

increased almost 8 percent; they are now getting close to 60 percent. DOE predicts a 65-percent oil dependency on foreign oil by the year 2020. We have become even more dependent.

The United States spends about \$300 million each day on imported crude oil, \$100 billion each year. We are concerned the trade deficit from oil amounts to about one-third of the trade deficit. Now we are looking at short-term issues when what we have to do is take a look at the longer term resolution to these problems.

The policy that would change this, and one we look forward to, is increased access to public land, continuing to emphasize, however, the idea that we need also to protect the environment. We can do that.

I mentioned tax incentives that would increase production. We need to look at the Clean Air Act and the Clean Water Act which is being used to reduce the use of lands as well. It has a real impact to a lot of people in my State which is largely a State that has mineral production.

In 1990, U.S. jobs exploring and producing oil amounted to over 400,000; in 1999, these jobs are down to 293,000, a 27-percent reduction in the ability of America producing our own oil. In 1990, we had 657 working oil rigs; now it is down to 153, a 77-percent decline.

I think we need to take a long look at where we are and where we want to go. Any government looking at energy has to recognize the stewardship responsibility that we have for the environment. We do that. At the same time, we have to be able to produce for ourselves so we have the freedom and opportunity to continue to have the strongest economy in the world, the greatest for jobs, while strengthening our security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

#### ENERGY POLICY

Mr. CRAIG. Mr. President, I come to the floor this afternoon to join my colleague from Wyoming who has so clearly outlined in the last few moments part of the problems our country faces at this time in our history relating to energy policy, or a lack thereof.

As I speak on the floor, as my colleague has just completed his comments, all eyes are turned on Vienna. That is not Vienna, NY, that is Vienna, Austria, where the OPEC nation members are meeting to decide whether they will be generous enough to turn their valves on a little more and increase crude oil production to a million or a million and a half barrels a day so that our gas prices will come down at the pump. How can a great nation such as ours now find itself so dependent upon a group of nations, almost all of them quite small but all of them very rich in crude oil? How do we find ourselves dependent on their thinking? What is the reason we find ourselves

dependent? This is part of what my colleague from Wyoming was talking about. It is the loss of production units and the drop in number of rigs out exploring, and that is all our fault, our fault collectively as a nation, for having failed over the last several decades to put in place an energy policy that had, as its first criterion, relative independence from other nations of the world as suppliers of our fundamental energy-based need for crude oil, crude oil production for our petrochemical industry.

I have been to the floor several times in the last couple of weeks to speak about this because the price at the pump today is not an aberration. It is not something that was just quick in coming. We, as a country, have known for some time this day would be at hand. Several years ago, we asked our Government to investigate whether a lack of domestic production would put us at some form of vulnerability as to our ability to defend ourselves. The answer was yes. Those studies were placed on the desk of our President, Bill Clinton. Nothing was done. A year ago similar studies were done, and they reside on the President's desk as we speak. They have been there since last November, and nothing has been done.

Only in the last month has the President sent his Secretary of Energy out and about the world, with his tin cup in hand, begging—begging producing nations to turn their valves on a little bit.

What is the consequence of turning your valve on at the pump? The consequence is a reduction in the overall world spot price of crude oil. When you do that, the cash-flow pouring out of this country to the OPEC nations of the world declines; oil production goes up, cash-flow declines. Why would they want to do that? Out of the generosity of their hearts?

For the last year-and-a-half or 2, they have been in political disarray. During that time, they were largely pumping at will into the world market. A year ago, we saw crude oil prices at \$10 a barrel on the world market. Today, they are over \$30. Now \$10 a barrel is probably too low, but \$30 is a huge and bountiful cash-flow to the treasuries of these countries—Saddam Hussein's country, the man whose country we fought against to free Kuwait and the Kuwaiti oil fields less than a decade ago.

In fact, it was Northeastern Senators who, some months ago, wrote a letter to our President asking him to become sensitive to this issue because they were aware, with the run-up in oil prices—and we knew it was coming the minute the OPEC nations got their act together—the Northeastern Senators would see their States hit by heavy home heating oil costs. Sure enough, that is what happened. It happened because of the run-up in price. It also happened because of a loss of refinery capacity that has been going on for some time.

What was going on in the Northeast, 2 and 3 months ago, is now going on across America. I come from the West, where energy prices are extremely high and the impact on goods and services, and our citizens, can be dramatic. So even if the OPEC oil countries decide to raise crude oil output, my guess is it will be just a little bit. It may sound like a lot to the average listener—a million, million-and-a-half barrels a day—and it could bring crude oil prices down a little bit. But the OPEC nations' goal is to keep crude oil prices above \$20 a barrel and therefore keep regular gas at the pumps at somewhere in the \$1.40 to \$1.50 range. That is still a dramatic increase, nearly doubling east coast prices. It will be even higher on the west coast.

The failure of the Clinton-Gore administration to recognize it, to understand it, and therefore to deal with it, is one of the great domestic and foreign policy tragedies of the decade. I say that from an economic point of view, but it is true also from a defense point of view—our ability to defend ourselves and stand as an independent nation in a community of nations around the world.

Here are some statistics. Probably everyone's eyes glaze over a little bit when you use statistics, but it is important for the record. U.S. crude oil production is down by 17 percent since 1992. We have actually had wells shut off and shut in. What does that mean? The price of oil got so low, they could not afford to pump them. It cost money to produce. So they turn the well off and they shut the well in, meaning it no longer has the capability of producing.

U.S. crude oil consumption during that same period of time went up 14 percent: 17 percent down in production, 14 percent up in consumption. It sounds like a ready-made situation for a crisis, and that is exactly where we find ourselves today. The United States is 55-percent dependent upon those nations that are meeting in Vienna at this moment; 55-percent dependent for so much of what we do. That is dramatically up from just a couple of decades ago when we were in the mid-30s, relating to dependency.

While all of this is going on and nothing is being done by this administration, and most of what we are trying to do here has either been denied or vetoed or blocked by this administration, the U.S. Department of Energy estimates we will have a 65-percent dependency on foreign producers by the year 2020. Some would say that is good because we will not have the environmental risks in this country; we will not be drilling and we will not be refining as much, and therefore the environmental risks will be gone.

What they did not tell you is, it puts hundreds of new supertankers out there on the open ocean on a daily basis—even if our foreign neighbors will produce and even if they will sell to us, hundreds more of those huge supertankers out there in the open ocean,

coming into our ports, offloading. Let me tell you, there are greater environmental consequences for that than the use of today's technology on our land or out in our oceans, drilling, finding, and shipping to our refineries.

The United States is spending \$300 million a day on imported crude oil. That is \$100 billion a year flowing out of this country to the coffers of the OPEC nations. That is big money, huge money, in any sense of the words. We sit here and wring our hands over a balance of payments, yet we do nothing to bring that production back to our shores and to be able to control our own destiny in the production of crude oil.

As I mentioned, the world oil price reached over \$30, about \$34 a barrel on March 7. It is down a little bit now on speculation that the OPEC nations today will make decisions that will increase production. But, of course, we already know energy prices on the west coast are at nearly \$2 a gallon at the pump and are certainly extremely high here. More than half of all crude oil we use, about 18 million barrels per day, goes directly into home heating oil, motor gasoline, diesel fuel, and other transportation fuels.

The Clinton-Gore administration has failed to do one single thing to develop more of our Nation's crude oil reserves, of which we have an abundance. In fact, I was watching CNN a few moments ago. Some people in the oil industry would suggest only about half of the crude oil capability of this Nation has been used since we first discovered crude oil. Only about half of it has been used. The rest of it is under the ground. It is more difficult to find, more expensive to produce, but it is still there, and the great tragedy is we are not producing it. In fact, we are doing quite the opposite.

Since this administration has come to town, there has been an anti-oil attitude from a standpoint of domestic production. From the very beginning, they pushed through a 4.3 percent gas tax increase. They argued it was for deficit reduction. But when one listens to the soundings of the Vice President when he talks about crude oil and combustion engines and how negative they are to the environment and we ought to tax them out of existence—and he has said all of those things; I am paraphrasing, but it is not new; he has been replete in those expressions over the years—it is not unexpected that he cast the single vote that broke the tie between Democrats and Republicans on this floor that put the gas tax in place.

We now are looking to try to take that gas tax off in the very near future, at least roll it back a ways, and give our consumers some flexibility. We are going to balance the budget this year and have surpluses. Why not use some of that surplus money to offset the runup in expenses that consumers are now feeling at the gas pump at this moment and that certainly our transportation industry is feeling? It ought to be something we do.

I argue that we hold the highway trust fund fully offset. That is the trust fund that funds the pouring of concrete for our roads and our bridges and creates hundreds of thousands of jobs a year in the building and rebuilding of our infrastructure. Those need to be funded. I do not argue they should not be. But here we are dealing with a surplus, fighting with our Democrat colleagues over whether we should give tax relief to the taxpayers this year. What better way to give some of it back than to reduce the cost at the pumps? Most Americans today who drive cars find themselves paying increasingly higher fuel bills.

For the next few moments, I will talk about rural America. I come from a rural State. Many of us do. While runups in energy costs are dramatically impacting urban America, it is even greater in rural America. Why? It is quite simple. Many of my friends in Idaho drive 50, 60, 70 miles a day to just get their kids to school or just to shop at the local grocery store. That is not unusual in rural America.

All of the goods and services that flow to our farms and from our farms travel on the backs of 18-wheeler trucks, all consuming diesel oil.

Diesel oil is now being acquired by farmers across the Nation as they enter our fields for the spring farming season. All of that is going to drive up the overall cost of the farmers this year. In agriculture, farmers have experienced a 4-year run of very low commodity prices and have found most of their farms and ranches below break even. Now, because of an absence of a national energy policy, they find their cost of production could double, at least in the energy field. Many of the tools they use—the insecticides, the pesticides, and the herbicides that are made up of oil bases—are going to go up dramatically in cost.

In my State of Idaho, farming and ranching, logging and mining are also an important part of the rural economy. All of them very energy intensive. Those industries have found themselves nearly on their backs from the last few years at a time when we see energy costs ready to double or triple.

We have heard it from the homeowner and the apartment dweller in the Northeast for the last several months, that their fuel costs have doubled, their heating bills have doubled. Some are having to choose food over warmth or warmth over food. Many are senior citizens on fixed incomes.

While we have tried to offset that some with help from Washington, we have not been able to do it all. And in the next month and a half, we are going to hear it from the farmers and the ranchers as their fuel bills skyrocket.

We have already heard from the truckers. They have been to town several times, and many of our independent truckers are literally driving their trucks into their driveways, shut-

ting them down, and not turning them back on, therefore, risking bankruptcy and the loss of that income-making property because they cannot afford to pay the fuel bills.

Why? It is time we ask why, as a country, and it is time Congress dealt with at least some short-term provisions while we look at and strive for some long-term energy policy.

I do not think one can expect the Clinton-Gore administration to be very helpful, except begging at the doorsteps of the palaces of the sheiks of the OPEC nations, because that is their only energy policy.

Those are the kinds of things we are going to look at and abide by. I think this Congress will attempt to respond and respond in a positive way for the short-term provisions while we look at long-term policy to increase production of crude oil inside the 50 States of our Nation in a way that we can control it, we can shape our energy future without a group of energy nations meeting in Vienna having a choke hold around our very neck.

Secretary of the Interior Bruce Babbitt is talking about taking down valuable hydroelectric dams in the Pacific Northwest—the administration does not consider hydropower a renewable resource. Electricity from hydro meets about 10 to 12 percent of U.S. needs.

Environmental Protection Agency Administrator Carol Browner is trying to shut down coal fired electric generating plants in the midwest—which depends on those plants for 88 percent of its electricity. The U.S. depends on coal for 55 percent of its electricity needs.

While the Clinton-Gore administration tried to kill off the use of coal fired electricity it is doing nothing to increase the availability of domestic natural gas which is the fuel generators will use if they cannot use coal. To replace coal the U.S. must increase its use of natural gas by about 10 trillion cubic feet per year.

Federal land in the Rocky Mountain West could contain as much as 137 billion cubic feet of natural gas but the Clinton-Gore administration refuses to allow any oil and gas exploration on those lands.

Last week the President announced his plans for dealing with our current energy problem. Once again, his emphasis focused on conservation and renewable energy sources like solar, wind and biomass. We cannot put windmills on trucks or solar panels on trains or barges.

The Clinton-Gore administration has refused to even consider allowing exploration in the Alaska National Wildlife Refuge which could contain up to 16 billion barrels of domestic crude oil which could easily be moved to refineries in the lower 48 through the Alaska pipeline.

The Vice President has vowed to prohibit any future exploration for oil and natural gas on the Federal outer continental shelf when there are clearly

areas that have great potential for new domestic energy supplies. The President recently closed most of the Federal OCS to any exploration until 2012.

The Clinton-Gore administration embraces the Kyoto Protocol which would impose staggering economic costs on the United States. The Protocol would require the U.S. to vastly reduce its use of fossil fuels like oil, natural gas and coal to achieve reductions in emissions of carbon dioxide—which is not a pollutant under the Clean Air Act and has not yet been proven to be the cause of climate change. The U.S. Senate voted 95-0 to reject it.

Clearly, there is a pattern.

It started in 1993 when the Clinton-Gore administration proposed a \$73 billion 5-year tax to force U.S. use of fossil fuels down.

It continues with misguided Federal land use policies, environmental policies designed not necessarily to protect the environment but to kill fossil fuel use, and continues with administration support for the economically punitive Kyoto Protocol. This administration hates the fossil fuel industry and apparently the economic well-being these abundant and relatively cheap fuels have helped the U.S. economy achieve. These are the words of the Vice President:

Higher taxes on fossil fuels . . . is one of the logical first steps in changing our policies in a manner consistent with a more responsible approach to the environment.

That is by Senator AL GORE, from "Earth in the Balance," 1992, page 173.

To me it is pretty clear that this administration is unwilling to commit to a rational energy policy that will help America's families.

I yield the floor.

#### FLAG DESECRATION CONSTITUTIONAL AMENDMENT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consider S.J. Res. 14, which the clerk will report by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 14) proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

The Senate proceeded to consider the joint resolution.

Mr. GRAMS. Mr. President, the Constitution begins with the ringing words—"We the People"—for a reason. In our great nation, the people are empowered to decide the manner in which we are to be governed and the values we are to uphold. I join 80 percent of the American people in the belief the flag of the United States of America should be protected from physical desecration. And I am blessed to live in a nation where the will of the people can triumph over that of lawyers and judges.

In light of the U.S. Supreme Court decisions *Texas v. Johnson* (1989) and *United States v. Eichman* (1990), which

essentially abrogated flag desecration statutes passed by the federal government and 48 states, a constitutional amendment is clearly necessary to protect our flag. This would take the issue of flag protection out of the Courts and back to the legislatures where it belongs. As Chief Justice Rehnquist stated in his dissent, "Surely one of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people—whether it be murder, embezzlement, pollution, or flagburning."

Mr. President, the fight to protect "Old Glory" is a fight to restore duty, honor, and love of country to their rightful place. As Justice Stevens noted, "The flag uniquely symbolizes the ideas of liberty, equality, and tolerance." These are the values that form the bedrock of our nation. We are a nation comprised of individuals of varying races, creeds, and colors, with differing ideologies. We need to reinforce the values we hold in common in order for our nation to remain united, to remain strong.

Sadly, patriotism is on the decline. That's dangerous in a democracy. Just ask the military recruiters who can't find enough willing young people to fill the ranks of our military during this strong economy. What happened to the pride in serving your country? Where are the Americans willing to answer the call?

Protecting the flag reflects our desire to protect our nation from this erosion in patriotism. It signals that our government, as a reflection of the will of the people, believes all Americans should treat the flag with respect. The men and women of our armed forces who sacrificed for the flag should be shown they did not do so in vain. They fought, suffered, and died to preserve the very freedom and liberty which allow us to proclaim that desecrating the American flag goes too far and should be prohibited.

To say that our flag is just a piece of cloth—a rag that can be defiled and trampled upon and even burnt into ashes—is to dishonor every soldier who ever fought to protect it. Every star, every stripe on our flag was bought through their sacrifice.

The flag of the United States of America is a true, national treasure. Because of all that it symbolizes, we have always held our flag with the greatest esteem, with reverence. That is why we fly it so high above us. When the flag is aloft, it stands above political division and above partisanship.

Under our flag, we are united.

Most Americans cannot understand why anyone would burn a flag. Most Americans cannot understand why the Senate would not act decisively and overwhelmingly to pass an amendment affording our flag the protection it deserves.

This simple piece of cloth is indeed worthy of Constitutional protection. I urge my colleagues to follow the will of

"We the People" and accord the American flag the dignity it is due by supporting Senate Joint Resolution 14.

The PRESIDING OFFICER. Under the previous order, the Senator from Kentucky, Mr. MCCONNELL, is recognized to offer an amendment in the nature of a substitute.

AMENDMENT NO. 2889

(Purpose: To provide for the protection of the flag of the United States and free speech, and for other purposes)

Mr. MCCONNELL. Mr. President, I send an amendment to the desk pursuant to the order previously entered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself, Mr. BINGAMAN, Mr. BENNETT, Mr. CONRAD, Mr. DORGAN, Mr. DODD, Mr. TORRICELLI, Mr. BYRD, and Mr. LIEBERMAN, proposes an amendment numbered 2889.

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

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

The amendment is as follows:

Strike all after the resolving clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Flag Protection and Free Speech Act of 1999".

#### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the flag of the United States is a unique symbol of national unity and represents the values of liberty, justice, and equality that make this Nation an example of freedom unmatched throughout the world;

(2) the Bill of Rights is a guarantee of those freedoms and should not be amended in a manner that could be interpreted to restrict freedom, a course that is regularly resorted to by authoritarian governments which fear freedom and not by free and democratic nations;

(3) abuse of the flag of the United States causes more than pain and distress to the overwhelming majority of the American people and may amount to fighting words or a direct threat to the physical and emotional well-being of individuals at whom the threat is targeted; and

(4) destruction of the flag of the United States can be intended to incite a violent response rather than make a political statement and such conduct is outside the protections afforded by the first amendment to the Constitution.

(b) PURPOSE.—The purpose of this Act is to provide the maximum protection against the use of the flag of the United States to promote violence while respecting the liberties that it symbolizes.

#### SEC. 3. PROTECTION OF THE FLAG OF THE UNITED STATES AGAINST USE FOR PROMOTING VIOLENCE.

(a) IN GENERAL.—Section 700 of title 18, United States Code, is amended to read as follows:

#### § 700. Incitement; damage or destruction of property involving the flag of the United States

"(a) DEFINITION OF FLAG OF THE UNITED STATES.—In this section, the term 'flag of the United States' means any flag of the United States, or any part thereof, made of any substance, in any size, in a form that is