then we will decide how to deal with the TEAM Act and minimum wage. They are still floating around out there, or will be. We are still prepared, I think, as Senator LOTT has had a couple of meetings today, to pick a time certain, sometime in June—or maybe, if we can, do it before the recess—to take up those questions.

There has also been a question raised. I have written a letter to the Senator from North Dakota, Senator DORGAN, to see if he had any suggestion, because he was concerned if we did repeal the gas tax it would not reach the consumers. I was asked in a press conference yesterday about a statement by ARCO, Atlantic Richfield Co., that maybe they would not be passed on to consumers.

But I now have statements from bus and trucking groups who say they would pass along the savings from the repeal to their customers in the form of lower travel costs. And I also have a statement from ARCO and Exxon and others.

I ask unanimous consent all these statements be printed in the RECORD.

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

ARCO,
Los Angeles, CA, May 9, 1996.

ARCO WILL IMMEDIATELY REDUCE TOTAL GASOLINE PRICE IF 4.3-CENT FEDERAL GASOLINE TAX IS ELIMINATED

LOS ANGELES.—ARCO Chairman and CEO Mike R. Bowlin said today that "if the federal government reduces the gasoline excise tax by 4.3 cents per gallon, ARCO will immediately reduce its total price at its company-operated stations and to its dealers by 4.3 cents per gallon."

The ARCO chairman said in an interview on ABC's "Nightline" broadcast on May 7, that he had "simply been cautioning that ARCO is not able to accurately predict industry behavior, cannot legally control its dealers' pricing, and that other factors may influence changes in overall market prices. All other things being equal, we would expect the price of gasoline to fall 4.3 cents per gallon."

An ARCO spokesman said that ARCO has a proud tradition of acting responsibly in its gasoline pricing decisions in times of national upsets. He noted that during the Gulf War crisis in 1990, ARCO had been a leader in announcing that it would freeze gasoline prices. Eventually, that led to a situation where ARCO was unable to meet demand for its gasoline and was forced to raise prices in line with market conditions in order to prevent its dealers from running out of gasoline.

The ARCO spokesman said that "gasoline prices have increased some 20 to 30 cents per gallon over the last few months. Obviously no one can promise that even though the marginal cost of gasoline is reduced by a 4.3 cents per gallon tax reduction on a given day, some other factors may not simultaneously influence the market price of gasoline."

ARCO chairman Bowlin said: "What we can say is that ARCO will immediately reduce the total price of gasoline at our company-operated stations and to our dealers by 4.3 cents per gallon. I can also tell you that our internal forecasts suggest that gasoline prices are headed lower. We believe that the vast majority of responsible economists would say that a reduction in excise taxes would be passed through about penny-per-penny at the pump."

EXXON COMMENT CONCERNING POTENTIAL MARKET IMPACT OF CHANGE IN FEDERAL MOTOR FUEL EXCISE TAX

Pricing decisions are based on competitive market conditions in each of our markets. Exxon cannot predict future prices.

The marketplace decides what the price of gasoline will be. If the federal excise tax on gasoline is rolled back as proposed, we believe the very competitive market will result in a gasoline price that is 4.3 cents less than it would have been without the rollback, but we don't know what the absolute price will be.

Retail gasoline prices at most Exxon service stations (about 7,900 of the approximately 8,300 Exxon branded outlets in the nation) are established by the independent dealers and distributors who operate them. Exxon is

prohibited by law from dictating the price that its dealers and distributors charge their customers at the retail level.

Retail prices at the approximately 400 outlets operated directly by the company also are set in response to competitive factors in the markets in which they compete.

Competitive factors include, among others, the supply of gasoline, consumers' demand for gasoline, crude oil costs, state and federal excise taxes, and the cost of complying with environmental regulations.

CHEVRON RESPONSE TO GASOLINE TAX DECREASE

In response to many comments in the press and from customers concerning possible oil company actions in the event of a decrease in the federal gasoline tax, a Chevron spokesman said the following:

Any decrease in the federal gasoline tax would be immediately reflected in the prices Chevron charges to motorists at our 600 company-operated stations in the U.S. through reductions which, on average, would equal the amount of the tax decrease. We also separately collect these taxes from our thousands of Chevron dealers and jobbers throughout the U.S. and we would immediately reduce our collections from these dealers and jobbers by the amount of the tax decrease. However, these Chevron dealers and jobbers are independent businessmen and women who independently set their own pump prices at the more than 7,000 Chevron stations they operate.

Many factors influence gasoline prices which are set by competition in the marketplace. It is impossible to predict where gasoline prices may stand in absolute terms at any time in the future. However, if these taxes are reduced, it is logical in a free market economy that overall prices will in the future be lower for our customers than they otherwise would have been by the amount of the tax decrease.

TEXACO INC.,
White Plains NY, May 3, 1996.

Response to media inquiries:
Re Gasoline tax debate.

Question. If the 1993 federal gasoline tax increase of 4.3 cents per gallon is repealed, what would Texaco do regarding prices at the pump?

Answer. For the approximately 15 percent of the Texaco service stations where we set the pump prices, all things beings equal, repeal of the 4.3 cents per gallon tax would reduce the pump prices accordingly.

For the 85 percent of the Texaco stations owned or operated by individual business people, Texaco is precluded by law from setting pump prices. Nevertheless, for the industry generally, we believe lower taxes will result in lower gasoline prices for consumers.

Retail gasoline pump prices are highly competitive and the prices at individual stations are determined by the competitive environment in which that station does business.

The repeal of the 1993 4.3 cents per gallon federal gasoline tax would reduce the average nationwide state and federal tax on gasoline from 42.4 cents to 38.1 cents per gallon.

ANTHONY J. SAGGESE, Jr.,
General Tax Attorney.

AMERICAN TRUCKING ASSOCIATIONS, INC.,
Alexandria, VA, May 7, 1996.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: It was my pleasure to appear before the Senate Finance Committee on May 3rd and testify in support of your efforts to repeal the 4.3 cents fuel tax that goes into the general fund. The American Trucking Associations represents an industry composed of small businesses with an average profit of 1.5 cents on a dollar of revenue. The current spiraling fuel prices are putting many of our small companies in a precarious financial position.

I was relieved to hear the representative of the service station industry testify that they will pass along tax savings to their customers. We have heard similar statements from the major oil companies.

I am confident that, after covering the cost of rising fuel prices, the savings will be passed on to our customers and consumers because we are a highly competitive industry with over 350,000 interstate trucking companies.

Thank you for the opportunity to expand upon my comments. Please call me if I can be of further assistance.

Sincerely,

THOMAS J. DONOHUE,
President and
Chief Executive Officer.

AMERICAN BUS ASSOCIATION,
Washington, DC, May 7, 1996.

Hon. BOB DOLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: On behalf of the American Bus Association, I want to thank you once again for your proposal to repeal the 4.3 cents per gallon deficit reduction fuel tax. We fully support your efforts in this regard.

We want to assure you that any benefits as a result of a tax repeal will accrue to the consumer, in our case, the intercity bus passenger.

With all our best wishes.

Sincerely,

SUSAN PERRY,
Senior Vice President,
Government Relations.

ASSOCIATION OF AMERICAN RAILROADS,
Washington, DC, May 9, 1996.

Hon. BOB DOLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER DOLE: On behalf of the Association of American Railroads (AAR), I write to advise that customers should benefit from the elimination of the 4.3 cents-per-gallon deficit reduction fuel tax imposed in 1993. Some adjustments or ''hold downs'' may be automatic given cost adjustment factors in rail contracts.

Competition among the freight transportation modes is intense. As a result, the freight railroads are constantly improving service to shippers and offering competitive rates. In fact, rail freight rates have declined by 22 percent since 1981 in current dollars and by 51% in inflation-adjusted dollars.

AAR supports your efforts to eliminate the 4.3 cents-per-gallon deficit reduction fuel tax. AAR also urges you to repeal the additional 1.25 cents-per-gallon deficit reduction tax resulting from the 1993 Budget Reconciliation Act which is paid exclusively by the railroad industry. The inequity in current law should be remedied so that the railroad industry will no longer be required to pay more for deficit reduction than its competitors.

We appreciate your leadership on this important issue.

Sincerely,

EDWIN L. HARPER,
President and
Chief Executive Officer.

AIR TRANSPORT ASSOCIATION,
Washington, DC, May 8, 1996.

Hon. ROBERT DOLE,
Senate Majority Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: We have been asked whether the reduction in the 4.3 cents-per-gallon transportation fuels tax will result in lower air fares to consumers. As you know, the Air Transport Association has no role in the setting of air fares. Moreover, we do not suggest or take any action which may result in our member carriers adjusting fares in a coordinated manner. However, notwithstanding those limits, I would like to address your inquiry.

First, we know that a decrease in the 4.3 cents-per-gallon tax will be reflected in the price airlines pay for fuel. Our members purchase fuel from vendors, in large measure, through a competitive bidding process. The 4.3 cents-per-gallon tax is thus added to the price bid by the vendors. Therefore, once the tax is eliminated, we are confident that the industry's fuel costs will be reduced.

Secondly, because of the competitive nature of the airline business, carriers continually try to keep their prices as low as possible. The 4.3 cents-per-gallon tax has increased carrier costs, thereby putting pressure on carriers' operating margins. Eliminating the tax will remove one of the cost pressures which individual carriers must consider in setting their respective air fares. Thus, if operating costs go down, there will be one less cost which needs to be factored into air carrier fares.

Inevitably, tax changes manifest themselves in the costs of doing business which will ultimately impact the prices airlines charge.

Mr. Leader, I hope that this response to your inquiry will be helpful. Please let me know if there is further information we can provide.

Sincerely,

CAROL B. HALLETT,
President and
Chief Executive Officer.

Mr. DOLE. The point being they are going to pass the savings on to consumers. Maybe in some cases, out of millions and millions of transactions, it may not happen, but that is the intent of all those who will be in the process. I think those letters might be helpful to some, such as Senator DORGAN, who does have legitimate questions. We want to respond to those questions. If he has a better idea than our amendment, which is a credit, we will be happy to consider it.

So I would just say it seems to me we have now, sort of, on this single issue—if you want to vote for lower gas prices then you vote for cloture on Tuesday. If you want to vote for lower travel costs, lower inflation, better job protection for employees in the transportation industry, this will be an opportunity. It is something the President said yesterday in a press conference he would sign. We have now complied with the President's request and the Treasury's request that we pass BIF–SAIF. That is part of this amendment. It seems to me it is almost—it could have come from the White House. We are pleased to accommodate the White House when we can.

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

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

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. 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. DASCHLE. Mr. President, I have just been informed of the majority leader's most recent proposal. I think it is fair to say that it is more of the same. It is similar to many of the other proposals we have been presented with over the last several weeks. Obviously, it is unacceptable.

We have indicated our desire to have a vote on the gas tax. We would be prepared to accept that. But we would also obviously feel the need to have the same vote on the minimum wage. Of course, the majority leader has now indicated his desire to bring up the so-called TEAM Act. We would be prepared to have a vote on that. But they are connected, unfortunately, the way the majority leader has proposed them. If we could get a vote on minimum wage, we would be more than happy then to have a vote on the gasoline tax reduction.

As I understand it, the majority leader has proposed a new offset that will take care of the point of order. The BIF–SAIF is an issue that has to be resolved. We recognize that. But I am not sure that we do it justice simply to use it as a convenient offset, in this case for a gasoline tax reduction amendment that may or may not go to the consumer, first of all, and that, second, may or may not require the entire amount that BIF–SAIF will provide.

But the real issue is, should we have a good debate, a good discussion about the BIF–SAIF issue in and of itself? Should we analyze whether or not this is the right approach? Is this exactly the right formulation for BIF–SAIF? Those are issues we ought to discuss.

I have not seen the BIF–SAIF proposal the majority leader referred to. It may be perfectly fine. To be buried in an agreement involving an offset for the gasoline tax reduction, in my view, does not do justice to the entire issue of BIF–SAIF, nor does it satisfy all of the difficulties that we have, of course, with the gasoline tax reduction itself.

We still must address the issue, who gets the benefit? Will it go to the consumer? Will we have the opportunity to ensure that it is not the oil companies that benefit but the consumer? Can we offer amendments in that regard?

I know our words sometimes come back to haunt us. I am sure in many cases mine have and will. But I was curious and very interested in a comment made by then-Republican leader BOB DOLE in 1993. This is taken from the RECORD on page 3934, dated March 29:

> I guess the thing I need to resolve is whether or not there is going to be any flexibility or whether everything is going to be under the total control of the distinguished chairman of the committee. Is there going to be free and open debate on the amendments, or are you going to determine which amendments can be offered? We cannot accept that on this side.

I can identify with that. I can empathize with Senator DOLE's query in March 1993. I, second, appreciate his question because, ironically and coincidentally, we find ourselves in virtually the same situation. I say ''virtually'' because here it says, he asks, ''Is there going to be a free and open debate on the amendments, or are you going to determine which amendments can be offered?'' In our case, that has already been determined. There are no amendments to be offered. There is no opportunity for the Democratic side to even address the issue of amendments, because we have been precluded from doing so. We are farther off the mark now than we were even back in March 1993.

Mr. President, regrettably, we end this week with the realization that we have not resolved the matter. We want very much to have a vote on the gasoline tax reduction. While there are very strong reservations expressed throughout our caucus, some of those reservations can be addressed if we can adequately address the question of who will benefit, if we can adequately address the question of what kind of an offset we will have.

Maybe BIF–SAIF provides an adequate numerical offset, but there are very fundamental questions of policy we ought to be addressing, as well, and whether or not we can do that under these circumstances, I think is very questionable. For that reason, too, I am concerned about whether BIF–SAIF is an appropriate vehicle, at least under these circumstances.

Mr. President, we will not support cloture. We will oppose the vote when it is presented next week.

Mr. President, let me also address the issue that has been addressed by so many of our colleagues on the other side today with regard to the so-called TEAM Act. I listened with great interest on several occasions this afternoon as I was in and out of my office to the remarks made by so many of our colleagues. This is not the time nor is it necessarily the most appropriate way with which to address all of the issues raised. I do not intend to do so tonight.

I do want to make four points. First of all, it has been said over and over on the floor—in my view, quite erroneously—that today businesses are prevented from discussing issues ranging from safety, workplace conditions, and all the other issues that may come up in a working environment in any company today. Mr. President, that is absolutely untrue. Untrue.

I hope everybody will go back and look very carefully at what has been said. In many cases—I am sure not purposely—there has been a significant level of misstatement today regarding prohibitions on employers that has to be corrected in the RECORD and will be corrected as we get into this issue again next week.

Employers today are given many opportunities—in fact, are using all opportunities—to discuss issues of quality and safety and workplace environment and all of the issues that certainly would come up in the normal discourse between employers and employees.

Mr. President, 95 percent of all large businesses have team arrangements today—95 percent, according to the Department of Labor. Mr. President, 75 percent of small businesses have team arrangements with their employees today and in workplaces everywhere all these issues are discussed. Let there be no doubt, those discussions, that dialog, those relationships, are already working. That is not the issue.

The second point, what I think a lot of employees are very concerned about, is that oftentimes there are situations that arise where an employer says, ''You, you and you are now selected to represent all of you. You are the ones who are going to be in the room as we make the decisions involving all the employees. That is the way it is going to be. I do not care whether there are any elections. I do not care whether there was any discussion about whether these three people are representative of all the work force. That is the way it will be. Take it or leave it. Accept it or find another job.''

Our view is, if that situation develops, there ought to be some consultation with other employees, and there ought to be some understanding that if it will affect the entire work force, the workers themselves should have some opportunity to select who it is that will be their spokesperson. That is what we are trying to do here: To find a way to ensure that if there is going to be a representative organization, that the employees have some opportunity to articulate and select the people that will make the decisions for them.

The third point: Current Federal law is affected, of course, by court decisions. Court decisions, in some cases, have clearly obfuscated the interpretation of current law. It is our view, clearly, that there needs to be legislation to address the lack of clarity today about what employers and employees can and cannot do. On that, there is no doubt. We acknowledge that. We support it. We want legislation to address the need for clarification. We will offer legislation to ensure that happens, that we clarify what the arrangements can be and all of the circumstances involving the workplace that need to be addressed, in a reasonable way.

So, clarification, yes. Opportunities to encourage teamwork, yes. Ways with which to make an employment environment more effective, yes. We can do that. That ought to be a bipartisan effort. We ought to find ways with which to work together to ensure that happens.

The fourth point, Mr. President, if we are, indeed, interested in paycheck security, health security, pension security, the workers themselves ought to have an opportunity to determine what that means and how they can empower themselves more effectively. If that is going to happen, we want to protect the rights we have established over the last 60 years for workers to organize themselves. It is just not right to set up rump organizations where employers are negotiating with themselves, therefore denying paycheck security, denying people the opportunity to grow in this economy along with everybody else, the opportunity to have meaningful health security, the opportunity to have good pensions.

That is what collective bargaining is all about. That has worked in this country and other countries, collective bargaining where we can ensure some opportunities to workers to enjoy the fruits of the success of a given company.

Mr. President, we will get into this a lot more next week. I do believe there has been a lot of misinformation. Again, I do not accuse anybody of purposefully misinforming, but I have never seen so much misinformation as I have seen this afternoon on any one issue.

We will have more opportunities to clarify it, more opportunities to work on it and, hopefully, to work together. I know a lot of our colleagues on both sides of the aisle would like to see more of a cooperative spirit and more opportunities for comity, and maybe this will lend itself to that in the end.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, if I could respond to some of the remarks by the distinguished Democratic leader. We continue to talk and work to see if we can find a way to move these issues forward in an understandable and fair way. We have somewhat of a Gordian knot. We are trying to find a way to untie that and move forward. That is what the leader has done here today.

Many of the leaders in the Democratic Party have indicated they want to vote for the gas tax repeal. The President indicated that he would sign that. And so the majority leader has set up a situation here where the pending business is a clear, direct vote on repealing the gas tax of 4.3 cents a gallon, which was voted in in 1993. And that money has been going into the General Treasury, not the highway trust fund for highway and bridge improvements. He has set it up so that we can address the issues. Everybody says they want to address this in a fair way. It is not connected to the TEAM Act or connected to minimum wage. It is the gas tax repeal, pure and simple.

Earlier today, there had been objection to considering this issue because a point of order was made that the offset did not cover the cost of taking this 4.3 cents out of the general budget. That has been addressed here. Majority Leader DOLE's proposal would repeal the gas tax, and it would be offset by BIF–SAIF. Some people may not particularly like that offset, but it is an offset that the Budget Committee put in the budget resolution.

It is something that I believe the Banking Committee worked on and something the President has indicated he has wanted, and something the Secretary of Treasury has written letters seeking. So this is a good way to begin to unravel the situation we are in now, parliamentarily.

Next week, we will have a vote directly on the gas tax repeal, unless it is delayed and filibustered by the Democrats. The choice is real simple. If you want the gas tax repeal and want it to be paid for, this does that. This is a fair solution to this problem.

So I urge my friends on the other side of the aisle to look at what the majority leader has proposed. Let us do this gas tax vote, and then we can move forward in trying to find a proper solution to the other items that are pending.

We have no problem with trying to develop an amendment that might further guarantee that the consumers get the benefit of this gas tax repeal. On behalf of the leader, I have talked to Senator DASCHLE and to Senator DORGAN, who has been working on this and, great, we welcome any additional ideas you have. We want to make sure that happens. We are satisfied that the legislation we have takes care of that. Now people are coming forward in writing and saying that they will make sure that the consumers get this 4.3-cent gas tax repeal. But I think that the leader would be open to some reasonable recommendations in that area.

Now, it has been suggested that we have not been having free and open debate here. I cannot believe that. That is about all we have had. We have not been able to get votes because it has been blocked by a variety of delaying tactics—points of order, filibusters, if you will—but that is the Senate. We have had free and open debate. We have been able to have this discussion during the past couple of days. In fact, in the past couple of weeks, on the minimum wage, on the freedom in the workplace, the TEAM Act, and the gas tax, there has been plenty of talk.

So I want to address something I have heard two or three times today. We are clearly acting within the rules. We are not setting any new precedents here. I can remember when the majority leader was Senator Mitchell from Maine. I remember him offering second-degree amendments to block our amendments. I remember him filling up the tree so that we could not offer our amendments. This is nothing unprecedented here. We are clearly within the rules.

I remind my colleagues that we are in the majority. We have some responsibility to try to move the agenda forward. That is what the leader has done with this proposal—get the issue that everybody says they are for out there where we can debate it and vote on it. So I think we need to make it clear that we are strictly playing by the rules.

I might note that when the Senator from Massachusetts, who is here on the floor now, offered his minimum wage amendment, I believe he almost immediately sent down a cloture motion to the desk on that. At least, I believe that is true. Is that not correct?

Mr. KENNEDY. I will wait for recognition to speak. But the Senator is inaccurate in that characterization, as the Senator was when he talked about Senator Mitchell filling out the tree.

Mr. LOTT. Did the Senator send a cloture motion to the desk on that?

Mr. KENNEDY. After we were denied the opportunity for an up-or-down vote.

Mr. LOTT. But he did send a cloture motion up to limit debate on that issue, is that correct?

Mr. KENNEDY. The Senator can characterize my position in any way that he likes to. It is a routine procedure around here.

Mr. LOTT. That is the point I am trying to make.

Mr. KENNEDY. I will wait until I can be recognized in my own right, and I will address the Senate then.

Mr. LOTT. That is my point. That happens around here. Cloture motions are not unusual. Second-degree amendments are not unusual. So we are strictly playing by the rules, and we would not have it any other way. I appreciate the cooperation, frankly, that we get from the Democratic leader. We have been working together for the last 2, 3 days to try to find a good solution to how we vote on these issues.

Now, with regard to the TEAM Act, I want to make a couple of points, again, on why we are advancing this legislation and what it does. I call it freedom in the workplace, not the TEAM Act, because most folks do not realize what that is. We would like for employees and employers to be able to work together, to have teams in the workplace in order to promote safety and greater productivity. There are all kinds of benefits that will come from that.

Why, then, are we pushing this? Because the point has been made that, well, this is already occurring. Some 30,000 companies, maybe, have some sort of team arrangements. There is a good reason for it. The National Labor Relations Board, in some of its rulings, and the courts, have been putting a chill on these relationships. They are beginning to stop them. There was one court decision that said when an employee notified the employer that there was a problem with one of the electrical devices, that was ruled to be improper under the current laws. So there needs to be some clarification of this.

As a matter of fact, the President indicated he thought this was a good approach. In his State of the Union Address earlier this year, he said, ''When

companies and workers work as a team, they do better, and so does America.''

So, that is what we are trying to do here. This bill simply amends the Federal laws to make it clear that employers and employees may meet together in committee, or other employee involvement programs, to address issues of mutual concern, such as quality, productivity, and efficiency. So it expressly says, also, that they cannot engage in collective bargaining. It expressly forbids company unions and sham unions. It simply lets workers and employers try to work as a team.

I am amazed that there is such concern about this. But my attitude on that, also, is that if there are some amendments that can be offered on that and we can debate it and have votes, if they pass, fine, and if they do not, fine. But this is something we ought to move on.

One other point, in terms of trying to block people or limit the free expression of ideas here. As a matter of fact, we have done a little research, and we have found that in the 104th Congress, there has been a need for cloture motions more than in any recent time. In fact, in the 102d Congress, there were 42 cloture motions filed, and in the 103d, 47; but in the 104th Congress, it has been necessary, already, to file 63 cloture motions.

Let me give one example of how ridiculous this really is. S. 1, the first bill we considered last year, on unfunded mandates, had broad support and passed overwhelmingly. I think the vote was 98 to 2, or something like that. It was overwhelming, whatever the final vote was. But we had to file four cloture motions to try to get it to come to conclusion, and get a vote on it.

So I really find it sort of surprising when our colleagues on the other side of the aisle seem to hint that we have been trying to cut them off. That has not been the case. But we have a responsibility to try to get the work done around here. Yes. Let us have free debate. But after a certain period of time you have to get down to voting. That is what we are trying to set up with our process this afternoon.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

PUBLIC BROADCASTING

Mr. PRESSLER. Mr. President, I also am pleased to release today draft legislation to reauthorize the Corporation of Public Broadcasting. The draft would provide a simple reauthorization of $250 million each year for the fiscal years 1998, 1999, and 2000. It is my hope that by then, public broadcasting would no longer need a reauthorization, but would have the resources to thrive on its own.

Last year we began a very worthwhile debate about the future direction of public broadcasting. Survival was never a real issue. I believe public broadcasting will do more than just survive—it will thrive. Public broadcasting is a success story still being written. I am confident of this. Public broadcasting offers a quality product supported by quality individuals who care about what people, especially young people, see or hear on television and radio.

It was in part due to my confidence in public broadcasting that I proposed last year to put public broadcasting on a glide path to independence from Washington—independent from Congress and independent from the Corporation for Public Broadcasting. I support public broadcasting. Yet, I've never quite understood the logic of the funding process. There has to be a better way to fund public broadcasting than through CPB, which soaks up a large share of funding before it ever gets to the 350 public television stations and 629 public radio stations. A large chunk comes right back here to D.C. to buy programming disproportionately produced in the largest media markets. There just has to be a better way—especially for small city broadcasters.

Last year's debate produced some much-needed innovations. Public broadcasting has improved as a result. I called on public broadcasting to take advantage of the popularity and value of its wonderful programming. They're doing so now. Last year, new ancillary agreements were reached that will see a larger portion of merchandise revenue from public broadcasting products go right back to public broadcasting. Media alliances have been formed with MCI and Turner to distribute public broadcasting programs on video and CD-ROM's. Even PBS has discovered that its logo generates revenue. Foreign markets are an untapped source for programming and products. Even the Internet offers enormous potential for public broadcasting, both as a conduit for classroom-based, interactive educational programming and as a base to market its products. In short, we really haven't begun to tap the enormous funding potential of public broadcasting in the worldwide marketplace.

I also believe we must continue to push for greater efficiencies within CPB—reforms that also can free up revenues. Will all these potential funding sources and markets allow public broadcasting to achieve financial independence? It's a question that we should explore.

So today I am circulating a discussion draft that would not only reauthorize public broadcasting, but also explore and chart a path toward independence. The first way is to give public broadcasting tools to generate more revenue. My draft legislation would give public broadcasting enhanced underwriting authority—enough to draw in new corporate sponsors but not too far to undermine the noncommercial integrity of public broadcasting. The draft also would allow public broadcasting stations to use overlapping station capacity to generate revenue.

These proposals would allow some stations to benefit. However, if all of public broadcasting is to thrive, especially smaller stations such as in South Dakota, North Dakota, and Montana, we need to bring the best people in finance, government and broadcasting together to chart a course for independence. To do this, the draft proposes creation of a Commission on Public Broadcasting Empowerment. This commission would have 2 years to submit recommendations to Congress that would: foster long-term funding for public broadcasting that would not compromise its essential noncommercial nature; improve economic efficiencies within public broadcasting; guarantee universal access to public broadcasting, particularly in rural, under served areas; and stimulate the development of regional programming centers in order to increase geographic diversity in the origination of programming.

Finally, the draft would authorize the creation of a trust fund to be used to generate sufficient capital for public broadcasting to achieve financial independence. This trust fund approach was first proposed by the public broadcasters late last year. The public broadcasters proposed a more far-reaching approach that would enable a private trust to generate funds through the management of advanced spectrum and the leasing of unused spectrum for commercial purposes. This thoughtful proposal has merit. I support the creation of a trust fund. I believe that the draft spectrum legislation I have proposed today would provide public broadcasters with the resources needed to capitalize a trust fund in a way that would benefit the entire public broadcasting community—radio and television, in markets large and small.

Because this proposal would bring major change to public broadcasting, it deserves careful review. I'm already beginning that review.

Clearly, financial independence will be a key issue. However, other reforms are needed, particularly in the distribution of funds for broadcasting and programming. I am particularly interested in reforms that will enhance the capabilities and creativity of small city and rural broadcasters. In small cities and towns, public broadcasting is vital. South Dakota Public Radio [SDPR], for example, provides pool coverage to commercial stations around the State for legislative reporting, because it has the only radio news reporter on duty during the legislative session. In some markets, SDPR is the sole radio provider of local news, and the exclusive source of Emergency Broadcast System announcements.