

In any event, the Environmental Protection Agency announced a new regulation to apply to some 122,000 facilities across the country. That regulation would require each of these 122,000 facilities to make public the worst-case scenario, the worst thing that could possibly happen if any of the materials handled by or stored in the facility were released.

So, in other words, Mr. President, we have a Federal Government warning against terrorism with one hand and instructing companies to publicize the worst thing a terrorist could possibly do with their materials on the other hand—in detail.

The Environmental Protection Agency, when it was asked how many deaths had resulted off of the site of one of these 122,000 plants from the release of such material, came up with the answer “zero.” No such deaths. But they have a regulation which will tell the terrorists exactly how to cause those deaths in very, very large numbers.

Mr. President, there is no question but that safety regulations are vitally important and environmental protection regulations are important. This Unocal plant, I may say, had 1 injury that caused one day of lost time in the last several years in its plant, and that was from heavy lifting, not the use of hazardous material. It runs an extremely safe plant.

But, Mr. President, could we possibly come up with a better illustration of the proposition that we need to look over our old regulations after a certain period of time and determine whether or not they are still relevant or still working; that before we impose new regulations, we ought to figure out what the cost and the downside is against whatever the purported gain is before we impose them? Are we going to simply publicize ways in which to engage in terrorism, when we have not had any serious problems from the very condition that the regulation is designed to control?

Mr. President, should we not have some kind of coordination among various Federal agencies as to whether or not the regulation of one is not going to undercut the very purpose for which another exists? Well, Mr. President, I think the answer to these questions is quite obvious. Here is another example of the use of the so-called safety regulation or environmental regulation in a way which is destructive of the very goals it seeks in the first place.

Mr. President, I ask unanimous consent that the Coast Guard missive and the letter from Mr. Powell of Unocal be printed in the RECORD at this point.

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

DEPARTMENT OF TRANSPORTATION,  
U.S. COAST GUARD,

Alameda, CA, January 14, 1996.

DEAR WATERFRONT FACILITY OPERATOR/  
MARITIME TRANSPORTATION COMPANY: As a result of a series of recent U.S. judicial proceedings, I have received an advisory indicating possible retaliatory acts against U.S.

interests. The sentencing of Sheikh Omar Abdel Rahman and nine others for their involvement in the bombing of the World Trade Center and other New York landmarks may prompt sympathizers to possible retaliation. Similar responses could also follow if the U.S. extradites Musa Abu Marzuq, a member of the “Islamic Resistance Movement (HAMAS)” to Israel for his involvement in terrorist activities there. In addition, Salman Rushdie, the target of an Iranian death order, is currently on a multi-city U.S. book tour. Finally, the trial of alleged bomb maker and terrorist Ramei Ahmed Youssef is expected in the first half of 1996. He and his accomplices are charged with conspiring to bomb a U.S. commercial airlines in the Asia Pacific region.

The possible retaliatory acts to these judicial proceedings may include attacks against the U.S. transportation infrastructure. It should be emphasized that no specific threats against any form of transportation have been identified to date. However, the Secretary of Transportation believes it is prudent and appropriate to ensure deterrence and prevention of these activities. Therefore, I am advising all waterfront facility operators and companies involved in maritime transportation in Northern California to take appropriate and immediate actions to ensure that adequate measures are in place to prevent or deter terrorist actions against facilities and port personnel. These actions should begin with a review of your security measures already in place and an assessment of whether or not additional security measures are necessary.

To facilitate information sharing and response actions during a security-related emergency, the Department of Transportation has established a hotline for reporting incidents. The number for the hotline is 1-800-424-0201. Should you receive any threats or notice any unusual activities which may compromise your security, I urge you to contact this hotline and appropriate law enforcement agencies. You may also contact the Marine Safety Office's watch office at (510) 437-3073 to report these incidents.

Your cooperation in ensuring the safety of the port is greatly appreciated. Should you have any questions regarding this matter, please contact Lieutenant Lee of my staff at (510) 437-5873.

Sincerely,

D.P. MONTORO,  
Captain, U.S. Coast Guard.

UNOCAL PETROLEUM PRODUCTS &  
CHEMICALS DIVISION,  
Kennewick, WA, June 26, 1995.  
Hon. RICHARD “DOC” HASTINGS,  
House of Representatives, Longworth Office  
Building, Washington, DC.

DEAR REPRESENTATIVE HASTINGS: Thank you for the time you afforded my entire family when we were in Washington, D.C. last week. Meeting a congressman in his office was a big event for us.

During our brief talk I told you that I was in town for a meeting of the Fertilizer Institute where EPA's proposed risk management (RM) regulations were discussed in depth. These regulations which focus on community safety are explicitly called for by the 1990 Clean Air Act Section 112(r)(7). In addition to our internal discussion, an EPA spokeswoman, Dr. Lyse Helsing of EPA's Chemical Emergency Preparedness and Prevention Office, provided us with an update of the status of their proposed regulations. EPA's proposed RM regulations will substantially overlap with existing regulations also called for by the Clean Air Act and already implemented by OSHA to protect worker safety. These are OSHA's Process Safety Management (PSM) regulations which went into ef-

fect in 1992. Unfortunately, the overlapping portions of the regulations are not quite identical. The Fertilizer Institute and Unocal feel this problem can be easily solved and that the solution would be in line with President Clinton's recent directive to eliminate or modify regulations that are obsolete or unnecessary.

The attached letter explaining the problem with these overlapping regulations was drafted by the Fertilizer Institute. It briefly explains the problem and offers a solution. I hope you will consider sending this or a similar letter to the EPA.

One element in the RM regulations called for by the Clean Air Act is not dealt with by OSHA in its PSM regulations. That is a requirement that industries storing certain hazardous materials above threshold quantities make public the “worst case” scenario for the release of this material including its impact on the surrounding community. RM regulations will effect 122,000 facilities in this country according to EPA's spokeswoman Dr. Lyse Helsing. When asked how many such worst case releases had ever resulted in an injury to a person offsite from the affected facility, Dr. Helsing stated that EPA's records showed zero deaths. She did not comment on injuries, but I suspect there is scant evidence of a problem. However, the requirement to publicize worst case information will be costly and we will in the process of releasing such information make it known to potential terrorists as well as to average citizens. In the wake of Oklahoma City, the Trade Tower incident in New York and subway incidents in Japan, I doubt that public safety will be enhanced by making worse case information public. This is especially true in this instance where EPA acknowledges no history of problem in this country.

The clock is ticking on EPA's court ordered deadline of March 1996 to issue RM regulations with a requirement for publication of worst case scenarios. I urge you to take action to avoid implementation of this aspect of the Clean Air Act.

Thank you for your time, your consideration and your constant efforts at improving the workings of our government.

Sincerely,

MARK R. POWELL.

Mr. GORTON. Mr. President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I compliment my colleague from Washington for that statement. That may be the most vivid example of bureaucracies running amok, actually endangering the lives of some of our constituents. That is unfortunate. I appreciate the Senator for bringing that to our attention. I hope we will be able to take some corrective action.

#### PRESIDIO PROPERTIES ADMINISTRATION ACT

Mr. MURKOWSKI. Mr. President, I wish to continue our earlier discussion a little bit more. I remind this body of the pending business that is before the Senate, and that is a package of parks bills, some 56 titles, and a couple of them are contentious—Utah wilderness and Presidio. And as we look at getting things done around here, it is inconceivable to me that we would not finish

what we started. We started yesterday with this parks package. It was scheduled to come up throughout the day. We had about 7½ hours of debate, good debate yesterday. Today, we were going to take amendments, and the first thing out of the box is the minimum wage. Putting aside the merits of the minimum wage, the question is, Why not finish what we started?

The Utah wilderness debate is a legitimate issue for the State of Utah. The Presidio trust establishment is a legitimate issue for the State of California. The concern relative to Utah wilderness is whether or not 2 million acres of additional wilderness is adequate or, as some from the elitist group suggest, it should be 5 to 6 million acres. Currently, Utah has a pretty good chunk of wilderness. They have approximately 800,000 acres that is Forest Service wilderness. The proposed bill that we presented would increase that BLM wilderness classification to 2 million acres, making a total of 2.8 million.

That is pretty significant, Mr. President, when you consider just how big a million acres of wilderness actually is. Few people recognize as they wander around in the great outdoors what a million acres of wilderness equates to. A million acres equates to a State the size of Delaware. Two million acres, what we are talking about, is about three times the size of the State of Rhode Island. Two million acres is about half the size of the State of New Jersey.

With reference to the Utah wilderness, why they are somewhat reluctant to put in even more acreage is that there has been an extended study done as to what would be adequate in the minds of Utahns, the legislature, the Governor, and so forth. And I think some 15 years have been spent in the study, some \$10 million expended to come up with the recommendation of 1.9 million. As I said before, the proposal here is 2 million acres.

Now, Utah needs for its economy, for its infrastructure, funds coming from resource development. Some of these areas would be used for the production of resources to support the needs of Utah—the schools and various other long-term commitments to better the residents of that State. Some might wonder why I am speaking coming from the State of Alaska, but we, too, are affected by wilderness designations. We have 56 million acres of wilderness in our State of Alaska, so I know something about the topic.

But, as we reflect on what is behind the issue, on one hand, of trying to reach an accord to get the 56 titles through that represent the parks in some 26 States, I encourage all my colleagues to remember the importance of standing behind this package. Because, if the Senate votes out this package, it will be accepted by the House. If the Utah wilderness is stricken, if the Presidio is stricken, why, the House has assured us, they are not even going to take it up.

But the significance here is what the Utahns are trying to do to develop their economy and meet their school obligations by utilizing the resources in that State, the resources that, if additional wilderness is set aside beyond the 2 million acres, they are simply not going to be able to achieve their needs.

Who are these folks who are proposing it should be 5 to 6 million acres? They are not residents of the State of Utah. They are some of the eastern elitists, who have moved their focus, if you will, from the West as being an area where there is great productivity and return for their investments, as they reside in the East, to easterners who look at the West as a great place to recreate.

What we are talking about here is balance. We are trying to get a balance between preserving the wilderness and developing our resources and trying to address our jobs. As I hear my colleagues this morning talk about the minimum wage, I ask them where in the world are the jobs that we formerly had in resource development in this country? We have lost 600,000 jobs since 1980 in the oil and gas industry; 600,000 jobs. These are not minimum-wage jobs. These are high-paying union jobs, blue-collar jobs of the highest skills necessary to produce oil and gas. What have we done? We have relied on imports. We are bringing in, now, 54 percent of our crude oil. Mr. President, 54 percent of our crude oil consumption is imported. So, what we are doing is we are exporting our dollars, we are exporting our jobs, and we have lost 600,000 jobs since 1980.

I do not see my colleagues on the other side of the aisle saying what can we do to stimulate domestic jobs in oil and gas production, where we have huge reservoirs simply ready to be tapped, we have the technology, we have the expertise to do it safely. They do not want to stand up and be counted, because some of the elitist groups might suggest we should not be developing oil and gas on public lands, we should not be generating revenue and taxes for the communities. They move over to the minimum wage, on a parks bill, and suggest that this is the issue for the Senate. This is not the business of the Senate. The business of the Senate is the 56 titles of the parks bill.

Look at the timber industry. Timber is a renewable resource. Do you know why the U.S. Forest Service was established? It was established so we could have an ongoing supply of timber. It is up to us to determine whether the management is adequate or inadequate. We have lost 30,000 timber jobs in 10 years. How many communities did that affect? Lots and lots.

As a consequence, I just am bewildered at my colleague's immediate jump to a minimum-wage increase with no consideration for the lost jobs in timber, mining, oil, gas, ranching—virtually every resource from public lands that has traditionally employed Americans in high-paying jobs. Where

have the jobs gone to in the United States? They have gone to the service industry. They have gone to McDonald's. They have gone to the low pay, as we import the things we need, like our wood fiber. Some of the extreme elitists suggest we do not have to develop that in the United States, we can import it. But many of those countries do not have the same environmental sensitivity that we do in the United States. They are not developing their renewable resources with the same sensitivity that we are.

So, I think it is a little inconsistent, as we listen to this debate today, particularly in view of the statement from my friend from Oklahoma that it is a bit coincidental, with the AFL-CIO in town, endorsing the current administration, committing \$35 million out of the union members in this country for a political action effort. Where are those people when it comes to the basic, hard-core resource jobs of this country? They are not on this floor. They are not defending the right to use our science and technology to keep this job base that we have had in this country, that has made this country self-sufficient.

Mr. President, 54 percent of our crude oil is imported. As I said, the dollars and jobs are going overseas. Over one-half the trade deficit is the cost of imported oil. There is absolutely no excuse for that. We are importing over 8 million barrels a day. The total cost to import that is \$1 billion per week. We could have those jobs in the United States if we would recognize, as we look at our regulatory requirements, that they really do not keep pace with the technological advancements. To suggest we cannot open up oil and gas deposits safely with the technology that we have been developing is really selling American engineering and ingenuity short.

I see the hour of 12:30 is almost upon us, Mr. President. I again remind my colleagues of the inappropriateness of trying to move a minimum-wage action on a parks bill, a parks bill that addresses some 25 States, 56 titles, and has been worked on for many, many years by many Members here and addresses the needs of many, many States.

So, I urge my colleagues to refrain from the debate on the minimum wage to simply take advantage of the political opportunity associated with the presence of the AFL-CIO and their convention in town and their pledge of \$35 million to the current administration and get back to the business of the Senate, which is this parks package, debate it, pass it, and move on. I am sure there will be a time and place for the minimum wage, but it is not on this parks bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, was leader's time reserved?

The PRESIDING OFFICER. It was.

#### EDMUND S. MUSKIE

Mr. DOLE. Mr. President, during a speech in the 1968 Presidential campaign, Senator Edmund Muskie, who was the Democrat nominee for Vice President, told his audience, "you have the God-given right to kick the Government around—don't hesitate to do so."

That remark was pure Ed Muskie. Blunt. To the point. And leaving no doubt that Americans should expect the best of their public officials.

And the best is just what the people of Maine and America received from Ed Muskie during a public service career that spanned five decades.

Along with all Senators, I join today in mourning the death of Ed Muskie, who passed away here in Washington early this morning.

The son of a Polish immigrant, Ed Muskie grew up knowing about the blessings of freedom and democracy, and he spent a life time standing up for those blessings, beginning with serving for 3 years in the Atlantic and Asiatic-Pacific Theaters in World War II.

After the war, he returned to his beloved Maine, and soon began his political career as a Democrat in a State that for over a century had rarely elected anybody but Republicans.

Ed Muskie changed all that. During his 6 years in the State house of representatives, his 4 years as Governor, and his 21 years in the U.S. Senate, Ed Muskie's intelligence and integrity changed the voting habits of Maine—many of whom called themselves Muskie Republicans.

Ed's years in the Senate were highlighted by his service as the first chairman of the Senate Budget Committee. I was proud to be on that committee with him at that time. In that role, Ed took some criticism from those of his party who believed he was too tough in his opposition to increased spending.

He handled this criticism by saying that America would not get its fiscal house in order if we continued to have public servants who—and I quote—"talked like Scrooge on the campaign trail, and voted like Santa Clause in the Senate."

Ed Muskie was a patriot who always answered the call of his Nation. He resigned from the Senate when President Carter asked him to serve as Secretary of State. And when Ronald Reagan—the man who defeated President Carter—asked him to serve on the Tower Commission, Ed was there, as well.

Mr. President, the State of Maine and America are better because of Ed Muskie's life and career.

I know all Senators join with me in extending our condolences to his family and friends.

Mr. KENNEDY. Mr. President, I want to thank and commend the majority leader for these comments. I join in the feeling which he has spoken so very eloquently about.

I wanted to speak very briefly on Senator Muskie. I do not know whether others wanted to speak on this matter, but I have some remarks.

I ask unanimous consent that we extend our recess time.

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

Mr. KENNEDY. I thank the leader very much.

Mr. DORGAN. Mr. President, I simply wanted to commend the majority leader for his comments about the late Senator Muskie. I did not know him well. I had met him a number of times. This was an era when there is often a caricature created about those involved in public service. He represented, I think, what is the best of public service. He was smart, tough, strong. He served not only the State of Maine but this country with great distinction.

All of us who had met him, or those of us who had crossed paths with him over the years will miss him. We extend our sympathies to the Muskie family. I yield the floor.

Mr. KENNEDY. Mr. President, I join in thanking the majority leader for his comments about Senator Muskie, and I would like to express my appreciation to others for their comments.

Ed Muskie was a fellow New Englander, and over his long and distinguished career, his friendship for the members of our family and for my brothers was very real, ongoing, and based upon our very high regard and great respect for Senator Muskie.

As has been pointed out here in the Senate, he was a Senator's Senator. I like to think of him as being the foremost authority on preserving the environment. Senator Muskie inherited this extraordinary commitment because he represented one of the most beautiful States in our country, the State of Maine. He spent a good deal of time on that issue as Governor and gave it very special attention in the Senate, where he championed the Clean Water Act and other environmental reforms. We made great progress in preserving the environment in those years, and Ed Muskie deserves the commendation and the gratitude of a nation.

He also took on challenging responsibilities as the first chairman of the Budget Committee, in trying to ensure that the Nation acts responsibly in its financial affairs. With his extraordinarily gifted mind and his ability to analyze and understand complex issues, he was able to get at the heart of the problem and master the details of a budget in a way which all of us admired and respected. He played an enormously important role in trying to

put this country on a path toward a more sensible and responsible fiscal policy.

His work as Secretary of State was outstanding as well. His key role in the release of the American hostages in Iran was an extraordinary diplomatic initiative and achievement. It was when he served as Secretary of State that this Nation achieved new heights in the preservation of human rights around the world, a cause which he championed.

Many commentators have described Ed Muskie as Lincolnesque. He was Lincolnesque in stature and character—a tall, lean man, a towering figure, with those piercing eyes and strong features that characterized an enormously gifted mind and a backbone of steel and courage.

He was a great public servant for our time. The people of Maine were well served, the Senate was well served, and the country was well served in a range of different responsibilities that he undertook.

Mr. President, I join with those expressing our sense of sorrow and loss to his wife Jane and the other members of the Muskie family. We will be saying our prayers for Ed Muskie and for his family. I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:49 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DEWINE].

Mr. DOLE. Mr. President, I need to have a brief discussion with the Democratic leader. Therefore, 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. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)