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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, Sovereign of our land and source of courage, we thank You that You know our needs before we ask for Your help, but have ordained that in the asking we would find release from the anxiety of carrying the burdens of leadership on our own shoulders. Help us to remember that You are the instigator of prayer. It begins with You, moves into our hearts, gives us the clarity of knowing how to pray, and then returns to You in petitions You have refined and guided us to ask. We are astonished that You have chosen to do Your work through us and use prayer to reorient our minds around Your guidance for the issues we will face today. We say with the psalmist, ''You are my rock and my fortress; therefore, for Your name's sake, lead me and guide me.''—Psalm 31:3.

Suddenly, we see prayer in a whole new perspective. It's the method by which You brief us on Your plans and bless us with Your power. May this whole day be filled with magnificent moments of turning to You so that Your purposes, Your glory and honor in America, may be done through us. Give us vision to be dynamic leaders. In the all-powerful name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. HAGEL. Thank you, Mr. President.

SCHEDULE

Mr. HAGEL. Mr. President, for the information of all Members, this morning, the Senate will begin consideration of Senate Resolution 98, the global warming resolution. Under the consent agreement, there will be 2 hours for debate on that resolution, with two amendments in order. Senators can, therefore, expect a rollcall vote at approximately 11:30 a.m. It is also possible that following the disposition of Senate Resolution 98, there will be a cloture vote on the motion to proceed to S. 39, the tuna-dolphin bill. If an agreement is reached on that measure, that cloture vote may be vitiated. All Senators will be notified if that vote remains necessary.

I thank Members for their attention.

MEASURE PLACED ON CALENDAR—S. 1065

Mr. HAGEL. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1065) to amend the Ethics in Government Act with respect to appointment of an independent counsel.

Mr. HAGEL. I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

EXPRESSING SENSE OF SENATE REGARDING U.N. FRAMEWORK CONVENTION ON CLIMATE CHANGE

The PRESIDING OFFICER. Under the previous order, the clerk will now report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 98) expressing the sense of the Senate regarding the conditions for the United States becoming a signatory to any international agreement on greenhouse gas emissions under the United Nations Framework Convention on Climate Change.

The Senate proceeded to consider the resolution.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, the Framers of the Constitution gave the executive branch of our Government authority to negotiate treaties. But they also intended for the Senate's voice to carry weight in negotiations. This morning, the Senate is fulfilling its constitutional responsibility to give its advice to treaty negotiations.

Mr. KERRY. Mr. President, if my colleague will permit.

Mr. HAGEL. I yield to the Senator from Massachusetts.

Mr. KERRY. I want to inquire, are we now on the divided time, Mr. President?

The PRESIDING OFFICER. There is now 2 hours equally divided on the resolution.

Mr. KERRY. I understand that, and time for the proponents will be managed by the Senator from Nebraska, Senator HAGEL?

The PRESIDING OFFICER. That is correct.

Mr. KERRY. So we must yield time at this point?

The PRESIDING OFFICER. The Senator is correct.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. I yield myself whatever time is necessary, Mr. President.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, the pending resolution, Senate Resolution 98, with its 65 cosponsors, is intended to change the course of negotiations on the new global climate treaty now under discussion.

The need for this treaty is questionable, but the harm that it would cause is certain. Two articles in this Monday's Wall Street Journal, written by

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

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Jack Kemp and Dr. Fred Singer, are excellent summaries against the direction the administration is taking in negotiating this treaty. I ask unanimous consent that these articles be printed in the RECORD.

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

[From the Wall Street Journal, July 25, 1997]

A TREATY BUILT ON HOT AIR . . .

(By Jack Kemp)

In December, representatives of 150 nations will gather in Kyoto, Japan, to sign a successor treaty to the United Nations' Framework Convention on Climate Change. Today, in anticipation of this momentous event, the Senate is scheduled to debate the Byrd-Hagel resolution, a non-binding measure sponsored by 65 senators that will put that body on record against any treaty that would cause serious economic harm to the U.S. For more than a year the Clinton administration has been promising to provide its economic model of the treaty's effects, but last week it announced that it will not provide any formal estimate—a signal that the treaty won't meet the Byrd-Hagel criteria.

NO RELIABLE CONCLUSIONS

Everyone agrees that we need to keep our planet clean. Healthy plants and animals are valuable, but at the same time the U.S. has a solemn obligation to defend the rights of the people who inhabit our planet. It seems that the officials representing the U.S. in the treaty negotiations have lost sight of that duty.

The international negotiations focus on global warming, the theory that greenhouse gases in the Earth's atmosphere are steadily and dangerously warming the planet. Some of our leaders, most notably Vice President Al Gore, have bought into the theory even though scientists have reached no reliable conclusions about global warming (see story below). Yet the 150 nations involved in these talks are rapidly moving toward signing a treaty that would wreak havoc on the U.S. economy and, ironically, on our environment. U.S. negotiators appear to be asking American workers and families to foot the bill for massive reductions in greenhouse gases.

This treaty would require a drastic and sudden cut in energy use that would be legally binding only on developed nations, not on major international trade competitors—including three of the 10 biggest carbon-dioxide producers, India, South Korea, and China. By excluding developing nations, not only will we be missing an opportunity to make further environmental gains, but we'll also be working against the very purpose of the treaty.

Studies show that the high-growth developing nations excluded from the proposed treaty's requirements are more likely to increase their greenhouse-gas emissions in order to pick up the demand left unmet by developed nations, where production would be restricted. The AFL–CIO's Executive Council has declared that an agreement that fails to bind developing nations to the same commitments made by the U.S. cannot possibly work.

The treaty's impact on America's workers and economy, meanwhile, could be severe. First, U.S. industry would face increased production costs for virtually all goods. The net cost just to stabilize U.S. emissions at 1990 levels could reach hundreds of billions of dollars annually, and many nations are pushing to reduce emissions below 1990 levels, at an even more oppressive cost. The resulting higher prices would make American products less competitive on the world market and less affordable at home.

Second, the treaty would send high-paying jobs in mining, manufacturing, transport and other important sectors abroad. Charles River Associates, an econometric modeling firm, has estimated that the administration's plans would increase U.S. unemployment by 0.25% and reduce the gross domestic product by 3.3%. The likely result: 250,000 American jobs lost.

Third, the treaty would saddle Americans with higher energy bills as we are forced to tax energy use. Some have estimated that such a ''carbon tax'' could increase the cost of gasoline by as much as 60 cents a gallon, and of home heating oil by 50%. What's more, as the AFL–CIO has recognized: ''These taxes are highly regressive and will be most harmful to citizens who live on fixed incomes and work at poverty-level wages.''

This burden of drastically increased heating, cooling and transportation costs could hardly come at a worse time for lower-income families. The working poor, and people just getting off welfare and beginning to pay their own way, are already challenged to make ends meet in today's economy. But our diplomatic negotiators have spared little attention for the potentially devastating consequences that their proposals would have for millions of lower-income Americans.

FAR PAST TIME

It is time for the American public to be told exactly what their government is proposing to give away in the global climate change treaty. It is far past time for the Clinton administration to give Congress a detailed economic analysis of the mandatory cutbacks in energy usage that our negotiators are offering on the altar of environmentalist politics. Until the public and the Congress are given the facts, the talk at the global conferences on greenhouse gas emissions will remain as little more than hot air.

. . . NOT SCIENTIFIC CONSENSUS

(By S. Fred Singer)

Yesterday, in opening a White House conference on global warming, President Clinton announced, ''The overwhelming balance of evidence and scientific opinion is that it is no longer a theory but now a fact that global warming is real.'' In support of this contention, the president and other politicians have been busy citing the ''2,500 scientists'' who supposedly endorse the U.N.'s 1996 Intergovernmental Panel on Climate Change report, and thus a forecast of catastrophic global warming.

Actual climate observations, however, show that global warming is mostly a phantom problem. Perhaps that's why Mr. Clinton and Vice President Al Gore harp so much on a ''scientific consensus''—which sounds so impressive to nonscientists. Yet science doesn't operate by vote.

How did the IPCC come up with 2,500 scientists? If one were to add up all contributors and reviewers listed in the three IPCC reports published in 1996, one would count about 2,100. The great majority of these are not conversant with the intricacies of atmospheric physics, although some may know a lot about forestry, fisheries or agriculture. Most are social scientists—or just policy experts and government functionaries. Every country in the world seems to be represented—from Albania to Zimbabwe—though many are not exactly at the forefront of research. The list even includes known skeptics of global warming—much to their personal and professional chagrin.

The IPCC report has some 80 authors for its 11 chapters, but only a handful actually wrote the Policymakers' Summary; most of the several hundred listed ''contributors'' are simply specialists who allowed their work to be cited, without necessarily endorsing the other chapters or the summary. Contrast these numbers with the nearly 100 climate scientists who signed the Leipzig Declaration in 1996, expressing their doubts about the validity of computer-driven global warming forecasts. It takes a certain amount of courage to do this—given that it could jeopardize research grants from U.S. government agencies that have adopted climate catastrophe as an article of faith, and managed to convince Congress to ante up about $2 billion a year.

Even some IPCC climate scientists, in the report itself or in a May 16 Science article headlined ''Greenhouse Forecasting Still Cloudy,'' have expressed doubts about the validity of computer models and about the main IPCC conclusion, that ''the balance of evidence suggests a discernible human influence on global climate''—whatever that ambiguous phrase may mean. A Dec. 20, 1995, Reuters report quoted British scientist Keith Shine, one of IPCC's lead authors, discussing the IPCC Policymakers' Summary: ''We produce a draft, and then the policymakers go through it line by line and change the way it is presented. . . . It's peculiar that they have the final say in what goes into a scientists' report.'' The Science and Environmental Policy Project conducted a survey of IPCC scientific contributors and reviewers; we found that about half did not support the Policymakers' Summary. Parallel surveys by the Gallup organization and even by Greenpeace International produced similar results.

Of course, scientists do accept the existence of a natural greenhouse effect in the atmosphere, which has been known since the 19th century and is not to be confused with any influence from human activity. Another accepted fact is that greenhouse gases have been increasing as a consequence of an expanding world population: carbon dioxide from burning fossil fuels, for instance, and methane from raising cattle. But the climate warming of the past 100 years, which occurred mainly before 1940, in no way supports the results of computer models that predict a drastic future warming. Even IPCC Chairman Bert Bolin has admitted that the pre-1940 warming is likely a natural recovery from a previous, natural cooling. Most important, though, is the fact—not mentioned in the IPCC summary—that weather satellite observations, independently backed by data from balloon-borne sensors, have shown no global warming trend whatsoever in the past 20 years.

The discrepancy between calculated predictions of warming and the actual observations of no warming has produced a crisis for many scientists. Those who believe in global warming keep hoping that proof is just around the corner. Consider this passage from the May 16 Science article: ''[M]any scientists say it will be a decade before computer models can confidently link the warming to human activities.''

It is ironic that an environmental lobbying group, the Environmental Defense Fund, would admit in a brochure on global warming: ''Scientists need to do considerably more work to sort out which [hypotheses] are most likely to be true.'' The EDF complains, however, that the ''skepticism and constant questioning that lie at the heart of science'' sometimes ''cloud the debate.'' Perhaps so; but more often they advance the science.

PRIVILEGE OF THE FLOOR

Mr. HAGEL. Mr. President, I ask unanimous consent that the following members of my staff be granted the privilege of the floor during debate on

Senate Resolution 98: Derek Schmidt, Ken Peel, Kent Bonham, David Kracman, and Tom McCarthy.

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

Mr. HAGEL. Mr. President, we have more than a dozen Senators on this side who want to speak on this issue. Under the time agreement, however, we have only 1 hour for proponents to debate. I, therefore, encourage Senators to insert their statements in the RECORD so they will be fully available to our negotiators before next week's meeting of the ad hoc group on the Berlin mandate in Bonn, Germany. I also hope to discuss this issue further on the Senate floor at a later date.

Mr. President, I thank the majority leader and the minority leader for their leadership in bringing this resolution before the Senate. I also thank the chairman and the ranking minority member of the Foreign Relations Committee for their leadership as well. I particularly thank the distinguished senior Senator from West Virginia. It has been a privilege for me to work on this important issue along side one of the Senate's giants.

We are here today to debate a very important issue, one which will have a major impact on the future of this country. How our Nation addresses the global climate issue may prove to be one of the most important economic and environmental decisions of the next century.

Let me say from the outset, this is not a debate about who is for or against the environment. We all agree on the need for a clean environment. We all want to leave our children a better, cleaner, more prosperous world. Nor is this debate about motives, personalities or politics. It is about finding the truth. What are the problems? If there are problems, what is the best solution? What are the costs? What are the consequences? And what do we need to do now?

The debate on the Senate floor today is about the path the administration is taking on this issue. I believe they are on the wrong path in their negotiations for any treaty to be signed in Kyoto, Japan, this December.

That is why my distinguished colleague from West Virginia and I have offered the Byrd-Hagel resolution. Senate Resolution 98, with its 65 cosponsors, puts the administration on notice that an overwhelming and bipartisan majority of the U.S. Senate rejects its current negotiating position on a proposed new global climate treaty. It is so important, as my friend, Senator BYRD, has repeatedly pointed out, that we in the U.S. Senate forcefully practice our constitutional role of advice and consent over these important negotiations. The credibility of the United States is not enhanced when the administration negotiates a treaty that has no hope of ratification in the U.S. Senate.

The Byrd-Hagel resolution is a strong bipartisan wake-up call to the administration. This resolution rejects the United Nations' current negotiating strategy of binding United States and other developed nations to legally binding reductions without requiring any new or binding commitments from 130 developing nations, such as China, Mexico, and South Korea. In addition, this resolution rejects any treaty or other agreement that would cause serious economic harm to the United States.

A simple reality of the current situation is that a core group of negotiators in the State Department has brought us near a point of no return. What this broad bipartisan coalition of 65 Senators is saying is ''we need a new direction in these negotiations.''

I approach this issue, Mr. President, believing that any action this serious that is undertaken by the United States must be based on sound science and common sense. This proposed treaty is based on neither.

If anything has become clear during congressional hearings on this issue, it is that the science is unclear, that the scientific community has not even come close to definitively concluding that we have a problem.

I mentioned earlier this morning, in the Wall Street Journal today, the very interesting article by Dr. Fred Singer about the science on this issue. Dr. Singer is professor emeritus of environmental sciences at the University of Virginia. I have already requested this be printed in the RECORD.

The science is inconclusive and contradictory, and predictions for the future range from no significant problem to global catastrophe. The subcommittee I chair, International Economic Policy Export and Trade Promotion, has held two hearings on this issue. In the first hearing, we heard testimony from Dr. Patrick Michaels, a very distinguished climatologist and professor of environmental sciences at the University of Virginia, who noted conditions in the real world simply have not matched changes projected by some computer models. Most of the warming of this century occurred in the first half of this century, before significant emissions of greenhouse gases began. And 18 years of satellite data actually shows a slight cooling trend in the world.

Before the Senate Environment and Public Works Committee Dr. Richard Lindzen, professor of meteorology at the Massachusetts Institute of Technology, testified that ''a decade of focus on global warming and billions of dollars of research funds have still failed to establish that global warming is a significant problem.''

At the same hearing, Dr. John Christy, an associate professor in the Department of Atmospheric Science at the University of Alabama, stated: ''The satellite and balloon data show that catastrophic warming is not now occurring. The detection of human effects on climate has not been convincingly proven because the variations we now have observed are not outside of the natural variations of the climate system.''

It is clear that the global climate is incredibly complex. It is influenced by far more factors than originally thought when some early crude computer models first raised alarms about the possible threat of imminent catastrophic global warming. The scientific community has simply not yet resolved the question of whether we have a problem with global warming.

I suggest, again, that common sense dictates you don't come up with a solution to a problem until you are certain that you have a problem. However, the Clinton administration has proceeded to negotiate a solution before we have a confirmation that there is a problem.

They have proposed that the United States and other developed nations submit to legally binding controls of greenhouse gas emissions. But they will not be asking for legally binding commitments from more than 130 ''developing nations,'' including, as I mentioned before, China, Mexico, South Korea, India, Singapore, and others.

Mr. President, this makes no sense, no sense at all, given that these nations include some of the most rapidly developing economies in the world and are quickly increasing their use of fossil fuels. By the year 2015, China will surpass the United States as the largest producer of greenhouse gases in the world.

It is the United States and other developed nations who are currently doing the most to reduce greenhouse gas emissions. It is the developing nations that will be the biggest emitters of greenhouse gases during the next 25 years. It is complete folly to exclude them from legally binding emissions mandates. How could any treaty aimed at reducing global emissions of greenhouse gases be at all effective when it excludes these 130 nations? It won't. If these nations are excluded, greenhouse gas emissions will continue to rise, and we would see no net reductions in global greenhouse gas emissions. The exclusion of these nations is a fatal flaw in this treaty.

Some analysts have even cautioned that the unequal treaty being negotiated at the United Nations could increase the emission of greenhouse gases. As industries flee the United States and other industrialized countries, they would reestablish themselves in developing countries that have much weaker environmental standards, like our neighbor to the south, Mexico.

A draft economic report commissioned by this administration, this administration's Department of Energy, concluded that:

> Policy constraints placed on six large industries in the United States—petroleum refining, chemicals, paper products, iron and steel, aluminum and cement—would result in significant adverse impacts on the affected industries. Furthermore, they conclude:

emissions would not be reduced significantly. The main effect of the assumed policy would be to redistribute output, employment, and emissions from participating to nonparticipating countries.

Therefore, the U.N. Global Climate Treaty as being negotiated now by the Clinton administration cannot pass the first test of Byrd-Hagel. It will not include legally binding commitments from the developing nations.

What about the second test of Byrd-Hagel, serious economic harm, serious economic harm to this country and our future generations? One of the notable aspects of this issue is that it has united American business, labor, and agriculture support. In my hearings, we heard testimony from the AFL–CIO, American Farm Bureau, National Association of Manufacturers, and many noted economists. They all agree on one very definite thing—the draft U.N. treaty now under consideration would have a devastating effect on American consumers, workers, farmers and businesses. Estimates of the proposed treaty's damage to our economy vary, mainly because the administration continually refused to offer its own economic assumptions. This, after the administration promised for more than a year to provide an economic model. However, last week the Clinton administration threw in the towel and gave up on even attempting to provide an economic model.

At a hearing before the House Commerce Committee, Janet Yellen, chair of the Council of Economic Advisers for the President, admitted that the administration's long-awaited economic study had failed and claimed that it would be futile to attempt to assess the economic impacts of legally-binding emissions controls on our developed nations. So now the Clinton administration is proceeding to negotiate a treaty without any assessment of what it would do to the U.S. economy. That is incredible; absolutely stunning. But the bottom line is very clear. Even using conservative assumptions, Charles River Associates, a leading economic modeling firm, for example, has estimated that holding emissions at 1990 levels would reduce economic growth by 1 percent a year, rising to 3 percent in the later years, and that does not even consider Under Secretary of State Tim Wirth's long-term goal, which he stated during our hearings, of achieving a 70 percent reduction from current emissions levels.

What this means to everyday Americans is very clear. The AFL–CIO has estimated the treaty would mean the loss of 1.25 to 1.5 million jobs. Energy prices will rise dramatically. Individual Americans will pay for this treaty either in their electric bills, at the gas pump, or by losing their jobs. Jerry Jasinowski, president of the National Association of Manufacturers, testified that the proposed treaty:

. . . would hurt America's manufacturers, workers and families with little or no environmental benefit since new restrictive policies in the U.S. simply would force the flight of U.S. investment to developing countries. Millions of Americans would lose their jobs and American manufacturers would take a severe hit in the marketplace.

What about the effects on American agriculture? It is little known that American agriculture produces 25 percent of our Nation's greenhouse gas emissions, which would make this critical sector of our economy vulnerable to the kind of major reductions envisioned by the U.N. global climate treaty. The American Farm Bureau has called the treaty a back-door Btu tax that would drive up fuel and overall energy costs as much as 50 percent. Again, this is outrageous. This would bankrupt many of our American farmers. Therefore the U.N. global climate treaty has no hope of satisfying the second test of Byrd-Hagel. It would clearly cause very serious economic harm to the United States.

Mr. President, beyond the fairness and economic harm issues that are addressed in Senate Resolution 98, I am also very concerned about any treaty that would bind our Nation's economy to control by some U.N. multilateral entity. Who will administer a global climate treaty? Who will police it? Will we have an international police force, an agency capable of inspecting, finding, possibly shutting down American companies? No one has addressed these questions. The implications are most serious for our national security interests, national sovereignty interests. One of the biggest users of fossil fuels is the U.S. military. How would this treaty affect our military operations and our national defense capabilities? There are serious national sovereignty issues and other issues that we have not even begun to touch.

I said at the outset that I believe any action taken by this Nation should be based on sound science and common sense. The current track of negotiations for the U.N. global treaty does neither. Why is this administration rushing headlong into signing a treaty in Kyoto this December? The scientific data is inconclusive, even contradictory. The economic costs are clear and devastating. This treaty would be a lead weight on our Nation's future economic growth, killing jobs and opportunities for generations of Americans to come.

We need to take global climate issues seriously. Obviously we agree with that. We in the United States have made tremendous strides in cleaning up our environment. We will continue to make progress in the future. We are all concerned about the state of the environment and what we leave to our children and our grandchildren. But when we take actions that will reduce our children's and our grandchildren's economic opportunities, we must ensure that the benefits are real and that they would justify this very real economic hardship that we would be passing on to these future generations.

I urge my colleagues to support Senate Resolution 98, the Byrd-Hagel resolution. I am grateful for the time that my colleagues have given this effort.

At this time, I yield the floor to my distinguished colleague, the senior Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank my distinguished colleague, Mr. HAGEL, for his excellent statement. I thank him for joining with me in the preparation, development and promotion of this resolution. And I thank him for the time that he has yielded to me.

Mr. HAGEL and I, along with 63 other cosponsors, developed S. Res. 98, which was reported favorably from the Senate Foreign Relations Committee, and is pending before the Senate today. The resolution seeks to provide the Senate's views as to the global climate change negotiations now underway. These negotiations have, as a goal, a revision of the 1992 United Nations Framework Convention on Climate Change, known as the Rio Pact.

Mr. President, my years of recollection go back farther than that of most Senators. I am not a scientist, but I have lived long enough to see what I believe are some very definite changes in the climate pattern affecting our country. Droughts, floods, storms appear to me to be more erratic, more unpredictable, and more severe in these later years of my life than in my earlier years. I can remember when there were no air conditioning units in Washington or anywhere else where I lived. We have recently seen heat waves—severe. We have seen droughts—severe. They seem to be happening more frequently. So I believe in my own mind and heart that something is happening out there. Something is happening. Something is happening to our climate. As I say, I am not a scientist, but the majority of scientists who study climate patterns tell us that there apparently are changes going on in the climate pattern and that anthropogenic interference is probably the cause of some of this change.

All the data are not in, but I, for one, believe that there is sufficient evidence of, first, a probable trend toward increased warming of the Earth's surface resulting from human interference in natural climate patterns. I believe that a steady increase in accumulation of carbon dioxide and other greenhouse gases in the atmosphere is taking place. I believe that there is some relationship between the warming trend and such accumulations, enough to justify our taking some action and taking it now. The scientific foundation of this case is plausible enough, in my personal judgment, to put into motion a sound global program, because the trends and the effects are long term. Certainly the Senate, under the Constitution, is obligated to communicate its views and advice on the treaty negotiations. The Constitution, in outlining the powers of the President, says he—meaning the President—shall have power ''by and with the Advice and

Consent of the Senate, to make Treaties''; ''by and with the Advice and Consent of the Senate, to make Treaties. . . .'' It doesn't just use the word ''consent'' of the Senate. It also uses the word of ''advice.'' All too often we let ourselves to be limited to consenting to or rejecting treaties. But we have an obligation to advise the administration as to the Senate's views concerning a treaty, especially this treaty which can have such far-reaching ramifications.

I do not think the Senate should support a treaty that requires only half the world—in other words, the developed countries—to endure the economic costs of reducing emissions while developing countries are left free to pollute the atmosphere and, in so doing, siphon off American industries. There are those who say that the United States is responsible for the situation that has developed. They claim that the United States should bear the brunt of the burden. But the time for pointing fingers is over. In this particular environmental game there are no winners; the world loses. And any effort to avoid the effects of global climate change will be doomed to failure from the start without the participation of the developing world, particularly those nations that are rapidly developing and will rapidly increase their carbon dioxide and other greenhouse gas emissions. Count me as a global environmentalist, who insists that all nations that spew forth major concentrations of carbon dioxide, or that will be spewing forth major concentrations of carbon dioxide, must step up to the plate in these negotiations and make good-faith, specific, binding commitments to control and reduce these emissions right from the start.

Industry is fueled, in large part, by fossil fuels, which are the primary—primary—cause of greenhouse gas emissions. Let us examine the role of China in that regard. As a percentage of total world consumption in the year 2015, China alone will account for 42 percent of all the coal burned worldwide while the United States will account for only 16 percent. The increase in China's use of coal should alarm every environmentalist who is concerned about global warming.

So, if you are a true environmentalist—I am not talking about fanatics—if you are a true environmentalist, as I am, then you should be alarmed about the situation that I have just mentioned with respect to China. And there are other countries, such as India, Mexico, Indonesia, Brazil, that are classified as developing countries. I say they need to step up to the plate, just as we do, just as the annex 1 countries do, just as the developed countries do, when the negotiations are taking place and make binding, specific commitments to reductions of greenhouse gases and to make those commitments to start now, not somewhere in the future.

From 1995 to 2015, China will increase its coal consumption by a huge 111 percent, compared to only 22 percent for the United States. Yet, despite its future role as the world's leading contributor to the problem of carbon emissions, China has indicated steadfast refusal to apply any type of binding obligations upon its own economy and industry. I believe that, if the treaty does not commit the developing nations like China to binding commitments, there will be no incentive for China and the other nations of the developing world to make responsible and environmentally sound choices as they develop.

The committee report that is before the Senate contains a brief but accurate summary of the history of the global change negotiations. Most of the nations of the world signed up at the Earth summit in Rio in 1992 to a Treaty that set voluntary goals for nations to start limiting their carbon dioxide emissions. Unfortunately, most nations of the world, ourselves included, failed to take the actions needed to meet those voluntary goals.

As a result of this failure, the parties met again in Berlin in 1995 and sought to impose a timetable whereby legally binding limits on national carbon dioxide reductions would be put into place. Unfortunately—unfortunately—a fundamental error—I would use the word ''blunder''—a fundamental blunder was made in Berlin in that only the so-called developed nations, or Annex I nations, were to impose such a legally binding regime on themselves. Developing nations got a free pass.

The concept which is embodied in the Byrd-Hagel resolution is that developing country parties should join the developed world in making new specific scheduled commitments to limit or reduce greenhouse gas emissions within the same compliance period.

Now, does this mean that the Senate is insisting on commitments to identical levels of emissions among all the parties? Certainly not. The emissions limitations goals, to be fair, should be based on a country's level of development. The purpose is not to choke off Mexico's development or China's development. The purpose is to start addressing the greenhouse gas problem in the only meaningful way we can, that is, through globally and through binding commitments up front. The timeframe could be 5 years, 7 years, 10 years or whatever. The initial commitment to action, starting upon signature in Kyoto, could be relatively modest, pacing upwards depending upon various factors, with a specific goal to be achieved within a fixed time period. There are plenty of tools to encourage the developing world to make meaningful commitments.

The message to U.S. negotiators is that all nations—that is the message of this resolution—particularly those that are making and will in the future make a significant contribution to greenhouse gas emissions need to make commitments at Kyoto that unequivocally demonstrate a tangible action program—action, not just words—to tackle the problem of climate change; and the need to start with their best efforts to act on those commitments immediately, not 5 years down the road, not 10 years down the road but immediately, and not settle for vague promises to return to a future negotiation to get serious.

American industry has expressed concern that a treaty without developing country commitments would encourage capital flight and a loss of jobs in the United States. We do not as yet have available the administration's current best assessment of the economic impacts of various levels of emissions targets in the United States. However, preliminary work done by the Argonne Laboratory on this matter is worrisome in that its worst case scenario shows a very negative economic impact on American industry.

Mr. President, as I have said, we do not yet have a clearly articulated economic assessment by the administration, and so it is impossible to make specific judgments as to the economic impacts on particular industries and how they can be mitigated by other tools that could be included in the treaty. Dr. Janet Yellen, Chairman of the Council of Economic Advisers, stated in a hearing before the Environment Committee on July 17, the administration has not settled on a particular set of policies to reduce emissions and intends to engage all interested parties in a White House conference on climate change this fall.

The American people need to understand the situation and the actions to be taken. The President is committed to this major public education campaign, and I note that he yesterday convened a meeting of scientists at the White House to discuss the evidence regarding global warming and to begin that educational process.

There surely will be costs if the United States is to make the changes to our existing industrial base and to our lifestyle necessary to meet the goals of the treaty. Our smokestacks must be cleaner and our automobiles more efficient. There are many ways to achieve these goals, but we must be able to tell the American people what will be required to meet any proposed commitment.

The Senate is doing the right thing in addressing the negotiations in a principled way without attempting to micromanage those negotiations. It is possible that the Senate will have a binding revision to the Rio Pact presented to it within a year. Given the tremendous implications for this agreement, the Byrd-Hagel resolution also suggests that the leadership create a bipartisan group of Senators to monitor the negotiations and report periodically to the full Senate on the nature of the agreement as it is being shaped by our negotiators. The nations of the world are all in this global boat together. It is not a boat of which only half will sink while the other half stays

afloat. Unless we all pull our oars in the same direction and plug the large leaks as well as the small leaks, our ship will flounder and surely sink. This resolution will give the Senate and the American people a seat at the negotiating table and add strength to our U.S. negotiating team.

I thank all Senators for their attention, and I hope the resolution will be adopted by a substantial majority.

Now, some of the Senators who have signed on to the resolution may have differing views about the treaty, but there is one thing that we are in agreement on—one or two things. These are set forth in the resolution beginning and concluding with the resolving clause. One, that all nations, all nations must take steps now, at the time of the signing of the treaty, to begin limiting their emissions of greenhouse gases. Mere promises will not be sufficient. Mere promises will not get by this Senate. A treaty will have to have the approval of a two-thirds supermajority in this Senate, and that is what we are telling the administration. We are letting the Administration know that this Senate is not just going to consent or not consent on a treaty. This Senate is going to fulfill its constitutional obligations not only to consent but also to ''advise'' and consent. And the resolution also provides that such a treaty must not result in serious harm to the economy of the United States.

So I suggest that all Senators read the resolution's resolving clause. That is where we come together. That is where Mr. HAGEL's views, my views, the views of others who are signatories of the resolution blend and constitute a consensus.

Mr. President, I thank my friend and I yield the floor.

Mr. HAGEL. Mr. President, I thank Senator BYRD very, very much.

I yield up to 5 minutes to my friend and distinguished colleague from Kentucky.

Mr. FORD. I thank the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, it is always good to work with my longtime friend, Senator BYRD, on a project that we both believe very strongly in, and it is good to work with a newfound friend. I have had an affection for people from Nebraska for a long time, and Jim Exon and I worked together as Governors and then here. I appreciate the Senator's friendship and getting to know each other. And so I thank him for his cooperation and help here this morning.

Mr. President, there is an old saying that when you run out of luck, you better get a new pair of dice. As far as I am concerned, we have lost every roll of the dice during the climate change negotiations, and we better get ourselves a new pair. Otherwise, American workers will be out of luck. That is why I rise today to support Senate Resolution 98 which Senator BYRD and Senator HAGEL now have before the Senate.

If you take a good look at the global climate change treaty currently being negotiated, you will discover that developing nations are the high rollers while the developed nations keep coming up with snake eyes and the big loser is the global environment. That is because only developed nations would be legally bound by the treaty hammered out by negotiators, the so-called ''Berlin Mandate'' produced back in 1995. Developing nations are off the hook.

That decision contained two glaring errors. First, negotiators agreed to complete negotiations for the post-2000 period by the artificial deadline of 1997 before they began implementation of the 1992 convention and before there was an understanding of the complexity of those negotiations.

Second, negotiators succumbed to the demands of China and other developing countries that any agreement reached in Kyoto in 1997 for post-2000 commitments must exempt Asian economies such as China and India and the rest of the developing world. Right now, developed nations and developing nations have about equal levels of carbon emissions, but within 5 years of the deadline developing nations will have more than 1½ times the 1990 level of the developing world.

So because of those bad rolls of the dice, the treaty is heavily weighted against America and especially against American workers. That is because the U.S. will have to make the steepest reductions and suffer the costliest and most damaging consequences. Preliminary estimates put the loss as high as 600,000 American jobs each year. And 600,000 jobs is probably a low estimate because the treaty creates an enormous incentive for American businesses to shift more and more jobs overseas to avoid the expensive emission reductions that U.S. businesses will have to meet.

The impact in Kentucky would be especially bad. Not only miners working in the coal fields of eastern and western Kentucky suffer job losses but many of the businesses and factories that have created a ''golden triangle,'' as we refer to it, between northern Kentucky, Louisville and Lexington would be forced to close, and every single Kentuckian will experience and face higher electric bills and higher gas prices. The sad thing is we will not even get a cleaner environment. That is the sad thing. We will not stop global warming. We will not even reduce carbon emissions. That is because every ton of reduced emissions in the United States and other developed nations will be made up and then some in the developing world.

The way I see it we have been stuck in a game with loaded dice. You have a treaty with devastating consequences for the American economy. You end up with virtually no environmental benefit. It looks like nothing more than a massive foreign aid package paid for with American jobs.

It is clear that many American interests are being neglected by our negotiators and that we must come up with a better solution for the problem of global emissions. But time is limited for the Senate to send a message that the treaty as currently reported is not acceptable.

The answer is clearly not, as proposed by the State Department, a Kyoto protocol and then a second agreement of some kind after Kyoto in 2005 or even later. That scenario ignores the fact that we have no assurances China and other developing countries will become parties to any agreement with a commitment to simply start discussions for a third agreement.

I believe Senator BYRD's and Senator HAGEL's resolution is the right method. It sets commonsense parameters for our negotiators to work from and assures that any treaty meets the goal of reduced emissions without penalizing one country over another.

I hope my colleagues will join us in sending this important message, not only to our negotiators, but to the American people that both the global environment and our national interests must be protected.

I thank my friends and yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Massachusetts.

PRIVILEGE OF THE FLOOR

Mr. KERRY. Mr. President, I ask unanimous consent that Scott Bunton and Gregg Rothschild, of my staff, be permitted access to the floor during the resolution deliberation.

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

Mr. KERRY. Mr. President, I yield myself such time as I may consume.

Mr. President, I want to thank the Senator from Nebraska and the Senator from West Virginia for raising an issue of common sense and a very legitimate issue regarding the U.S. negotiating position with respect to global climate change.

I have not been a cosponsor up until this point of the resolution because I shared with Senator LIEBERMAN and Senator CHAFEE concerns about some of the phrasing and the meaning of some of the resolution with respect to the negotiating process. We thought it was important to seek clarification with respect to those points before having a vote.

As a member of the Foreign Relations Committee, I raised those concerns during the markup. I voted to send this resolution to the floor for consideration today. Pending the ultimate discussion that we have on the floor here today, it is my intention to vote for this resolution because I think it embraces common sense.

That common sense is the notion that if you are really going to do something to effect global climate change

and you are going to do it in a fair-minded way that will permit you to build consensus in the country, which is important, and to build the necessary support to ratify a treaty, we are going to have to do this in a way that calls on everybody to share the burden of responding to this problem. That means that we need to have an agreement that does not leave enormous components of the world's contributors and future contributors of this problem out of the solution.

It is simply wrong to assume that facing the difficulties we have had since the Rio treaty, the agreement in Rio, which 155 nations signed, that we are going to be able to now face up to those greater responsibilities without bringing everybody into the solution. The notion that China or India or other enormously rapidly developing countries, who will before too long also be adding very significantly to this problem, and already are to some degree, are going to somehow later negotiate their participation I think is contrary to common sense. So I have joined in the notion that it is appropriate to reconsider the Berlin Mandate and to discuss how the U.S. Senate properly thinks we should approach these negotiations.

But let me also make it clear that, in this strange hybrid of Senators who have signed on as cosponsors to this resolution, there are some who do not want any treaty. There are some who do not think it is a problem. There are some who do not accept the science. There are some for whom the effort is one to really have nothing happen. I am pleased that Senator BYRD is not one of those and that many of those who will vote for this resolution, the sense-of-the-Senate resolution, join me and others in believing that this is a serious problem with science that supports it.

It is not my purpose to debate the science very deeply here this morning because the science is not at issue in this resolution. This resolution is a question of negotiating tactics. This resolution is about how we will approach the question of reducing greenhouse gases, not whether. It is a question not entirely based on science.

But nevertheless, the Record ought to reflect as we approach these issues that the science overwhelmingly documents the notion that a phenomenon known as global warming is already occurring, it is occurring. There is no debate among scientists as to whether or not it is happening. There is some debate as to what the impacts will be. There is debate about the models and how much those models show with certitude it is going to happen in what part of the country.

Can we predict what will happen to Nebraska? The answer is no. Can we predict what will happen to my State of Massachusetts and the coastal zones? Well, to some degree some scientists are suggesting you can, but some people remain questioning that.

Let me make it very clear—someone raised the question about how the Panel on Climate Change now predicts the global warming of only 1 degree to 3.5 degrees Celsius over the coming century. People say that is not really that bad and it is hardly a cause for concern. Let me point out to my colleagues that the global average temperature has changed by less than a degree Celsius up or down for 10,000 years. We know that. So the projected warming is expected to exceed any climate change that has occurred during the history of civilization.

In addition, even apparently small global average temperature changes will be accompanied by much larger regional climate shifts. For example, a warming which is twice as large as the global average is projected to occur at high northern latitudes. Apparently, small global average changes have also led to very large climate shifts in the past.

Moreover, the Intergovernmental Panel on Climate Change, representing the consensus of climate scientists worldwide, has concluded:

> . . . the balance of evidence suggests that there is a discernible human influence on global climate. And the year 1995 matched 1990 as the hottest year on record.

What we know to a certainty also is that from the 1980's on we have been recording these increasingly heated periods. We then saw Mount Pinatubo's cooling effect. We saw that cooling effect begin to diminish as the impact of that volcanic disruption between the Sun's rays and the Earth dissipated. So we have begun to return to the high readings that we saw characteristic of the late 1980's. March through December of 1994 were the warmest periods on record according to the National Weather Service climate analysis.

I could go on. The National Academy of Sciences has reported that despite uncertainties, greenhouse warming poses a potential threat, ''sufficient to merit prompt responses * * * Investment in mitigation measures acts as insurance protection against the great uncertainties and the possibility of dramatic surprises.''

In addition, the panel suggested that substantial mitigation could be accomplished at very modest costs; in other words, insurance is cheap, they said.

Let me point out one other fact that was set forth at the hearings we had in the committee.

We know that we are the world's greatest emitter of greenhouse gases. We know that carbon dioxide is the most significant of those. We know that the oceans mitigate the increase of carbon dioxide that we put into the atmosphere. The oceans consume the carbon dioxide.

But what we have also learned as a matter of science is that there is some level at which there is this potential of saturation of the oceans. We do not know where that is. The oceans recirculate it. And the question remains whether or not you might have an extraordinary, dramatic impact because of the reaching of this saturation point.

Some people may want to tempt that. Some people may not feel any kind of generational responsibility or any kind of global responsibility and suggest that, well, all of these thousands of scientists, all of the consensus reached by 155 nations—they may want to choose to ignore it.

But when scientists tell me that the oceans are already rising and they are already rising at a discernible and measurable rate and that we are continuing a process of warming and that between now and the middle of the next century oceans will rise 1 to 3 feet and that the impact of that will be devastation on the coast of Florida, the loss of island nations, and the remarkable impact on wetlands all around the planet, I think we have a responsibility to say, well, we ought to try to think about that. And that is exactly what this effort to deal with global climate change is trying to do.

Now, I am not going to debate all of the science and the models and what can or cannot be done here. But it is clear that one of the chief sponsors of this resolution, Senator BYRD—and you have heard him speak—agrees, and Senator LIEBERMAN and CHAFEE and others do, that the prospect of human-induced global warming as an accepted thesis with adverse consequences for all is here, and it is real.

There are some Senators, as I have said, who want to debate that science; and so be it. That is not what this resolution is about. This resolution is a question of how our negotiators will negotiate. What we ought to be seeking in Kyoto, as we pursue what most people have decided, is a legitimate concern.

Senator BYRD's resolution makes a first step toward tackling the issue of changing the balance of how we approach this. As I have said, Senator LIEBERMAN, Senator CHAFEE, and I would have worded some things differently. But we are convinced in our discussions with Senator BYRD that the intent here is similar, which is to guarantee that our negotiators have a changed position, a tougher position, but a reasonable position in negotiating how we will come to agreement in Kyoto.

Let me point out a couple of those areas where we had some concerns. There is language in the resolution about the developing nations accomplishing their reductions within exactly the same compliance period as the developed nations. I have come to the conclusion that these words are not a treaty killer that some suggested it might have been.

I am encouraged to learn that Senator BYRD's objective is to support entering into a binding international agreement to address climate change, and he also agrees that all nations, developed and less developed, ought to participate in this significant effort.

We both recognize that, as a matter of global and national environmental protection, the global warming issue is not going to be able to be addressed effectively if any major emitting nation or group of nations stays outside the agreement. So, ultimately, all major emitting nations will need to reduce greenhouse emissions if we are going to make significant progress on global warming.

I heard one of my colleagues talk earlier about who is going to police this, and how do you enter into this international agreement. Well, the fact is we enter into international agreements all the time. We have trade agreements. We have arms control agreements. We have environmental agreements. We police them by arriving at mutually agreeable means of being able to raise the issues with each of those nations that might be offending, and we have done so without ever giving up our sovereignty. So, that is just a red herring in this issue. We know that we can do that, and we will do that.

We also know that we are trying to seek an equilibrium with other nations so we are not losing jobs while other people are gaining some foothold in the marketplace. We understand that. We are not seeking to consciously enter into an arrangement that will disadvantage the United States of America and our economy.

On the other hand, every environmental agreement and every agreement we have reached so far requires some change in the way we do business. That change has generally produced more jobs, not less jobs. One of the fastest growing industries in Massachusetts has been environmental technology, as we develop new means of producing clean coal or scrubbers or as we create other kinds of mitigation for toxins or chemicals. I think that the same thing can happen here. If the United States is smart, we will be the provider of these technologies to the world.

There still appears to be a little bit of uncertainty as to what this phrase within the same compliance period actually means. But after a number of discussions with Senator CHAFEE's and Senator BYRD's staffs, I believe that we have reached an understanding that it means essentially that we want countries to begin to reduce while we are reducing, we want them to engage in a reasonable schedule while we are engaged in a reasonable schedule, but that if a developing nation needs more time to get a plan in place or needs to have more time to raise the funds and be able to purchase the technology and do the things necessary, that as long as there is a good-faith track on which they are proceeding, that if it took them a number of years, 2 years, 3 years, 5, or longer to be able to reach a particular goal, that certainly means within the same compliance period they are operating similarly to try to meet the standards that we want to set out. We believe that, given that less-developed countries are not currently projected to emit more emissions than industrial countries until at least the year 2015, it is reasonable to permit some flexibility in the targets and the timing of compliance while at the same time requiring all countries to agree to make a legally binding commitment by a date certain. That is reasonable. But I think most of my colleagues would agree that if some country simply doesn't have the capacity, the plan, the money, or the technology, it may be they have to take a little more time and we should want to be reasonable in helping them to do that because the goal here is to get everybody to participate, not to create a divisiveness that winds up with doing nothing.

There is a second issue here, and that is the issue of emissions trading. While this resolution includes provisions that address developing countries' participation, a number of us are critical of the fact that it is silent on the question of flexibility, a question of what market tools or what market access tools ought to be permissible for use by all countries. I believe that the record is clear that emissions trading is a vital market mechanism that will benefit the United States.

Emissions trading not only advantages the U.S. business, but it would provide developing countries with incentives to sign up to binding legal commitments that most people believe are important in this treaty. I would like to point out to my colleagues that, currently in the negotiations, Europe is trying to create a bubble over Europe itself, trying to create a separate agreement where Europe will be able to have emissions trading among European countries, but we and others would not be able to engage in that trading. The result would be that you might have Belgium required to do a 10-percent reduction in 2010 for CO_2 and CH_4 and NO_X. But at the same time, Greece would be able to increase by 30 percent. Spain would increase by 17 percent. Ireland would increase by 15 percent. Portugal would be able to increase by 40 percent. This is because they are trying to set up a structure where they can trade amongst each other for emissions without us having that same capacity.

Now, if anything disadvantages American industry, it would be to have Europe create a bubble for itself to the exclusion of the United States to be able to emissions trade. I am against that. I think that is anticompetitive and it is anti-United States. This is silent on that. I hope my colleagues will agree with me that we want the United States to be able to trade with one of these countries. We want the United States to be able to trade with one of the less developed nations so that we can do what we have done in the United States.

Let me point out, here is the impact. Referring to this chart, these are what we have done in the United States. This black line represents the actual SO_2 emissions in the United States, and this was the projected rate of reduction if we were to engage, under the Clean Air Act, in emissions trading, and this pink line was what we projected. But because emissions trading has been such an effective market tool, this yellow line represents the actual rate of reductions in SO_2 emissions. So we have had a phenomenal success through emissions trading in reducing emissions in our country. And it would be simply against common sense to have a negotiation which precluded the capacity of the United States to engage in this emissions trading.

This chart shows the growth indicators and emissions. The black line represents the gross domestic product increase of the United States of America from 1985 to 1995. The electricity demand in the United States is the pink line, and the electricity demand went up almost concomitantly with the gross domestic product. At the same time, because we engaged in these tradings within our States, here is what happened with the emissions trading effect. The SO_2 emissions dramatically went down, even as electricity demands went up.

So it is a proven tool, it is a market force tool, and it is one that will enhance the economic competitiveness of the United States. I am pleased that, in my discussions with Senator BYRD, he has indicated that there is nothing in this resolution that precludes the capacity of our negotiators to pursue this as a tool in our negotiations and, conceivably, as one of the ingredients of a Kyoto treaty.

Mr. HAGEL. Will the Senator yield?

Mr. KERRY. For what purpose?

Mr. HAGEL. I would like to respond, if I could.

Mr. KERRY. I will finish up, and then I want to reserve some time for Senator CHAFEE, and others. If I can complete, then and the Senator, on his time, can certainly ask any question that he wants to.

Let me just say that we believe very strongly that we need to put a structure in place that will provide incentives for nations and industries to reduce their emissions of greenhouse gases. And we believe, obviously, the developing world is poised to undertake a massive infrastructure investment in energy, transportation, and other potentially high-emitting sectors. These investments are going to have long-term capital stock lifetimes, and if we were to exclude that discussion of them being part of this, it would be an enormous error of judgment, I think, for the longrun of this effort.

One final comment I will make on the science. Even if we were to reduce our greenhouse gas emissions today to 1990 levels, you will still continue to have the greenhouse gas warming effect, because the life of these gases in the atmosphere will go on for 75 years, or longer, into the future and because of the cumulative effect and the lack of

knowledge about where you may have a saturation point or a devastating impact, caution and common sense predicate that we should do everything possible in order to avoid the potential of that kind of catastrophe.

I reserve the balance of our time.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I yield myself whatever time I need. I just would like to make a quick response to my colleague. I noted that my colleague from Massachusetts keeps employing the name of Senator BYRD. I assume that Senator BYRD is going to have an opportunity to speak for himself on this.

First, let's be very clear. This is all interesting, but it does not at all have anything to do with the Byrd-Hagel resolution. That is No. 1. Two, I am saying—and I think much of what we are talking about on the resolution that legally binding commitments are pretty tough, and we want to understand about those legally binding commitments before anybody gets legally bound, regarding if we are talking about a European bubble, or whatever.

Mr. KERRY. Let me answer the Senator by saying we don't disagree with that at all.

Mr. HAGEL. This is interesting, I say to the Senator, but again it does not reflect on what the Byrd-Hagel resolution reflects.

Mr. KERRY. How doesn't it reflect on it?

Mr. HAGEL. We don't talk about the European bubble. More important, we don't talk about European trading and joint implementation. If Senator BYRD wants to say that, he can. This Senator wants to make it clear that I am not in favor of any sort or form of emissions trading or joint implementation.

Furthermore, any kind of implied United Nations bureaucracy with the power to come in and inspect and penalize and fine and shut down American companies, which obviously is the legitimate logical conclusion of this, I want to be on record right now in saying I oppose that. Obviously, Senator BYRD can speak for himself.

Mr. KERRY. To answer the Senator, since he wanted to engage in this discussion, no one has suggested any such thing, and I would be against that, also.

Second, the Senator would have to agree with me that this resolution is silent on the issue of emissions trading. That is what I said; I said it is silent.

Mr. HAGEL. That is what I have said. I said I could not support that, will not support that, and I want to make sure my colleagues understand that, and that we stay focused on this.

Mr. KERRY. We will let the Senator from West Virginia speak for himself. But it is my understanding that the Senator from West Virginia has a different view.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. HAGEL. Thank you, Mr. President. Senator KERRY, is it your intent to enter into a colloquy with the Senator from West Virginia on this issue?

Mr. KERRY. Mr. President, not necessarily. I am going to wait until I have had a moment to discuss this with Senator CHAFEE. But we can proceed with the debate. There are people on his side that would like to speak. I will reserve the balance of our time.

Mr. HAGEL. I thank the Senator. I would like to yield to my friend from Kansas 2 minutes for his comments on this issue as well.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, might I inquire of my distinguished colleague from Nebraska, was that 4 minutes or 2 minutes?

Mr. HAGEL. It is 2 minutes. It was 4 minutes 2 minutes ago, and I am sorry about that. I might add that we intend to continue this dialog and colloquy, hopefully, next week because as a result of the fact that we were given less time late last night than what was originally agreed to, even though I happen to be standing in this position, there is not much I can do with that. I live by the law. So that is why you have 2 minutes, and probably less.

Mr. ROBERTS. Mr. President, might I inquire whether that dialog came out of my time? I assume I have an additional 2 minutes. I was merely questioning the distinguished Senator from Nebraska on the time.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. ROBERTS. I thank the Chair. I am upset. Talking about global warming, I have a little global warming underneath the collar. Two minutes and one hour of debate for such a terribly, terribly serious question.

I rise in support of Senate Concurrent Resolution 98, and that is a fancy word that puts the Senate on record against any U.N.-sponsored, legally binding greenhouse treaty. I come to this issue as the former chairman of the House Agriculture Committee, where we spent years trying to address our emission policies with sound science, reasonable cost-benefit considerations, and I want to wake up farm country because that is not what is going to happen.

A U.N. scientific panel now blames agriculture, under the auspices of this plan, for 20 percent of human-caused greenhouse gas emissions. They propose the following things, Mr. and Mrs. Farmer, so get your pencil out, get your yellow tablet out. We don't have time to really discuss this—Senators want to leap on their airplanes at 12 o'clock—in terms of an issue that will affect every life and every pocketbook in America. But we are here talking about it, and I probably have 30 seconds.

Wake up. Mandatory increased fuel economy requirements. Phaseout of diesel fuel. How are our tractors going to run? I don't know. Limitations on production. Been there, done that. We passed a new farm bill. Mandate for no-till; no-till farming, forcing farmers to buy all sorts of new equipment. Here's a good one: Restrictions on livestock production to reduce methane emission for the United Nations. We are going to control what goes into the cow and now, evidently, we are going to have a U.N. observer trying to control what comes out of the cow. And restrictions on processing and transportation of food products.

This is uncalled for. Many of my colleagues joined to send a letter to the administration to say, how on Earth are we going to do this and still feed America in a troubled and hungry world? That answer has not been forthcoming. We recommended five considerations, and then we follow with the letter that was sent to the President last November by every major agriculture group.

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:

NOVEMBER 8, 1996.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Last summer, participants in the second Conference of Parties of the United Nations' Framework Convention on Climate Change (UNFCCC) agreed to negotiations for legally binding numeric limits on greenhouse gas emissions. This dramatic shift from voluntary to enforceable caps on greenhouse gases was led by the U.S. According to your spokespeople, there is now a consensus in the world scientific community which demands urgent action to reduce greenhouse gas emissions.

There is less than agreement outside the United Nation's scientific body. Furthermore, there is still a lively debate among respected scientists about the human versus natural sources of greenhouse gases and their effect on climate. Controversy notwithstanding, the climate change treaty is moving full-speed ahead with the Administration's enthusiastic support. A final agreement is scheduled to be completed in December of 1997, with ratification by individual countries beginning in 1998. If ratified by the U.S. Senate, the treaty will be binding on the U.S. and other developed countries and may be incorporated into U.S. law. However, developing countries will not have to comply.

Of great concern to agriculture are reports under consideration by the U.N. scientific panel which blame agriculture for more than 20 percent of human-caused greenhouse gas emissions. Specifically, we are concerned about proposals for the following: fuel economy requirements, reduction or phaseout of the use of diesel fuel, limitations on production per acre for some crops, requirements for ''plowless'' soil preparation, mandatory fallowing of crop land, limits and restrictions on livestock production to reduce methane emissions, restrictions on use of fertilizer, restrictions on timber harvesting, restrictions on processing, manufacturing and transportation of food products.

Unfortunately, these proposals ignore agriculture's positive role in reducing greenhouse gases by removing carbon dioxide from the atmosphere through photosynthesis. Most importantly, they cavalierly disregard the most valuable function of modern agriculture—feeding a hungry world. Ironically,

rice production has been singled out as the number one culprit in human-caused methane emissions.

We are very concerned that these recommendations or similar ones will be incorporated in the final climate change agreement, ratified and imposed on U.S. farmers and ranchers through U.S. laws. Binding and enforceable controls would apply only to developed countries and would severely disadvantage U.S. farmers and ranchers in today's global markets.

Moreover, we are deeply concerned and surprised that the Administration has not actively consulted with agriculture as the agreement has been developed. We respectfully request that the Administration take the following actions:

(1) The Administration must fully and actively consult with agriculture. Agricultural interests have not been considered by the Department of State and other U.S. agencies which are closely involved with the development of the climate change agreement. The agreement must include an open and extensive public debate which involves agricultural producers and members of Congress, USDA and other agencies.

(2) The Administration should withdraw its support for legally binding and enforceable caps on emissions until here is a stronger consensus from the scientific community that they are justified. If it is determined that controls are justified, they should be accomplished voluntarily or in ways which minimize disruption of U.S. agricultural producers.

(3) The final climate change agreement, scheduled for completion in December of 1997, must be delayed to provide sufficient time for consultation with agriculture and for adequate risk, cost and benefit assessment.

Without proper scientific and economic analyses and assessment, U.S. farmers and ranchers may be placed at a serious disadvantage with agricultural producers in countries which do not plan to reduce greenhouse gases.

If the Administration does not adequately address the above concerns, we may raise them with Congress during the ratification process.

Sincerely,

American Farm Bureau Federation, American Crop Protection Association, American Sheep Industries Association, American Soybean Association, CENEX, National Association of Wheat Growers, National Cattlemen's Beef Association, National Corn Growers Association, National Cotton Council, National Food Processors Association, National Grange, National Milk Producers Federation, National Pork Producers Council, The Fertilizer Institute, United Agribusiness League, United Fresh Fruit and Vegetable Association, USA Rice, Western Growers Association.

Mr. ROBERTS. Mr. President, I am pleased to join a bipartisan majority of my colleagues today in support of Senate Resolution 98 that puts the Senate on record against any United Nations-sponsored global climate change treaty that would be binding on only developed nations.

It had been U.S. policy until last year that the United States would pursue voluntary programs to reduce greenhouse gas emissions to 1990 levels. This made sense, the science is not clear on global warming and no nation should risk their economic well being because of environmental extremism that ignores the call for sound science.

However, Deputy Secretary of State Tim Wirth last year at the Berlin meeting of the Conference of Parties of the U.N. Framework Convention on Climate Change suddenly changed the voluntary course of action. Under the White House's supervision, Deputy Secretary Wirth proposed global warming treaty language that would force the United States and smaller developed nations like Great Britain and Germany, to control their greenhouse gas emissions, but purposefully exempts so-called developing nations such as China, India, South Korea, Mexico, and Brazil, from the binding treaty language.

It is fact that China and India will exceed United States greenhouse gas emissions early next century, but they will be exempt from this U.N.-designed treaty. These developing nations will have no international authority regulating their industries or way of life. As a result, the White House is meekly declining to be forceful in its negotiations and would rather unilaterally disarm our economy that is based on power. If Deputy Secretary Wirth and others supporting this treaty are so concerned, perhaps they can tell me how stopping United States carbon dioxide emissions while letting China and India pollute will help their environmental cause. What is the benefit? There is none under this treaty if these nations are not brought into the same global scheme as the United States.

Mr. President we are really talking about a legally binding greenhouse gas treaty. Sounds like Washingtonese to Mr. and Mrs. America, but what it really means is the White House is telling the world that developed nations feel guilty about their strong and vibrant industrial base, therefore they must be causing global warming. Deputy Secretary of State Tim Wirth in his June 19 testimony before the Senate Foreign Relations Committee admitted that because the United States produces 20 percent of the world's carbon emissions and has only 4 percent of the world's population that Congress, without sound science on global warming, mandate that business and consumers stop using their cars, trucks, combines, trains, and boats, not to mention shutting down factories to ease the pain of others about our quality of life.

In 1990, the United States produced more than 26 percent of the world's goods and services, while producing only 20 percent of its carbon emissions. Deputy Secretary Wirth also failed to show that America's air is getting cleaner because in the Environmental Protection Agency's report National Air Quality and Emissions Trends Report, 1995 documented improvement in air quality over the past 9 years. This improvement in air quality seems to baffle the EPA and supporters of the binding treaty because our air quality keeps improving despite the growth of the U.S. population, more automobile use, not to mention the growth in our gross domestic product.

And, what are the particulars of this globally binding treaty? Perhaps they are reluctant to tell the folks in Dodge City, America, this treaty will establish a global greenhouse trading emissions system. This means some international body, probably the United Nations, will be responsible for tracking our use of fossil fuels in the United States. The United Nations will be required to know how much jet fuel and diesel the Marines, Air Force, Army, and Navy use. The White House has not even discussed the national security implications of this treaty with the Senate Armed Services Committee.

Wake up, farm country, the U.N. scientific panel blames agriculture for more than 20 percent of human-caused greenhouse gas emissions and has proposed the following proposals for agriculture:

Increased fuel economy requirements, meaning that pickups will be lighter and cannot carry as much feed and seed;

Phaseout of diesel fuel. What does the President propose we burn in tractors?

Limitations on production per acre; been there done that.

Mandate for no-till, forcing farmers to use planters that may not be right for their crops or soil;

Restrictions on livestock production to reduce methane emission. Evidently the United Nations does not like cow flatulence;

Restrictions on fertilizer; and

Restrictions on processing and transportation of food products.

This is uncalled for and I joined with my Senate colleagues on the Agriculture Committee in a letter to the Vice President on March 14 expressing our deep concern that the White House greenhouse proposal was ignorant of the likely mandatory restrictions on the world's food and fiber supplier. Our agriculture policies are the responsibility of the U.S. Congress in consultation with the President. The United Nations should have no say whatsoever in planting, tilling, or harvesting. In our letter we asked the administration to analyze and brief us on the following points regarding agriculture.

First, the potential effect of climate change on U.S. agriculture and livestock production.

Second, the estimated greenhouse gas emission resulting from the production of crops and livestock in the United States.

Third, the net contribution of U.S. forests and crops soaking up greenhouse gases.

Fourth, actions and controls necessary to reduce agricultural greenhouse gas emissions to comply with obligations that may arise under the treaty and an economic analysis of their impact on U.S. farmers and ranchers.

Fifth, whether and to what extent greenhouse gas emission controls would disadvantage agriculture producers in this country compared to producers in other countries with fewer

stringent emission controls or no controls at all.

The silence from the White House about our concern is evident that they are waiting until December when Congress is safely at home that they will reveal the treaty includes a carbon fuel tax. Fortunately, my astute colleagues in the Senate have been able to extract pieces of this plan through congressional hearings. The White House will impose a Btu tax on energy sources like gasoline, diesel, and electricity. According to congressional testimony by Dr. Janet Yellen, chairman of the President's Council of Economic Advisors, that a $100 tax for every ton of carbon produced from fossil fuels will be needed to reduce U.S. greenhouse gas emissions to 1990 levels. I know that some of my seasoned colleagues recall that this is the same administration that in 1993 proposed a complicated Btu tax on fossil fuels.

Mr. President, a Btu tax is unneeded and goes against everything the Congress and White House has been struggling for over the past 2 months, a balanced budget with income-tax breaks. What would this Btu tax cost the family, the small businessman, or farmer? Well, some economists believe that to reach the 1990 level of U.S. carbon dioxide emissions that the Btu tax would be comparable to an increase of at least a quarter, if not two, in the Federal gas tax. That's a lot of money for the pizza man or the single mother shuttling kids between school and soccer practice. The same thing happens on these folks' power bills every month because coal or natural gas is used to generate electricity that provides them a warm home in the winter and a cool house in the summer.

Coming from an energy-intensive State where we have to drive long ways to reach home or work, this tax is senseless. Specifically, it will hurt our farmers, who EPA Administrator Browner called earlier this week the ''backbone of America.'' A Btu tax will dramatically affect the bottom line of farmers and ranchers. An analysis of the 1993 Btu tax proposal by the Kansas State University Department of Agriculture Economics determined that would have cost Kansas farmers from $1,311 to $4,531 depending on their location in the Sunflower State. That is a lot of money, and if the crops are bad, it hurts producers' bottom line even more.

Here are some specifics from the report that need to be closely examined because they will mirror what the White House will be proposing. A Rice County, KS, farmer planting continuous cropped wheat under the 1993 proposed Btu tax cost per acre would have increased by $1.45. For a northeast Kansas dryland milo farmer in Brown County, his cost per acre would have risen by $2.90. The same Brown County farmer growing corn, which Kansas is increasing its acreage under freedom to farm, would have paid $3.58 per acre for corn under a Btu tax. A Miami County farmer raising hay and alfalfa costs per acre would have gone up $2.91. why can't the White House give us this information about their treaty proposal?

What concerns me is that the administration is paying attention to the questionable science on global warming and is blindly putting the U.S. agriculture industry in an uneconomical production straitjacket that will do more harm on a global scale. The Kansas State University study determined that the majority of a Btu tax will be passed on in the price of fertilizer, ag chemicals, fuels, and grain drying costs. I would like to quote directly from the study: ''[I]n return, the manager will not be able to pass these costs on in terms of higher commodity prices. Farm managers may reduce the use of energy-intensive inputs to some degree, resulting in smaller production and increased commodity prices.'' While I am never one to question higher wheat prices, I would if it meant forcing farmers from using diesel or fallowing fields because the United Nations suggested it to meet the treaty's requirement.

The study summary goes on. ''An increase in the costs of production will reduce the supply of farm crops.'' We, the United States, who proudly supplies the rest of the world with wheat, corn and almost every imaginable natural product, probably cannot provide food to these developing nations clamoring for international food aid if our production costs increase. If our production goes down, our domestic market will become paramount and the United States may have to ignore the poor and hungry of other nations that we have been feeding for tens of years.

My colleagues, the administration was in the process of trying to develop a specific economic model to predict what the costs of this binding treaty would be on America, not only farms, but all industries. But, the administration told the Congress they specifically wanted the model to be peer reviewed to ensure there would be no questions about its results. However, when they presented it for peer review, the reviewers told the White House that their model did not work and, if they did find one, it would clearly show the treaty would substantially hurt the economy. The White House refuses now to speculate what the impacts would be. Could it be they are afraid of spooking Wall Street and its meteoric rise above 8,000? Why should companies invest in plants and people only to be taxed more here in the United States? As you can see, this treaty will cost jobs.

Mr. President, I urge my colleagues to oppose any weakening amendments to the resolution. This strongly worded sense of the Senate needs to be shared not only with the appropriate administration officials but world leaders in developed and developing nations. I know that there will be a meeting in Bonn, Germany, in several weeks and I hope the administration will reveal to the world that if they propose such a misguided treaty to the U.S. Senate, it will fail.

Mr. LOTT. Mr. President, I support Senate Resolution 98, the sense-of-the-Senate resolution on the Global Climate Change Treaty submitted by Senators BYRD and HAGEL and supported by nearly two-thirds of the Senate. Like many of my colleagues on both sides of the aisle, I have many serious concerns about the economic impact that this treaty would have on our Nation.

By adopting this amendment, the Senate will be exercising its constitutional role of advising the executive branch as part of a treaty process. The President should take this resolution as a serious and constructive step in the treaty process.

Before we take another step toward ratification, I believe that the Senate must insure that the economic impact and inequity of this international agreement be fully aired for the American people.

As written, this legally binding treaty would require the United States and other developed countries to reduce their carbon dioxide and greenhouse gas emissions to 1990 levels by the year 2010. In order to meet these targets, the United States would either have to issue new regulations or levy huge taxes on all fossil fuels in proportion to their carbon contents. Economists have suggested that stabilizing emissions at 1990 levels with a tax could cut America's gross domestic product by $350 billion. Further regulations would likely take even billions more from our economy.

And what would the developing nations contribute?

What would our neighbors in Mexico have to do to help stop global warming? Nothing.

What about other so-called developing nations like Korea, China, India, and Brazil?

The treaty lets them off the hook.

Mr. President, this is not an equitable international policy.

This is not a level playing field for the United States.

Simply put, I believe the United States should not ratify this treaty as it stands.

I do not believe that this Nation has been a bad actor when it comes to characterizing our environmental public policy. In fact, I believe America has already set the example. An example which all Americans have through their taxes and prices on many commodities has already paid for. Unless all the citizens of the globe are involved, there is a clear inequity.

Mr. President, this does not mean I do not want to address the issue of curtailing carbon emissions.

It means that we should only participate in a fair, balanced equitable agreement where all nations must participate.

Is there such a thing as global warming?

We must admit that there is no consensus among scientists about the validity of this theory. While some cry that the polar ice caps are melting as we speak, others point out that the lower atmosphere has shown no statistically significant warming in the past 19 years.

I do not believe this is the place to launch a debate on the quality of the scientific data. I simply point out that the science is not settled or certain. So why rush into signing a legally binding and economically damaging international agreement?

This much is certain—in order for America to reach the treaty's goal of reducing greenhouse gas emissions to 1990 levels by 2010, the United States will have to reduce their fossil fuel use by at least 25 percent.

How do those who advocate this treaty think this will impact our country?

Mr. President, let me give my colleagues some illustrations of what our Nation could face: First, energy taxes on energy use which would reduce economic growth by nearly 3 percent annually, increasing consumer costs by $110 billion; second, the loss of under 2 million American jobs, most of which will actually move overseas; and third, harm to the steel, basic chemicals, petroleum refining, aluminum, paper and cement industries, which would be targeted for severe restrictions by the treaty.

The Byrd-Hagel resolution states that the United States should not be a signatory to any agreement that ''would result in serious harm to the economy of the United States.'' I believe this is a reasonable and responsible action.

Mr. President, this treaty imposes very serious burdens on our economy with little environmental gain. This is just not a sound public policy.

I have but one question for those who want to sign the treaty: How can America help the global environment by wreaking havoc and permanent harm on our own economy?

This administration says that the United States—all alone—should decrease its energy use for 40 years before the developing nations are required to participate. There is no guarantee that these developing nations will be any more interested in curtailing their energy use then than they are now. Today, China is accelerating its use of fossil fuels, and by 2015, will likely pass the United States in total carbon emissions. Is it fair to let them off the hook now while we are subject to such stringent regulation?

The Byrd-Hagel resolution would require developing nations to comply with the same regulations at the same time in the same treaty as the United States. This is not only equitable, it is the only way that there can be any real benefit to the global environment.

Mr. President, the debate over global warming is tremendously important to the future of all Americans. The threat of losing 2.5 percent of our GDP will impose enormous hardships on the average consumer. The treaty is essentially an attack on America's life style.

The United States has already spent more than a trillion dollars to clean the environment. American taxpayers must be assured that any new environmental programs actually provide benefits that outweigh their costs and that are grounded in sound science. At the same time, we must not enter into any international agreement that puts the United States at a significant disadvantage in the global arena.

Mr. President, I believe the Global Climate Change Treaty is unacceptable as it stands at the very least it needs the Byrd-Hagel correction.

I would like to thank and commend Senators BYRD and HAGEL for their dedicated efforts to educate our colleagues on this issue. I appreciate their leadership and thoughtful consideration of this important international environmental issue. Thank you, Senator BYRD and Senator HAGEL.

Mr. President, I urge my colleagues on both sides of the aisle to join me in supporting the Byrd-Hagel resolution.

Mrs. MURRAY. Mr. President, I rise in support of the Byrd resolution.

I will vote for this resolution, first, because the concerns of American workers and industry must be considered in any treaty into which this country enters. This resolution unequivocally sends that message.

Second, it should be without dispute that developing nations must control their emissions if we are to reduce greenhouse gas. This resolution strengthens our bargaining position to ensure real, attainable standards are established for developing countries, too.

I want to make it clear, however, that I support a negotiated global warming treaty. I believe science and common sense mandate that we work to reduce emissions and increase forest conservation to offset emissions.

Regarding the developed-developing nation debate, I believe it is also clear that we developed nations have historically emitted more greenhouse gases per capita than have developing countries. In addition, we are economically more able to absorb whatever increased costs occur based on the need to reduce emissions. Therefore, we should assist our neighbors through technology transfer, economic assistance, and joint ventures in meeting whatever emissions goals are established.

I offer my strong support to the administration as it continues negotiations to reduce greenhouse gases worldwide. I thank Senator BYRD for strengthening the American bargaining position with this resolution.

Mr. MCCONNELL. Mr. President, I rise in support of the Byrd/Hagel resolution. This legislation expresses the sense of the Senate regarding the conditions for the United States to become a signatory to any international agreement on global climate change. Consideration of this legislation is critical to shaping the upcoming debate on global climate issues and amending the Framework Convention on Global Climate Change. An upcoming meeting in Kyoto, Japan, has the potential to cripple our economic potential, while allowing the emissions from less developed nations to grow unchecked.

The Rio Treaty signed by President Bush called for industrialized nations to voluntarily reduce greenhouse gas emissions to 1990 levels or lower by the year 2000. All but two countries will miss the goals, including the United States which missed the mark by 10 percent. The administration blamed this on low fuel prices and a strong economy. Mr. President, this is not a liability or something the United States should apologize for.

Nonetheless, in an effort to reverse this success, the Clinton administration signed on to the Berlin mandate in 1995. This is an agreement of industrialized nations to further reduce emissions after 2000. Unfortunately, this agreement exempts 130 developing countries from reductions or commitments in greenhouse gases. This enormous loophole will guarantee the failure of this agreement. In 1996, the administration decided that it would use the Berlin mandate to create a new treaty with legally binding mandates on emission levels.

Mr. President, I am very concerned with the administration's intention to sign an agreement that commits the United States to legally-binding emissions levels that will not achieve significant environmental gains. The fatal flaw of this agreement is that it exempts developing nations, including China which is estimated to exceed the United States in greenhouse gas emissions by 2015. By 2010, the share of U.S. global emissions will fall from 20 percent to just 10 percent as developing nations continue to grow in population and industrial capability. By the year 2100, developing nations are estimated to produce three-quarters of the total greenhouse gases.

In testimony before the Senate Foreign Relations Committee on July 21, Under Secretary Tim Wirth argued this agreement was like a row boat and the United States should ''pull a heavier oar at the beginning; over time, we must all pull together.''

Mr. President, anybody who has ever operated a rowboat knows that when you pull harder on one oar you end up going in circles. And that is precisely what this agreement will do. It won't achieve any net environmental gains and worse, will succeed in sending our economy into a tailspin.

Left unchanged, this agreement will provide a significant advantage to our competitors. In order to achieve lower emission levels, new energy costs and other costly regulatory burdens required to reduce energy use reduce our competitive advantage in all industries. It is likely to force our most energy-intensive industries like steel,

aluminum, chemicals, refining, and paper production to move overseas. Mr. President, this is unacceptable.

Study after study has demonstrated that this agreement would cripple our economy. A DRI/McGraw Hill study shows our Nation's GDP would be reduced annually by 2 to 3 percent. According to the AFL–CIO, between 1.25 million and 1.5 million U.S. jobs would be lost. These jobs would reemerge in other countries where, as a result of the flawed agreement, emission levels and high energy taxes are not a concern. On top of this consumer costs would rise by $50 to $100 billion annually. Higher energy prices would mean increased costs on all goods including groceries, electricity, and gasoline.

Mr. President, I represent a State that this treaty puts right in the cross hairs. There are 25,000 people whose jobs are tied directly to the coal industry. Higher energy taxes, like the Btu tax proposed by this administration, hits coal harder than any other energy source. Thousands of well-paying jobs would be lost in my State as this administration seeks to eliminate coal as our primary energy source, while giving developing nations an unfair advantage.

It is important to keep in mind that coal provides over 50 percent of our power needs nationwide. This is the low cost fuel source that helps maintain this Nation's competitive edge and reduces increased dependency on foreign oil.

Not only would the Kentucky mining industry be devastated, but industries across my State would feel the impact of higher energy prices. As I noted earlier, industries like chemical, steel, paper, and aluminum would be greatly impacted. Three of our leading manufacturers General Electric, Ford and Toyota use significant amounts of energy. The 30,000 jobs at these facilities would all be threatened by our foreign competitors.

The Byrd/Hagel resolution addresses the unfairness in the agreement being considered by the administration. This resolution mandates specific scheduled commitments to limit or reduce greenhouse gas emission for developing nations, with the same compliance period.

If every nation doesn't agree to the same emission levels and timetables, what incentive will they have to negotiate in the future when they have an overwhelming competitive advantage? It is important that we not bargain away the economic advantages we have worked so hard to achieve.

Passage of this resolution will send a clear message to the administration when they begin negotiations in Kyoto. I am hopeful this will prevent the administration from signing an unacceptable agreement that puts the burden of cleaning up the environment on American workers just to have these gains wiped out by developing nations.

Mr. President, I urge my colleagues to join me in sending a strong message to the administration by voting for the Byrd/Hagel resolution. This is a vote for jobs and a vote for the environment.

Mr. BAUCUS. Mr. President, later this year the 166 countries that signed the 1992 climate change treaty will meet in Kyoto, Japan. They will be seeking stronger measures to control a potential threat to the future of our planet and to the lives of everyone living today and children yet to be born.

The threat is easy to understand, even if the science is complicated and a bit uncertain. In hearings before the Environment and Public Works Committee earlier this month, a panel of respected scientists gave us their assessment of the problem.

They told us that man-made emissions of greenhouse gasses, such as carbon dioxide, have led to a distinct warming of the Earth over the past 100 years. More troubling, however was their prediction.

If left unchecked, the continued growth in these emissions, which trap the sun's heat, will have potentially serious effects. These consequences include shifting climate patterns and more frequent violent weather events, such as floods and droughts.

Now most areas of the country experience extreme weather conditions from time to time. But permanent shifts in climate patterns can seriously alter our lives and our economy.

For instance, in an agricultural State, such as Montana, the prospect of more flooding and longer dry spells is a threat to the livelihood of our farming and ranching families and their communities. And, if weather patterns change, crop yields can be seriously decreased.

These kinds of threats to our future are serious enough that we must take action to avoid them. We can begin by controlling our greenhouse gas emissions. And if we start with modest steps now, instead of waiting, we will likely avoid any serious economic disruptions.

In 1992, the Rio summit asked developed countries to lead the way. The climate change treaty committed these countries to voluntarily reduce their emissions of carbon dioxide to 1990 levels by 2000.

Unfortunately, the voluntary actions didn't work. The good intentions of most countries never translated into concrete results. So if we are to control these emissions, the new treaty must contain binding limits on emissions.

However, we also need to make another change in the 1992 treaty.

We certainly need binding controls on developed countries, which currently emit about 60 percent of global greenhouse gases. But we also need them on developing countries, which are responsible for the remaining 40 percent.

We simply can't reach a solution by addressing only 60 percent of the problem. Furthermore, unless all countries participate, we run the risk of giving our economic competitors an unfair advantage.

Yet developing countries are resisting such efforts. So how can we change their thinking? Perhaps by broadening our own.

Let me take one country, China, as an example. Why China? For one, because over the next 20 years, China will be responsible for one-third of the increase in greenhouse gas emissions.

For another because the United States has a lot of issues to deal with China on. Trade, human rights, regional security, and environmental protection, to name a few.

So despite fundamental disagreements on some issues, we share many mutual interests, including climate change.

China has more people potentially at risk from rising sea levels and violent weather than any other nation. It also has an urgent need to increase its domestic energy supplies. If we consider the broad array of interests we share, I suspect we will find ways to gain their support on climate change issues.

After all, China is a growing part of the problem, it must be part of the solution.

Another aspect of encouraging developing nations to participate in new emission controls is to include in the treaty flexible, market-based strategies, such as joint implementation and emissions trading.

Market-based strategies have been very successful here at home. For instance, the acid rain program in the 1990 Clean Air Act included trading of sulfur dioxide emissions credits.

This program stimulated technological innovation. It also reduced sulfur dioxide emissions at a cost that was less than one-tenth that predicted by industry.

By including similar programs in a climate change treaty, we can achieve greenhouse gas reductions at the lowest possible cost. It gives U.S firms the flexibility to comply with emission targets in a way that makes the most sense for them. And it will protect our worldwide economic competitiveness.

For developing countries, emission trading can give them access to new technology and financial support that will make it easier for them to comply with their new obligations.

The language contained in Senate Resolution 98 will help achieve the goal of including all countries in the new treaty.

It requires that the treaty mandate new specific scheduled commitments to limit or reduce greenhouse gas emissions for developing country parties within the same compliance period as developed countries.

But since developing and developed nations are starting from different places, it makes sense to require different targets. Here again, the language crafted by Senator BYRD helps. It does not specify that developed and developing countries meet the same targets and timetables.

When Under Secretary of State Tim Wirth recently appeared before the Environment and Public Works Committee, he spoke in support of Senator BYRD's resolution. I believe he said it was ''largely on the button.'' He added that the administration ''very much agrees with the thrust of what [Senator BYRD] is saying related to developing country commitments.''

So although the language of the resolution requires new commitments from developing countries, the administration should seek emission targets that are more consistent with their level of industrialization.

I plan to follow the treaty negotiations carefully to be sure that developing countries have agreed to commit to controlling their greenhouse gases.

And while the resolution unfortunately omits any mention of the need for market-based strategies to achieve the emissions targets, I believe the treaty must include them. They simply make much more sense for all countries than the command-and-control approach being advocated by some.

In closing, Mr. President, let me say that the toughest issues for democracies to handle are those in which the threat to society builds gradually, but inexorably, over time, such as with global climate change. We deal well with immediate crises.

My hope is that by debating this issue today, by passing this resolution, we will elevate the public discussion about climate change and avoid the need for a future crisis to spur us into action.

Mr. KYL. Mr. President, I take this opportunity to comment on the resolution now before the Senate. It is clear from the number of Members who are signatories to this resolution that the majority of this Chamber has significant reservations, as it should, about the ratification of any international agreement on greenhouse gas emissions under the U.N. Framework Convention on Climate Change. I intend to vote for the resolution, but I must say I believe it does not go far enough in bringing to light the faults of the convention. I'd like to amplify some points that are touched upon only briefly in the resolution.

I am very concerned about the call to move away from voluntary goals, as framed in the original convention, toward legally binding emissions-limitation targets and timetables for the United States, as well as the other developed, or annex I, countries that are party to the convention. The 1992 treaty, ratified by the Senate, called for the economically developed countries to undertake voluntary actions to aim to reduce their greenhouse gas emissions. Unfortunately, the only major developed nations that will meet this voluntary target of 1990 levels by 2000 are Britain—because it switched its fuel for electricity production from heavily subsidized coal to North Sea natural gas—and Germany—because it is able to count efficiency gains from replacing its ancient East German powerplants. Despite the fact that the United States is expected to miss its own target by about 10 percent, the administration, by signing the Berlin mandate in March of 1995, now believes it is a good idea to pursue additional emissions reduction targets after the year 2000. The Berlin mandate, which was not presented to the Senate for approval, sets up a process to negotiate a new treaty that will: First, commit the United States, and other developed countries to a legally binding agreement—contrary to the earlier approved agreement; and second, specifically exempt the 130 developing countries, including the emerging economies of China, Mexico, and Korea, from any additional commitments.

It does not make sense, either environmentally or economically, to focus on the nations which are already spending billions on pollution control and making substantial progress, while ignoring the so-called developing countries. U.S. companies, using the best available technology, are able to eliminate a great deal of pollution from their emissions. To achieve an additional increment of pollution reduction requires a much larger amount of money to be spent. Because of the law of diminishing returns, the costs will heavily outweigh any benefits. However, in developing countries, where the pollution control technology is not be as advanced or widespread as it is here in the United States, a dollar spent on pollution control will stretch much further and achieve far more significant reductions in overall pollution. Thus, the cost/benefit ratio favors significant pollution reduction in developing, not developed, countries.

In addition to the simple cost/benefit analysis, many scientists predict the greatest increase of future greenhouse emissions will come from developing countries like China, Mexico, Brazil, and Korea. As much as 60 percent of global carbon emissions are expected to come from such countries in the next few decades, with China becoming the single-largest emitter in the near future. Since these countries are expected to produce the bulk of future greenhouse emissions, exempting them will not reduce net global emissions. Both cost-benefit analysis and common sense say that the most effective way to reduce net global pollution is to reduce emissions in the developing nations.

While I presume many supporters of this resolution agree that under no circumstances should the United States be subjected to legally binding emissions limitations, I believe the resolution is somewhat unclear. As I read it, it says the United States will agree to legally binding emissions if ''the protocol or other agreements also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for developing country parties within the same compliance period.'' Unfortunately, I believe this condition is not sufficient. As many of you know, it has been interpreted by different people in different ways. Some read it to mean that the Senate will not approve a treaty that does not include identical emissions level and target date requirements. Others, however, have read the same language and determined that it means any treaty must have equal commitments when it comes to setting time tables but not emissions levels. Unfortunately, it is easy to set developing countries on a time table and allow then to continue to pollute in any amount they desire. The emissions levels can be easily set so that the developed countries have very stringent, and perhaps unattainable levels, while the developing countries have very lax, easily reached goals—all the while, all countries are operating within the same time table. The time table alone does not determine the amount of pollution emitted; the emission level is more important. Setting the developing countries to the same timetables without meaningful emissions limitations will not preclude them from emitting larger amounts of greenhouse gases. This approach, I believe, defeats the purpose of the treaty ratified by the Senate, which is to voluntarily reduce greenhouse-gas emissions on a global scale. The original intent was not to legally bind the annex I countries to set timetables and emissions levels while only requiring the developing countries to comply with parallel timetables but not the same emissions standards.

Also of concern is the fact that the administration is basing its climate-change policy on questionable science. The science on climate change is very much an open inquiry into an as-yet-unconfirmed phenomenon over which the scientific community remains sharply divided. Discrepancies exist in the evidence now being considered. So, before the administration binds the United States legally to costly, and possibly unnecessary, standards and goals, shouldn't we allow for the science on this matter to first evolve and, in turn, allow for us to base our decision on facts?

Finally, there is the question of why the United States would embark on a course of action that many scientists say would do little environmental good. A report released in January of this year, January 10, 1997, by the Congressional Research Service poses the question: ''Given the scientific uncertainties regarding the magnitude, timing, rate, and regional consequences of the potential climatic change, what are the appropriate policy responses?'' I believe the appropriate response is to wait for the science to evolve; not to leap into legally binding emission limits that, if developed, would not necessarily improve the environment and would cost American citizens billions of dollars.

Confirming this approach, Dr. Robert C. Balling, Jr. of Arizona State University issued a report entitled ''Global

Warming: Messy Models, Decent Data, Pointless Policy.'' In it he states, ''Global warming is presented as a crisis that can be stopped or minimized with appropriate policy actions. However, the evidence suggests that realistic policies are likely to have minimal climatic impact. Recent research also suggests that a delay in implementing policy responses will have little effect on the efficacy of global warming mitigation strategies.'' He continues: ''It is absolutely imperative that the policies developed for the global warming issue be built on the best science.'' Mr. President, I could not agree more.

This December in Kyoto, Japan, the administration will further commit itself to the convention; it will be offering protocols to that instrument that lack the necessary support of the scientific community. Because we do not know enough to support these terms and allow for the administration to exploit the ends to justify the means for climate-change policy, the responsibility to ensure that the United States is not legally committed to reducing greenhouse-gas emissions will be placed in the hands of the U.S. Senate. We must preserve the right to question the validity of these protocols. Congressional oversight of the negotiations is crucial and any agreement reached in Kyoto must be brought before us for advice and consent. Once the science on this issue has evolved, we will then be able to base our laws on the science and avoid the costly mistake of basing the science on the laws.

Ms. MIKULSKI. Mr. President, I rise in strong support of the Byrd resolution on global climate change and I urge my colleagues to support it. I am proud to be a cosponsor of this resolution.

This resolution explains what the ground rules should be if the United States is to become a signer of the United Nations Framework Convention on Climate Change. This resolution would prohibit the ratification of any treaty that would seriously threaten the economy of the United States. It says that both industrialized nations and developing countries must share the burden of any globally binding treaty on climate change equally.

I support the Byrd resolution for one simple, but very compelling reason—jobs. For those of you who thought you'd hear a vacuum sound pulling jobs overseas following NAFTA implementation—you ain't heard nothin' yet. The only thing this treaty will do, the way it is written now, is destroy American industry as we know it. I will not be a party to any treaty or agreement that sends American jobs overseas. Business won't have any incentive to maintain or build new factories in the United States.

Let me be clear: I support international efforts to improve the environment. But the effort must truly be international if we are to make any progress. I do not believe efforts to control or reduce global warming will be successful unless rapidly developing countries are forced to take the kind of tough steps that the United States will have to take.

We cannot be a part of a binding international agreement that lets countries such as China, South Korea, and India off the hook. Developing nations do contribute to global warming. If we exempt them from the restrictions mandated for the industrialized nations, we will simply see a shifting of pollution, not a reduction. This is not what anyone wants to see happen.

The objective of the treaty being negotiated is to curb global climate change. The United States has already taken steps to achieve this goal. At the beginning of President Clinton's first term, he released his administration's version of a domestic climate change action plan.

This plan relies on a comprehensive set of voluntary actions by industry, utilities, and other large-scale energy users. It also promotes energy efficiency upgrades through new building codes in residential and commercial sectors. Large-scale tree planting and forest reserves are encouraged, as well as increased use of hydroelectric power sources.

These are important steps which will have a positive impact on our global climate. We certainly must continue to research causes of global climate change, and come up with scientifically sound solutions. Our viability as a nation and planet depends on it.

But we cannot throw away American jobs based on a plan that could have only a marginal impact on climate change. Coming up with the right plan should have little effect on the American economy, because it will mean an overall sustainability of the global environment, and the continuation of the United States as a leader of technological and industrial innovation.

Once again, Mr. President, I support this commonsense resolution, which will simply ensure that American jobs won't be lost as we address the issue of global climate change. I am hopeful we can pass this resolution and move on to the next stage of protecting our global environment. I thank the Chair.

Mr. THOMAS. Mr. President, I rise today in strong support and, as an original cosponsor, of Senate Resolution 98, the Byrd-Hagel global warming resolution.

I want to thank the Senate leadership and Senators BYRD and HAGEL, for scheduling floor time for this important initiative before negotiators begin talks in Bonn, Germany.

The administration's current go-at-it-alone plan regarding global climate change is grossly unfair to the United States.

I am opposed to setting legally binding targets and timetables on the United States and other developed countries to reduce greenhouse gas emissions, while at the same time exempting China, Mexico, Brazil, South Korea, and India from those identical regulations.

This will only worsen the problem the administration claims it wants to fix.

Developing countries are projected to continue increasing their use of fossil fuels.

And by the year 2015, China alone is expected to surpass the United States in total carbon emissions.

The Clinton administration's plan will also drive the economy down and send jobs overseas.

The AFL–CIO estimates that between 1.25 and 1.5 million American jobs would go overseas.

And the plan would put the United States at a severe competitive disadvantage and reduce our GDP by $200 billion.

Nevertheless, the administration—led by Under Secretary of State Tim Wirth—is on a mad rush to sign a legally binding treaty in Kyoto, Japan, this December.

This is in spite of:

Uncertain global warming science;

The administration's unwillingness to reveal its final targets and timetables for emissions reductions; and

The fact that they have now thrown out their economic analysis models, which were supposed to help guide policy makers.

The Byrd-Hagel resolution addresses these discrepancies.

It would direct the United States not to sign any agreement that would:

''Mandate new commitments to limit or reduce greenhouse gas emissions, unless it also mandates specific scheduled commitments to reduce gas emissions for developing countries within the same compliance period''; and

''Result in serious harm to the economy of the United States.''

Sixty-four of my colleagues have cosponsored this initiative and I urge their support of this resolution.

Mr. President, I strongly encourage the administration to listen to the concerns being expressed by this Chamber.

Be honest with us and the American people, and realize that we will not ratify any treaty which commits the United States to one set of standards to reduce gas emissions, but will let China, India, Mexico, and other developing countries off the hook.

We ought to focus on bringing all of the countries of the world to the table. Everyone ought to contribute to the cause.

Asking all nations to contribute—within the same compliance period—will help the environment and help U.S. industries stay competitive.

Mr. KERREY. Mr. President, I rise today to voice my support for Senate Resolution 98 regarding the U.N. Framework Convention on Climate Change. Like my colleagues in the Senate, I too am concerned about the effects on the economy of any national or international agreements that the United States enters into. I am particularly concerned with any agreement that may impact the well-being of the American public and the ecological balance of this Nation. The U.N.

Framework Convention on Climate Change has the potential to do both.

The United States is scheduled to join with leaders of 160 nations in Kyoto, Japan in December of this year to conclude negotiations on a global climate change treaty. The Kyoto summit is the latest in a series of meetings that have been held since this body ratified the U.N. Framework Convention on Climate Change in 1992. At Kyoto, the United States and other countries hope to adopt a protocol or legal instrument to deal with the threat of climate change in the post 2000 period.

It is my belief that the United States must take the leadership role in these negotiations, and steer the course to achieve an equitable, reasoned approach to global climate change mitigation, an approach that seeks inclusion of all countries and that offers a solution to the issue. While I believe the resolution before us will allow such an approach, I want to emphasize to the administration the essential nature of a negotiated framework to which all countries can accede.

Before I summarize my analysis of the need for global action, let me review the facts. First, global climate change is real. If it were not, 160 countries would not be meeting to address it. However, there are uncertainties about the effects of global climate change—uncertainties relative to the timing, the magnitude, and regional patterns of climate change. We must acknowledge these uncertainties, but acknowledge also that they do not justify inaction.

As stated recently by Dr. William Nordhaus of Yale University: ''The results (of studies) definitely reject inaction; uncertainty alone cannot justify waiting for the revealed truth to act, particularly when the revealed truth, if it ever comes, is probably going to arrive at the point where the effects are irreversible.''

Second, a leading indicator of climate change is increased emissions of global greenhouse gases. Concentrations of atmospheric carbon dioxide—the largest component of greenhouse gas emissions—are about 26 percent higher now than they were 100 years ago. Also, globally averaged air temperatures at the Earth's surface have warmed by nearly 1 degree Fahrenheit over the last 100 years.

Increased emissions of greenhouse gases are virtually entirely due to the activities of man. As a general rule, a country's greenhouse gas emissions rise in concert with increased industrialization. It is no surprise, then, that the United States is the greatest emitter of greenhouse gases, both in terms of gross and per capita emissions. However, the emissions of some developing countries are rapidly escalating, and the emissions of some are expected to surpass that of this country in the first quarter of the next century.

Which takes me back to my call for U.S. leadership. As the world's industrial leader, the United States should take a clear lead in negotiating a framework for all countries to participate in global climate change abatement. A global approach, and global participation, is requisite to a successful outcome. This approach may require a new framework and a fresh look at timetables and current directions. My understanding of the data is that we have time to do this—we have time to assess where we are and how best to craft equitable policies. But inaction is not appropriate.

The resolution before us requires commitments of developing countries to mitigate greenhouse gas emissions in the same timeframes as developed countries. This may resonate as promoting a policy that discourages the participation of many developing countries. However, the resolution will allow developing countries appropriate flexibilities in commitments to address global climate change abatement. The United States and other developed countries must accord newly developed and developing countries flexibilities and incentives to participate, and these need not create economic disadvantages to the United States or any other developed country.

I cannot emphasize enough the importance of this point. Without all countries on board, inaction becomes inevitable, because emission reductions achieved by one country will soon be offset by increased emissions from another.

An equitable approach that encourages commitments by all parties and that offers incentives to developing countries is needed. Market-based solutions to curb emissions will allow continued economic growth with minimal impacts. Developed countries are in a better position to implement emissions-curbing activities and technologies at low cost and impact, and to also transfer these abilities and technologies to developing countries and to aid in their economic advancement in a way that tempers emissions growth.

While measures to stabilize greenhouse gases at a certain level will inevitably lead to some energy price increases, an international emissions-trading scheme could substantially reduce the potential costs. What is needed, however, is a policy to ensure that incremental costs of reducing or stabilizing emissions are equalized across firms, across sectors, and across countries. This can only occur if we take into account the economies, emissions and abilities of countries to participate, and if we assign actions accordingly and in appropriate timeframes.

Market mechanisms can reduce cost impacts of emissions reductions agreements. A preferable policy would be to set short- and long-term goals to stabilize greenhouse gas emissions, and to set quantity limits on emissions that are linked to prices. Targets and timetables for emission limitations cannot operate independently of market prices. An international tradeable emissions permits system, with price caps and floors, would have revenue potential and would be cost-efficient.

Technology transfer and development is an important policy aspect for the abatement of global climate change. The United States and other developing countries have within our current capabilities technologies which can lead to dramatic reductions in greenhouse gas emissions. We can increase the efficiencies of industry, of transportation, of many energy-intensive activities, all with what we already know. By implementing these capabilities and by transferring these technologies to developing countries we can curb emissions significantly. Continued technology development is also necessary.

Lastly, and perhaps most importantly, we must continue to advance the science related to these policies, and to allow policy changes as the data warrant.

Mr. President, I conclude my remarks by repeating that I, too, am concerned about any agreements or policies that effect the well being of this country. However, I believe it is in our best interests and that of the world community to approach global climate change in an inclusive, proactive manner that seeks continued economic growth. That approach demands action, and global coalition building, and it is incumbent upon the United States to steer that course.

Mr. SHELBY. Mr. President, I rise in support of Senate Resolution 98. The negotiations on limiting post-2000 emissions of greenhouse gas emissions, which are scheduled to conclude in December in Kyoto, Japan, will have a significant impact on all Americans. This resolution addresses concerns that the administration has chosen to ignore while pursuing an international agreement that will bind the United States for decades to come.

Science should lead policy. Once again, the administration is pursuing an environmental policy that is based on insufficient research and analysis. Many in the scientific community believe that we are still years away from computer models that can confidently link global warming to human activity. Yet without strong scientific data, the administration is ready to commit the United States to binding actions that will impose economic and social burdens on every American.

Recently, the Department of Energy released a report by the Argonne National Laboratory containing several troubling findings on the effects of the proposed treaty on our economy. Among the conclusions, the study found that without requiring developing countries to meet the same emissions standards as the rest of the world, up to hundreds of thousands of U.S. jobs will move overseas to so-called developing countries that have refused to participate in any new climate agreement. Higher energy prices will lead manufactures to produce less

at higher costs resulting in job loss, higher consumer prices and an inability to compete in a global marketplace. This will devastate our Nation. Yet, the administration is pushing to commit the American people to participate.

The developed countries should not shoulder the responsibility for reducing greenhouse gas emissions around the world. It seems obvious that in the long-run increasing emissions in developing countries will far outweigh any actions taken by the developed countries. Any binding actions by the United States must be accompanied by binding commitments from developing countries. I believe a majority of Americans would agree that devastating our Nation's economy by promoting industry flight overseas is not the answer to a global issue.

The public has a right to know how the administration's commitments requiring them to reduce fossil fuel energy will be accomplished and how their lives, jobs, and futures will be affected. I am greatly disturbed that the administration has not sought, and therefore has not received, support from Congress or the American public on this matter.

Mr. President, the American people deserve an open, objective and honest debate on the development of U.S. climate change policy. Without that, I can not and I will not support committing the United States to limiting post-2000 greenhouse gas emissions.

Mr. LIEBERMAN. Mr. President, I rise today in support of Senate Resolution 98. I believe climate change is a serious problem that requires credible action by the international community. Negotiations on an international agreement to limit greenhouse gas emissions will conclude this December in Kyoto, Japan. This is an essential step in the long-term, global efforts to deal with climate change. While I support Senate resolution's call for increased involvement of developing countries in the Kyoto agreement, the resolution does not take into account other key components of the treaty that are essential to its success, particularly for the United States' business community.

The scientific basis for moving forward with an international agreement to limit greenhouse gas emissions is compelling and significant. According to the Intergovernmental Panel on Climate Change—a group of 2,500 expert scientists representing more than 50 countries, the ever-increasing emissions of greenhouse gases from human activities are changing the global climate. Given the potential impacts of climate change predicted by the IPCC—more droughts, more floods, sea level rise, water scarcity, and increased incidence of infectious diseases—it is not surprising that nations of the world agreed to find more effective ways to understand and deal with the problem. If we don't agree to long-term greenhouse gas limits soon, and instead wait to see how our climate changes, it may be too late. Greenhouse gases remain in the atmosphere for decades to centuries, and there is a long lag time between when gases are emitted and when the climate consequences of those emissions appear. So we need to begin reductions soon to have any long-term effect. And, a new generation of energy-efficient technologies requires a long lead time for development and implementation. This won't happen without clear signals to the market that an international agreement on climate change would provide.

Senate Resolution 98 focuses on the role of developing countries in the Kyoto agreement. The principles expressed in the resolution regarding developing countries are on target. Climate change cannot be solved by the developed countries alone—we are indeed all in the same boat.

New commitments by developing countries regarding their performance under the Framework Convention on Climate Change, of course, need to be consistent with their historic responsibility for the problem, as well as their current capabilities. The ground rules for the negotiations—the Berlin mandate—recognize these common, but differentiated responsibilities.

It is clear that the Berlin mandate can be carried out in a way that is consistent with Senate Resolution 98. The resolution says that developing countries can start with a commitment that is lower relative to the industrialized countries at first. Over time, however, the commitments of developing and developed countries must become comparable to ensure that every country does its fair share to address the problem.

Senate Resolution 98 states that developing countries have to start making quantified emissions reductions objectives within the same compliance period as developed countries. This means that at a stage to be negotiated over the compliance period of the Kyoto agreement, developing countries must begin to make quantified emissions reductions objectives. Senate Resolution 98 says that it is entirely appropriate for industrialized countries to start making quantified emissions reductions first, as long as developing countries also commit to making quantified emissions reductions before the end of the time period worked out for the Kyoto agreement. I agree with this basic approach—the sooner developing countries take on quantified emissions reductions targets, the sooner we can achieve a global solution to the climate problem.

At the same time, I am concerned that the resolution does not take into account other key components of the treaty that are essential to protect U.S. competitiveness. I am concerned that elevating one issue to a level of importance that will overshadow other key matters may harm the United States' efforts to ensure that the climate agreement is realistic, achievable, and will not harm the U.S. economy. For example, the need for flexibility in implementing a treaty is critical to protect U.S. competitiveness. Some countries, such as members of the European Union, would prefer highly prescriptive policies and measures to meet reduction targets. The United States' negotiating team has made flexibility an absolute prerequisite for any agreement, and I want to commend them for this approach. I believe that, to be acceptable, our businesses must have the most flexibility possible to find the least-cost ways to reduce emissions. This means the agreement must contain provisions that are so important to our business community: emissions trading, joint implementation between nations, and appropriate credits for those countries that have already made certain emissions reductions. Senate Resolution 98 is silent regarding these provisions.

As we grapple with the human judgments and values that inevitably will determine how we handle climate change, we must base our actions on the facts—the scientific evidence of climate change, the physical effects that are likely to result from it, and the ways we can credibly address this problem on a global basis. While Senate Resolution 98 is only part of a bigger picture that needs to be addressed, it is a step toward adressing this global issue.

Mr. CONRAD. Mr. President, I rise today to express my strong support for the Byrd-Hagel resolution regarding global climate change. I was an original cosponsor of this bipartisan resolution, and I believe it sends an important, commonsense message that we cannot enter into a treaty that requires the United States to limit its emissions of greenhouse gases without requiring developing countries to also agree to limitations on their emissions. Such a proposal would not make environmental sense and it certainly would not make sense for our Nation's economy.

This resolution is very simple. It says that a treaty will not be ratified by the U.S. Senate if it does not include both developed and developing countries in binding timetables and emission limitations. It seems to me that the only way the world will be able to stabilize the concentration of greenhouse gases in the atmosphere is if every nation participates in a meaningful way in limiting its emissions. The resolution does not say that all countries must make identical emission reductions; only that they must be participants in limiting greenhouse gas emissions in the same timeframe as the developed world.

Mr. President, I fear that a treaty that requires us to place significant restrictions on our economy will only lead to a flight of jobs and capital from this country to nations that do not face greenhouse gas emissions limitations. That could be a potential disaster for our Nation's economy, for its

workers, and for our long-term economic stability and growth. So the Byrd resolution also requires the administration to develop a detailed analysis of the potential financial costs and other impacts on our economy. That is not an unreasonable request. We would clearly need to know the potential consequences of any treaty on our Nation's economy before the Senate could be asked to ratify such a treaty.

Mr. President, the U.S. Senate has a constitutional duty to advise and consent on treaties negotiated by the administration with other nations. This is a responsibility I take very seriously, and I know every other Member of this body considers it one of our most important duties. I hope the administration will listen carefully to the debate on this resolution, and pay close attention to the guidance provided in the Byrd-Hagel resolution as it negotiates with other nations in preparation for a final meeting in December in Kyoto, Japan.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HAGEL. Mr. President, does Senator KERRY wish to go forward? Is he prepared?

Mr. KERRY. Mr. President, might I inquire? How much time remains on our side?

The PRESIDING OFFICER. Thirty-five minutes.

Mr. KERRY. How much for the other side?

The PRESIDING OFFICER. The Senator from Nebraska has 16 minutes.

Mr. KERRY. Mr. President, if I may, I would like to ask if I might be able to enter into a colloquy with the Senator from West Virginia at this time.

Mr. HAGEL. May I ask? Point of inquiry. Is this on the time of the Senator from Massachusetts?

Mr. KERRY. Mr. President, this is on my time.

Mr. HAGEL. I thank the Senator.

Mr. KERRY. Mr. President, I would like to ask the views of the Senator from West Virginia on the proposal by the Europeans to erect the so-called European bubble, and its effect on U.S. competitiveness.

It appears to me that this proposal is driven more by economic considerations than concern for limiting carbon dioxide emissions.

Mr. BYRD. Mr. President, if the Senator will yield.

Mr. KERRY. I yield to the Senator for his views on that.

Mr. BYRD. Mr. President, I am glad the Senator has asked this question. Earlier he had indicated that we had agreed on certain things. We agreed on one thing: that we would enter into a colloquy. And I always reserve the right to express my own views on matters, and not necessarily agree to the expressions of others as to how they think and what they think I say.

May I say that I am only expressing a personal viewpoint here. The Senator said earlier that there were Senators in this body who signed onto the resolution who want to kill the treaty. That may be so. This Senator is not one of those. I am not out to kill the treaty.

But what I was out to say—and the reason I got behind this effort—was to send a message to the administration that if the Senate is not included in the takeoff, if the Senate is not included at the beginning, if the Senate is intended to be shut out of doing its constitutional responsibility of advising as well as consenting in making a treaty, then count me out.

If you want to really kill this treaty, abide by the Berlin Mandate and let the developing countries off the hook until some future time. That is what will surely kill the treaty, and I will join in stabbing it in the heart, if that is the case. If that treaty comes back here and the developing countries are left off the hook, count me in on the assassination of the treaty. It will be done in public view. It won't be behind a bush.

Mr. President, the Senator raised an important point. The Europeans have erected what they call a bubble, which is simply a mechanism for them to trade off emissions levels from one country to another so long as they honor overall an average which conforms to the treaty-imposed cap on developed country emissions. This is viewed by some, including me, as a technique to maximize the economic competitiveness of European countries by keeping emissions reductions to a minimum as a result of the trades that would be available under the bubble from one country to another within the European Union.

Mr. KERRY. Mr. President, let me just also say to the Senator that I agree completely with his notion, as I said earlier, of the importance of our advising here about the importance of other countries being part of the solution.

But I ask if the Senator would agree that the United States is placed at a disadvantage by this concept of the European bubble, and that the inclusion of free-market mechanisms in a treaty—particularly emissions trading schemes and so-called joint implementation—could be used to counter that challenge.

Mr. BYRD. Mr. President, if the Senator would yield.

Mr. KERRY. I yield to the Senator from West Virginia.

Mr. BYRD. I believe that if the United States is going to enter into binding commitments to limit or reduce our greenhouse gas emissions, we need to remain competitive vis-a-vis the Europeans, and everybody else, for that matter. Therefore, an emissions trading mechanism whereby we can exchange our higher level emissions by buying emissions credits from, let us say, Russia or other nations with lower emissions, is an example of one potential tool that the U.S. negotiators might explore in the climate change negotiations.

Mr. KERRY. Mr. President, will the Senator agree further that an emissions trading scheme also has the beneficial effect of easing the economic cost that might be incurred by U.S. industry as a result of a regime of binding commitments entered into at Kyoto?

Mr. BYRD. Mr. President, if the Senator will yield, I personally believe that it could have such an effect. There are a number of other tools that are under development, and these, in my judgment, should be further explored for inclusion in the proposed treaty in order that our own economic growth not be penalized by the treaty. These tools include joint implementation involving partnerships among industries in the developed and developing countries. There are, as well, many areas where other U.S. programs and initiatives could be enhanced to further the same objectives, such as cooperative technology ventures and enhanced research and development of both fossil fuel development technologies and alternate fuel technologies. These tools and programs may also have an advantage in encouraging the developing world to make meaningful binding commitments. So they should be explored as a natural companion to provisions establishing binding commitments.

The purpose would be to level the competitive playing field so that the United States is not placed at a disadvantage and to help insure that all the world's economies will share the responsibilities to tackle the global warming problem.

Mr. KERRY. Mr. President, I thank the Senator from West Virginia for his explanation and his views.

I believe that the administration must pursue the development of these tools and initiatives and their inclusion in any binding treaty that is arrived at in order to reduce any negative impact of higher energy prices on our economy. And I believe this would certainly enhance the prospects of Senate approval of any treaty that is arrived at.

Mr. BYRD. Mr. President, if the distinguished Senator will again yield, in general, I personally agree with this overall proposition, although I would note the administration has not yet settled on its specific policies regarding the negotiations, and it leads to further work on developing and explaining the workings of these market mechanisms so that they will be more fully understood.

Mr. KERRY. Mr. President, I thank the Senator from West Virginia for those views and for entering into this colloquy with me.

Mr. BINGAMAN. Mr. President, the issue of the extent to which human-induced global climate change is occurring, and the proper societal response

to this change, is one of the most difficult public policy issues facing us today.

We are emitting into the atmosphere an unprecedented amount of the gases that we know trap heat in the Earth's atmosphere, and thus result in what is known as the greenhouse effect. At the same time, the connection between this artificial elevation of greenhouse gas levels and changes to the world's climate is only slowly coming into view. The global climate system is extremely complex, and we are still making major scientific discoveries about the components of that system. The consensus of the world's climate scientists on the human contribution to global climate change has recognized both these uncertainties and the growing evidence that there is a human fingerprint on climate change. The key conclusion of the most recent consensus report of the global change scientific community is as follows:

Our ability to quantify the human influence on global climate is currently limited because the expected signal is still emerging from the noise of natural [climate] variability, and because there are uncertainties in key factors. These include the magnitude and patterns of long term natural variability and the time-evolving pattern of forcing by, and response to, changes in concentrations of greenhouse gases and aerosols, and land surface changes. Nevertheless, the balance of evidence suggests that there is a discernible human influence on global climate.

The current state of uncertainty should not be a cause for comfort. There is a substantial lag in global climate response, so even if we were to magically reduce our greenhouse gas emissions to zero tomorrow, the world's climate would still be responding, over the next few decades, to past emissions. It is also clear that the global climate system is not a well-behaved linear system, like traveling on a straight road over a gentle predictable hill. It is more like a wild mountainous road, full of unexpected curves and cliffs. In such a situation, ignorance of what might lie ahead is not bliss, and it is prudent to slow down until you have a better appreciation of what you are dealing with.

For this reason, we are engaged in international negotiations to discuss how the world might arrive at a joint international plan for slowing down the emissions of the principal greenhouse gas, carbon dioxide, into the atmosphere. Because of the central role that burning carbon plays in our energy, transportation, and economic systems, it is important that such discussions focus on sophisticated, as opposed to simple-minded, approaches to the problem.

I believe that the Clinton administration deserves credit for having put forth, in the current negotiation, what is easily the most complete and sophisticated proposal of any that has been advanced to date.

The administration's proposal rejects the command-and-control approaches put forward by many of the other parties.

The administration's proposal, instead, relies on market-based mechanisms for controlling the rate of future emissions of greenhouse gases, extending our successful experience to date in this country with such mechanisms for controlling emissions of sulfur dioxide.

The administration's proposal allows for maximum flexibility on the part of each participating country in designing and implementing greenhouses gas control measures that make economic sense for that country.

The administration's proposal encourages the development and use of advanced technologies.

These approaches—market-based mechanisms, individual flexibility, and more reliance on advanced technologies in place of command and control—are precisely the approaches that so many of my colleagues said should be at the basis of all regulatory policy, during consideration of the Dole-Johnston regulatory reform bill in the last Congress. It is commendable that the administration has made these approaches the foundation for its negotiating position.

The central issue for us today is the role that the United States and other developed countries will play in any effort to control greenhouse gas emissions, compared to the role that developing countries will play. Here, too, the administration has shown considerable sophistication, compared to other parties in the negotiations. All developing countries are not alike—there is a world of difference between South Korea and Gambia, despite the fact that both are non-annex-I countries. The world should expect more from South Korea, which aspires to join the OECD in the near future, than it should from Gambia. But there should also be a minimum level of expectations mandated by the upcoming agreement, even for countries like Gambia.

I believe that a careful examination of the proposal put forward by the administration shows that it is trying to make these principles part of the protocol. We should go on record, in this resolution, in support of such principles. But we need to do so in a careful and sophisticated way, befitting the complexities of the problem of human-induced global climate change, and the international policy response to it.

I did not cosponsor the resolution that is now before us because of my concerns about how it expressed the relationship between what the United States should do and what the developing countries should do. It used the words ''new commitments'' for both developed and developing countries in a way that suggested to me, at least, that the intent of the resolution was that the United States should not agree to any commitment that was not also going to be agreed to and implemented simultaneously by the world's poorest countries. That would seem to be a rather simplistic approach. We shouldn't ignore legitimate differences between countries at vastly different stages of development.

I was greatly encouraged by the remarks on this issue made by the sponsor of this resolution, the senior Senator from West Virginia, when he testified before the Committee on Foreign Relations. At that time, he stated that countries at different levels of development should make unique and binding commitments of a pace and kind consistent with their industrialization, and that the schedule for these commitments should be aggressive and effective, but also consistent with a fair sharing of any burden. These are principles that I support, and the senior Senator from West Virginia and I have entered into a colloquy that seeks to establish that the explanation of the resolution on this point that he provided in his testimony is, in fact, the normative one for the administration to heed, once we pass the resolution. With this clarification, I believe that I can support the resolution now before us, and I urge my colleagues to do the same.

I would like to engage in a colloquy with the senior Senator from West Virginia regarding the correct interpretation of the language of the resolution on one particular point of importance. The resolution refers to ''new commitments to limit or reduce greenhouse gas emissions for the Annex I Parties'' as well as to ''new specified scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties.'' Would it be correct to interpret the use of the words ''new commitments'' in both phrases as suggesting that the United States should not be a signatory to any protocol unless Annex I Parties and Developing Country Parties agree to identical commitments?

Mr. BYRD. That would not be a correct interpretation of the resolution. In my testimony before the Committee on Foreign Relations on June 19, I made the following statement and deliberately repeated it for emphasis: ''Finally, while countries have different levels of development, each must make unique and binding commitments of a pace and kind consistent with their industrialization.'' I believe that the developing world must agree in Kyoto to binding targets and commitments that would begin at the same time as the developed world in as aggressive and effective a schedule as possible given the gravity of the problem and the need for a fair sharing of the burden. That is what the resolution means. The resolution should not be interpreted as a call for identical commitments between Annex I Parties and Developing Country Parties.

Mr. BINGAMAN. I thank the Senator. I agree with him that a fair sharing of responsibility for actions to address global climate change is crucial to any agreement, and that such commitments should reflect the pace and type of industrialization that those countries have achieved.

Mr. KERRY. Mr. President, I yield 10 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, earlier this week I met with Senator BYRD to discuss S. Res. 98, which, of course, deals with climate change. In this measure, the Senator has identified one of the more important features required to address this global problem, namely, global participation.

Gradually, many have come to the conclusion that man is indeed contributing to changes in the global climate. Human activities—particularly the burning of fossil fuels—have increased atmospheric concentrations of carbon dioxide and other trace greenhouse gases. These gases, combined with the natural levels of CO_2 and water vapor, act like panes of a greenhouse and retain the Sun's heat around the earth.

The burning of fossil fuels has continued to grow, at least in ever greater amounts of CO_2. Global carbon emissions from fossil fuels reached a record of just over 6 billion tons in 1995.

The Earth's climate has remained stable for the past 10,000 years. But, as Ambassador Paul Nitze said in the Washington Post earlier this month, ''Global warming threatens the stability that fostered modern civilization.''

What is being done about this threat? Of the 35 industrial countries that committed themselves under the 1992 Framework Convention on Climate Change in Rio, they agreed there to hold their greenhouse gas emissions to 1990 levels in the year 2000. In other words, by the year 2000 we would get the levels down to what they were in 1990.

But, regrettably, Mr. President, only a handful of the countries are expected to meet that target. The United States will miss its target by an estimated 13 percent. In some developing countries, emissions are on a course to nearly double between 1990 and 2000.

The failure by many industrialized countries to meet these voluntary aims is what is leading us to this debate today. This debate is over the imposition of legally binding greenhouse gas emissions reductions. In other words, should we enter something that is binding?

Because of the link between greenhouse gases and activities fundamental to industrialized and developing economies, many anticipate, or at least fear, that the costs of limiting their emissions will be high.

Unlike most other ambient air and water pollution problems, there is no pollution control technology for CO_2. In many of the emissions problems we have dealt with in the past, technology can reduce the amount of emissions. But we don't have that for CO_2. You either make CO_2 or you don't.

Some have argued that the United States and, indeed the entire world, should wait to address the looming threat of climate change. In other words, don't do anything. Let's wait awhile. The scientists are divided on this. How much has the temperature gone up? Has it indeed risen in the last 100 years by 1 degree Fahrenheit? There are arguments over that. ''Time is on our side,'' some say, believing that if we simply wait long enough, new and inexpensive technologies will come along to make this solution painless.

But the citizens of my State, for example, have concerns. We are a sea-bordering State. There are possibilities of rises in the sea level which would affect us dramatically. Indeed, they would affect all but one major city in our country because all but one major city in our country occupies tidal shorelines. I know that if the Atlantic Ocean begins to warm and expands as it warms, rising sea levels will be with us for centuries.

I am also concerned about the economic consequences of actions to address global warming. Senator BYRD has addressed these, and I salute him for that. He is concerned about the issue of U.S. competitiveness in relation to developing countries. And I join with him in urging our negotiators to recognize that we are serious about the concerns Senator BYRD is expressing.

The position taken by the European Union is a major concern. As representatives of the Global Climate Coalition indicated to the Foreign Relations Committee last month, the prospect of European Union bubble, which was just addressed here, with no ability for the United States to address similar alliances with other nations, would permit the European Union to steal a competitive march on the United States.

This concerns me. In trade terms, our bilateral trade with the European Union, of course, is mammoth certainly when compared to the trade that we have with China. Last year we had $128 billion in exports to the European Union, more than 10 times of that going to China.

I believe our negotiators in Kyoto would fail us if they did not bring home an agreement with developing country commitments as described in the resolution and with the market-based tools of joint implementation emissions trading and emissions banking.

I want to say that many countries in the U.S. are already taking steps to address these problems. Farsighted companies like Tucson Electric are going ahead with a pilot joint implementation project in cooperation with the city of Sava in Honduras to display diesel-fired power generation with biomass fuels. Companies like American Electric Power, which is the largest electric utility in West Virginia, and British Petroleum are getting together with the Nature Conservancy and the Government of Bolivia to offset some of American Electric Power's coal-fired plant emissions by expanding parks and sustainable forests in Bolivia.

The Southern Co. has joined forces with State forestry commissions in planting 20 million trees in Georgia, Alabama, and the Florida Panhandle. These projects boost environmental protection while lowering costs. But on their own, the voluntary projects will not be sufficient to address the potential problem. We need legally binding measures to spur technological innovation that will be needed to solve the greenhouse problem.

The resolution makes clear that an exemption for developing countries would be inconsistent with the need for global action.

In light of the seriousness of the issue, Mr. President, I welcome the concern that Senator BYRD and others have shown for the twin goals of environmental protection and economic competitiveness.

Mr. President, I had a brief colloquy I was going to enter into with the distinguished Senator from West Virginia. It is as follows:

Senate Resolution 98 includes two important conditions for U.S. agreements to any future treaty to limit greenhouse gases.

Quoting directly from the text of the resolution—that is, Senator BYRD's resolution:

> The United States should not be a signatory to any protocol to, or other agreement regarding, the U.N. Framework Convention on Climate Change of 1992, at negotiations in Kyoto in December 1997, or thereafter, which would—(A) mandate new commitments to limit or reduce greenhouse gas emissions from the Annex I Parties, unless the protocol or other agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties within the same compliance period, or (B) would result in serious harm to the economy of the United States.

Without losing my right to the floor, I wish to ask the primary sponsor of the resolution a couple of questions.

I am curious as to whether the Senator from West Virginia intends for his resolution to speak to the scientific understanding of global climate change.

Mr. BYRD. Mr. President, will the distinguished Senator yield with the understanding that the time——

Mr. CHAFEE. On my time.

Mr. BYRD. I use will not be charged against Mr. HAGEL.

Mr. CHAFEE. Absolutely.

Mr. BYRD. Mr. President, again, may I say that this resolution has been introduced and developed every step along the way with concurrence between Mr. HAGEL and myself. It just so happens that my name is at the beginning of what is called the Byrd-Hagel resolution. I have no problem if it is called the Hagel-Byrd resolution; we are both in this resolution. We both believe the words of the resolution, and we both believe that the resolution speaks for itself. And we also understand we may have different views as to specific questions. I respect the views of every Senator. So I will attempt to respond to the distinguished Senator from Rhode Island. I thank him for his statement which indicates that he is concerned, has studied the matter, and is a reasonable man.

I thank Mr. CHAFEE for this opportunity to discuss in greater detail the

resolution that Mr. HAGEL and I and others of our colleagues have brought to the Senate. In response to the Senator's question, I will repeat a portion of the testimony I delivered on June 19 of this year before the Committee on Foreign Relations. There I stated that the resolution accepts the thesis, which is still the subject of some dispute, that the increasing release of carbon dioxide—CO_2—and its accumulation in our atmosphere are causing a very gradual heating of the globe which has many adverse consequences for us all and I am, indeed, convinced that climate change is a looming threat to the global environment. That is a statement I made at that time.

Mr. CHAFEE. I appreciate the Senator's fundamental candor on this point and agree with his assessment.

With regard to specific provisions contained in the resolution, I am interested in what the Senator intends—and I might say Senator HAGEL has been active in all of this. He is the chief cosponsor of the resolution.

The PRESIDING OFFICER (Mr. ROBERTS). Will the Senator suspend. The time allotted, the 10 minutes allotted to the Senator has expired.

Mr. CHAFEE. Could I have 2 more minutes?

Mr. KERRY. Mr. President, I yield 2 minutes to the Senator from Rhode Island.

Mr. CHAFEE. Senator HAGEL has been active in all of this, and we have dealt with his folks, and wherever I refer to the Byrd resolution, I really should have referred to the Byrd-Hagel resolution and will attempt to make that change in the transcript.

With regard to specific provisions contained in the resolution, I am interested in what the Senators intend on page 4, lines 9 through 11 by the phrase ''new specific scheduled commitments to limit or reduce greenhouse gas emissions for developing country parties.''

Is it the Senators' intentions that the developing country parties, irrespective of the national incomes and greenhouse gas emission rates, be mandated to the very same commitments to limit or reduce greenhouse gas emissions for the annex 1 parties?

Mr. BYRD. Mr. President, if the Senator will yield, no, that is not my intention. That is not what the resolution says. I have stated previously that under this resolution the developing world must fully participate in the treaty negotiations and commitments and must play a meaningful role in effectively addressing the problem of global climate change. Such participation by the developing country parties could, in my judgment, come in a number of forms. As I stated before the Foreign Relations Committee, while individual countries have different levels of development, the resolution holds that each country must make unique and binding contributions of a pace and kind consistent with their industrialization. The developing world must agree in Kyoto to adopt some manner of binding targets and commitments which would begin during the same compliance period as the——

The PRESIDING OFFICER. The Chair would observe the 2 minutes allotted to the Senator from Rhode Island have expired.

Mr. KERRY. I yield an additional minute to the Senator.

Mr. BYRD. The developing world must agree in Kyoto to adopt some manner of binding targets and commitments that would begin during the same compliance period as the developed world in as aggressive and effective a schedule as possible, given the gravity of the problem and the need for a fair sharing of the burden.

Mr. CHAFEE. Because greenhouse gas emissions from the developing world will, on a cumulative basis, exceed those of the developed world sometime during the first quarter of the next century, the Senator's position appears quite sound on both environmental and economic grounds, and I thank the Senator very much.

Mr. BYRD. Mr. President, I thank the Senator.

Mr. CHAFEE. I yield the floor.

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

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. I yield 2 minutes to my colleague from Oklahoma, Senator INHOFE.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized for up to 15 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Mr. President, reserving the right to object.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. There is objection.

Mr. CRAIG. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. INHOFE. Mr. President, as chairman of the Clean Air Subcommittee, we have had about 40 hours of hearings on this subject, on global warming as well as ambient air quality standard changes that have been proposed by this administration. I think it is unrealistic to try to condense that into 2 minutes. There is not any way it can be done.

I will just say, Mr. President, that as 1 of the 66 cosponsors of this resolution, I support it, although I would say also it doesn't go far enough. And I would also say that regardless of what happens—this is going to pass, but regardless of that, I am still going to oppose the ratification of this treaty. I am going to do so for two reasons. First, is that the science is not there. This is analogous to the proposal by the administration to lower the ambient air standards in both particulate matter and in ozone, unrealistically costing the American people billions and billions of dollars a year without any science to back it up.

Mr. President, I am going to read real quickly and enter the entire statement in the RECORD, but before my committee, Dr. John Christy of the Department of Atmospheric Science and Earth System Science Laboratory, University of Alabama, Huntsville, said—I don't think there is anyone who is considered to be a greater authority than he is—

> The satellite data show that catastrophic warming is not now occurring. The detection of human effects on climate has not been convincingly proven because the variations we have observed are not outside of the natural variations of the climate system.

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

Mr. INHOFE. Could I have 1 more minute?

Mr. HAGEL. I yield 1 minute to the Senator.

Mr. INHOFE. The second reason is the administration has not been honest on this, as well as the ambient air, when they come along and they say, as Mary Nichols, Deputy Secretary, said yesterday, that the cost to the American people for the changes in the ambient air would be $9.1 billion when the President's own Council of Economic Advisers puts the price tag at something over $60 billion and the Reason Foundation out in California has it somewhere between $90 and $150 billion.

So anyway, Mr. President, it is not realistic to do this. I would also observe I can't imagine that anyone who would be opposed to the ratification of this treaty wouldn't also be opposed to the changes in the ambient air standards. We will be introducing legislation next week. It will be bipartisan. Senator BREAUX and I will be introducing legislation to reject these changes.

The PRESIDING OFFICER. Who seeks time?

Mr. HAGEL. I yield 2 minutes to my colleague from Wyoming, Senator ENZI.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. I thank the Chair.

Mr. President, I rise today in support of the resolution offered by the senior Senator from West Virginia and the junior Senator from Nebraska, of which I am a cosponsor, and which concerns the issue of global warming in general and the impending related treaty specifically.

Mr. President, many of us are not surprised by the content of this proposed treaty. We saw the 1992 Framework Convention on Global Climate Change for what it was: The nose of the camel. And now, 5 years later and just as expected, we find ourselves face to face with the whole critter. He's in the tent, he's huge, and he's very frightening.

The agreement signed in Brazil 5 years ago was voluntary. It called for the economically developed nations to undertake voluntary actions to reduce greenhouse gas emissions to their 1990

levels by the year 2000. Now the administration wants a legally binding agreement that will require a handful of developed countries to reach 1990 levels of fossil fuels emissions by the year 2010. But here is the amazing part, Mr. President: Though the United States and several other developed countries will be subject to the new enforcement regime, the rest of the world will not. Utterly amazing. Where in the world did this administration learn to negotiate? I see a lot of give, but I am still looking for the take.

So we really believe we can place shackles on our economy, leave the economies of our trade competitors unaffected, and not lose countless jobs and industries overseas? It has been all we can do to stop the loss of jobs overseas under the best conditions. Every developing nation has cheaper labor costs than we do. Every developing nation has fewer environmental regulations than we do. Every developing nation has fewer worker protection expenses than we do. These nations are understandably concerned, first and foremost, with elevating the living conditions of their own people. Their leaders would be derelict if they weren't. Does anyone seriously believe they will not take advantage of the new regime at the expense of our workers? Is a little fairness too much to ask? Does the administration find the concept of simple equity so unreasonable?

The AFL–CIO is apoplectic at the prospect of this ill-advised treaty, and with good reason. They understand how many American jobs it will kill. As a representative from the largest coal producing State in the Nation, I know only too well just what it means for the people of my State. This resolution simply calls for all nations to share the burden in the effort to avoid an environmental problem, which, I might add, is supported by a scientific consensus that is generously referred to as unsettled.

This resolution, if adopted, would be a treaty enhancer, not a treaty killer. For this reason, if no other, the administration should embrace it. In its current form the treaty will most certainly not survive this body. We want a good treaty. We are not opposed to a global antipollution effort. But we want a fair treaty. You just cannot have the former without the latter. We need to bring developing countries on board in a responsible fashion. And if the Byrd-Hagel resolution is not adopted the administration will have missed a valuable opportunity to do so.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. HAGEL. I yield 2 minutes to the Senator from Michigan.

Mr. ABRAHAM. I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. I thank the Chair.

I would like to begin today by thanking the Senator from West Virginia for his leadership on this issue as well as the Senator from Nebraska. Citizens in my State are extraordinarily concerned about the potential treaty that has been in the media very much lately.

The people of Michigan care greatly about their environment and the ramifications of various emissions that are released into it. At the same time, I believe people of Michigan want agreements negotiated overseas and adopted in Washington to be based upon sound science and hard facts.

They also want those agreements to be ones that require all nations to work toward a common objective rather than singling out developed nations for all the pain while allowing developing nations to gain competitive advantages by continuing practices that might contribute to an international problem.

Mr. President, the people of Michigan are proud of their State, its natural resources, and the industry with which they have made Michigan's economy among the best in the Nation. They want to keep their jobs, to raise their families, and see their children grow and enjoy the opportunities our State provides.

By all accounts, Mr. President, Michigan would suffer disproportionately should a treaty go into effect that does not fairly bind all countries. Whether it is the business community, the agriculture community or organized labor, I have heard concerns from them all, Mr. President.

Therefore, I commend the Senators who have introduced this resolution. I am happy to be a cosponsor. I look forward to supporting it and seeing it passed today so that we might, as a country, work in a constructive way toward resolving these issues while avoiding a path that is detrimental to America and the interests of the hard-working men and women of my State.

I yield the floor.

Mr. HAGEL. I yield 2 minutes of my time to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I rise in strong support of the Byrd-Hagel resolution expressing the sense of the Senate on international agreements covering greenhouse gas emissions.

I wish to thank and commend my colleagues, Senator BYRD and Senator HAGEL, for their efforts in forging this bipartisan, common sense resolution. I was proud to join them as an original cosponsor.

The Energy and Natural Resources Committee, which I chair, has had significant interest and long involvement in the issue of greenhouse gas emissions and climate change because any attempt to address carbon emissions fundamentally affects energy investment, use, and policy.

Our committee has held a variety of hearings, seminars, and briefings on this subject for the benefit of members, staff, and the public.

Moreover, we have remained closely attuned to the negotiations toward a new climate treaty through close and regular contact with the principal State Department and Department of Energy officials.

My predecessor as chairman, Senator Bennett Johnston, also had a keen interest in this subject, and made it a centerpiece of the committee's oversight responsibilities.

So this is not a new issue to us.

Having said that, I believe Senators BYRD and HAGEL have done a superb job with this resolution expressing the Senate's aspirations and concerns with respect to any eventual climate treaty.

This resolution will strengthen the hand of our negotiators during upcoming meetings in August, October, and December.

Although this is not a binding resolution, it conveys the legitimate concerns of the Senate to other parties in the negotiations.

Our negotiators can use this resolution to inform other nations of the elements that must be contained in any new climate treaty that can be ratified by this body.

Turning now to the substance of the resolution, I have a letter from President Clinton, dated August 21, 1996, that contains a statement I very much agree with. And I quote:

> Establishing a sound framework is a critical first step in the negotiating process. We are already conducting additional analyses and technical assessments . . . our ultimate position will fully reflect economic considerations and our commitment to the principle that environmental protection and economic prosperity go hand-in-hand.

The President is right. Economic considerations are important. We must not proceed down a path that will bring adverse economic consequences, competitive disadvantages, and energy price increases.

The importance of economic considerations, as expressed by the President in his letter, are very much in line with this resolution.

This resolution simply says that any new climate treaty must not result in serious economic harm to the United States.

The Byrd-Hagel resolution also states that any new climate treaty must be global in its approach:

New commitments on the part of developed countries to limit or reduce greenhouse gas emissions must be accompanied by new commitments on the part of developing countries to do the same.

The issue of developing countries and their participation is critically important:

According to the Energy Information Administration, an arm of the Department of Energy, carbon emissions from China will exceed ours by the year 2015. Their greenhouse gas emissions are expected to grow 185 percent above 1990 levels.

Emissions from developing nations as a whole will also exceed those from industrialized nations by 2015.

Clearly, this is a global issue that requires a global approach. If further science confirms the fact that carbon emission do indeed have dangerous implications for the climate, then all nations must take meaningful steps.

The industrial nations simply do not have it in their power to do it alone, even if they wanted to.

But here is some good news: We have time to approach this issue in a careful, deliberative manner.

We gain nothing by getting ahead of the science. Indeed, we risk a great deal by moving too quickly:

According to economic analysis by the Stanford Energy Modeling Forum, an orderly, long-term strategy of achieving a scientifically-justified carbon emission reduction costs just one-fifth what it would cost to achieve the same reduction over the near-term.

In other words, you can get the same result 80 percent cheaper by taking a long-term view, and allowing capital equipment to be retired in an orderly fashion as new energy efficient technologies come on line.

Mr. President, there is simply no need to compel working American families to pay five times as much as they need to for the same eventual outcome.

Clearly, there is not a need for extreme actions such as carbon taxes, strict command and control regulations, and one-sided treaties that will impose economic harm.

Let's take the time to do the job right and enjoy tremendous economic savings.

Turning to the broader issue of climate change and climate science, let me say we should all be concerned about increasing concentrations of carbon dioxide and other greenhouse gasses in the atmosphere.

It is an indisputable scientific fact that concentrations of greenhouse gasses are on the rise.

Yet significant scientific uncertainties remain.

Some scientists believe that higher carbon dioxide concentrations will bring only moderate change, warmer winters, reduced energy demands, and longer growing seasons.

Virtually every climate scientist will tell you that the warming signal suggested by some data sets are all within the bounds of natural variability, and that climate change is the rule rather than the exception. Throughout the planet's history, the climate has changed.

I will confess to my own personal fascination with the Greenland ice core records that I first became familiar with when the University of Alaska removed an ice core record spanning the entire depth of the Greenland ice cap.

These ice cores are high-resolution records of climate which can be analyzed like the rings of a tree—only these records go back 100,000 years or more.

The Greenland ice core record tells us that the earth's climate has always changed and shifted, often dramatically and over surprisingly short periods of time.

Thus, the investments we've made in the U.S. Global Climate Change Research Program, approaching $2 billion per year and more, are expensive but worthwhile. Because there is much more scientific work to do.

The common refrain that I hear from climate scientists, virtually without exception, is this:

The climate system is remarkably complex, and exceedingly difficult to model.

Meanwhile, our current climate models are comparatively crude.

We lack sufficient data for model inputs, particularly information about the effects of clouds and water vapor.

And finally, as we have learned more and refined our computer models, estimates of future warming have fallen, not risen.

Clearly, the science is uncertain, and the scientific debate is not over. Nor should it be.

And that brings me to what I see as a troubling trend:

Some who have argued for immediate and urgent action to sharply reduce greenhouse gas emissions have claimed that the science arguing for quick action is unassailable, and that the scientists who express doubts are somehow extreme or out of the mainstream.

Frankly, talk such as that makes me cringe, because the scientific method itself is based on challenge and peer review.

Contrarians should not be shouted down for the sake of political correctness.

Whenever scientists are called out of the mainstream or extreme by a political leader or a journalist, you can bet that an attempted subversion of the scientific method is at hand.

We should condemn any subversion of the scientific method whenever we see it occur in the climate debate. Too much is at stake.

Continued investment in science will only enhance our understanding. We have invested billions in a climate change research program that is only now beginning to yield significant results.

We should not stake our economic future on partial information.

Since extreme, unilateral actions are unwarranted at this point, we have time to encourage developing nations such as China to participate in meaningful commitments.

The resolution before us states that new commitments on the part of developed countries to limit or reduce greenhouse gas emissions must be accompanied by new commitments on the part of developing countries to do the same.

I believe the Senate would have difficulty ratifying any new climate treaty that imposed legally binding greenhouse gas reduction targets and timetables, which are essentially energy quotas, only on the most developed nations.

Such an approach would be unfair, economically devastating, and ineffective.

To repeat: New energy quotas, imposed only on one set of nations, would be unfair, economically devastating, and ineffective. Let me explain:

One-sided energy quotas would be unfair:

They would allow some nations to gain tremendous competitive advantages over others by encouraging the movement of jobs, manufacturing and capital from nations that are subject to the energy quotas, to nations that are not.

One-sided energy quotas would be economically devastating:

They would require carbon taxes or regulation that would cost jobs, harm our economy, and diminish our standard of living.

One-sided energy quotas would be ineffective:

Because manufacturing, capital, jobs, and even emissions would move from nations that are subject to the energy quotas, to nations that are not, emissions would not diminish, they might even increase.

Moreover, because the total greenhouse gas emissions from developing nations will soon exceed those from developed nations, exempting developing nations wouldn't do anything to improve the problem. Greenhouse gases would still increase. We would suffer economic pain without environmental gain.

What I am saying here today has been confirmed by some of the administration's own economic analysis. A new study produced by the Department of Energy's Argonne National Laboratory contains some surprising and compelling findings. Let me cite some of them:

Increased energy and fuel prices in industrial nations resulting from a new climate treaty that does not contain meaningful commitments for developing nations such as India, China and South Korea would encourage a reallocation of investments away from industrial countries towards the developing countries. To the extent this occurs, emissions would simply be redistributed and could even increase.

Some 20 to 30 percent of the energy intensive basic chemical industry could move to developing countries over 15 to 30 years, with 200,000 jobs lost.

U.S. steel production could fall 30 percent with accompanying job losses of 100,000.

All primary aluminum plants in the United States could close by 2010.

Many petroleum refiners in the Northeast and Gulf Coast could close, and imports would displace more domestic production.

Mr. President, these are serious economic impacts, and I believe we can all agree that this is precisely what we must avoid.

That's what this resolution is about, and that's why I feel it should pass with a broad, bipartisan margin.

Some will argue that we cannot be successful in efforts bring developing nations along in the negotiations in time for the December 1997 meeting in Kyoto, Japan.

But I believe we should try. And if we cannot achieve a new treaty that includes developing nations in this timeframe, then perhaps Kyoto can at least produce a roadmap leading to meaningful commitments by all nations.

Mr. President, there is no need for a headlong rush toward rash policies.

The carbon problem didn't appear overnight. It won't be addressed overnight. We have time to devise and consider balanced approaches that can work.

Time will allow new energy and efficiency technologies to mature.

Time will provide for global solutions that include the developing nations.

Time will allow us to sharpen our science and better understand the true threat of climate change, if it is indeed a dangerous threat.

Yes, the climate issue is a serious one. But it's not a reason to panic.

This resolution helps our negotiators. It sends an important message that this is a global problem that requires the attention and participation of all nations.

I urge the Senate's adoption of the resolution, and I again commend Senators BYRD and HAGEL for their leadership and tireless efforts.

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

Mr. MURKOWSKI. As chairman of the Natural Resources Committee, I am vitally interested in this area because it is our responsibility. I thank my friends, the managers of the bill, and my good friend, Senator BYRD.

Mr. HAGEL. Mr. President, I yield the remainder of my time to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thank my colleague for yielding, and let me thank Senator HAGEL and Senator BYRD for bringing this resolution to the floor in a timely manner. I know several of my colleagues wish they could have spent a longer period of time this morning debating the issue, and I can't blame them. Let me suggest to them that this is only the beginning of a long and very important debate for our country to become involved in. It also was very important, though, that the Senate of the United States, the ratifying body of our Government and our country, speak out clearly and boldly before the ad hoc climate change negotiating group convenes next Wednesday in Bonn, and carries their meetings through August 8. The reason it is important that the Senate speak out is because we do not believe the sky is falling. We are not sure if the sky is cracked, and if it is, maybe we need to build a superstructure to hold it up. But this country cannot commit itself to this kind of binding agreement unless the science is clearer and the understanding of the American people is fairly reached when it comes to this issue.

Let me speak for a few moments about my frustration that our President has decided to use his bully pulpit, in my opinion, to terrorize the American people into supporting the administration's quest for commitments for energy use reduction that are legally binding on the United States. The President has been quite frank about building a propaganda campaign about calamities of future global warming, beginning with yesterday's White House meeting on climate change. The President has indicated his propaganda drive will culminate in a White House conference on global warming in October. The conference is not likely to be a thoughtful roundtable. It may now be more thoughtful, because I think the administration has finally recognized that the Senate in fact will become engaged and must become engaged.

Why did I use the words I just used? Here is the reason. Here is the plan that our administration is now supporting: That they would cause us to enter into a binding agreement that the United States would be responsible for 48 percent of the world's obligation to reduce energy use. We said a long time ago that any climate change agreement that affects the United States should not be binding, but voluntary on the world. Is the administration's plan a dramatic departure from where we were? Here is where it is. It is dramatic because when we arrive at the year 2010, to achieve our 1990 levels, the United States will be contributing about 20 percent of the world's emissions, while the rest of the world will be contributing 80 percent. Yet China and India and other Asian nations and developing countries, by this administration's negotiations, would be exempt. That is why it is time we come to the floor to speak about this.

Senate Resolution 98, under the authorship of Senator BYRD and Senator HAGEL, says just that, that we cannot become involved unless we are all involved and that we should not become involved unless the science is sure, or so sure that we will commit this country and the rest of the world into a course that could bind us and reshape our economies and clearly design a different destiny for the American people than one that we might otherwise choose.

The President and the Vice President stand next to flooded homes in the Dakotas and suggest that this unfortunate event is a product of global warming. That is not fair, because the science doesn't prove it. So when I use the word ''terrorize,'' or I use the word ''propaganda,'' it is not by chance that I use those words. The science simply doesn't support the claims being made by this administration, it is important to understand that. Last year, in the Leipzig Declaration, 100 scientists from around the world, climate scientists—not politicians, but scientists—expressed their doubts about the validity of computer-driven warming forecasts. Why? You heard the Senator from Oklahoma just now say the reason is the science isn't bearing it up. People who watch our satellites say that our satellites tell us we are getting cooler. Yet people who watch our ground temperatures suggest we might be getting warmer. Instead of sponsoring a fair debate, the administration is only using part of the available science, while denegrating the other side.

What is so important for this country to understand, what is more important for the parliamentarians of the world to understand, is that the President does not necessarily speak for this Senate. But what is critically important is that this Senate will speak for itself. And it is, without question, the responsibility of the Senate of the United States to approve treaties. What we do not want to happen is the lifting of the level of expectation projected by the rhetoric and the selective science by an administration that would bring us into negotiations to produce a treaty in Kyoto in December that simply would not speak to the realities or the responsibilities that we ought to be engaged in.

The administration must realize that a strong American economy is essential to our Nation if we are going to spend upwards of $2 billion a year on climate change research, if we are going to adapt to changing climate, if needed, and if we are going to adjust our economy and our economic base for those purposes.

So, I am pleased to endorse, and I hope Senators will join with me in a strong endorsement, of Senate Resolution 98. It is important that we speak now. I view, as others do, that this is a preliminary statement in what will be a long and complex debate for all of us to become involved in, because I don't know where our science will lead us. But if it, in fact, can show us the way and clearly demonstrate that there is a climate change responsibility for this Nation, then all the rest of the nations in the world must participate. We cannot shoulder 48 percent of the burden for the rest of the world.

Mr. President, let me close with this last chart. If you were to turn the United States into a forest with no emissions whatsoever, by the year 2100 here is the problem with the rest of the world. The problem is that we want to be at 1990 levels by 2010. If you take the United States out of the equation, the total concentration of greenhouse gases hardly changes. Yet this administration, at least by their rhetoric of the last several months, would take China out of it, the other developing world nations out, and leave us to bear the burden. That is why S. Res. 98 is so critical for us today, for the world tomorrow, as we march toward Kyoto in December.

The PRESIDING OFFICER. The time of the Senator has expired. Who seeks time?

Mr. KERRY. Mr. President, I yield myself a couple of minutes before yielding to the Senator from Oregon.

Mr. President, we have heard a couple of Senators refer to the fact that the science somehow, because of satellite observations, does not indicate the kind of warming that others are arguing is taking effect. This is an example of how an individual scientific fact is used to distort the record here for one purpose or another. We will have time later to discuss all of those purposes. But the argument is made that, although thermometers located at the Earth's surface show an increase in temperature today higher than it has been for 130 years, people say the satellite measurements, which are thousands of feet above the surface, show a cooling since 1979.

That is true. That is the only part of this that is true. There is nothing in that fact that discredits the theory, the thesis, which has been accepted by scientists, with respect to the warming. Let me point out why. Thermometers in satellites and thermometers on the ground obviously measure temperatures at two very different places in the atmosphere, and it is not surprising, according to most scientists who interpret this, that there is a difference. At higher altitudes, temperatures fluctuate far more than they do at the surface due to natural climate influences like sunlight reflecting particles from volcanoes and other variabilities. What scientists called variability, or noise in the satellite record, obscures the warming trend due to the buildup of greenhouse gases that is apparent in the global surface temperature.

Furthermore, the depletion of the ozone layer, which has occurred mostly since 1979, has had a cooling effect on the atmosphere which is more marked at higher levels than it is at surface levels. The Earth's surface has warmed over the northern and the southern hemispheres, which totally negates the notion of any kind of heat effect from urban centers or otherwise.

There will be later times to discuss the science. But it is important to note that on June 22, 1997, the New York Times in an editorial said that the reason we had voluntary agreements out of Rio was science was somewhat murky. But in 1995, the U.N. Intergovernmental Panel on Climate Change, consisting of 2,500 scientists, concluded that there was a serious impact they could discern, and the science became certain.

So I think as time goes on Americans will come to understand that.

I yield 3 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I commend particularly Senator BYRD and Senator KERRY for their leadership in this area and say I come to the floor as a U.S. Senator from a State that is the first State in the country to put mandatory limits on carbon dioxide, the primary manmade source of global warming. We have shown in our home State that it is possible to have a thriving, prosperous economy and take steps to limit these environmental problems that our colleagues have talked about.

The fact is, our country can help play a leadership role in controlling global warming without causing an economic meltdown. There are, really, three approaches that the State of Oregon has used, as the first State in the country to have mandatory controls on carbon dioxide emissions.

First, as Senators BYRD and KERRY have talked about, we give great emphasis on market mechanisms. We are not talking about a big government approach. We are talking about using the market.

Second, we have taken steps to build these new approaches into new powerplant design. It is prospective, so that all those who are constructing our new powerplants understand the rules.

Third, we have given special rewards, credits, for innovative approaches such as proper management of our forests.

I conclude by saying that properly managed forests can be very effective in helping to capture greenhouse gases, carbon dioxide, and removing them from the air. Our Northwest forests are some of the very best carbon sinks in the world. The older forests are estimated to be two to three times as effective in capturing carbon dioxide emissions as new growth.

I have heard several of my colleagues talk about some of the alternatives. Carbon taxes——

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. WYDEN. I ask unanimous consent for 30 additional seconds?

Mr. KERRY. How much time is remaining?

The PRESIDING OFFICER. There remain 7 minutes 35 seconds.

Mr. KERRY. I yield the Senator an additional minute.

Mr. WYDEN. My last point is we know, for example, that properly managed forests are a cost-effective alternative to end-of-pipe emission controls or carbon taxes. There are alternatives out there. My home State has shown they can work, and I thank Senator KERRY for the extra time.

Mr. KERRY. Mr. President, I would like to just read that New York Times editorial and ask unanimous consent it be printed in the RECORD, and I yield myself such time as I use.

With respect to the science it says:

One reason why the industrial nations opted for voluntary targets in Rio was that mainstream scientists simply couldn't agree whether manmade emissions have contributed to the small rise in global temperatures that began in the late 19th century. In 1995, however, the U.N. intergovernmental panel on climate change consisting of about 2,500 scientists concluded that they had. The language was cautious, their forecasts were gloomy. Unless the current rates of combustion of carbon-based fuels, coal, gas, oil, could be reduced, they warned, temperatures would rise between 1.8 and 6.3 degrees Fahrenheit over the next century. Temperature changes in the middle level of that scale could cause a 20-inch rise in sea levels that would flood coastal lowlands and tropical islands, an increase in weather extremes and global damage to forests and croplands. Despite challenges from businesses which have been attacking the science in tobacco industry fashion, the U.N. panel has not retreated from its basic findings.

So, Mr. President, we are going to have a good debate in this country in the next months on the science, and that is appropriate; we ought to have it. We ought to put to the test all of the theories. We should demand the most exacting models. We should press for the most certitude that we can gain. But there is no issue today scientifically about the fact that there is global warming taking place, about the fact that there is sea-level rise occurring, and that, if it continues at the current trend levels, the damages could be devastating.

We can quarrel about how much happens at what point in time, about what model is better at predicting the impact. I will acknowledge there are inherent uncertainties in that process. Clearly there are. But we know we are living in the midst of the most significant increase that we have seen in 130 years, and the evidence of the prognosis of our best scientists is that it is going to continue at a rate that is greater than anything we have known since humankind, since civilization has existed, civilization within the last 8,000 to 10,000 years on this planet. We owe it to ourselves and to common sense to try to make the best judgments about that.

This resolution today, I want to emphasize, is not about the science. This resolution is about how our team goes to Kyoto and how we negotiate in the next months.

I want to emphasize with respect to my comments about the Berlin mandate that there is nothing in this resolution today that I deem to be inconsistent with the mandate; nothing inconsistent. I do believe that this begins to alter appropriately how we begin to approach some of the negotiations in Kyoto, and I accept what the Senator from Nebraska has said, I accept what the Senator from West Virginia has said, and others. It is a matter of fairness and common sense that the United States should not be placed at a disadvantage and make a set of choices that don't bring others into the process of solving this.

So, Mr. President, thanking the Senator from West Virginia for the colloquy, clearly I am not calling my amendment up.

Mr. President, I have extra time. I will yield 2 minutes of my time to the Senator from West Virginia.

The PRESIDING OFFICER. The Chair observes that the Senator has 1 minute 45 seconds remaining.

Mr. KERRY. I yield 1 minute 45 seconds to the Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that I may have an additional 30 seconds over and above the time referred to.

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

Mr. BYRD. Mr. President, it was John Stuart Mill who said that ''On all great subjects, much remains to be said.'' I think we will all be saying a good bit more than has been said here as the days come and go. We are not yet debating the treaty itself. But my distinguished friend, Mr. KERRY, has just said, in his judgment, there is nothing in this resolution that is inconsistent with the Berlin mandate.

Mr. President, that is not my view at all. I think we only have to read the resolution itself—it speaks for itself—and we will find that it is inconsistent with the Berlin Mandate, and I intended to say that.

Mr. President, I will try to elaborate on my view with a two-part observation. First, with respect to significant emitters, such as China, it makes no sense for the international community to begin this effort by agreeing to unchecked emissions growth from newly constructed, but inefficient, power-generating and industrial facilities. It is neither cost-effective nor environmentally beneficial to go back and retrofit dirty smokestacks.

We all know that China in particular has near-term plans to increase its power-generating capacity exponentially. We must anticipate the prospect of significant new industrial development in China and other places by providing incentives for deployment of new, cleaner technologies. In short, we must bring back from Kyoto some commitments that China and other large emitters will grow in a smart way.

I want to make it clear that the current approach of the State Department is not acceptable to this Senator under the terms of the resolution. Their approach will not work. A promise by the developing countries to only negotiate at a later date is simply unacceptable. Any agreement resulting from negotiations in Kyoto, or thereafter, that includes binding commitments for developed countries must also include serious, specific, and binding commitments by the developing world.

I thank all Senators.

The PRESIDING OFFICER. The Chair observes that all time has expired.

Mr. KERRY. Mr. President, I ask unanimous consent for 60 seconds to clarify the record and respond.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KERRY. Mr. President, I don't disagree with what Senator BYRD has just said. In a sense, I should correct my own comment when I talk about the Berlin mandate. Obviously, we are altering the way in which we are approaching the question of inclusiveness. When I say ''nothing inconsistent,'' I am talking about in the fundamentals of how you might approach the issue of timetable or compliance. We have discussed that in the course of this debate, and that is what I intended to say.

I yield back any remaining time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

Mr. NICKLES. I announce that the Senator from Minnesota [Mr. GRAMS] is necessarily absent.

Mr. FORD. I announce that the Senator from Nevada [Mr. BRYAN], the Senator from California [Mrs. FEINSTEIN], the Senator from Iowa [Mr. HARKIN], and the Senator from Nevada [Mr. REID] are necessarily absent.

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—95

Abraham	Faircloth	Lugar
Akaka	Feingold	Mack
Allard	Ford	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grassley	Murray
Boxer	Gregg	Nickles
Breaux	Hagel	Reed
Brownback	Hatch	Robb
Bumpers	Helms	Roberts
Burns	Hollings	Rockefeller
Byrd	Hutchinson	Roth
Campbell	Hutchison	Santorum
Chafee	Inhofe	Sarbanes
Cleland	Inouye	Sessions
Coats	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kempthorne	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
D'Amato	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Enzi	Lott	

NOT VOTING—5

Bryan	Grams	Reid
Feinstein	Harkin	

The resolution (S. Res. 98) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 98

Whereas the United Nations Framework Convention on Climate Change (in this resolution referred to as the ''Convention''), adopted in May 1992, entered into force in 1994 and is not yet fully implemented;

Whereas the Convention, intended to address climate change on a global basis, identifies the former Soviet Union and the countries of Eastern Europe and the Organization For Economic Co-operation and Development (OECD), including the United States, as ''Annex I Parties'', and the remaining 129 countries, including China, Mexico, India, Brazil, and South Korea, as ''Developing Country Parties'';

Whereas in April 1995, the Convention's ''Conference of the Parties'' adopted the so-called ''Berlin Mandate'';

Whereas the ''Berlin Mandate'' calls for the adoption, as soon as December 1997, in Kyoto, Japan, of a protocol or another legal instrument that strengthens commitments to limit greenhouse gas emissions by Annex I Parties for the post-2000 period and establishes a negotiation process called the ''Ad Hoc Group on the Berlin Mandate'';

Whereas the ''Berlin Mandate'' specifically exempts all Developing Country Parties from any new commitments in such negotiation process for the post-2000 period;

Whereas although the Convention, approved by the United States Senate, called on all signatory parties to adopt policies and programs aimed at limiting their greenhouse gas (GHG) emissions, in July 1996 the Under-Secretary of State for Global Affairs called for the first time for ''legally binding'' emission limitation targets and timetables for Annex I Parties, a position reiterated by the Secretary of State in testimony before the Committee on Foreign Relations of the Senate on January 8, 1997;

Whereas greenhouse gas emissions of Developing Country Parties are rapidly increasing and are expected to surpass emissions of the United States and other OECD countries as early as 2015;

Whereas the Department of State has declared that it is critical for the Parties to the Convention to include Developing Country Parties in the next steps for global action and, therefore, has proposed that consideration of additional steps to include limitations on Developing Country Parties' greenhouse gas emissions would not begin until after a protocol or other legal instrument is adopted in Kyoto, Japan in December 1997;

Whereas the exemption for Developing Country Parties is inconsistent with the need for global action on climate change and is environmentally flawed;

Whereas the Senate strongly believes that the proposals under negotiation, because of the disparity of treatment between Annex I Parties and Developing Countries and the level of required emission reductions, could result in serious harm to the United States economy, including significant job loss, trade disadvantages, increased energy and consumer costs, or any combination thereof; and

Whereas it is desirable that a bipartisan group of Senators be appointed by the Majority and Minority Leaders of the Senate for the purpose of monitoring the status of negotiations on Global Climate Change and reporting periodically to the Senate on those negotiations: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should not be a signatory to any protocol to, or other agreement regarding, the United Nations Framework Convention on Climate Change of 1992, at negotiations in Kyoto in December 1997, or thereafter, which would—

(A) mandate new commitments to limit or reduce greenhouse gas emissions for the Annex I Parties, unless the protocol or other agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties within the same compliance period, or

(B) would result in serious harm to the economy of the United States; and

(2) any such protocol or other agreement which would require the advice and consent

of the Senate to ratification should be accompanied by a detailed explanation of any legislation or regulatory actions that may be required to implement the protocol or other agreement and should also be accompanied by an analysis of the detailed financial costs and other impacts on the economy of the United States which would be incurred by the implementation of the protocol or other agreement.

SEC. 2. Secretary of the State shall transmit a copy of this resolution to the President.

Mr. LOTT. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT—S. 39

Mr. LOTT. Mr. President, I ask unanimous consent that the order entered July 24 with respect to S. 39, order No. 11, which is with regard to the tuna-dolphin issue, be vitiated.

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

Mr. LOTT. I further ask that the majority leader, after consultation with the Democratic leader, may turn to S. 39, and one managers' amendment be in order, and time for the amendment and the debate on the bill be limited to 30 minutes, equally divided in the usual form, and following the conclusion or yielding back of time, the Senate proceed to vote on the amendment, to be followed by third reading and passage of S. 39, as amended, if amended.

Mrs. BOXER. Reserving the right to object, and I shall not object, I want to say to our majority leader that I thank him for his patience. I want to use this time in reserving my right to object, which I shall not, to thank the majority leader for his patience in allowing us the time we needed to come to what I think is a good compromise on this bill.

I want to say that Senator JOHN KERRY stepped into the breach at the moment we needed him to do so, and in working with Senator MCCAIN and Senator SNOWE, Senator BREAUX, Senator BIDEN, myself, Senator STEVENS—it was a big group of us, and a group that is pretty much known for some very strong opinions. I want to thank him. And the administration was at the table. It was not easy.

But in the end, what we are going to do basically is keep the label the way it is and give some time for a study to begin, put all the other wonderful parts of that bill into place, and then when the preliminary results are known, we will make a decision—the Secretary of Commerce will—on whether or not to change the definition of what constitutes ''dolphin safe'' tuna. So I think it is a victory for American consumers.

Just in concluding my brief remarks here—and I will not object to the unanimous-consent request—I want to thank the more than 44 Senators who stood with us, who were going to vote with us, so we were able to have the strength to negotiate this compromise.

I will not object to the request.

The PRESIDING OFFICER. Is there an objection?

Hearing none, without objection, it is so ordered.

Mr. LOTT. Let me wrap this up right quick because Senator MCCAIN needs to be able to comment on this, too.

For the information of all Senators, in light of this agreement with respect to the tuna-dolphin legislation, the cloture vote was vitiated; therefore, there will be no further votes to occur today. The next votes will occur in stacked sequence on Tuesday, July 29, beginning at 9:30 a.m.

I want to thank all Senators for their cooperation, especially the Senator from Maine, Senator SNOWE. She did outstanding work. She did not always receive the type of consideration she should have, but she has risen above that. Without her agreement, this would not have been possible. Also, of course, Senator MCCAIN has been diligent in his work, as always, and also Senator KERRY, who got involved to help us work this out.

I would like to make sure now that Senator MCCAIN has a chance to speak and put the proper perspective on all of this.

Mr. MCCAIN. Mr. President, I received a letter from the National Security Adviser. I ask unanimous consent that it be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, July 25, 1997.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I want to thank you for your hard work and support to find an acceptable compromise on S. 39 the International Dolphin Conservation Act. I am writing to inform you that we accept the agreement that has been struck between yourself and other Senators involved with the discussions on the legislation. I also want to inform you that we have consulted with the Government of Mexico and that they do not object to the agreement. They, in turn, are discussing this with the other signatories of the Panama Declaration in order to secure their acceptance of this compromise. I am hopeful that all the signatories will be able to accept this compromise as well.

Again, thank you for your efforts to bring about a successful conclusion to the discussions on S. 39.

Sincerely,

SAMUEL R. BERGER,
Assistant to the President For National Security Affairs.

Mr. MCCAIN. Mr. President, this letter indicates that negotiations we have entered into making changes to the legislation will keep the International Dolphin Conservation Program intact. That has been our sole objective. With the administration's assurance, I believe we are prepared to enter into a time agreement for final passage of the bill.

Again, President Clinton has asked us to pass this legislation. Greenpeace, the Center for Marine Conservation, the Environmental Defense Fund, the World Wildlife Fund, and the National Wildlife Federation have asked us to pass this bill. My only test for accepting changes to the bill is that the conservation agreement remains intact.

The agreement, which still must be put into legislative language, lifts the embargo on tuna from the eastern tropical Pacific, and would require the label change after the Secretary of Commerce makes a finding on implementation of the international agreement does not adversely affect dolphin in any substantial way, by a time certain. We have had months of negotiations on this issue.

Mr. President, I want to make one thing perfectly clear. This agreement would not be where it is today without the Senator from Maine, Senator SNOWE, the subcommittee chairperson, who conducted weeks and months of negotiations on this issue. The Senator from Maine is the one that made this happen. Whenever there is a victory, there are all kinds of people that like to take credit for it. The Senator from Maine, Senator SNOWE, entered into a months-long series of negotiations, and has accepted amendments and reservations that she would not otherwise want to. I am sorry that the thing that held up this agreement was extreme partisanship, which motivated people to vote for cloture on a bill that the administration and the environmental community supported, and the characterization of this bill as some kind of cave-in is wrong. We demanded that the international signatories would agree to any compromise that was made. That was done so in this bill. There will be, at a time certain, a labeling which will allow this Nation—and the other nations who are signatories—to have the importation of tuna into this country. I am sorry that these issues, which are really in the best interests of the Nation, somehow get politicized so much, as this issue has been. The Senator from Maine has refrained from that all along.

I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. KERRY. Mr. President, I ask unanimous consent that a fellow in my office, Tom Richey, be permitted access to the floor.

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

Mr. KERRY. Mr. President, I want to make it clear that, from my perspective, this agreement on tuna-dolphin does not represent a cave-in. It doesn't represent one side sort of being bullied by another side. Also, I certainly don't think it represents a partisan effort because Senator BOB SMITH of New Hampshire, and a number of our colleagues across the aisle, were also very interested in the outcome of this and were prepared to join in a rigorous debate.

What I believe has happened is that, as it often does in the U.S. Senate,

when contentious views are brought together and people have a chance to be able to air those views and work at it over time, we have been able to arrive at what I believe is a very good, sensible compromise—not a cave-in, a compromise. It is a compromise which I think takes the very best of what was proposed originally by Senator BREAUX and Senator STEVENS and helps to amalgamate it with other people's ideas about what would make it even stronger. It is going to be a strong conservation ethic. It is going to guarantee that we take the cooperation of other countries that we are respectful of and grateful for their cooperation and utilize that in a way which is going to strengthen our relationship in the hemisphere and, at the same time, provide for a strong conservation capacity with respect to the dolphin stocks.

I think everybody ought to be very pleased with the outcome. I am grateful to the Senator from Maine, Senator SNOWE, for her efforts on this. I regret that, yesterday, there were some misunderstandings during the course of it. But she has exhibited great strength and willingness to help provide for our ability to move forward. I thank her publicly for that.

I want to thank the chairman of the committee, Senator MCCAIN, for his efforts and patience, particularly. I think he allowed people to work through this in a way that got us here. I particularly thank Senator BOXER for her tireless, tireless energy in fighting for what she thought was right in this situation and for helping to create the ability to come to this compromise. So I think it is positive for all concerned, and I think everybody ought to feel good about it, without any sense of partisanship or any divisiveness.

I thank the Chair.

The PRESIDING OFFICER. Who seeks time?

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. I thank the Chair. I rise to express my support for the agreement that ultimately was reached on this very important issue. I remind my colleagues that this was an issue that had been introduced in the last Congress by the Senator from Alaska, Senator STEVENS, and unfortunately, we weren't able to get it through in the last Congress, for a lot of political reasons. I hope now that people recognize that this represents a very strong step toward preservation and conservation of the species and, at the same time, an important agreement with 11 other nations on this issue, which I think ultimately will resolve the problems that we are facing with respect to tuna, as well as with dolphins.

So I hope that our colleagues will ultimately support this agreement. I want to commend Senator MCCAIN, who certainly forged an effort to try to create this, as well as Senator BOXER and Senator KERRY. Truly, the leadership was exemplified by Senator STEVENS and Senator BREAUX, who originally introduced this legislation in the last Congress. So I hope that we will take the steps necessary to implement this legislation and, ultimately, will ratify the agreement that was reached by this administration with respect to this issue.

With that, I yield the floor, Mr. President.

The PRESIDING OFFICER. Who seeks time?

MORNING BUSINESS

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

THE STATE DEPARTMENT REPORT ON MFN

Mr. HUTCHINSON. Mr. President, Tuesday, the New York Times stated that the State Department would issue its first report on the worldwide persecution of Christians and this report would be sharply critical of China. That report was, in fact, released this past Wednesday, and I urge all of my colleagues in the U.S. Senate to read this report. This is the same report that the State Department originally promised to release to Congress on January 15, over 6 months ago. It is the same report that the State Department promised to release by the end of June, and the same report that the State Department promised to release before the House voted on China's most-favored-nation trading status.

On June 18 of this year, my good friend and colleague from Wisconsin, Senator FEINGOLD, and I sent a letter to both the President and to the Secretary of State, expressing our grave concerns about recent reports that suggested that the State Department was deliberately delaying the release of its findings on religious persecution throughout the world. It was my understanding that this report placed a specific focus on the persecution of Christians and other religious minorities around the world, and that the report singled out China for especially tough criticism.

It is, in fact, the case, as the report has been issued and as I have surveyed that report, that that criticism is even more scathing than what had been anticipated. As I have stated on this floor many times, the 1996 State Department's human rights report on China revealed that the Chinese authorities had effectively stepped up efforts to suppress expressions of criticism and protest. This report said that all public dissent had been effectively silenced by either exile, imposition of prison terms, or intimidation. This latest report from the State Department, issued this week, further underscores the seriousness of the situation in China and the severity of the crackdown that has been imposed upon those who would express any opinion contrary to that of the Communist government.

As an original cosponsor of the disapproval resolution on MFN to China, I believe serious human rights abuses persist in all areas of China today and that the continuous delay of this year's report on religious persecution raises the question as to this administration's willingness to engage in an open discussion of the effect of U.S. policy on human rights in China and around the world.

I urge that the State Department report be delivered in a timely manner to ensure its full disclosure and debate prior to a vote on the extension of MFN to China. It seemed to be only right, only proper that the House and my Senate colleagues would have an opportunity to see the latest and most accurate information as to what is going on in China. That information was denied the House and it was denied my colleagues in the Senate, as we voted on the sense-of-the-Senate resolution last week. I even publicly made a request on the Senate floor for that report to be issued prior to any MFN debate and MFN vote.

The State Department informed me that I would receive a copy of the report as soon as it was released. Mr. President, the fact was that the New York Times received a copy of this report before Congress did. This year's report states quite clearly that the Chinese Government has consistently violated its own constitutional guarantees of religious rights, cracking down on Catholic and Protestant groups, raiding worship groups meeting in private homes, and sometimes detaining and interrogating and even beating religious leaders. Furthermore, the report states:

> The government of China has sought to restrict all actual religious practice to government-authorized religious organizations. Some religious groups have registered, while others were refused registration.

I want to commend and express my appreciation to Senator ASHCROFT from the State of Missouri for his willingness to come to the floor of the Senate this week and express his own outrage at the continuing deterioration of human rights conditions in China.

Mr. President, I raise this question on the floor of the Senate today: Why was the State Department's report on religious persecution delayed, delayed, and delayed again, so that it was only released after all congressional votes and all congressional debate on MFN was history?

Mr. President, I have serious concerns that officials of this administration are not willing to engage in an open discussion about United States policy toward China, and I am deeply disturbed about the timing of this report, especially in light of the votes that have transpired in both the House and the Senate in recent weeks.

The revelation that human rights abuses continue to worsen in China, while our policy remains status quo, I believe, gives our own tacit consent to the terrible atrocities that are occurring in that great country.

To remain silent when evil is perpetrated and injustice is being inflicted, I think, is to become a participant in that evil. So I urge my colleagues to obtain a copy of this year's report issued this week, read it, study it, and decide what action we should take as a nation against this regime that continues to disregard basic human rights.

Mr. President, I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. STEVENS). The Senator from Pennsylvania.

INDEPENDENT COUNSEL

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly on the issue of independent counsel. Yesterday, I spoke about my view that independent counsel ought to be appointed and the fact that there appeared to be no chance of Attorney General Reno appointing an independent counsel, and then exploring the alternatives of litigation and the alternative of an amendment to the independent counsel statute. I stated at that time that I intended to pursue legislation to modify the independent counsel statute and had hoped to put it on the appropriations bill on Commerce, State, Justice, and the Judiciary, but would not do so if it would tie up the bill.

After consultation with the distinguished majority leader and others, it was apparent to me that such an amendment would tie up the bill and most probably provoke a filibuster on the other side, and that, in fact, a unanimous-consent agreement had been proposed which was conditional on tabling any amendment which I might offer.

In addition to the amendment on independent counsel, I was considering, along with my distinguished colleague, Senator HATCH, offering a sense-of-the-Senate resolution calling for the Attorney General to appoint independent counsel. But even a sense-of-the-Senate resolution would have provoked a likely filibuster to tie up the bill. So I did not proceed to do that, but instead filed at the desk yesterday legislation for independent counsel, after consultation with the majority leader, who said that if an opportunity presented itself that that matter might be called up as early as next week. That would not be certain because there are considerations as to what will happen with the reconciliation bill and the tax bill.

In the alternative, after discussions with Senator HATCH, the alternative has been considered to have a sense-of-the-Senate resolution perhaps acted on next week, if there is time. It is the last week before the recess. But that is problematical.

Mr. President, I ask unanimous consent that the text of the sense-of-the-Senate resolution be printed in the RECORD.

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

SEC. . SENSE OF THE SENATE REGARDING APPOINTMENT OF INDEPENDENT COUNSEL.

(a) FINDINGS.—The Congress finds that—

(1) press reports appearing in the early Spring of 1997 reported that the FBI and the Justice Department withheld national security information the Clinton administration and President Clinton regarding information pertaining to the possible involvement by the Chinese government in seeking to influence both the administration and some members of Congress in the 1996 elections;

(2) President Clinton subsequently stated, in reference to the failure by the FBI and the Justice Department to brief him on such information regarding China: ''There are significant national security issues at stake here,'' and further stated that ''I believe I should have known'';

(3) there has been an acknowledgment by former White House Chief of Staff Leon Panetta in March 1997 that there was indeed coordination between the White House and the DNC regarding the expenditure of soft money for advertising;

(4) the Attorney General in her appearance before the Senate Judiciary Committee on April 30, 1997 acknowledged a presumed coordination between President Clinton and the DNC regarding campaign advertisements;

(5) Richard Morris in his recent book, ''Behind the Oval Office,'' describes his firsthand knowledge that ''the president became the day-to-day operational director of our [DNC] TV ad campaign. He worked over every script, watched each ad, ordered changes in every visual presentation and decided which ads would run when and where;''

(6) there have been conflicting and contradictory statements by the Vice President regarding the timing and extent of his knowledge of the nature of a fundraising event at the Hsi Lai Buddhist Temple near Los Angeles on April 29, 1996;

(7) the independent counsel statute requires the Attorney General to consider the specificity of information provided and the credibility of the source of information pertaining to potential violations of criminal law by covered persons, including the President and the Vice President;

(8) the independent counsel statute further requires the Attorney General to petition the court for appointment of an independent counsel where the Attorney General finds that there is a reasonable likelihood that a violation of criminal law may have occurred involving a covered person;

(9) the Attorney General has been presented with specific and credible evidence pertaining to potential violations of criminal law by covered persons and there is a reasonable likelihood that a violation of criminal law may have occurred involving a covered person; and

(10) the Attorney General has abused her discretion by failing to petition the court for appointment of an independent counsel.

(b) It is the Sense of the Senate that the Attorney General should petition the court immediately for appointment of an independent counsel to investigate the reasonable likelihood that a violation of criminal law may have occurred involving a covered person in the 1996 presidential federal election campaign.

Mr. SPECTER. As if in morning business, Mr. President, I submit the sense-of-the-Senate resolution for introduction to be considered at a later time.

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

Mr. SPECTER. I thank the Chair. I yield the floor.

In the absence of any other Senator on the floor, 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. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. MURKOWSKI pertaining to the instroduction of S. 1069 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

NATIONAL ENERGY SECURITY

Mr. MURKOWSKI. Mr. President, I would like to call attention to an extraordinary experience that occurred last weekend, involving several Members of this body who joined my wife and me in visiting our great State of Alaska: Senator HELMS and Mrs. Helms, the Senator from North Carolina; Senator JEFFORDS from Vermont, Senator INHOFE of Oklahoma, and Senator SMITH from Oregon. We left last Friday after the close of business Thursday night. We covered approximately 7,400 miles in about 64 hours. We visited eight cities and communities. I think we were in the airplane some 23 hours, spent 6 hours on a bus, and at least 10 hours visiting with people on the ground in Alaska. But for that relatively brief time, I think a great deal was learned.

The purpose of the trip, relative to aspects of the national energy security of the country, was to observe the oil development on the North Slope of Alaska at Prudhoe Bay, and to follow the pipeline 800 miles down to the terminus at Valdez.

We flew on Friday direct from Washington, DC, via Edmonton, Canada to Cordova, AK, in Prince William Sound, where we were met by Mayor Johnson, who gave us an overview of the impact of the Federal Government relations and the aftereffects of the *Exxon Valdez* oilspill at Bligh Reef.

We then got into smaller aircraft and flew around Prince William Sound. We viewed Colombia Glacier and at the area where the *Exxon Valdez* went aground—we observed the beaches closely. I am pleased to tell my colleagues that there was absolutely no sign of any residue from that terrible accident.

We then landed in Valdez, were met by a group of people, and boarded a bus to go around the harbor to the pipeline terminal, which is the largest oil terminal in the United States. A full 25

percent of our total crude oil production is dispatched on U.S.-flagged tankers that move it to Hawaii, to Los Angeles and San Francisco on the west coast, and to other areas.

It was remarkable to note that there were hundreds of tourists fishing for salmon, right next to the oil terminal, in small boats. We saw several fish being caught. These weren't shills, these were real people, real tourists out there, Mr. President.

We had an opportunity to inspect the terminal. We observed the major storage area. We actually went into one of the storage tanks that was being cleaned. The setting of the terminal—that I remind my colleagues has the capability of supplying this Nation with 25 percent of its total crude oil—is really dramatic. It sits on a shelf across the harbor from Valdez, on solid rock, with a dramatic background of snowcapped peaks. More significant still is, I think, the technology that has been adopted there.

They are currently able to recapture any emissions from the loading tankers, that is, the fumes coming from loading the tankers, and put them back into a closed recovery process. So there are virtually no emissions coming out during the loading process. To protect against liquids, each ship has a boom around it while it is loaded to make sure that there is no oil can possibly escape. I think the oil spillage there in the last several years has totaled less than a gallon, to give you some idea of the safety and technology that has been adopted.

We next went back to Valdez by boat, met with community leaders and then got back on our airplane and flew to Fairbanks. In Fairbanks we were hosted at a dinner by the Arctic Slope Regional Corp., the Alaska Native corporation representing the North Slope area. Next morning we flew from Barrow to Fairbanks, about an hour-and-a-half flight. Point Barrow is the northernmost community in the United States. You can't go any further north without falling off the top.

There we met with a number of Native people, and they were very explicit in explaining to us the significant difference that energy development has made to their lives. One young man indicated that he used to come to school to keep warm, because there was not enough heat in his home. They had to scrounge on the beach for driftwood, driftwood that is not native to the area because Barrow is far north of the tree line, but would float in from the MacKenzie River 100 miles away to the east and wash up on the beach. He said things are different now. He went to a school that was built by the North Slope Borough government and funded by the Arctic Slope Regional Corp. It is one of the finest schools in the United States. It has everything—even indoor recess capability, a good idea in that climate. Really a magnificent facility. We also visited the local hospital and several other things.

But the point the resident brought out is that they prospered only as a consequence of having a tax base based on resource development—oil and gas. They were able to send their children to school. And it was not like the past when there were no economic benefits, no support base. I think everyone was very pleased at the presentation because it provided a point of view on energy development that is not often made.

We next flew in our airplane to Prudhoe Bay, the beginning of the 800-mile pipeline, to observe the oilfields. Then we went by bus to a site called Endicott. This is a field based on a man-made island about 11 miles offshore, made of gravel. It is the seventh largest producing oilfield in North America, and yet it has a footprint of only 54 acres. That's very significant when you consider the advancements in oil technology between Prudhoe Bay and Endicott, and realize they can develop oil using directional drilling from a very small platform—that is what Endicott means.

We then drove back to Prudhoe Bay, got in small aircraft and went east to the Canadian border. There, we were inside the Arctic National Wildlife Refuge—ANWR. We actually flew into the ANWR area to a village that is in the middle of ANWR called Kaktovik. We met with the villagers. They were out fishing. It was a beautiful day. There was virtually no wind. The icecap moved away from the shore, leaving blue waters. We saw maybe 10,000 caribou, and several hundred musk ox on the tundra.

The interesting thing is we saw where the proposed wells are going to be developed on the State's side of ANWR, and then we went near a well site that is very close to the edge of ANWR called Sourdough. This is a well on State land adjacent to ANWR and which may be the site of a major oil discovery.

The question there is whether this discovery extends into ANWR or is limited just to the State land next to it. Of course, this presents a problem and a question of responsibility for the Secretary of the Interior. Because he has public trust responsibility to determine if there is, in fact, a reservoir of oil on the Federal side. That's important because if the State allows drilling and the State pulls down the oil deposit under its well, a portion of that resource could belong to the Federal Government.

We went to a couple of other areas that were interesting. Some in the group asked, ''Where are the pictures of the coastal plain that we see in the environmental magazines that portray the sensitive coastal plain area?'' We took the group back into that area, a dramatically different region that is not in the same area as the coastal plain despite the pictures we see so often. We also observed a number of areas where they plan to drill on the State's side, and flew over the one exploratory well that had been drilled within the ANWR area. There was no evidence, other than you can see a discoloration of the tundra, of that well's existence—no structures of any kind.

What that well may or may not contain we still don't know because that information has never been released by the companies that did the drilling. It is somewhat academic at this point, because if there were substantial reserves there, there is no way to take them out because it's all Federal land. Without the ability to transfer the oil through a pipeline it is impractical and unreasonable to proceed until Congress resolves the issue of what to do with the 1002 area.

This is a unique area, part of ANWR, but just 1½ million acres out of the 19-million-acre total. The area of ANWR is basically made up of three parcels. About 8 million acres are in the wilderness, about 9 million acres are in what we call refuges. Only 1½ million acres are included in the so-called 1002 area, which was reserved for the Congress of the United States to decide whether or not it is in the national interest to open that area for oil and gas exploration.

To conclude with a brief description of the trip, I think my colleagues would agree, they saw a great big hunk of American real estate and got a feel for the sensitive areas. They got a feel for the advanced technology that is underway currently for oil and gas exploration and production. We saw foxes. We saw caribou running ahead of our bus on the roads in Prudhoe Bay.

Then after that day, we flew back to Fairbanks where we were hosted by the Alaska miners to a dinner. The next morning, the University of Alaska, on Sunday, hosted the Members to a breakfast at 8 o'clock. Then at 9 o'clock, we went out to the Fort Knox gold mine. This is the largest gold mine in Alaska producing from a new technology that gets the very fine gold and is able to recover it. It is operating 7 days a week, 24 hours a day with a shift of about 200 personnel, but the significance is that they brought in a bar of gold, a brick, a little bit bigger than a brick, very heavy. It was worth about $167,000. That is what one brick of gold is worth.

We drove back to Fairbanks, got in the airplane at noon on Sunday, and flew back the rest of the day, got in here at midnight, and went to work Monday morning.

I simply describe this as evidence, I think, of an opportunity for Members to see Alaska, such as Senator HELMS, Senator JEFFORDS, Senator INHOFE, Senator SMITH, the current occupant of the chair, and see for themselves what the issues are relative to the issue of ANWR and other aspects of the national energy security interests which Alaska contributes significantly to and address the dilemma associated with development on public land and talk to Alaskans who we feel are the best stewards of the land.

So I encourage my other colleagues to contact the Senators in question—Senators HELMS, JEFFORDS, INHOFE, and SMITH of Oregon, because we would like to host others in Alaska and let them see for themselves as they address many of the issues that are going to determine the manner in which Congress authorizes resource development on public lands in our Nation's largest State.

With that, I thank my colleague who has been patient, and I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

GLOBAL WARMING

Mr. SESSIONS. Mr. President, we just voted earlier today 95 to 0 to direct the President of the United States not to enter into treaties in Japan dealing with global warming at this time. Those of us who care about the Earth on which we live want to make sure we are good stewards of this planet that we are blessed to have and we care about it very deeply.

I have had the opportunity to serve on the Environment and Public Works Committee and have heard testimony from some of the Nation's most outstanding experts on the question of global warming. I am a new Senator, just having come here in January, and was very interested and fascinated by the possibility of trying to learn more about this problem that I have been reading about, as have so many Americans.

I must admit to you that I have been somewhat surprised by a number of things, including a lack of unanimity among scientists, a lack of data among scientists, and a serious disagreement among scientists. I am also somewhat surprised, despite the very strong feelings of people who study this, that the President continues to be determined to enter into treaties that could adversely affect the economic well-being of the United States.

Let me say first, in my simple way of thinking about this problem, a regulation is the equivalent of a tax. It would be no different for us than if we were to regulate the electric power industry and added costs to companies by mandating environmental controls in addition to the ones that they have implemented to preserve the environment for years. If we implement those controls, their customers are going to pay in terms of rate increases. Increases will be paid by the citizens who consume power, and every American consumes power.

So we have to understand that a regulation that imposes a burden on some big company, like a power company, is really a tax on all of us. It is a regulation that impacts all of us. It adds to the cost of doing business in America. Every small business that utilizes electricity will have to pay for that power at a higher cost. It will make them, therefore, less able to compete with other people around the world. I think that is a fundamental principle we must not look for.

The Atlantic Monthly recently had a most marvelous article about economic growth, progress, and technological advancement. Those, it said, are the greatest ways to fight pollution and to clean our environment. The areas that are most polluted, the areas that are least safe to live in and where people have the shortest lifespan are the undeveloped nations of the world. This article devastated the myth that progress and technological advancement imperil the environment. Indeed, just the opposite is the case. Improved technology and improved progress allow us to do more for less and improve our environment.

We do know, though, that we are already, as a nation, facing a difficult challenge around the world. We are having a difficult time protecting the jobs of working Americans in the face of lower-wage nations that are taking our jobs. Ross Perot, in running for President, used the phrase ''a giant sucking sound,'' as he referred to jobs going overseas. The fact is, every day we place greater and greater burdens on the productive businesses in our Nation. At some point, the cumulation of those burdens reach a point that makes those businesses uncompetitive in the world and can severely damage the economic strength of this Nation. That is why the AFL–CIO and working unions all over America are questioning and opposing this treaty, because they see it will add one more burden to the United States and one more advantage to undeveloped nations who already have these low-wage rates to knock down and take away the productive capacity of American industry. I think it is a valid concern.

Second, Mr. President, my simple mind, as I have been here, has caused me to think about how many treaties I see that we are entering into. I have this vision in my mind of Gulliver among the Lilliputians lying there with strings tying the giant down where he couldn't get up. Hundreds of little threads tied him down, and he could not move.

We are a great nation, the greatest really on Earth, the greatest perhaps in the history of the world. We have great privileges and great requirements as a great nation. We ought not to lightly enter into treaties that bind us, keep us from being able to fully effectuate the capabilities that we have and enter into treaties with other nations, some of whom may not honor those treaties. It is one thing for them to sign up. We have seen nations sign up and say they won't use poison gas and then they have used poison gas, and nothing is done about it. What if we sign a global warming treaty and other nations who sign it do not comply? What will we do then? I suggest we will do nothing. We will honor that treaty, as we always do, because we take those things very seriously.

Let me make a couple of points. The first thing that I have learned in our committee hearing is just how small a part of the problem we are facing is caused from humankind. Look at this chart. It is a remarkable chart—CO_2 emissions, natural versus man-made.

Eighty to eighty-five percent of emissions that cause global warming are supposed to be CO_2. This is a big problem. 96.9 percent of the CO_2 emissions on this Earth come from natural causes; things which combustion and other things do not affect. The rest of the world contributes 3.1 percent. The U.S. contribution is less than 1 percent, .6 percent. If we eliminated all the production of CO_2 in the United States, we would only make a small dent in the overall problem of CO_2 emissions. That is why people are saying they are not sure what is causing global warming, if we have global warming at all. I think we have to know that. Those of us who are talking about imposing tremendous economic burdens on American industry place us in a position of not being able to remain competitive in the world, for a benefit perhaps nonexistent. I think this is a matter we have to consider seriously.

Do we have global warming? That is a matter that I know is a given—it is said. Some 2,000 scientists say it is, but many do not know why. There remains a lot of dispute about global warming. I am not sure what the real situation is. I am certain that there is some slight warming, but I must say that it is not clear.

Dr. Christy, a NASA contractor and a professor at the University of Alabama in Huntsville, a premier university in scientific research, has studied satellite data for 20 years. He has been able to ascertain from that data what the atmospheric temperatures are around the world, not just on one seashore where the gulf stream may affect it or some prevailing winds may have affected the temperature temporarily. This is a global change. He has studied this over 20 years, beginning in 1979.

Dr. Christy reached a remarkable conclusion based on his studies of temperature changes. As stated in his testimony before the full Senate Committee on Environment and Public Works, the level of the atmosphere he is testing should be warming, according to those who believe in the global warming models, because global warming caused by the greenhouse effect should be an atmospheric effect, but he found the atmosphere has not warmed. This black line reflects the temperature, and it has actually gone down during the almost 20 years that he studied.

No one has contradicted that evidence. It wasn't evidence that he went out and gathered. It was evidence that he just took from the satellite information that was already available to the public, and he made a comprehensive study of it.

What is interesting is, based on his information, we may not have global

warming at all. As I said, that information has not been disputed in any way.

Not many years ago, the prediction was that we were going to show a 4-degree increase in climate temperature in the next 100 years; 4 degrees growth would be the average increase in temperature in the next 100 years.

Now, those numbers have dropped to 2 degrees. The experts have reduced those already just in the last few years to 2 degrees.

Dr. Patrick J. Michaels, professor of environmental sciences at the University of Virginia and senior fellow of environmental studies at the CATO Institute, testified before the Senate Foreign Relations Committee on June 26, 1997. This is what he said:

> Critics argued some years ago, as I did, [he said] that this would have to be a dramatic reduction in the forecast of future warming in order to reconcile fact with hypothesis.

In other words, he realized that the people who were predicting this 4-degree increase were wrong, and some time ago he predicted they would have to modify this.

> By 1995, [he said] in its second full assessment of climate change, the IPCC [the U.N. panel] admitted the validity of the critics' position [his position]. When increases in greenhouse gases only are taken into account, most climate models produce a greater warming than has been observed to date—

In other words, we predicted a greater warming than we were actually seeing, than nationally has been observed.

> unless closer climate sensitivity to the greenhouse effect is used.

In other words, we were predicting too high a sensitivity to the greenhouse effect.

The IPCC continued:

> There is growing evidence that increases in aerosols are partially counteracting the warming.

There are many things that are involved there.

Dr. Michaels then added this comment. I thought it was very instructive, Mr. President. He said:

> I believe the secular translation of this statement is that either it is not going to warm up as much as was previously forecast or something is hiding the warming. I predict every attempt will be made to demonstrate the latter before admitting that the former is true.

I thought it was interesting he used those words: ''I believe the secular translation of that document.'' I thought about why he did that, why he used those phrases. He is a scientist, a University of Virginia scientist. Why would he say that? I think he is saying that because he senses in many of the people who are promoting this agenda almost a religious bent, a commitment beyond rationality, a commitment beyond science, a sort of supernatural belief that we have to clean this Earth, and nothing we do as human beings here is healthy, and it is all bad. It goes beyond rationality. I tend to agree that we have some things that are said, that I have observed on our committee, that would indicate that that is true.

Let me add one more thing before I conclude.

The other thing we have learned is that global warming is hard to fix obviously if 97 percent of—by far, the No. 1 problem of greenhouse gas—CO_2, is from natural causes. So we have a problem.

We had testimony recently from four scientists before our committee. And I would like to share with you one of the exchanges that took place there.

One professor thought that even though he was supporting the treaty, he thought we should take only modest steps at this time. And he believed that a significant tax on fuel and carbon products would be the way to do it. That is what he proposed. He said, ''I think we need to start moving in that direction.''

Dr. Richard S. Lindzen was a member of that panel. He is an Alfred P. Sloane Professor of Meteorology at the Massachusetts Institute of Technology. When testifying before the Senate Committee on Environment and Public Works on July 10, 1997, Dr. Lindzen said, ''I'm saying more than that. I'm saying that Dale''—talking about the professor—''that what he's proposing, take the scenario that you expect, an increase of 4 degrees''— so Dr. Lindzen is saying, OK, let us assume that you are predicting a 4-degree increase in temperature in the next century, what affect would this tax, a significant tax on oil and all carbon products, have on our environment?

This is what he said, ''. . . take the scenario that you expect an increase of 4 degrees, if we imposed his tax, that would knock the temperature down over 100 years to 3.95 degrees. Only five one-hundredths of a degree would be affected by a tax to reduce that kind of emission of gases.''

We are dealing with a very serious problem. I am concerned about American economic growth. I want the American people to have good jobs and be competitive in the world. I want a healthy environment. I believe in that. I am willing to invest some money in that. But I am not willing to invest money in a project that will have almost no effect and perhaps is dealing with a problem that may not even exist.

We need more science, more study before we ask the people of this Nation to commit their resources into an effort that we could do somewhere else; $10 billion, $100 billion spent on this is $100 billion we could spend on child health care, emergency room admissions, and a lot of other things that we desperately need in this country.

So, Mr. President, I appreciate the opportunity to share those thoughts with you. I think we are dealing with an important issue. And I hope that the American people will pay close attention to it as we go forward.

I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

MILITARY SERVICE AND HOMOSEXUALITY

Mr. COATS. I want to take just a few moments to put something in the RECORD that has not really been high profiled recently but which is I believe important.

I picked up the Washington Post earlier this week and was reading through the Post, and in there was a small story detailing what the President's press secretary, Mike McCurry, had to say about an earlier statement made by the White House relative to the law which governs the service in the military of people with homosexual persuasion.

The administration had issued the comment in response to some court rulings that they thought that the law was working as intended. And then Mr. McCurry, after admitted pressure from the gay rights lobby, issued a clarification which changed the response or at least was intended to change the response. I quote from the Washington Post article which said:

> After protests from gay rights groups, McCurry yesterday said that contrary to an earlier statement, the Clinton administration does have concerns about how its [so-called] ''don't ask, don't tell'' policy [''so-called'' is my emphasis] on homosexuality is being enforced in the military.

First of all, let me state that this, the current policy which is described by many as a ''don't-ask, don't-tell policy,'' is not descriptive of the particular policy. Therefore, I think it is important that we understand that what we are dealing with here is a law enacted by this Congress on a bipartisan basis, signed into law by the current President of the United States, and not subject to different interpretations but subject to exactly what is printed in the statute.

Mr. McCurry needs to understand and the White House needs to understand that the prohibition against homosexuals serving in the military is a statutory requirement that was passed overwhelmingly by Congress and signed into law by the President, his President.

The true test of whether the Department of Defense is faithfully executing the law is whether those who have engaged in or who have a propensity to engage in homosexual conduct are being separated from military service. That is the statute. That is the intent of the statute. That is the intent of the Congress, as enacted into statutory language and signed by the President.

And that standard is that those who have engaged in or have a propensity to engage in homosexual conduct find themselves at a great inconsistency with longstanding military policy and are therefore eligible and should be separated from military service. That is the law of the land.

Just a little bit of history.

In January 1993, just days after his inauguration, President Clinton announced his intent to reverse the military's longstanding prohibition against

homosexuals serving in the Armed Forces. That decision was uniformly opposed by our military commanders, and decisively overturned by the Congress after months of careful deliberation.

Just to reiterate here, the President, very shortly after taking office, reversed longstanding military policy, and even though the President serves in his constitutional capacity as Commander in Chief, the leaders of our military unanimously opposed, publicly opposed the President's position saying that it would undermine morale, undermine the cohesiveness, undermine the very essence of what the military was designed to do.

The Congress' consensus—after very considerable examination, hearings and debate—the Congress' consensus on the issue was clear, it was bipartisan, and it was broad. And the President ultimately signed a statutory prohibition against homosexuals serving in the military. He signed that into law.

The law clearly sustained the Department of Defense longstanding policy and was based on several key findings of fact by the Congress. Those findings of fact are also law. And I would like to repeat those so that there is no confusion in this administration about either what the intent of Congress was or what the law was that passed the Congress and was signed by the President and now is operative.

Let me just state some of these key findings.

(1) Section 8, article I of the Constitution of the United States commits exclusively to the Congress the powers to raise and support armies, provide and maintain a navy, and make rules for the Government and regulation of the land and naval forces.

As the committee report noted:

The framers of the Constitution expressly vested the powers to raise and regulate military forces [they vested this power and authority] in the Congress.

The statute goes on to say, with the findings:

The President may supplement, but [he may] not supersede, the rules established by Congress for the Government and regulation of the Armed Forces.

(2) There is no constitutional right to serve in the Armed Forces.

The committee amplified:

The primary mission of the Armed Forces is to defend our national interests by preparing for and, when necessary, waging war. . .. Responsibility for the awesome machinery of war requires a degree of training, discipline, and unit cohesion that has no parallel in civilian society. . . . The Armed Forces routinely restrict the opportunities for service on the basis of circumstances such as physical condition, age, sex, parental status, educational background, medical history, and mental attitude. . . . The fundamental precept [is] that the rights of the individual service member must be subordinated to the needs of national defense.

And so in the instance, in the case where we formed our military, we do not follow the same rules, the same civil rights, the same rights that are available to Americans in other endeavors because of the unique function of the military, its unique calling and unique requirements for those individuals to serve in it. The many, many otherwise appropriate rights exercised by Americans are not rights granted to people who voluntarily agree to serve in the military or even if they are involuntarily called up, which we do not do anymore.

(3) Pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the Armed Forces.

(4) The primary purpose of the Armed Forces is to prepare for and to prevail in combat should the need arise.

(5) The conduct of military operations requires members of the Armed Forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

(6) Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

A critical element in this fact finding:

(7) One of the most critical elements in combat capability is unit cohesion, that is the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members.

(8) Military life is fundamentally different than civilian life in that the extraordinary responsibilities of the Armed Forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a special society; and the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

(9) The standards of conduct for members of the Armed Forces regulate a member's social life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the Armed Forces.

(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the Armed Forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

(11) The pervasive application of the standards of conduct is necessary because members of the Armed Forces must be ready at all times for worldwide deployment to a combat environment.

(12) The worldwide deployment of the United States military forces, the international responsibilities of the United States, and the potential for involvement of the armed forces in actual combat routinely make it necessary for members of the Armed Forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

(13) The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service.

(14) The Armed Forces must maintain personnel policies that exclude persons whose presence in the Armed Forces would create an unacceptable risk to the Armed Forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

(15) The presence in the Armed Forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

These are the facts as determined by the Senate Armed Forces Committee, by the Congress, both the House and the Senate, certified by us, written into law, signed into law by the President of the United States. These findings are as operative today as they were when they were passed. They are not subject to interpretation by the President. They are not subject to modification by the administration.

The law of the land is clear: Homosexuals may not serve in the military. That is the law of the land. That is not the opinion of this Senator from Indiana. That is not subject to the opinion of the President's press secretary or people in the administration. It is the law of the land. The military has always defined, and continues to define, a homosexual as one who is engaged in or has a propensity to engage in homosexual conduct. Unfortunately, while the law speaks clearly, its popular title, ''don't ask, don't tell,'' is often confusing to the press and the public. It seems to imply that a homosexual may serve in the military as long as he or she is discrete. This is simply not the case and it misinterprets the law.

The Senate Armed Services Committee report language is clear about the intent of the law, and again I quote:

It would be irrational to develop military personnel policies on the basis that all gays and lesbians will remain celibate or that they will not be sexually attracted to others.

Jamie Gorelick, then general counsel to the Department of Defense, testified:

The military is not required to take the risk that you will not engage in the act.

At a later hearing, she stated further:

When someone makes a statement, it is reasonable to conclude that they will act, and the military is not required to take the risk that someone will not restrain a propensity.

I want to remind the White House that its constitutional obligation is to enforce the law of the land. After a prolonged national debate on the question of homosexuals serving in the military, the President's position failed. Recognizing that defeat, he signed the National Defense Authorization Act of 1994 into law. In that act is the language now codified into law that clearly states the law of the land relative to homosexuals serving in the military. It is the obligation of the Department of Defense to separate those who engaged in, or have a propensity to engage in, homosexual conduct in the Armed Forces. Now, if the President wishes to reopen this debate, which I don't believe he does, he can look at modifying this law. But until that time, the administration has a constitutional duty

to uphold that law, regardless of what pressure is politically applied upon the administration by any one group or number of groups or any one individual or group of individuals.

So I wanted to put this in the RECORD so there was no misunderstanding about what the Congress had done, what the President had signed into law, and what the current law of the land is. This was the result of extensive—perhaps some of the most extensive—hearings the Senate Armed Services Committee has ever held. There were hundreds of witnesses, thousands of pages of testimony, site visits, testimony from people on all sides of the issue, representing every perspective. This was a carefully fashioned conclusion that was presented, approved by the committee, presented to the Congress and overwhelmingly approved by the Congress on a bipartisan basis, sent to the White House and signed into law by the President.

I think it would behoove the President and the people speaking for him to understand clearly what this law is and to fulfill their constitutional responsibilities to uphold the law and not make vague clarifications of statements and policies simply because one or more particular group protested their particular position on the issue.

I yield the floor.

GLACIER BAY MANAGEMENT

Mr. MURKOWSKI. Mr. President, I have one more item, relating to legislation addressing several important aspects of the administration and management of Glacier Bay National Park in my State of Alaska.

As many of you know, Glacier Bay National Park, west of Juneau in southeastern Alaska, has been named as the No. 1 national park in our country's National Park System. It is a unique tourist destination. It can only really be reached by cruise ship. The season runs roughly from Memorial Day to Labor Day, the season for the cruise ships that visit southeastern Alaska.

For the most part, these are the same ships that traverse the Caribbean in the wintertime, then move to Vancouver, BC, in order to sail to Alaska in the summer. There are probably 30 ships. I believe the number of tourists who visit Alaska by cruise ship is somewhere in the area of 600,000 in that short 90-day period.

Because of the popularity of this unique tourist destination, the legislation I have introduced would encourage the continuation of the Park Service's ongoing efforts to work with concession operators to try to improve visitor services, as well as deal fairly and finally with the longstanding dispute over the status of the commercial and subsistence fishing that has gone on in that park from time immemorial.

The footprint that any of these activities leaves in this park is pretty insignificant in relationship to other parks, because the park is seen, for the most part, by visitors on a cruise ship. You might get an occasional candy wrapper blown overboard, but the ships are very good at keeping their impact to a minimum. The point is, compared to impressions left in other national parks by visitors, the footprint left by visitors who come to the park on a ship—and never get off—is extremely small. That's part of what makes the park so unique—access by cruise ship.

In any event, this bill reflects the progress of several years of discussion with local interests and the Park Service. The efforts, I think, are positive. But we have been hampered from achieving consensus by some groups who seem to be unwilling to compromise for reasons we can only guess at—perhaps they don't want to see other visitors during that short summer season.

Insofar as possible, this bill represents an attempt to stake out some reasonable, responsible middle ground that would respect the wishes of all concerned. The issue of commercial fishing is one where, historically, fishermen have plied the waters of Glacier Bay and the outer coast, the Gulf of Alaska area now included in the park, for over 100 years. Local Native villagers, the Huna Tlingit people, have been doing so for thousands of years. At no time have their activities damaged the park or its resources, nor have they harmed the area's wild and scenic qualities in any way. Their presence has provided a colorful backdrop to the mystique of the park, as a matter of fact. This simple fact I don't think can be overemphasized.

To put it another way, commercial fishing and local villagers have continually fished in Glacier Bay since long before it became a park or a monument. The fact that we value it so highly today is proof that they have not had an adverse impact on the species in the bay. Unfortunately, some interests do not seem to be concerned about fairness, or the obligation to the Native people of Alaska, and would like to see fishing and gathering banned, no matter how environmentally benign or how critical to the local livelihoods it may be.

On subsistence, this bill corrects inconsistencies in the Alaska National Interest Lands Conservation Act, known as ANILCA. Villagers living near Glacier Bay, whose ancestors have used the bay continually for at least 9,000 years, must be allowed to continue to use the bay's resources to feed their families, to fish for halibut, salmon, crabs, collect clams, seaweeds, berries, and other foods that are part of their traditional culture.

Let me emphasize, we are talking about a relative handful of families—most from the local Native village of Hoonah, which has a population of about 900 or so, and a few people from other nearby communities such as Elfin Cove, Gustavus, and Pelican. We are not talking about thousands of people. These Alaskans do not have the convenience of supermarkets or strip malls. They deserve consideration and respect. They deserve to have their historic use recognized and provided for by this Congress.

My bill also addresses commercial fishing in the park. For generations, commercial fishermen caught salmon, halibut and crabs in Glacier Bay and have fished the rich grounds of the outside coast as well. And there is no biological reason, none whatsoever, for restricting commercial fishing activity anywhere in the park. The fishery resources are healthy, they are diverse, they are closely monitored by the State of Alaska Department of Fish and Game, and they are very carefully regulated. It should also be noted that, of the park's approximately 3 million acres of marine waters, only about 500,000 are productive enough to warrant real, significant interest.

There are few anadromous streams in the park—that's streams where the salmon go up and spawn—because most of the fresh water that comes down comes down from the glaciers and there is simply no place for the salmon to spawn.

In any event, the fisheries are restricted both as to method as in the number of participants, and are carefully managed and controlled to assure continued abundance. There is nothing in the bill and there is no desire by the fishing industry to change these controls or increase the level of this sustainable activity. Alaska is a very careful steward of its resources. Commercial fishing does not harm the environment in any way. In spite of what you hear, Alaska fisheries are in very good shape. We have had record runs 8 of the last 11 years. Under Federal management, things got so bad there was one year when we only took 25 million salmon, but when we became a State that began turning around. I think last year we put up 218 million. That's because we don't open our season until we have had adequate escapement, that is, enough fish to go up the streams to spawn so that we are guaranteed renewability of the resource.

So, in the grand scheme of things, and recognizing consideration of the Nation's economy, these fisheries are small potatoes. But to the fishermen, the natives who depend upon them, to the families of small remote communities in which they live, these fisheries are of the utmost importance. They are harm free. And those who partake in them deserve this Government's help, not the destruction of their simple lifestyle.

This bill authorizes traditional fishing throughout the park for subsistence users as well as historical commercial activities. However, because there are special, sensitive areas inside Glacier Bay itself, it also designates the waters inside the bay as a special

reserve, in which a joint team of Federal and State scientists will make recommendations on where fishing should occur and at what level.

A further special provision is also included in one area where there is significant potential for conflict between fishermen and certain limited nonmotorized uses, such as kayaking, during the brief 3-month summer period.

This area is in the Beardslee Islands, near the entrance of the bay. Under this bill, the only commercial fishing that would be allowed in the Beardslees would be crab fishing, and that only in a very small area, by a very small number of people who historically are dependent on this fishing—less than a dozen people. This would only include people who can show both a significant history of participation and a real dependence on that fishery for their livelihoods. This privilege could be transferred to one successor, when the original fisherman retires, but will cease after that. And at any point the Park Service could eliminate all fishing in the Beardslees with a fair payment to the individual fisherman.

The reason for such a special rule in the Beardslees is simply that these fishermen have no other option than fishing in the Beardslees, due to the small size of their vessels and their reliance on this one fishery, and a few other factors.

So this bill will not contribute to any increase in fishing. In fact, over time the opposite may occur. It will simply provide for the scientifically sound continuation of an environmentally benign activity. Finally, I think it's important also to note that the continuation of both subsistence and commercial fishing enjoys wide support from local residents of Southeastern Alaska, including environmental groups such as the Southeastern Alaska Conservation Council.

I look to my colleagues for support on the merits of the bill.

Mr. President, I see no other Senators in the Chamber. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

NOMINATIONS

Mr. COVERDELL. Mr. President, we had a very unfortunate story appear in the Washington Post this morning by Helen Dewar.

The first paragraph:

> President Clinton had ''some choice words'' about the pace of Senate action on administration nominations during a Wednesday night meeting with Senate Democrats.

And then it quotes our distinguished minority leader:

> Daschle estimated there are 30 ambassadorial nominations awaiting action for countries that, according to a Senate list, include Britain, France, Canada, Saudi Arabia, Bosnia and, as of Tuesday, Mexico.

This is ill-placed and irresponsible criticism and does not serve the efficient management of these nominations. I read the article while I was conducting a hearing that we had hurried to deal with the nomination of the Ambassadors for Guyana and Paraguay. I have just left a meeting with the potential nominee for Ambassador to France, and I spent the better part of the last month doing everything we might do to get our Ambassador to Canada, which, I might add, has been without an ambassador for over a year and a half. We just received the nomination for that Ambassador on July 2—July 2—of this year. The vacancy began in April 1996—Canada. And there have been extended vacancies in Germany, Moscow, et cetera.

To clarify, this year, we have had 56 nominations received by the Foreign Relations Committee; 14 have been confirmed, 9 are pending on the Executive Calendar; 33 are pending in the committee. That sounds like a lot. But the issue is, 26 of the 44 we have just received in the last month. I repeat, there are 44 pending in the committee; 26 of them we have just gotten.

The problem here is not in the Senate, nor is it in the Foreign Relations Committee. The problem with ambassadorial nominations is at the other end of Pennsylvania Avenue.

I point out that Tokyo has been vacant since December, and we have no nominee. South Korea has been vacant since December, and we have no nominee. These are not just incidental relationships, I might add. We are talking about Japan and South Korea.

So, Mr. President, I think those were unfortunate words, and they paint an improper and inappropriate picture, and they do not help anything. I assume they are just ill-informed. But when you are going to make accusations of this kind, and you are the President of the United States, the word travels far. I think it would be more prudent to have your own description of the condition before you start hurling spears, because this kind of thing only confuses the process and makes the work of both the Senate and the administration much more complicated.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMBASSADORIAL NOMINATIONS

Mr. HELMS. Mr. President, partisan politics, I guess, is a game like football, baseball, or checkers, and that game has, no doubt, been played in the Senate for as long as there has been a Senate. In it, you win some, you lose some, and, as the saying goes, some are rained out. It has been suggested from time to time that maybe a time or two I have played a little bit of it myself, and I plead nolo contendere to the suggestion.

But the game, it seems to me, that the distinguished minority leader, Mr. DASCHLE, has been playing of late has sometimes been marked by a rather interesting degree of misstatements of fact—unintentional, I'm sure—and curious conclusions. That, too, has not been unknown heretofore in the history of the Senate. And I do not suggest that the minority leader's misstatements or insinuations are deliberate, and I am willing to assume that his errors are accidental and unintentional.

Just the same, my observations this afternoon are based on my incredulous reaction early this morning when I read an article in the Washington Post, page A21, under a headline reading ''Confirmation Process Frustrates President.'' That was, of course, Mr. Clinton, with whom Senator DASCHLE says he met this past Wednesday night. It indicates that Senator DASCHLE confided to the Washington Post's very competent reporter, Helen Dewar, that—and I quote from Ms. Dewar's story—''The President . . . expressed probably the highest level of exasperation I've heard him express on the subject, Daschle said, making clear that he (Senator DASCHLE) shares Clinton's frustration.''

Further, according to Ms. Dewar's report, ''[Senator] Daschle estimated that there are 30 ambassadorial nominations awaiting action for countries that, according to a Senate list, include Britain, France, Canada, Saudi Arabia, Bosnia, and, as of Tuesday, Mexico.''

Well, Mr. President, if Mr. Clinton and Mr. DASCHLE are suffering their ''highest levels of exasperation,'' and if the President uttered the ''choice words'' attributed to him by Senator DASCHLE regarding the work of the Senate's Foreign Relations Committee, then I suggest that both gentlemen dismount their high horses, examine the true facts, and correct their joint misstatements about the excellent work of the Foreign Relations Committee, which I have the honor of serving as chairman, with Senator JOE BIDEN as the ranking member.

What the President is purported to have implied—and Mr. DASCHLE says he agrees with it—is nonsense, I say respectfully; it is nonsense regarding the work and cooperation of the staff of the Senate Foreign Relations Committee, of which Adm. ''Bud'' Nance is the Chief of Staff. Bud Nance is among the top chiefs of staff ever to serve the Senate's committees, and I believe Mr. Clinton's State Department will join

me in that assessment of the committee staff members, both majority and minority.

Now, let's look at some specific things and respond to the President with what the actual facts are.

First, Thomas Pickering left the position of Ambassador to Russia on November 1, 1996. The Foreign Relations Committee received the nomination of James Collins to succeed Tom Pickering 7 months later, on June 2, 1997. Let me just remind anybody who may be interested that Russia is selling sophisticated weaponry to terrorist states, such as Iran, and Russia barely maintains control of its 20,000 warhead nuclear arsenal. Now, by Mr. Clinton's own choice, the position of Ambassador to Russia went vacant for 7 months. We didn't get a piece of paper from the White House. When we did get the nomination, we expedited the hearing process for this nomination, and we are prepared to send it to the full Senate—that is, the nomination of James Collins —next week.

Second, Charles Redman left the position of Ambassador to Germany on June 20, 1996, over a year ago. The Foreign Relations Committee received the nomination of John Kornblum for this position on May 22 of this year, 1997. Now, Mr. President, Germany is the most powerful country in Europe and is central to virtually every decision made by our European allies. By the White House's own choice, don't you see, the position of Ambassador to Germany was vacant for almost a full year. The committee scheduled a hearing after finally getting the papers on the nomination of Mr. Kornblum, and we are prepared to send the nomination to the Senate next week.

Third, John Menzies left the position of Ambassador to Bosnia in December 1996. The Foreign Relations Committee received the nomination of Richard Kauzlarich on July 8, 1997, just a couple of weeks ago. Now, it was the White House's choice that the position of Ambassador to Bosnia was vacant for more than 8 months before we got a scrap of paper from the White House in the Foreign Relations Committee. Of course, thousands of American soldiers have been kept in Bosnia for 8 months, but for 8 months the White House has delayed sending the nomination of the successor, Mr. Kauzlarich. The committee, again, has scheduled a hearing to consider this nomination. We are prepared to send it to the Senate next week.

Fourth, James Blanchard left the position of Ambassador to Canada in April 1996, over a year ago. The Foreign Relations Committee received the nomination of Gordon Griffin on June 26, 1997. The Foreign Relations Committee held a hearing on July 15, after we had gotten all of the papers prepared, and reported his nomination to the full Senate on July 17, where it is pending on the Executive Calendar of the Senate. The United States is engaged in foreign policy and trade disputes with Canada, ranging from the Pacific Northwest to Cuba, and the position to Ambassador to Canada was vacant—not the responsibility of the Foreign Relations Committee, but of the White House—the White House—for more than a year.

Fifth, the post of United States Ambassador to France has been vacant since the death of Ambassador Pamela Harriman. She died on February 5 of this year. And then, after that, there was a month-long public battle between several of President Clinton's political supporters and a career Foreign Service officer who wanted the post, and the President finally selected one of the substantial donors to the Democratic Party for this position. Now, that is not unusual. The point is that all this time elapsed. It was not the Foreign Relations Committee staff's fault. It was the White House's fault. Mr. DASCHLE is bound to have known that.

Let me say that the French leaders have opposed the United States on almost every foreign policy decision regarding United States-European relations, but by President Clinton's choice, the position of Ambassador to France, nevertheless, was vacant for just about 6 months.

The committee again has scheduled a hearing to consider the nomination next Tuesday, less than a week after the papers got up to us from the White House. So who is delaying all of these nominations, Mr. President? I think the facts speak for themselves.

Then there is the nomination of Philip Lader. I believe it came on July 22, just a few days ago. The committee has immediately scheduled a hearing for Mr. Lader for next Tuesday, less than a week after receiving this nomination.

Seventh, the President has yet to name ambassadors for Japan and South Korea. Now, these Embassies have been minus ambassadors since the end of last year, nearly 8 months—not the fault of the Foreign Relations Committee, not the fault of the Senate, not the fault of anybody in the Senate, but the White House.

Let me reiterate and emphasize that there has been a high degree of cooperation between the State Department and the Senators who serve on the Foreign Relations Committee and, I might add, between the excellent staff of the committee and the State Department staff. I think that the cooperation between the various entities has been remarkable and unheard of for several years prior to this year and last year. In fact, we have done our best to work with and consult with the White House.

Therefore, statements made by Senator DASCHLE are not acceptable. To the extent that the President has stated or has implied that any lag in the ambassadorial nomination process is the fault of the Senate Foreign Relations Committee, I have to say, no, sir; you are wrong.

Some time back the White House publicly identified a possible—a possible—nomination about which I had and still have a problem. I have tried to be as candid and up front about my position regarding that nomination since long before the nomination was made. When? Just this past week.

I feel that it will be useful to have the CONGRESSIONAL RECORD reflect the specific names, dates, and places involved in diplomatic nominations. Therefore, I ask unanimous consent, since I have discussed several specific nominations, the entire list be printed in the RECORD.

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

CLINTON ADMINISTRATION NOMINATIONS—JULY 25, 1997

HEARINGS HAVE BEEN SCHEDULED

James W. Pardew, Jr., (NC) for rank of Amb as U.S. Special Representative for Military Stabilization in the Balkans—referred 5/20; file complete 6/18; hearing scheduled for 7/29.

Anne Marie Sigmund (C) to be Amb to Krygzy Republic—referred 6/26; file complete 7/22; hearing scheduled for 7/29.

Keith C. Smith (C) to be Amb to Lithuania—referred 6/26; file complete 7/22; hearing scheduled for 7/29.

Richard D. Kauzlarich (C) to be Amb to Bosnia & Herzegovina—referred 7/8; file complete 7/22; hearing scheduled for 7/29.

Daniel V. Speckhard (C) to be Amb to Belarus—referred 6/26; file complete 7/22; hearing scheduled for 7/29.

HEARINGS TO BE SCHEDULED

Wyche Fowler, Jr., (NC) to be Amb to the Kingdom of Saudi Arabia—referred 2/25; file complete 3/6; hearing to be scheduled.

Richard W. Bogosian (C) for rank of Amb as Special Coordinator for Rwanda/Burundi—referred 1/9; file complete 2/4; hearing to be scheduled. (Left pending on Executive Calendar at end of 104th Congress.)

Brian Dean Curran (C) to be Amb to Mozambique—referred 4/16; file complete 4/22; hearing to be scheduled.

Susan E. Rice (NC) to be Assistant Secretary of State for African Affairs-referred 6/12; file complete 6/20; hearing to be scheduled.

Timberlake Foster (C) to be Amb to Islamic Republic of Mauritania—referred 6/11; file complete 6/24; hearing to be scheduled.

Amelia E. Shippy (C) to be Amb to Republic of Malawi—referred 6/11; file complete 6/24; hearing to be scheduled.

Donna Jean Hrinak (C) to be Amb to Bolivia—referred 7/8; file not complete 7/22; hearing to be scheduled.

FILES NOT COMPLETE

Stanley A. Riveles (C) for the rank of Amb during his tenure of service as U.S. Commissioner to the Standing Consultative Commission—referred 1/30; file not complete.

Nancy Jo Powell (C) to be Amb to Republic of Ugandas—referred 6/11; file not complete (in w/Patti for review).

Martin Indyk (NC) to be Assistant Secretary of State for Near Eastern Affairs—referred 6/23; file not complete (in w/Patti for review).

Curtis W. Kamman (C) to be Amb to Colombia—referred 6/26; file not complete (in w/Patti for review).

Felix G. Rohatyn (NC) to be Amb to France—referred 7/17; file not complete.

Philip Lader (NC) to be Amb to United Kingdom of Great Britain & Northern Ireland—referred 7/22; file not complete.

Harold C. Pachios (NC) to be Member, U.S. Advisory Commission on Public Diplomacy

for term exp 7/1/99 (reappointment))referred 7/22; file not complete.

William F. Weld (NC) to be Amb to Mexico—referred 7/23; file not complete.

NOMINATIONS THAT COULD BE PLACED ON BUSINESS MEETING AGENDA IF NO OBJECTIONS HEARD

Marc Grossman (C) to be Assistant Secretary of state for European and Canadian Affairs—referred 5/22; file complete 6/18; hearing held 7/15. Wellstone questions (6) sent down 7/16; no reply. Helms' questions (4) FAX'd 7/18; no reply.

Stephen R. Sestanovich (NC) to be Amb at Large & Special Adviser to the Secretary of State for the New Independent States—referred 6/19; file complete 6/20; hearing held 7/15. Helms' questions (7) FAX'd 7/18; no reply.

John C. Kornblum (C) to be Amb to Fed Rep of Germany—referred 5/22; file complete 6/18; hearing held 7/15. Helms' questions (2) FAX'd 7/18; no reply.

James F. Collins (C) to be Ambassador to the Russian Federation—referred 6/2; file complete 6/20; hearing held 7/15. Helms' questions (2) sent down 7/18; no reply.

Stanley O. Roth (NC) to be Assistant Secretary of State for East Asian & Pacific Affairs—referred 5/22; file complete 6/18; hearing held 7/22. Questions all submitted 7/23: Wellstone (7); no reply. Ashcroft (5); no reply. Feingold (6); no reply. Helms (8); no reply. Lugar (4); no reply. Biden (16); no reply.

Bonnie R. Cohen (NC) to be Under Secretary of State for Management—referred 5/23; file complete 6/18; hearing held 7/24.

James P. Rubin (NC) to be Assistant Secretary of State for Public Affairs—referred 5/23; file complete 6/18; hearing held 7/24.

Edward William Gnehm, Jr., (C) to be Director General of the Foreign Service—referred 4/28; file complete 7/21; hearing held 7/24.

David Andrews (NC) to be Legal Adviser of the Department of State—referred 6/11; file complete 7/19; hearing held 7/24.

Wendy R. Sherman (NC) to be Counselor of the Department of State, with rank of Amb during tenure of service—referred 6/26; file complete 7/21; hearing held 7/24.

George Munoz (NC) to be President, Overseas Private Investment Corporation—referred 6/26; file complete 7/21; hearing held 7/24. Wellstone questions (5) FAX'd 7/24; no reply.

James F. Mack (C) to be Amb to Guyana—referred 6/26; file complete 7/24; hearing held 7/25.

Maura Harty (C) to be Amb to Paraguay—referred 6/26; file complete 7/24; hearing held 7/25.

NOMINATIONS PENDING ON EXECUTIVE CALENDAR

Jeffrey Davidow (C) to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2002—referred 1/21; file complete 3/27; sent out by memo dated 3/27. Reported 5/8.

Marilyn E. Hulbert, a Career Member of the Foreign Service of the U.S. Information Agency, for promotion into the Senior Foreign Service to Class of Counselor. Reported 7/17.

FSO Promotion List, Swallow et al.—referred 4/25; file complete 7/16; (sent out by memo dated 6/20). Reported 7/17.

Ralph Frank (C) to be Amb to the Kingdom of Nepal—referred 6/11; file complete 6/18; hearing held 7/10. Helms' questions (1) sent down 7/11; reply recv'd 7/16. Additional Helms' questions (3) sent down 7/14; reply recv'd 7/16. Reported 7/17.

Karl F. Inderfurth (NC) to be Assistant Secretary of State for South Asian Affairs—referred 6/11; file complete 6/24; hearing held 7/10. Helms' questions (25) sent down 7/11; reply recv'd 7/16. Reported 7/17.

John C. Holzman (C) to be Amb to People's Republic of Bangladesh—referred 6/11; file complete 6/24; hearing held 7/10. Helms' questions (3) sent down 7/11; reply recv'd 7/16. Reported 7/17.

Linda Jane Zack Tarr-Whelan (NC) for rank of Amb as U.S. Representative to the Commission on the Status of Women of the Economic & Social Council of the United Nations—referred 4/15; file complete 6/18; hearing held 7/15. Reported 7/17.

Richard Sklar (NC) to be US Rep to the UN for UN Management and Reform, w/rank of Amb—referred 5/6; file complete 6/18; hearing held 7/15. Reported 7/17.

A. Peter Burleigh (C) to be Deputy U.S. Representative to the UN, w/rank of Ambassador—referred 5/20; file complete 6/18; hearing held 7/15. Reported 7/17.

David J. Scheffer (NC) to be Amb at Large for War Crimes Issues—referred 5/22; file complete 6/18; hearing held 7/15. Feinstein questions (12) transmitted 7/15; reply received 7/23. Reported 7/17.

Gordon D. Giffin (NC) to be Amb to Canada—referred 6/26; file complete 7/7; hearing held 7/15. Questions (5) sent down to State 7/16; reply recv'd 7/17. Reported 7/17.

NOTICE OF INTENT TO NOMINATE

Lange Schermerhorn (C) to be Amb to Djibouti—7/9/97.

Victor Marrero (NC) to be US Rep to Organization of American States, w/rank of Amb—7/15/97.

George E. Moose (C) to be US Rep to European Office of the UN, w/rank of Amb—7/16/97.

Mr. HELMS. Mr. President, I know I have delayed the recess of the Senate this afternoon. For that I apologize. 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. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SUPREME COURT JUSTICE WILLIAM BRENNAN

Mr. DASCHLE. Mr. President, it is with great sadness that we mark the passing of William Brennan, who served so ably on the U.S. Supreme Court.

Appointed by President Dwight Eisenhower in 1956, the New Jersey judge soon rose to a position of intellectual leadership on the Court. Even his critics acknowledge that he has exercised a fundamental influence on the direction of American jurisprudence. He wrote almost 1,400 opinions and helped shape countless others, providing guidance on issues from civil liberties, race relations and privacy to criminal justice, economic fairness, and governmental power.

Justice Brennan believed deeply that law must protect human dignity and that the Founding Fathers recognized that principle when they drafted our Constitution. He saw the Constitution as a guarantee that our fundamental rights cannot be diminished or denied simply because that is the will of the majority.

During his 34 years on the Court, Justice Brennan did not waiver in his convictions, speaking out in his opinions and in public on the most important moral issues of the day. His deeply held beliefs and carefully crafted judicial opinions have had a profound influence upon us all.

Along with his distinction as a jurist, Justice Brennan was well known for his warmth and good humor, and he had friends from all parts of the political spectrum. I know that I speak for all of us in saying that he will be missed.

TRIBUTE TO JUSTICE WILLIAM J. BRENNAN, JR.

Mr. LAUTENBERG. Mr. President, it is with a sad and heavy heart that I rise to pay tribute to a great American and New Jerseyan, Justice William J. Brennan, Jr., who passed away yesterday at age 91. The thoughts and prayers of all the people of our State and country are with his wife Mary, his three children William J., III, Hugh, and Nancy, as well as his seven grandchildren.

Mr. President, during nearly 34 years on the Supreme Court, Justice Brennan had an enormous impact on this Nation's constitutional jurisprudence. Justice Brennan was a consistent champion of freedom of expression, of strict separation of church and state, and of equality for the poor, racial minorities, and women. In fact, he was a life-long defender of the freedoms of all Americans.

William Brennan's life was truly the epitome of the American Dream. He was born in Newark, NJ, on April 25, 1906, the second oldest of the eight children of an Irish immigrant who started as a laborer but rose through the ranks to become an important labor leader and the city's commissioner of public safety. ''Everything I am,'' the justice later wrote, ''I am because of my father.''

He was an outstanding student at Barringer High School in Newark. He then went on to study at the University of Pennsylvania's Wharton School of Finance and Commerce. He was graduated with honors and won a scholarship to the Harvard Law School, from which he received a degree in 1931.

Upon graduation, Bill Brennan embarked upon a successful and distinguished career in private legal practice. He later served his country by entering active military service in 1942, eventually becoming a colonel and troubleshooter for Army procurement.

After returning from the war, he quickly emerged as a leader of the New Jersey bar, particularly his involvement in New Jersey's court reform movement under a nationally renowned Chief Justice Arthur Vanderbilt. His talents were widely recognized in the legal community, leading to his appointment to the New Jersey trial bench, from which he rapidly ascended to the State supreme court.

Mr. President, it was during this tenure on the New Jersey court that Justice Brennan first gained national attention. He was one of the first public figures to take on the infamous Senator Joseph McCarthy and the excesses of the McCarthy-era.

Specifically, in one famous speech at the Monmouth County Rotary Club, he boldly referred to certain congressional inquiries as modern counterparts to the Salem witch trials, sentiments very much ahead of his time.

After 8 years as a State judge, 4 on the State supreme court, Bill Brennan was nominated by President Dwight D. Eisenhower in 1956 to be an Associate Justice of the Supreme Court of the United States. Justice Brennan served on the Nation's highest court for 34 years before poor health forced him, at age 84, to retire in 1990. His tenure spanned those of eight Presidents. In the High Court's history, only William O. Douglas wrote more opinions.

In fact, Justice Brennan's own confirmation as an Associate Justice of the U.S. Supreme Court was opposed by some because of views that he had expressed about McCarthyism—the speeches that later caused Senator McCarthy to be the lone dissenting vote to President Eisenhower's nomination of Brennan to our Nation's High Court.

Mr. President, it is not his remarkable life or long tenure on the bench that made William Brennan a towering figure in our Nation's history. Rather, his true legacy is the preservation and expansion of the individual rights all Americans enjoy today. He was, in short, our country's strongest champion of the individual.

A recent survey of 96 scholars listed Justice Brennan as fifth in the list of all-time great Justices of the U.S. Supreme Court. Ahead of him ranked only John Marshall, Oliver Wendell Holmes, Jr., Earl Warren, and Louis Brandeis.

Justice Brennan crafted many landmark decisions associated with the Warren Court of the late 1950's and 1960's. His ruling led to the one-person, one-vote principle of political reapportionment, and empowered everyday citizens to use the courts to fight city hall.

In more than 1,200 opinions, Justice Brennan defined obscenity and broadened the rights of any person—including the poor, mentally handicapped, or imprisoned—to seek redress against the Government through the courts. He also gave news organizations first amendment protections in libel lawsuits.

During the Berger and Rehnquist years, he continued to champion the Bill of Rights and the 14th amendment. In all of his opinions and dissents, liberty and equality were his bywords.

Historian David Halberstam described the source of Justice Brennan's greatness. William Brennan, he wrote, never forgot where he came from. He never forgot his immigrant father shoveling coal for a living, courageously joining a union in an era when to do so could cost a man his livelihood, if not his life. Brennan grew up on a house that knew the meaning of layoffs and discrimination. He instinctively identified with the disadvantaged and the dispossessed.

Justice Brennan himself revealed the secret of his unfailing humanity, compassion and passion for individual freedom. He wrote that he always focused on the people behind the cases, always aware that the case before the Court was there because of ''a person who cried out for nothing more than common human dignity. In each case, our Constitution intervened to provide the cloak of dignity.''

Mr. President, through it all, Justice Brennan remained universally liked, even adored, by colleagues, law clerks, Court personnel, and virtually everyone who came in contact with him. He was always described as warm, gracious, and utterly without pretense.

I had the privilege and the honor to get to know Bill Brennan on a personal level. Although it was late in his tenure on the bench, he was remarkably alert, witty and warm, and I greatly enjoyed our conversations.

Mr. President, Bill Brennan's character, personality, and intellect were perfectly matched, each so unique so as to be totally unforgettable.

Despite the brevity of our personal relationship, every meeting that we had—perhaps a half-dozen in all—left me feeling like I had just seen a lifelong friend.

He stood for so much that he helped me stand taller for those I serve. Knowing him was one of my life's most treasured experiences. I deeply regret that our paths will not cross again.

In a tribute to Justice Brennan, his colleague Justice Byron White once remembered that Bill Brennan's creed was that a judge should proceed with ''a sparkling vision of the supremacy of the human dignity of every individual.''

Mr. President, that majestic statement is a fitting tribute to the life and work of Justice William J. Brennan, Jr.

SUPPORT THE ARMS TRANSFERS CODE OF CONDUCT

Mr. DORGAN. Mr. President, I rise in support of the bill introduced just yesterday by Senator KERRY of Massachusetts, the code of conduct on arms transfers.

Many of our colleagues will recall that Senator HATFIELD was the leader on this issue prior to his retirement last year. He introduced this bill as S. 1677 in the 103d Congress and S. 326 in the 104th Congress. I cosponsored both bills, and I was pleased to offer the code of conduct as an amendment to last year's foreign operations appropriations bill.

I am delighted that the Senator from Massachusetts is showing his usual leadership on arms control issues by authoring this bill in this Congress.

This is a particularly timely effort because the code of conduct is a part of the version of the State Department authorization bill approved by the House of Representatives, a bill that is now in conference between the House and the Senate. I hope that by introducing this bill we will encourage our Senate colleagues on the conference committee to support the House provision.

THE UNITED STATES LEADS IN ARMS SALES

This bill is also particularly timely because the end of the cold war has propelled the United States to the rank of the world's leading arms supplier.

During the last decade, U.S. arms sales have taken off. We now deliver 56 percent of all the world's arms exports, according to the Arms Control and Disarmament Agency. And in 1994 the United States supplied 43 percent of all weapons sold to the developing world—the countries who can least afford arms. We ranked first in arms shipments to developing nations from 1992 to 1995.

These countries have urgent domestic challenges, such as advancing public health, controlling disease, and achieving food self-sufficiency. Yet we are catering to their governments' appetite for the latest in high-technology weaponry.

OUR CUSTOMERS ARE UNSAVORY

It is bad enough that these governments have better things to do with their money than to buy American weapons. Still worse is what these governments do with our weapons once they receive them.

According to the State Department's own human rights reports, more than 75 percent of U.S. arms sales in 1993 went to governments that were undemocratic. And we supply aid to 72 percent of the countries that the State Department lists as authoritarian governments with serious human rights abuses.

Recent history tells a disturbing story of American weapons feeding ethnic conflict and instability around the globe. Of 48 ethnic conflicts underway in 1993, 39 involved forces that had U.S. weaponry. Indonesia used American weapons to occupy East Timor illegally, and Turkey used F–16 fighters in bombing raids against Kurdish rebels.

Countries that have cracked down on domestic dissent using U.S. arms include Thailand, Indonesia and Guatemala.

We are literally giving repressive regimes the means by which they maintain themselves in power. We must break ourselves of this habit.

THEY RESELL THE WEAPONS WE GIVE THEM

And what if these unsavory customers resell the weapons we send them? The answer is disturbing. We have too little effective control over what happens to our weapons once they leave our hands. The classic example of this is the Stinger missile, a highly portable, shoulder-launched anti-aircraft missile.

Stingers are actually very available on the international arms market. We sent about 1,000 Stingers to Afghan rebels during the 1980's. However, since the departure of Soviet forces from Afghanistan, the Afghan factions have been using Stingers to raise money and barter for other weapons for their civil war.

The CIA was so alarmed by this trend that it began a program to buy Stingers back from the Afghan rebels. But this program met with limited success, since the result was that the price that Stingers could command on the international arms market doubled or trebled.

And the CIA's efforts came too late. Media reports suggest that Iran, Libya, and North Korea now have Stinger missiles. These are the rogue states that pose the most immediate threat to our security and that of our allies.

OUR ARMS BOOMERANG AGAINST US

Mr. President, if those Stingers are ever used against us, the missiles we shipped abroad will have come full circle. It will be another example of what is known as the arms trade boomerang, the tragic pattern of our troops facing enemies armed with U.S. weapons and technology.

The last four times American troops have seen significant combat—in Panama, Iraq, Somalia, and Haiti—our weapons and military know-how boomeranged against us.

For example, in the 5 years before our occupation of Panama to bring druglord Manuel Noriega back to the United States for trial, the United States accounted for 44 percent of Panama's arms imports. From 1950 through 1987, we also trained 6,700 Panamanian military officers under the Pentagon's International Military Education and Training Program.

Worse than the Panama example is the fact that international arms merchants sold Iraq $400 million in United States-designed cluster bombs plus our technology for manufacturing howitzers. We apparently intended the cluster bombs to be used against Iranian ''human wave'' attacks during the Iran-Iraq war. Fortunately, our control of the airspace over Iraq during the Persian Gulf war meant that these cluster bombs were never used against American troops.

We sold Somalia 4,800 M–16 rifles, 84 106-millimeter recoilless rifles, 24 machine guns, 75 81-millimeter mortars, and land mines—the kind of weapons that Mohammed Farah Aideed's technicals would later use to kill 23 American soldiers. From 1985 to 1989, we sold Somalia 31 percent of its arms imports.

And as for Haiti, where we had the good fortune not to suffer major casualties, we had armed and trained Haiti's military. William Hartung of the World Policy Institute states that, ''Total US arms deliveries to Haiti . . . from 1987 to 1991 exceeded 25 percent of total Haitian arms imports.'' The Duvalier regime faced no external threat, and we had no business arming such a hated dictatorship. Yet we did it anyway.

Mr. President, that is why we need the arms transfers code of conduct. We need to exercise self-restraint in the international arms bazaar.

CODE OF CONDUCT A COMMONSENSE APPROACH

The Code of Conduct on Arms Transfers Act is a commonsense approach to conventional arms control. It aims to block the arms trade boomerang, to prevent us from arming the wrong governments and to put a lid on ethnic conflict and instability.

In brief, the code would establish criteria for governments to be eligible for U.S. military assistance or arms transfers. To be eligible, a government must:

First, promote democracy through fair and free elections, civilian control of the military, the rule of law, freedom of speech and of the press, and strong civil society;

Second, respect human rights by not engaging in gross violations of internationally recognized human rights;

Third, observe international borders, and not be engaged in armed agression in violation of international law; and

Fourth, participate in the U.N. conventional arms registry, which provides transparency to the world arms market by listing major arms sales and transfers.

There are two exemptions for countries that do not meet these criteria. First, the President could determine that an emergency exists, and that it is vital in the emergency to provide arms and military aid to a government that does not meet all of the above criteria. This determination would waive the act's restrictions and enable the arms shipment or military aid to go forward.

Alternatively, the President could request an exemption from the Congress, certifying that it is in national interest of the United States to provide arms or military aid to a government that does not meet all of the above criteria. That exemption would take effect unless the Congress passes a law disapproving the request.

I believe that these two exemptions—the emergency waiver and the national security waiver—provide the President with appropriate flexibility.

AMERICAN LEADERSHIP NEEDED

Lastly, I would note that the code of conduct concept is an international effort that requires American leadership. The worldwide effort to control arms sales needs a positive sign from the U.S. Senate in order to come to fruition.

The newly elected Labor government in the United Kingdom has taken the first step by announcing on May 22 its intent to restrict arms sales. However, Britain's arms manufacturers are crying foul, because no other country has yet followed Britain's lead. British defense firms are losing out in the international arms market because Britain is out in front on this issue. We need to stand shoulder to shoulder with the United Kingdom on this critical issue.

It is important to note that if the U.S. Congress were to approve the code, the European Union would likely follow. The United States and the European Union between them account for at least 75 percent of the international arms market each year. Codes of conduct for American and European arms sales would go far toward establishing a worldwide conventional arms sales regime.

That is what Oscar Arias, Elie Wiesel, the Dalai Lama, and 12 other Nobel Peace Prize winners are working towards. A number of delegations to the United Nations, Germany's foremost among them, have been working toward a U.N. General Assembly vote on a code of conduct. This is an international campaign, but it needs American leadership to succeed.

Last year the Senator from Massachusetts offered a second-degree amendment to my Code of Conduct amendment making this very point. The code of conduct must be a multilateral effort for it to succeed. Otherwise, our defense firms will simply see foreign defense contractors grab our market share.

LET US SET A STANDARD THE WORLD CAN FOLLOW

In summary, I would like to congratulate the Senator from Massachusetts for his leadership on this matter. With his usual vision on arms control matters, has grasped a fundamental point. We must try to extend the concept of arms control to the international conventional arms market. The code of conduct is the right legislation for a world that has seen the end of the cold war.

Passing the code of conduct bill will help us save taxpayer dollars, protect the lives of American troops, prevent American weapons from going to repressive regimes, and safeguard innocent civilians from military violence.

Let us set a standard the world can follow. Let us show the European Union that we can exercise restraint—that we will not sell conventional arms to any government that asks for them. Once America leads, the nations will follow—to a safer world, for all of us.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, July 24, 1997, the Federal debt stood at $5,368,881,340,728.99. (Five trillion, three hundred sixty-eight billion, eight hundred eighty-one million, three hundred forty thousand, seven hundred twenty-eight dollars and ninety-nine cents)

One year ago, July 24, 1996, the Federal debt stood at $5,173,226,000,000. (Five trillion, one hundred seventy-three billion, two hundred twenty-six million)

Five years ago, July 24, 1992, the Federal debt stood at $3,989,786,000,000. (Three trillion, nine hundred eighty-nine billion, seven hundred eighty-six million)

Ten years ago, July 24, 1987, the Federal debt stood at $2,300,013,000,000.

(Two trillion, three hundred billion, thirteen million)

Twenty-five years ago, July 24, 1972, the Federal debt stood at $434,436,000,000 (Four hundred thirty-four billion, four hundred thirty-six million) which reflects a debt increase of nearly $5 trillion—$4,934,445,340,728.99 (Four trillion, nine hundred thirty-four billion, four hundred forty-five million, three hundred forty thousand, seven hundred twenty-eight dollars and ninety-nine cents) during the past 25 years.

MESSAGES FROM THE HOUSE

At 11:49 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2160. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 709. An act to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes.

H.R. 1226. An act to amend the Internal Revenue Code of 1986 to prevent the unauthorized inspection of tax returns or tax return information.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 2:48 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 123. Concurrent resolution providing for the use of the catafalque situated in the crypt beneath the rotunda of the Capitol in connection with memorial services to be conducted in the Supreme Court Building for the late honorable William J. Brennan, former Associate Justice of the Supreme Court of the United States.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 1119) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for the such fiscal year for the Armed Forces, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and that the following Members as the managers of the conference on the part of the House:

From the Committee on National Security, for consideration of the House bill, and the Senate amendments, and modifications committed to conference: Mr. SPENCE, Mr. STUMP, Mr. HUNTER, Mr. KASICH, Mr. BATEMAN, Mr. HANSEN, Mr. WELDON of Pennsylvania, Mr. HEFLEY, Mr. SAXTON, Mr. BUYER, Mrs. FOWLER, Mr. MCHUGH, Mr. TALENT, Mr. EVERETT, Mr. BARTLETT, Mr. LEWIS of Kentucky, Mr. WATTS, Mr. CHAMBLISS, Mr. RILEY, Mr. DELLUMS, Mr. SKELTON, Mr. SISISKY, Mr. SPRATT, Mr. ORTIZ, Mr. PICKETT, Mr. EVANS, Mr. TAYLOR of Mississippi, Mr. ABERCROMBIE, Mr. MEEHAN, Ms. HARMAN, Mr. MCHALE, Mr. KENNEDY of Rhode Island, Mr. BLAGOJEVICH, Mr. SNYDER, and Mr. RODRIQUEZ.

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII: Mr. GOSS, Mr. LEWIS of California, and Mr. DICKS.

As additional conferees from the Committee on Commerce, for consideration of sections 344, 601, 654, 735, 1021, 3143, 3144, 3201, 3202, 3402, and 3404 of the House bill, and sections 338, 601, 663, 706, 1064, 2823, 3136, 3140, 3151, 3160, 3201, and 3402 of the Senate amendment, and modifications committed to conference: Mr. BLILEY, Mr. SCHAEFER of Colorado, and Mr. DINGELL:

Provided, That Mr. OXLEY is appointed in lieu of Mr. SCHAEFER of Colorado for consideration of sections 344 and 1021 of the House bill and section 2823 of the Senate amendment:

Provided further, That Mr. BILIRAKIS is appointed in lieu of Mr. SCHAEFER of Colorado for consideration of sections 601, 654, and 735 of the House bill, and sections 338, 601, 663, and 706 of the Senate amendment:

Provided further, That Mr. TAUZIN is appointed in lieu of Mr. SCHAEFER of Colorado for consideration of section 1064 of the Senate amendment.

As additional conferees from the Committee on Education and the Workforce, for consideration of sections 374, 658, and 3143 of the House bill, and section 664 of the Senate amendment, and modifications committed to conference: Mr. GOODLING, Mr. FAWELL, and Ms. SANCHEZ:

Provided, That Mr. RIGGS is appointed in lieu of Mr. FAWELL for consideration of section 658 of the House bill and section 664 of the Senate amendment.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 322 and 3527 of the House bill, and sections 1068, 1107, 2811, and 3527 of the Senate amendment, and modifications committed to conference: Mr. BURTON, Mr. HORN, and Mr. WAXMAN.

As additional conferees from the Committee on House Oversight, for consideration of section 543 of the Senate amendment, and modifications committed to conference: Mr. THOMAS, Mr. NEY, and Mr. GEJDENSON.

As additional conferees from the Committee on International Relations, for consideration of sections 1101–111, 1202, 1204, 1205, 1207, 1210, and 1231–1234 of the House bill, and sections 1009, 1013, 1021, 1022, 1056, 1057, 1082, and 1085 of the Senate amendment, and modifications committed to conference: Mr. GILMAN, Mr. BEREUTER, and Mr. HAMILTON.

As additional conferees from the Committee on the Judiciary, for consideration of sections 374, 1057, 3521, 3522, and 3541 of the House bill, and sections 831, 1073, 1075, 1106, and 1201–1216 of the Senate amendment, and modifications committed to conference: Mr. HYDE, Mr. SMITH of Texas, and Mr. CONYERS.

As additional conferees from the Committee on Resources, for consideration of sections 214, 601, 653, 1021, 2835, 2901–2914, and 3404 of the House bill, and sections 234, 381–392, 601, 706, 2819, and 3158 of the Senate amendment, and modifications committed to conference: Mr. YOUNG of Alaska, Mr. TAUZIN, and Mr. MILLER of California:

Provided, That Mr. HEFLEY is appointed in lieu of Mr. SAXTON for consideration of section 3404 of the House bill.

Provided further, That Mr. DELAHUNT is appointed in lieu of Mr. MILLER of California for consideration of sections 2901–2914 of the House bill, and sections 381–392 of the Senate amendment.

As additional conferees from the Committee on Science, for consideration of sections 214 and 3148 of the House bill, and sections 234 and 1064 of the Senate amendment, and modifications committed to conference: Mr. SENSENBRENNER, Mr. CALVERT, and Mr. BROWN of California;

Provided, That Mr. ROHRABACHER is appointed in lieu of Mr. CALVERT for consideration of section 1064 of the Senate amendment.

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of sections 345, 563, 601, 1021, 2861, and 3606 of the House bill, and section 601 of the Senate amendment, and modifications committed to conference: Mr. SHUSTER, Mr. GILCHREST, and Mr. BORSKI.

As additional conferees from the Committee on Veterans' Affairs, for consideration of sections 751, 752, and 759 of the House bill, and sections 220, 542, 751, 752, 758, 1069, 1074, and 1076 of the Senate amendment, and modifications committed to conference: Mr. SMITH of New Jersey, Mr. BILIRAKIS, and Mr. KENNEDY of Massachusetts.

MEASURES PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar.

S. 1065. A bill to amend the Ethics in Government Act with respect to the appointment of an independent counsel.

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 2160. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2598. A communication from the Director of the Office of the Secretary of Defense, transmitting, pursuant to law, a rule entitled ''Civilian Health and Medical Program of the Uniformed Services'' (RIN0720–AA36) received on July 24, 1997; to the Committee on Armed Services.

EC–2599. A communication from the Secretary of Defense, transmitting a notice of a retirement; to the Committee on Armed Services.

EC–2600. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a rule received on July 24, 1997; to the Committee on Environment and Public Works.

EC–2601. A communication from the Administrator of the U.S. General Services Administration, transmitting, pursuant to law, the report of an alteration prospectus; to the Committee on Environment and Public Works.

EC–2602. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Performance Improvement 1997: Evaluation

Activities of the U.S. Department of Health and Human Services''; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, from the Committee on Rules and Administration, without amendment:

S. Con. Res. 33. A concurrent resolution authorizing the use of the Capital Grounds for the National SAFE KIDS Campaign SAFE KIDS Buckle Up Car Seat Check Up.

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 Mrs. HUTCHISON (for herself, Mr. COCHRAN, Mr. FAIRCLOTH, and Mr. NICKLES):

S. 1068. A bill to amend section 353 of the Public Health Service Act to exempt physician office laboratories from the clinical laboratories requirements of that section; to the Committee on Labor and Human Resources.

By Mr. MURKOWSKI (for himself and Mr. WARNER):

S. 1069. A bill entitled the ''National Discovery Trails Act of 1997.''; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS:

S. 1070. A bill to provide for a regional education and workforce training system in the metropolitan Washington area, to improve the school facilities of the District of Columbia, and to fund such activities in part by an income tax on nonresident workers in the District of Columbia; to the Committee on Finance.

By Mr. D'AMATO (by request):

S. 1071. A bill to facilitate the effective and efficient management of the homeless assistance programs of the Department of Housing and Urban Development, including the merger of such programs into one performance fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY (for himself, Mr. LUGAR, Mr. HARKIN, and Mr. KERREY):

S. Con. Res. 43. A concurrent resolution urging the United States Trade Representative immediately to take all appropriate action with regards to Mexico's imposition of antidumping duties on United States high fructose corn syrup; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. COCHRAN, Mr. FAIRCLOTH, and Mr. NICKLES):

S. 1068. A bill to amend section 353 of the Public Health Service Act to exempt physician office laboratories from the clinical laboratories requirements of that section; to the Committee on Labor and Human Resources.

THE CLINICAL LABORATORY IMPROVEMENT ACT AMENDMENTS OF 1997

Mrs. HUTCHISON. Mr. President, I rise today to introduce legislation that is critically needed to reduce the regulatory burdens on our doctor's offices today.

In 1988, Congress passed the Clinical Laboratory Improvement Act as a reaction to reports about laboratories that inaccurately analyzed PAP smears. CLIA 1988 was intended to address the quality of laboratory test performance. Unfortunately, the regulations enacted as a result of the CLIA 1988 legislation did not reflect the intent of the act. What in effect happened following the passage of CLIA 1988 was a series of regulations that substantially increased the amount of paperwork to be performed in physician offices and now ultimately increases the cost of health care to the patients. There has been little, if any, documentation that the CLIA 1988 reforms resulted in an improvement in patient care.

In fact, a Texas Medical Association study showed that the annual cost of the labor and administrative overhead added by CLIA averages $4,435 per physician. This is in addition to the cost of registration, controls, proficiency testing, and inspection or accreditation. At a time when the entire health care industry is under pressure to control health care costs, the CLIA regulations not only subject physicians to increased administrative costs but also decrease the amount of time devoted to patient care.

One Texas physician describes his CLIA inspection as being left with a feeling that nothing of any real value was accomplished. Dr. McBrayer from the Texas Panhandle relates the inspection:

> We were written up for such monumental things as the fact that I had not signed the procedure manual for one of our lab machines. Therefore, everything done on that machine, including the training, was out of compliance. The fact that the manufacturer's rep had come and trained the staff was to no avail. Everything was out of compliance because I didn't sign it. It didn't matter that they had learned how to use it. That was irrelevant.

The CLIA amendments I am introducing will reduce the burdens on physicians who perform laboratory tests in their offices and thereby free up resources and time to dedicate to patient care. In Texas alone, of the physicians who provided testing services in their offices prior to CLIA, 27 percent have closed their office labs, and another 31 percent have discounted some type of testing, as a direct result of the CLIA 1988 reforms. This has resulted in some areas of Texas experiencing physician shortages. Many physicians are concerned about the possible consequences to patients caused by the decreased access to testing or the delay in obtaining results. In the wake of the health care reform debate, it is important to promote quality-driven cost-effective ways of delivery care.

Mr. President, the CLIA 1997 amendments will not jeopardize the quality of laboratory testing. This bill will exempt physician office lab tests from the CLIA 1988 restrictions that have caused many physicians to discontinue simple laboratory tests due to the excessive amounts of regulation involved in the performance of these tests. The CLIA 1997 amendments that I am introducing today in the Senate will have the narrow purpose of ensuring that essential laboratory testing performed by physicians remain a viable diagnostic option for physicians and their patients without the excessive rules and administratively complex requirements that currently exist, and, most importantly, eliminate the strain the CLIA 1988 legislation is placing on patients in rural areas who are losing access to necessary testing and care.

I hope that all my colleagues will join me in supporting this legislation, which will reduce health care costs and improve the ability of patients to receive laboratory tests in a timely fashion while providing the much needed regulatory relief to physicians all over the country.

By Mr. MURKOWSKI (for himself and Mr. WARNER):

S. 1069. A bill entitled the ''National Discovery Trails Act of 1997''; to the Committee on Energy and Natural Resources.

THE NATIONAL DISCOVERY TRAILS ACT OF 1997

Mr. MURKOWSKI. Mr. President, I rise today for the purpose of introducing legislation that I think is most significant. This legislation will particularly appeal to those who are inclined to enjoy the outdoors because it will establish our Nation's first coast-to-coast multiuse hiking trail. Take a moment and think about that. You will be able to hike from coast to coast on a hiking trail. That means off the highways, away from the roads, behind the freeways. A true outdoor experience.

Trails are one of America's most popular recreation resources. Millions of Americans hike, they ski, they jog, they bike, they ride horses, they drive snow machines and all-terrain vehicles, they observe nature, commute, and relax on trails throughout the country.

A variety of trails are provided nationwide, including urban bike paths, bridle paths, community greenways, historic trails, motorized trails, and long-distance hiking trails. This legislation will establish the American Discovery Trail, or ADT as it is commonly called. The ADT is a continuous coast-to-coast trail to link the Nation's principal north-south trails and east-west historic trails with shorter local and regional trails into a nationwide network.

Mr. President, by establishing a system of discovery trails, this new category will recognize that using and enjoying trails close to home is equally as important as traversing remote wilderness trails, of which we have many in my State of Alaska. Long-distance

trails are used mostly by people living close to the trail and by weekenders. Backpacking excursions are normally a few days to a couple of weeks. As an example, of the estimated 4 million users of the Appalachian Trail, each year it is estimated that only about 100 to 150 walk the entire trail annually. This will be true of the American Discovery Trail as well, especially because of its proximity to urban locations throughout the country.

The ADT, the first of the discovery trails, will connect 6 of the national scenic trails, 10 of the national historic trails, 23 of the national recreation trails, and hundreds of other local and regional trails. Until now, the element that has been missing in order to create a national system of connected trails is that the existing trails, for the most part, are simply not connectable. With the ADT that will no longer be the case.

The ADT is about access. The trails will connect people to larger cities, small towns, urban areas and to mountains, forests, deserts and natural areas, incorporating regional, local, and national trails together.

What makes this so exciting is the way it has already brought people together. More than 100 organizations along the trail's 6,000 miles support the effort. Each State the trail passes through already has a volunteer coordination effort, and coordinators who lead an active ADT committee. A strong grassroots effort along with financial support from Backpacker magazine, Eco USA, The Coleman Companies and others, have helped make the ADT move from a dream to a reality.

Only one very more important step on the trail needs to be taken. Congress needs to authorize the trail as part of our national trail system. I invite my colleagues to join me in this effort.

The American Discovery Trail begins, or ends, when your two feet go into the Pacific at Point Reyes National Seashore, just north of San Francisco. Next are Berkeley and Sacramento before the climb to the Pacific Crest National Scenic Trail in Lake Tahoe in the middle of the Sierra Nevada Mountains.

Nevada offers historic Virginia City, home of the Comstock Lode, the Pony Express National Historic Trail, Great Basin National Park with Lehman Caves and Wheeler Peak.

Utah provides national forests and parks along with spectacular red rock country, which leads into Colorado offering Colorado National Monument with its 20,445 acres of sandstone monoliths and canyons. Then there is the Grand Mesa over Scofield Pass and Crested Butte, in the heart of the ski country as you follow the Colorado and Continental Divide Trails into Evergreen. I wish I was there myself this afternoon.

At Denver, the ADT divides and becomes the northern and southern Midwest routes. The northern Midwest route winds through Nebraska, Iowa, Illinois, Indiana, and Ohio; the southern Midwest route leaves Colorado and the Air Force Academy and follows the tracks and wagon wheel ruts of thousands of early pioneers through Kansas and Missouri as well as settlements and historic places in Illinois, Indiana, Kentucky until the trail joins the northern route in Cincinnati.

West Virginia is next, then Maryland and the C&O Canal. This leads to Washington, DC, where the trail passes The Mall, the White House, the Capitol, and then heads on to Annapolis. Finally, in Delaware, the trail reaches the eastern terminus at Cape Henlopen State Park and the Atlantic Ocean.

Between the Pacific and Atlantic Ocean, one will experience the most spectacular scenery in the world, thousands of historic sites, lakes, rivers and streams of every size. The trail offers an opportunity to discovery America from small towns, to rural countryside, to large metropolitan areas.

When the President signs the legislation into law, a 10-year effort will have been achieved. The American Discovery Trail will become a reality. The more people who use it, the better.

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. 1069

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Discovery Trails Act of 1997''.

SEC. 2. NATIONAL TRAILS SYSTEM ACT AMENDMENTS.

Section 3(a) of the National Trails System Act (16 U.S.C. 1242(a)) is amended by inserting after paragraph (4) the following:

''(5) National discovery trails, established as provided in section 5, which will be extended, continuous, interstate trails so located as to provide for outstanding outdoor recreation and travel and to connect representative examples of America's trails and communities. National discovery trails should provide for the conservation and enjoyment of significant natural, cultural, and historic resources associated with each trail and should be so located as to represent metropolitan, urban, rural, and back country regions of the Nation.''. Any such trail may be designated on federal lands and, with the consent of the owner thereof, on any non federal lands: *Provided*, that such consent may be revoked at any time. The Congress does not intend for the establishment of a National Discovery Trail to lead to the creation of protective perimeters or buffer zones adjacent to a National Discovery Trail. The fact that there may be activities or uses on lands adjacent to the trail that would not be permitted on the trail shall not preclude such activities or uses on such lands adjacent to the trail to the extent consistent with other applicable law.

(2) FEASIBILITY REQUIREMENTS; COOPERATIVE MANAGEMENT REQUIREMENT.—Section 5 of such Act (16 U.S.C. 1244) is amended by adding at the end the following new subsection:

''(g)(1) For purposes of subsection (b), a trail shall not be considered feasible and desirable for designation as a national discovery trail unless it meets all of the following criteria:

''(A) the trail must link one or more areas within the boundaries of a metropolitan area (as those boundaries are determined under section 134(c) of title 23, United States Code). It should also join with other trails, connecting the National Trails System to significant recreation and resources areas.

''(B) The trail must be supported by a competent trailwide nonprofit organization. Each trail should have extensive local and trailwide support by the public, by user groups, and by affected State and local governments.

''(C) The trail must be extended and pass through more than one State. At a minimum, it should be a continuous, walkable route not including any non-federal property for which the owner had not provided consent for inclusion and use.

''(2) The appropriate Secretary for each national discovery trail shall administer the trail in cooperation with a competent trailwide nonprofit organization.''.

(b) DESIGNATION OF THE AMERICAN DISCOVERY TRAIL AS A NATIONAL DISCOVERY TRAIL.—Section 5(a) of such Act (16 U.S.C. 1244(a)) is amended—

(1) by re-designating the paragraph relating to the California National Historic Trail as paragraph (18);

(2) by re-designating the paragraph relating to the Pony Express National Historic Trail as paragraph (19); and

(3) by adding at the end the following:

''(20) The American Discovery Trail, a trail of approximately 6,000 miles extending from Cape Henlopen State Park in Delaware to Point Reyes National Seashore in California, extending westward through Delaware, Maryland, the District of Columbia, West Virginia, Ohio, and Kentucky, where near Cincinnati it splits into two routes. The Northern Midwest route traverses Ohio, Indiana, Illinois, Iowa, Nebraska, and Colorado, and the Southern Midwest route traverses Indiana, Illinois, Missouri, Kansas, and Colorado. After the two routes rejoin in Denver, Colorado, the route continues through Colorado, Utah, Nevada, and California. The trail is generally described in Volume 2 of the National Park Service feasibility study dated June 1995 which shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, the District of Columbia. The American Discovery Trail shall be administered by the Secretary of the Interior in cooperation with a competent trailwide nonprofit organization and other affected land managing agencies. No lands or interests outside the exterior boundaries of federally administered areas may be acquired by the Federal Government solely for the American Discovery Trail. This trail is specifically exempted from the provisions of sections 7(e), 7(f), and 7(g).''.

(c) COMPRENSIVE NATIONAL DISCOVERY TRAIL PLAN.—Section 5 of such Act (16 U.S.C. 1244) is further amended by adding at the end the following new subsection:

''(h) Within three complete fiscal years after the date of enactment of any law designating a national discovery trail, the administering Federal agency shall, in cooperation with a competent trailwide nonprofit organization, submit a comprehensive plan for the protection, management, development, and use of the federal portions of the trail, and provide technical assistance to states and local units of government and private landowners, as requested, for non-federal portions of the trail, to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The Secretary shall ensure that the comprehensive plan for the entire trail does not conflict with any existing

agency direction and that the nonprofit organization consults with affected land managing agencies, the Governors of the affected States, county and local political jurisdictions, and local organizations maintaining components of the trail. Mandatory components of the comprehensive plan include—

''(1) specific objectives and practices to be observed in the administration and management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, model agreements necessary for joint trail administration among and between interested parties, and an identified carrying capacity of the trail and a plan for its implementation;

''(2) general and site-specific development plans including anticipated costs; and

''(3) the process to be followed by the nonprofit organization, in cooperation with the appropriate Secretary, to implement the trail marking authorities in section 7(c) conforming to approved trail logo or emblem requirements.''. Nothing in this Act may be construed to impose or permit the imposition of any landowner on the use of any non federal lands without the consent of the owner thereof, which consent may be revoked at any time. Neither the designation of a National Discovery Trail nor any plan relating thereto shall affect or be considered in the granting or denial of a right of way or any conditions relating thereto.

SEC. 3. CONFORMING AMENDMENTS.

The National Trails System Act is amended—

(1) in section 2(b) (16 U.S.C. 1241(b)), by striking ''scenic and historic'' and inserting ''scenic, historic, and discovery'';

(2) in the section heading to section 5 (16 U.S.C. 1244), by striking ''AND NATIONAL HISTORIC'' and inserting '', NATIONAL HISTORIC, AND NATIONAL DISCOVERY'';

(3) in section 5(a) (16 U.S.C. 1244(a)), in the matter preceding paragraph (1)—

(A) by striking ''and national historic'' and inserting '', national historic, and national discovery''; and

(B) by striking ''and National Historic'' and inserting '', National Historic, and National Discovery'';

(4) in section 5(b) (16 U.S.C. 1244(b)), in the matter preceding paragraph (1), by striking ''or national historic'' and inserting '', national historic, or national discovery'';

(5) in section 5(b)(3) (16 U.S.C. 1244(b)(3)), by striking ''or national historic'' and inserting '', national historic, or national discovery'';

(6) in section 7(a)(2) (16 U.S.C. 1246(a)(2)), by striking ''and national historic'' and inserting '', national historic, and national discovery'';

(7) in section 7(b) (16 U.S.C. 1246(b)), by striking ''or national historic'' each place such term appears and inserting '', national historic, or national discovery'';

(8) in section 7(c) (16 U.S.C. 1246(c))—

(A) by striking ''scenic or national historic'' each place it appears and inserting ''scenic, national historic, or national discovery'';

(B) in the second proviso, by striking ''scenic, or national historic'' and inserting ''scenic, national historic, or national discovery''; and

(C) by striking '', and national historic'' and inserting '', national historic, and national discovery'';

(9) in section 7(d) (16 U.S.C. 1246(d)), by striking ''or national historic'' and inserting ''national historic, or national discovery'';

(10) in section 7(e) (16 U.S.C. 1246(e)), by striking ''or national historic'' each place such term appears and inserting '', national historic, or national discovery'';

(11) in section 7(f)(2) (16 U.S.C. 1246(f)(2)), by striking ''National Scenic or Historic'' and inserting ''national scenic, historic, or discovery trail'';

(12) in section 7(h)(1) (16 U.S.C. 1246(h)(1)), by striking ''or national historic'' and inserting ''national historic, or national discovery''; and

(13) in section 7(i) (16 U.S.C. 1246(i)), by striking ''or national historic'' and inserting ''national historic, or national discovery''.

By Mr. JEFFORDS:

S. 1070. A bill to provide for a regional education and workforce training system in the metropolitan Washington area, to improve the school facilities of the District of Columbia, and to fund such activities in part by an income tax on nonresident workers in the District of Columbia; to the Committee on Finance.

THE METROPOLITAN WASHINGTON EDUCATION AND WORKFORCE TRAINING ACT OF 1997

Mr. JEFFORDS. Mr. President, I am introducing legislation today, pursuant to many recent discussions about the rescue plan for the District of Columbia, that reaffirms my strong belief that education must be the keystone of that plan and that fair and ready funding is available with no cost to the Federal Government.

Every Washington area citizen should keep a careful watch on what Congress is doing to rescue the Capital from its present plight. The chorus resounds, ''we must get people to move back into the Capital! Its future depends on it!'' But if we examine the present congressional and administration plans and overlay them onto the root causes for the plight, serious questions arise as to their effectiveness.

Studies indicate that the two leading causes, by far, that cause people to leave the District and keep them from living in the city are poor schools and high incidents of crime. Let's examine the plans that Congress has before it.

Only the Senate plan as currently outlined even mentions education and that is basically a symbolic gesture to help repair the crumbling school infrastructure. The administration does consider the crime problem, but only at the end game of taking over the prison system. The administration's plan has no mention of repairing the failing D.C. educational system; a system which is among the worst in the Nation.

The central administrative problem of the District's school system is not money, it is management chaos. But money is a serious concern in the area of school infrastructure, and D.C. has one of the worst school infrastructures in the Nation. In fairness to General Becton, the new chief executive officer for the schools, he is trying valiantly to upgrade overall standards but too much of his time is spent dealing with emergency school infrastructure repairs. Again this September, 43 schools will be threatened with closure at the outset of the academic year. Over $2 billion are needed just to fix building code violations.

Crime in the District is directly related to the public school system. Some 40 percent of D.C. children drop out of school between grades 7 and 12. National studies show that about 80 percent of prison inmates are school drop-outs. A plan to help D.C. must have a strong component to improve education. As will be shown below, this need not carry a significant dollar cost to the Federal Treasury. In fact it will save millions.

The President wants to be known as the Education President. Congress wants to be known as the Education Congress. Wouldn't the best demonstration of that intent be to start by improving the education system of the Nation's Capital?

The present plans for enhancing a middle-class tax base in the District are based on business tax incentives. But if you are a middle-class taxpayer with school-age children you currently have to factor in approximately $10,000 a year in private education fees to feel comfortable with the level of education and safety you are providing to your family—$10,000 a year, per child, is a huge barrier for most middle-class families.

The plans currently being considered in Congress that exclude discussion of schools may well create jobs. But jobs for whom? Even the promoters of those plans recognize that those jobs would primarily go to non-residents of the District. Projections show that two out of three jobs will go to non-residents. This will leave the District with more infrastructure demands and less money to deal with them—the exact status of the problems at present.

As stated in the recent Brookings Institution study on D.C. entitled ''The Orphan Capital'' taxing metropolitan area residents where they live instead of where they work creates a revenue boon for Maryland and Virginia and a revenue disaster for the District. D.C. is the only city in a multi-State configuration in the country that has an income tax but is not able to tax its non-resident workers. This situation has also led D.C. to have the highest income tax rate on its residents in the area. That income tax rate is another barrier to the middle-class return to the city.

The result is that $20 billion in wages leaves the District each year without being taxed, resulting in hundreds of millions of dollars flowing each year to the treasuries of Maryland and Virginia. Only 1 percent of this amount goes in the other direction—from D.C. residents working in the suburbs back in to D.C. This is a huge inequity that no other major city suffers.

The history of the tax inequity began in 1973 when D.C. was given home rule. An astute Virginia representative convinced Congress to prohibit the nonresident tax from being enacted. A brilliant move, perhaps justified at the time, but it is unjust now, particularly to the children of D.C. It is not unexpected that the Maryland and Virginia Senators object violently when changing this situation is suggested.

However, a win-win proposal for all D.C. metropolitan residents is possible. It will create high-paying job opportunities for high-school graduates through improved skill training. It will provide the needed repairs to the D.C. school infrastructure. It will provide funds to improve schools and other area training institutions.

A recent report issued by the Greater Washington Board of Trade indicates that there are approximately 50,000 high-paying jobs requiring information technology skills in the Washington metropolitan area. These jobs pay on average $40,000 a year. By filling these jobs the Board of Trade estimates an additional $3.5 billion annually would be injected into the economy of what we call 'the golden crescent'—the Washington metropolitan region that stretches from Annapolis, Maryland to Winchester, Virginia.

But actually, this labor market shortage is a national problem. There are an estimated 190,000 information technology jobs going begging in the Nation for lack of skilled workers. Congress is presently trying to pass legislation to revamp our workforce training laws. We have at this time a prime opportunity to solve the D.C. metropolitan problem and provide a national model to help correct the serious national skill training deficiencies. I am introducing legislation today to accomplish this ''win-win'' structure.

If the Washington metropolitan area were to become a model for the rest of the country we could jump start the rest of the country in solving this serious national problem. And this could be done with no additional Federal cost. But, of course, there is a hitch.

My plan would require a 3-percent non-resident income tax on D.C. commuter wages. But remember, it would cost the commuters nothing because of laws requiring mutual offsetting tax credits. There would be an offset against the State income taxes of Maryland and Virginia. This would allow the commuter dollars to stay within the metropolitan region instead of going to Richmond and Annapolis with the hope of it coming back.

One percent of this new revenue would be used to repair the D.C. school infrastructure. Bonds could then be amortized for the $2 billion needed. The other two percent would fund a trust overseen by metro-area school and business leaders to provide funding for regional skill training.

Benefits to the regional economy should more than offset any losses to the States. It is hard to argue against growing the local Maryland and Virginia metro-area economies by $3.5 billion a year. This and future gains would more than offset the 1 percent going solely to D.C.

And finally, this bill results in hundreds of millions of dollars in savings to the Federal Government; hundreds of millions of dollars of help to the suburbs surrounding the capital; the repair of the D.C. school system and the overall improvement of the regional school system; and potential revenue gains to Maryland and Virginia. Most importantly, it would make the congressional and administration plans sensible instead of senseless. We must not miss this opportunity.

By Mr. D'AMATO (by request):

S. 1071. A bill to facilitate the effective and efficient management of the homeless assistance programs of the Department of Housing and Urban Development, including the merger of such programs into one performance fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs

THE HOMELESSNESS ASSISTANCE AND MANAGEMENT REFORM ACT OF 1997

Mr. D'AMATO. Mr. President, as chairman of the Committee on Banking, Housing, and Urban Affairs, I introduce the Homelessness Assistance and Management Reform Act of 1997 at the request of the Secretary of the Department of Housing and Urban Development, the Honorable Andrew M. Cuomo.

ADDITIONAL COSPONSORS

S. 89

At the request of Ms. SNOWE, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 484

At the request of Mr. DEWINE, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 484, a bill to amend the Public Health Service Act to provide for the establishment of a pediatric research initiative.

S. 755

At the request of Mr. CAMPBELL, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for Fiscal Year 1997 and to make other improvements to that chapter.

S. 1067

At the request of Mr. KERRY, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 1067, a bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms.

SENATE CONCURRENT RESOLUTION 12

At the request of Mr. TORRICELLI, the names of the Senator from Arkansas [Mr. HUTCHINSON], the Senator from New York [Mr. D'AMATO], and the Senator from Illinois [Mr. DURBIN] were added as cosponsors of Senate Concurrent Resolution 12, a concurrent resolution expressing the sense of the Congress with respect to the collection of data on ancestry in the decennial census.

SENATE CONCURRENT RESOLUTION 39

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Concurrent Resolution 39, a concurrent resolution expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors.

SENATE CONCURRENT RESOLUTION 43—URGING THE U.S. TRADE REPRESENTATIVE TO PURSUE DISPUTE SETTLEMENT PROVISIONS WITH THE WTO

Mr. GRASSLEY (for himself, Mr. LUGAR, Mr. HARKIN, Mr. DASCHLE, and Mr. KERREY) submitted the following concurrent resolution, which was considered and agreed to:

S. CON. RES. 43

Whereas the North American Free Trade Agreement (in this resolution, referred to as ''the NAFTA'') was intended to reduce trade barriers between Canada, Mexico and the United States;

Whereas the NAFTA represented an opportunity for corn farmers and refiners to increase exports of highly competitive United States corn and corn products;

Whereas Corn is the number one U.S. cash crop with a value of $25,000,000,000;

Whereas U.S. corn refiners are highly efficient, provide over 10,000 non-farm jobs, and add over $2,000,000 of value to the U.S. corn crop;

Whereas the Government of Mexico has initiated an antidumping investigation into imports of high fructose corn syrup from the United States which may violate the antidumping standards of the World Trade Organization;

Whereas On June 25, 1997, the Government of Mexico published a Preliminary Determination imposing very high antidumping duties on imports of United States high fructose corn syrup;

Whereas there has been concern that Mexico's initiation of the antidumping investigation was motivated by political pressure from the Mexican sugar industry rather than the merits of Mexico's antidumping law: Now, therefore, be it

Resolved, by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the Government of Mexico should review carefully whether it properly initiated this antidumping investigation in conformity with the standards set forth in the World Trade Organization Agreement on Antidumping, and should terminate this investigation immediately;

(2) if the United States Trade Representative considers that Mexico initiated this antidumping investigation in violation of World Trade Organization standards, and if the Government of Mexico does not terminate the antidumping investigation, then the United States Trade Representative should

immediately undertake appropriate measures, including actions pursuant to the dispute settlement provisions of the World Trade Organization.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. HAGEL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, July 25, 1997, at 9:30 a.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HAGEL. Mr. President, I ask unanimous consent of behalf of the Governmental Affairs Committee Special Investigation to meet on Friday, July 25, at 10 a.m., for a hearing on campaign financing issues.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. HAGEL. The Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on pending legislation on July 25, 1997, at 10 a.m., in room 418 of the Russell Senate Office Building.

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

ADDITIONAL STATEMENTS

SUPPORT OF THE McCAIN/KYL INTERNATIONAL ADOPTION AMENDMENT

● Mr. KYL. Mr. President, last year, the Senate Judiciary Committee unanimously passed an amendment I sponsored to the Illegal Immigration Reform and Immigrant Responsibility Act that requires incoming immigrants to be immunized before they enter the United States.

The amendment makes public health sense. Between 800,000 and 1 million individuals emigrate from their home country to the United States every year. And, the Department of Health and Human Services has made immunization of the U.S. population against vaccine-preventable diseases one of its top health priorities. But before the passage of last year's Immigration Act, there was no Federal policy with regard to the immunization of foreign nationals seeking permanent residency in the United States. With passage of the Immigration Reform Act, we can be assured that incoming immigrants will be immunized against vaccine-preventable diseases.

There are special circumstances, however, when requiring an immigrant to be immunized in his or her home country before traveling to the United States doesn't make sense. The law allows the Attorney General the authority to waive the immunization requirement whenever the requirement ''would not be medically appropriate'' or when such immunizations ''would be contrary to the alien's religious or moral convictions.''

So, the Attorney General has complete authority to waive the immunization requirement. Some House and Senate offices, however, including mine, have heard from representatives of the international adoption community about the difficulties this requirement has caused for such parents and their children.

To address this issue, Senator McCAIN and I offer this amendment to instruct the Attorney General ''to exercise the waiver authority provided for in subsection (g)(2)(B) for any alien applying for an IR3 or IR4 category visa.'' That is, for any orphan in another country who is to be adopted by a U.S. citizen.

I have heard from adoptive parents and agencies in Arizona about the unique difficulties the immunization requirement is creating for some adoptive parents and their babies and young children. Their unique concerns focus on a number of issues, including:

Unavailable background Records: Children from orphanages, which comprise over 50 percent of international adoptions, often do not have health records on which to base recommendations for vaccinations.

Immunocompromised children: According to medical professionals, many children who have lived in orphanages exhibit significant immune defects. These immunocompromised children should not receive certain immunizations. Requiring such immunizations could cause the child to acquire the very disease the immunization is supposed to prevent.

The exact age of the child is unknown and, therefore, some children could be forced to receive age-inappropriate immunizations.

The adoptive parents often have limited time and resources to travel to the adoptee's home country. Forcing the child to undergo as many as five immunizations at one time, in order to reduce the amount of time and money a parent must spend in the child's home country, will drive up the cost of the adoption.

There is a danger that unsterile or reconstituted needles, or substandard immunizations, may be used to vaccinate children in some orphanages in some countries.

It is also important to ensure that any immigrant who has received a waiver be immunized once he or she has arrived in the United States. The McCain/Kyl amendment requires the Attorney General and Secretaries of HHS and State to report back in 6 months on how to establish an enforcement program to ensure that immigrants who receive waivers be immunized once they arrive in the United States. The enforcement program would not apply to immunizations that would not be medically appropriate in the foreign country or the United States or would be contrary to the alien's religious or moral convictions.

On July 22, 23 of my colleagues, including Senators ABRAHAM, KENNEDY, ALLARD, ASHCROFT, COATS, CONRAD, CRAIG, D'AMATO, DEWINE, DODD, DORGAN, DURBIN, FRIST, GRASSLEY, HUTCHINSON, INOUYE, KOHL, LANDRIEU, MCCAIN, MOYNIHAN, ROBB, GORDON SMITH, and SNOWE joined me in sending a letter to Attorney General Reno urging her to generously use her authority to provide waivers from the immunization requirement for these babies and children awaiting adoption. I am pleased that the Senate has adopted this timely amendment.●

DARRELL COLSON, HOOSIER HERO

● Mr. COATS. Mr. President, I rise today in recognition of a true Hoosier hero, Mr. Darrell Colson of Indianapolis. On July 15, 1997, Mr. Colson performed a heroic act. While getting ready to leave his apartment complex pool, he noticed that his neighbor, Orian Williams, who moments earlier was swimming laps, was now drowning at the bottom of the pool. After an attempt by Kim Williams, his fiancé, to rescue the young woman, Mr. Colson dove into the water and pulled Ms. Williams to safety. Once he was able to remove her from the water, Darrell Colson and Kim Williams performed CPR until the rescue team arrived. Orian Williams, who by then was in a coma, was rushed to a nearby community hospital where she regained consciousness after receiving medical treatment.

This is a remarkable act, by a remarkable individual. However, what makes Ms. Williams' rescue truly amazing is that Mr. Colson is a paraplegic. Four years ago, Mr. Colson suffered a tragic accident when he fell 40 feet from a tree; he is now confined to a wheelchair. To save Ms. Williams, Darrell Colson maneuvered his wheelchair to the pool, dove in, held onto her with one arm and used the other to swim her to the surface. Despite his condition, Mr. Colson found the courage to risk his own life for a fellow human being. Mr. Colson may not think of himself as special, but he is a hero to both Orian Williams and to all of us who look to his selfless example for inspiration.

I initiated the Hoosier Hero program in 1991 to recognize individuals who have made significant contributions to Indiana life, while at the same time serving as an inspirational example to the entire Nation. I cannot think of a more inspirational display of courage than saving the life of another individual. Last week, Mr. President, I was pleased to officially recognize Mr. Colson as a true Hoosier hero and awarded him a Hoosier Hero plaque.

Mr. Colson never expected to save a life that day while he was relaxing at the pool. Yet, he demonstrated how we all need to be prepared if we are called upon to help others.

Today I ask that my colleagues join me in commending Darrell Colson,

whose actions not only saved a life but demonstrated extraordinary bravery and courage. I challenge others to follow the example of Darrell Colson and other heroes in our communities. They ask for no recognition, and no reward. For Darrell Colson, he just wanted to see Orian Williams awaken from her coma and walk out of the hospital. Fortunately, he got his wish, but also the recognition of a grateful community.●

ORDER FOR RECORD TO REMAIN OPEN

Mr. HELMS. Mr. President, I ask unanimous consent that the RECORD remain open until 3 p.m. for introduction of bills and submission of statements.

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

THE CALENDAR

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 99, S. 833; Calendar No. 126, S. 1000; and Calendar No. 127, S. 1043, en bloc, that the bills be considered read a third time and passed, the motions to reconsider be laid upon the table, and any statements relating to any of these bills be printed in the RECORD.

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

HOWARD M. METZENBAUM UNITED STATES COURTHOUSE

The Senate proceeded to consider the bill (S. 833) to designate the Federal building courthouse at Public Square and Superior Avenue in Cleveland, OH, as the ''Howard M. Metzenbaum United States Courthouse.''

Mr. LAUTENBERG. Mr. President, I am very pleased that today the Senate will recognize the contributions of my dear friend and former colleague, Howard Metzenbaum, by approving this bill designating the Federal Building Courthouse in Cleveland, OH as the ''Howard M. Metzenbaum United States Courthouse.'' Ohio's two Senators, Senator GLENN and Senator DEWINE, were original cosponsors of this legislation, along with Senator HATCH, when I introduced on June 5, 1997.

Mr. President, I proposed naming a courthouse after Howard because a courthouse is a symbol of justice where all people can come and be treated equally under the law. Howard Metzenbaum deserves this honor because he was a dedicated public servant, who served his home State of Ohio for 18 years in the U.S. Senate. Howard's sense of fairness and equality for all Americans led one of his former colleagues to suggest that Howard would have made an exceptional U.S. Supreme Court Justice when he retired from the Senate in 1994.

Mr. President, naming a courthouse after Howard is only a small gesture in attempting to remember a man so committed to justice and fairness. Howard's contributions to the Senate are extraordinary, and we commemorate his unique contribution by passing this bill in celebration of his 80th year, his 18 years in the U.S. Senate, and also the special character he brought to our body.

I pay tribute today to a man who always stood up for what he believed was right, fighting hard to preserve opportunity for those for those yet to come. As a Senator, Howard had a broad range of interests and he pursued them with dogged perseverance, sincerity and clarity.

Howard and I worked on many issues together during our time in the Senate. Individual rights and environmental preservation were major concerns. He poured his energy into clean air protection, nuclear regulation, cleaning up superfund sites and recycling. Howard provided strong leadership on antitrust issues as chairman of the Subcommittee on Antitrust, Monopolies and Business Rights on the Judiciary Committee.

He was a persistent gun control advocate, taking the lead on many antigun initiatives in the Senate. He was one of the lead sponsors of the Brady bill handgun purchase waiting period, as well as the bans on assault weapons and plastic explosives.

But Howard's true passions lay with America's underprivileged and needy communities, which never had a bolder champion. His work on behalf of the poor, the disabled, and the elderly reflect his remarkable compassion for those members of society who face challenges that many of us cannot fully appreciate. He tirelessly defended their interests and fought for their protection. He was dedicated to eradicating discrimination, ensuring adequate health care to those in need and boosting public education. It has been said many times, but for good reason, that Howard brought not only his conscience to the Senate, but also the courage to act on his convictions.

Howard remains a good friend to me, but was also a mentor and a teacher during his years in the Senate. He gave me good advice and plenty of it. And, I might add, he continues to do so today, which I welcome! But more than that, his dedication to the office of United States Senator is an example by which to live. He stood tall for the little people.

Some will affectionately remember Howard as determined, argumentative, and even irascible. I cannot deny that those words come to my mind every now and then when describing Howard. He was always at his best then, and for good reason. I heard it said by one Senator, and not a good friend: ''If there wasn't a Metzenbaum here, we'd have to invent one to keep us alert.''

I have missed working with Howard Metzenbaum in this great institution, a place that has been truly enhanced by his presence. I salute him on celebrating his 80th year.

The bill (S. 833) was ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 833

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF HOWARD M. METZENBAUM UNITED STATES COURTHOUSE.

The Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio, shall be known and designated as the ''Howard M. Metzenbaum United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building courthouse referred to in section 1 shall be deemed to be a reference to the ''Howard M. Metzenbaum United States Courthouse''.

ROBERT J. DOLE U.S. COURTHOUSE

The Senate proceeded to consider the bill (S. 1000) to designate the U.S. courthouse at 500 State Avenue in Kansas City, KS, as the ''Robert J. Dole U.S. Courthouse.''

Mr. ROBERTS. Mr. President, I am pleased the Senate has acted expeditiously on S. 1000, the legislation that Senator BROWNBACK and I introduced several weeks ago to designate the Kansas City, KS, Federal Courthouse after our Kansas colleague Senator Bob Dole. I appreciate the efforts of Senators CHAFEE and BAUCUS and the other members of the Environment and Public Works Committee in their effort to approve the bill for its consideration by the Senate before the August recess.

After the bill was introduced, Kansans contacted my office about Senator Dole and their recollections of his work, which he continues to do in behalf of Kansas. I thought it would be fitting to share an example with my colleagues. Mrs. Rose Coughlin of Kansas City, KS, shared with me her story about Senator Dole calling her just several weeks ago. Mrs. Coughlin, who suffers from polio, wrote to Senator Dole in mid-June just to pass along her deep appreciation and admiration of his perseverance during his legislative career on behalf of Kansas despite his permanent injuries sustained during World War II.

Much to her surprise, Senator Dole called her upon receiving the letter and talked with her at some length, inquiring about her condition. At the close of her letter to me she says, ''Needless to say he made my day.'' Her letter is indicative of Senator Dole's commitment and caring for Kansans.

Mr. President, S. 1000 has been endorsed by Carol Marinovich, mayor of Kansas City, KS, the location of the soon-to-be Robert J. Dole U.S. Courthouse.

I look forward to joining Senator Dole along with proud Kansans in the near future for the dedication ceremonies.

The bill (S. 1000) was ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ROBERT J. DOLE UNITED STATES COURTHOUSE.

The United States courthouse at 500 State Avenue in Kansas City, Kansas, shall be known and designated as the ''Robert J. Dole United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Robert J. Dole United States Courthouse''.

LLOYD D. GEORGE U.S. COURTHOUSE

The bill (S. 1043) to designate the U.S. courthouse under construction at the corner of Las Vegas Boulevard and Clark Avenue in Las Vegas, NV, as the ''Lloyd D. George U.S. Courthouse,'' was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF LLOYD D. GEORGE UNITED STATES COURTHOUSE.

The United States courthouse under construction at the corner of Las Vegas Boulevard and Clark Avenue in Las Vegas, Nevada, shall be known and designated as the ''Lloyd D. George United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Lloyd D. George United States Courthouse''.

REGARDING MEXICO'S IMPOSITION OF ANTIDUMPING DUTIES ON UNITED STATES HIGH-FRUCTOSE CORN SYRUP

Mr. HELMS. Now, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 43 submitted earlier today by Senators GRASSLEY, LUGAR, and HARKIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 43) urging the United States Trade Representative immediately to take all appropriate action with regard to Mexico's imposition of antidumping duties on United States high fructose corn syrup.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

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

Mr. GRASSLEY. Mr. President, today I am offering this resolution with my distinguished colleagues, the chairman and ranking member of the Senate Agriculture Committee, Senators LUGAR and HARKIN. The resolution addresses an antidumping investigation being conducted by the Government of Mexico, on the import of high-fructose syrup [HFCS] from the United States.

Mr. President, I have often come to the Senate floor to discuss the importance of international trade to our agricultural economy. American farmers have become more reliant on global markets for their income. The U.S. Department of Agriculture estimates that 31 percent of farmers' income will be derived from foreign markets by the end of the decade.

Because American farmers are the most efficient in the world we should not be frightened by this trend. But we must be more vigilant than ever when it comes to eliminating foreign trade barriers.

Both the North American Free Trade Agreement [NAFTA] and the Uruguay Round Agreement of GATT were successful for American farmers. They served to reduce or eliminate barriers to trade in agriculture products to a greater extent than any prior trade agreement. The implementation and enforcement of these agreements will be crucial to American farmers.

That is why the recent actions of the Mexican Government are so disturbing. The Mexican Government has imposed unreasonably high, preliminary tariffs on imports of HFCS from the United States. These tariffs are far in excess of what was negotiated under NAFTA. The justification for these tariffs is the antidumping action filed by the Mexican sugar industry.

I and my colleagues are very concerned with the propriety of this action. There have been questions raised as to whether the action meets the standards set forth in the World Trade Organization Agreement on Antidumping. I will submit for the Record a letter from the Deputy U.S. Trade Representative, Ambassador Jeff Lang, that outlines these serious concerns.

The resolution we introduced today is very simple. It says that if the antidumping action has not been conducted in accordance with WTO requirements, it should be terminated immediately. And all tariffs that have been imposed as a result of the action should be removed immediately.

If the Mexican Government refuses to do this, the United States Trade Representative is directed to request consultations with the Mexican Government, under the dispute settlement provisions of the WTO. This action will trigger a resolution of this dispute according to WTO procedures.

Finally, if the Mexican Government fails to accept our request for consultations, Congress directs the USTR to take any and all applicable actions under United States trade law.

Mr. President, I am a firm believer in free and open trade. It is never productive to engage in a trade war with one of our largest and most loyal trading partners. And that is certainly not the intent of this resolution.

However in order to have fair trade, we must insist that our trading partners live up to the obligations set forth in our trade agreements. This is vital to facilitating the free trade that will raise the standard of living for workers and consumers worldwide.

I urge my colleagues to support this resolution.

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

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

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, June 4, 1997.

Alvaro Baillet,
Jefe De La Unidad, Secretaria de Comercio y Fomento Industrial, Av. Insurgentes Sur 1940 PISO II, Col. Florida, C.P. 01030 Mexico, D.F.

DEAR MR. BAILLET: The United States has recently been contacted by American producers of High Fructose Corn Syrup (HFCS) regarding the initiation of an antidumping investigation concerning their exports of HFCS to Mexico. Our producers are concerned that the applicable like product in the investigation is HFCS, that the investigation was initiated without the support of the Mexican producers of that like product, and that certain information about the Mexican producers of HFCS known to the Mexican authorities was not considered in the initiation notice.

We have reviewed information that indicates that HFCS was produced in Mexico during the 1996 period of investigation. We further understand that this information was available to SECOFI and the Mexican sugar chamber that submitted the application for this antidumping investigation prior to SECOFI's initiation of the investigation. The domestic producers of the like product on whose behalf the antidumping application was filed consequently would normally have included any such Mexican producers of HFCS. SECOFI's initiation notice, however, does not reference these producers. It merely states, without support, that HFCS is not produced in Mexico.

An investigation into allegations of dumping can be extremely time consuming, expensive and have commercial consequences even before a preliminary or definitive measure is in place. For this reason, and because the Antidumping Agreement is explicit about the need for the authorities to examine the accuracy and adequacy of the evidence provided in the application, including that pertinent to the industry support needed for initiation, we would appreciate your attention to this matter in time to minimize any unnecessary impediment to U.S. exports of HFCS.

Sincerely Yours,

JEFFREY LANG,
Deputy United States Trade Representative.

Mr. LUGAR. Mr. President, in my home State of Indiana, corn refining adds substantially to the value of our corn crop. On average, Indiana produces 800 million bushels of corn annually. It is estimated that corn refining—primarily through the production of high-fructose corn syrup—adds about $200 million to the value of Indiana's corn crop. In addition to enhancing the value of our corn crop, corn refining results in the direct employment of approximately 1,700 Hoosiers with an estimated payroll of over $70 million.

It is for the above reasons that I join Senators GRASSLEY, HARKIN, DASCHLE,

and KERREY in introducing a concurrent resolution instructing the United States Trade Representative to take the appropriate actions in regards to a preliminary imposition of antidumping duties against United States exports of high-fructose corn syrup to Mexico. These duties were imposed on June 25 in response to a petition brought to the Mexican Government by the sugar producers' organization in Mexico.

Prior to our adoption of the North American Free-Trade Agreement [NAFTA], duties on high-fructose corn syrup were 15 percent. This year, under our negotiated agreements, with should have dropped to 9.5 percent. The preliminary antidumping finding has disrupted the planned program for the duty reduction on this important agricultural product. Duties now in effect because of this decision are as much as four to five times the pre-NAFTA levels.

Mr. President, this case involves important matters of international trade policy and the interests of U.S. agricultural producers. The preliminary finding of the Mexican Government appears to be in violation of the World Trade Organization Agreement on Antidumping. This agreement requires that governments fully investigate allegations brought by private parties before opening government investigations. In this case, Mexico's sugar industry stated that there was no production of high-fructose corn syrup in Mexico. This is inaccurate which means the Mexican sugar industry did not have standing under WTO rules to file this case.

Three years ago this chamber helped take a major step toward creating a growing free-trade area in the Western Hemisphere. Passage of NAFTA was not an easy matter, as you will recall. However, those of us from agricultural areas—with strong support from the U.S. corn industry—worked hard to achieve its passage.

With the passage of last years FAIR Act, we reduced price and income support for U.S. corn farmers. Increasing exports is the only alternative for U.S. farmers to maintain a stable level of farm income. One of the best ways to continue agricultures export performance is to ensure that unwarranted and unfair trade barriers are not erected. I hope you will join me in supporting this resolution.

Mr. HELMS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

Mr. HELMS. I thank the Chair.

The concurrent resolution was agreed to.

The preamble was agreed to.

The concurrent resolution (S. Con. Res. 43) follows:

S. CON. RES. 43

Whereas the North American Free Trade Agreement (in this resolution, referred to as ''the NAFTA'') was intended to reduce trade barriers between Canada, Mexico and the United States;

Whereas the NAFTA represented an opportunity for corn farmers and refiners to increase exports of highly competitive United States corn and corn products;

Whereas corn is the number one U.S. cash crop with a value of $25,000,000,000;

Whereas U.S. corn refiners are highly efficient, provide over 10,000 non-farm jobs, and add over $2,000,000 of value to the U.S. corn crop;

Whereas the Government of Mexico has initiated an antidumping investigation into imports of high fructose corn syrup from the United States which may violate the antidumping standards of the World Trade Organization;

Whereas on June 25, 1997, the Government of Mexico published a Preliminary Determination imposing very high antidumping duties on imports of United States high fructose corn syrup;

Whereas there has been concern that Mexico's initiation of the antidumping investigation was motivated by political pressure from the Mexican sugar industry rather than the merits of Mexico's antidumping law: Now, therefore, be it

Resolved, by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the Government of Mexico should review carefully whether it properly initiated this antidumping investigation in conformity with the standards set forth in the World Trade Organization Agreement on Antidumping, and should terminate this investigation immediately;

(2) if the United States Trade Representative considers that Mexico initiated this antidumping investigation in violation of World Trade Organization standards, and if the Government of Mexico does not terminate the antidumping investigation, then the United States Trade Representative should immediately undertake appropriate measures, including actions pursuant to the dispute settlement provisions of the World Trade Organization.

ORDERS FOR MONDAY, JULY 28, 1997

Mr. HELMS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Monday, July 28. I further ask that on Monday, immediately following the prayer, the routine requests through the morning hour be granted.

It will be the majority leader's intention to then proceed to the consideration of S. 830 regarding the FDA reform.

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

Mr. HELMS. Mr. President, I further ask that at 3 p.m. on Monday, there be 1 hour for morning business under the control of Senator DASCHLE or his designee, and at 4 p.m. there be 1 hour for morning business under the control of Senator COVERDELL.

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

PROGRAM

Mr. HELMS. For the information of all Members, on Monday it will be the leader's intention to begin consideration of S. 830, the FDA reform bill. Following debate on that issue, there will be a period for morning business, to be followed by the Transportation appropriations bill beginning at 5 p.m.

By a previous consent, any votes ordered with respect to the Transportation bill will be postponed to occur at 9:30 a.m. on Wednesday. Therefore, no votes will occur in Monday's session of the Senate. However, it is the hope of the majority leader that the Senate could complete debate on the Transportation appropriations bill on Monday. And, in addition, as announced by the majority leader, the next votes will be a series of votes occurring on Tuesday at 9:30 a.m. on the Commerce, Justice, State Department appropriations bill.

ADJOURNMENT UNTIL MONDAY, JULY 28, 1997

Mr. HELMS. Mr. President, if there be no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:08 p.m., adjourned until Monday, July 28, 1997, at 12 noon.