

Mr. FORD. While there is not a definition of "excavation" in the bill, some definitions in other bills on this subject would have covered routine railroad maintenance. I am concerned that railroads might be required to participate in a program that places an undue burden on activities that pose little threats to underground facilities. How would the bill before us affect this matter?

Mr. LOTT. Again, I say to Senator FORD, the bill does not require States to change their existing programs. So it would not change the way railroads are treated under any existing State laws. I understand about 30 States laws now cover at least some railroad activities while about 10 specifically exempt railroads from coverage. The bill will not change the exemption in these States. Will not. The fact that 30 States have chosen to include railroads within their programs suggests that at least in these instances, State legislatures determined that some potential threat to underground facilities from railroad activity does exist. Again, this bill in and of itself will not require a change in how the railroad activity is treated. Will not.

However, I want to reiterate that what is appropriate for one State may not be appropriate for another. To receive Federal assistance under the bill, a State must only demonstrate that its program covers those excavators whose action poses a significant risk to underground facilities.

The State's decisions will not be measured and second-guessed against a national standard.

Mr. FORD. Railroads also raised the issue of whether it is appropriate to require them to participate in one-call systems as "underground operators" because railroads own their right-of-ways and know the location of their own facilities within those right-of-ways.

Mr. LOTT. Again, if States do not now require railroads to participate as operators of underground facilities, then there still is no provision in the bill that would change that status. Remember, no mandates. Most State programs do not require participation by persons whose underground facilities lie within their own property like a gas station. The bill in no way discourages States from continuing such common sense exclusions.

Mr. FORD. The railroads also urged Congress to provide for immediate response in the case of derailments and natural disasters. Does the bill address this issue?

Mr. LOTT. Again, this bill neither specifies or directs the details of a State program nor does it override existing State programs. All of the State programs of which I am aware allow for an immediate response in the event of an emergency. And this bill does not change this situation.

Mr. FORD. Finally, the railroad industry expressed concern that the bill could possibly interfere with the right-

of-way agreements companies have negotiated between themselves. Can this concern be addressed?

Mr. LOTT. I want to personally assure Senator FORD that this bill does not override private contracts, just as it does not override existing State programs. If expert opinions believe doubt is created than I will offer an amendment to remove this consequence.

Mr. FORD. I thank the Leader for his clarifications regarding this legislation.

Mr. LOTT. Mr. President, I ask unanimous consent that the letter from Secretary Slater be printed in the RECORD.

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

THE SECRETARY OF TRANSPORTATION,
Washington, DC, October 16, 1997.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: Thank you for your continued support in developing legislation to enhance protection of America's underground utilities.

As you know, safety is the Department of Transportation's highest priority. Prevention of damage to underground facilities, including pipelines and telecommunications cables, is a key departmental safety initiative. That is why we included one-call legislation as part of the Administration's proposal to reauthorize the Intermodal Surface Transportation Efficiency Act (ISTEA).

Your continued leadership on one-call issues is critical to enacting legislation during this Congress. I am pleased that our respective bills share the same fundamental principles: that all underground facility operators must participate in one-call systems and that, with very limited exceptions, all excavators must call before they dig. I look forward to working with you to enact this important legislation.

Please do not hesitate to contact me or Mr. Steven O. Palmer, Assistant Secretary for Governmental Affairs, at 202-366-4573, if you have any questions or concerns.

Sincerely,

RODNEY E. SLATER.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, October 21, 1997, the Federal debt stood at \$5,420,383,941,176.62. (Five trillion, four hundred twenty billion, three hundred eighty-three million, nine hundred forty-one thousand, one hundred seventy-six dollars and sixty-two cents)

One year ago, October 21, 1996, the Federal debt stood at \$5,227,288,000,000. (Five trillion, two hundred twenty-seven billion, two hundred eighty-eight million)

Five years ago, October 21, 1992, the Federal debt stood at \$4,060,086,000,000. (Four trillion, sixty billion, eighty six million)

Ten years ago, October 21, 1987, the Federal debt stood at \$2,384,932,000,000. (Two trillion, three hundred eighty-four billion, nine hundred thirty-two million)

Fifteen years ago, October 21, 1982, the Federal debt stood at

\$1,140,014,000,000 (One trillion, one hundred forty billion, fourteen million) which reflects a debt increase of more than \$4 trillion—\$4,280,369,941,176.62 (Four trillion, two hundred eighty billion, one hundred sixty-nine million, nine hundred forty-one thousand, one hundred seventy-six dollars and sixty-two cents) during the past 15 years.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING OCTOBER 17TH

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending October 17, the United States imported 7,927,000 barrels of oil each day, 204,000 barrels less than the 8,131,000 imported each day during the same week a year ago.

While this is one of the few weeks that Americans imported less oil than the same week a year ago, Americans still relied on foreign oil for 55.4 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,927,000 barrels a day.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 appropriate committees.

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

MESSAGES FROM THE HOUSE

At 12:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendments of the Senate to concurrent resolution (H. Con. Res. 8) recognizing the significance of maintaining the health and stability of coral reef ecosystems.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 282. An act to designate the United States Post Office building located at 153

East 110th Street, New York, New York, as the "Oscar Garcia Rivera Post Building."

H.R. 681. An act to designate the United States Post Office building located at 313 East Broadway in Glendale, California, as the "Carlost J. Moorhead Post Office Building."

H.R. 708. An act to require the Secretary of the Interior to conduct a study concerning grazing use and open space within and adjacent to the Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges.

H.R. 1779. An act to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements.

H.R. 1787. An act to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.

H.R. 1789. An act to reauthorize the dairy indemnity program.

H.R. 1962. An act to provide for a Chief Financial Officer in the Executive Office of the President.

H.R. 2013. An act to designate the facility of the United States Postal Service located at 551 Kingstown Road in South Kingstown, Rhode Island, as the "David B. Champagne Post Office Building."

H.R. 2129. An act to designate the United States Post Office located at 150 North 3rd Street in Steubenville, Ohio, as the "Douglas Applegate Post Office."

H.R. 2204. An act to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes.

H.R. 2366. An act to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes.

H.R. 2464. An act to amend the Immigration and Nationality Act to exempt internationally adopted children 10 years of age or younger from the immunization requirement in section 212(a)(1)(A)(ii) of such.

H.R. 2535. An act to amend the Higher Education Act of 1965 to allow the consolidation of student loans under the Federal Family Loan Program and the Direct Loan Program.

H.R. 2564. An act to designate the United States Post Office located at 450 North Centre Street in Pottsville, Pennsylvania, as the "Peter J. McCloskey Postal Facility."

H.R. 2610. An act to amend the National Narcotics Leadership Act of 1988 to extend the authorization for the Office of National Drug Control Policy until September 30, 1999, to expand the responsibilities and powers of the Director of the Office of National Drug Control Policy, and for other purposes.

H.J. Res. 97. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 151. Concurrent resolution expressing the sense of the Congress that the United States should manage its forests to maximize the reduction of carbon dioxide in the atmosphere among many other objectives, and that the United States should serve as an example and as a world leader in managing its forests in a manner that substantially reduces the amount of carbon dioxide in the atmosphere.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 282. An act to designate the United States Post Office building located at 153 East 110th Street, New York, New York, as the "Oscar Garcia Rivera Post Office Building"; to the Committee on Governmental Affairs.

H.R. 681. An act to designate the United States Post Office building located at 313 East Broadway in Glendale, California, as the "Carlost J. Moorhead Post Office Building"; to the Committee on Governmental Affairs.

H.R. 1779. An act to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements; to the Committee on Energy and Natural Resources.

H.R. 1787. An act to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants; to the Committee on Environment and Public Works.

H.R. 1789. An act to reauthorize the dairy indemnity program; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 1962. An act to provide for a Chief Financial Officer in the Executive Office of the President; to the Committee on Governmental Affairs.

H.R. 2129. An act to designate the United States Post Office located at 150 North 3rd Street in Steubenville, Ohio, as the "Douglas Applegate Post Office"; to the Committee on Governmental Affairs.

H.R. 2366. An act to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes; to the Committee on Governmental Affairs.

H.R. 2564. An act to designate the United States Post Office located at 450 North Centre Street in Pottsville, Pennsylvania, as the "Peter J. McCloskey Postal Facility"; to the Committee on Governmental Affairs.

H.R. 2610. An act to amend the National Narcotics Leadership Act of 1988 to extend the authorization for the Office of National Drug Control Policy until September 30, 1999, to expand the responsibilities and powers of the Director of the Office of National Drug Control Policy, and for other purposes; to the Committee on the Judiciary.

The following measure was read and referred as indicated:

H. Con. Res. 151. Concurrent resolution expressing the sense of the Congress that the United States should manage its forests to maximize the reduction of carbon dioxide in the atmosphere among many other objectives, and that the United States should serve as an example and as a world leader in managing its forests in a manner that substantially reduces the amount of carbon dioxide in the atmosphere; to the Committee on Agriculture, Nutrition, and Forestry.

The Committee on Energy and Natural Resources was discharged from further consideration of the following measure which was referred to the Committee on Environment and Public Works:

S. 1268. A bill to amend the Tennessee Valley Authority Act of 1933 to modify provisions relating to the Board of Directors of the Tennessee Valley Authority, and for other purposes.

Pursuant to the order of the Senate of October 22, 1997, the following measures were considered jointly referred to the Committee on Finance and to the Committee on Governmental Affairs:

S. 613. A bill to provide that Kentucky may not tax compensation paid to a resident of Tennessee for certain services performed at Fort Campbell, Kentucky.

H.R. 1953. An act to clarify State authority to tax compensation paid to certain employees.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

M. John Berry, of Maryland, to be an Assistant Secretary of the Interior.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. JEFFORDS, from the Committee on Labor and Human Resources:

Ela Yazzie-King, of Arizona, to be a Member of the National Council on Disability for a term expiring September 17, 1999. (Reappointment)

Espiridion A. Borrego, of Texas, to be Assistant Secretary of Labor for Veterans' Employment and Training.

Patricia Watkins Lattimore, of the District of Columbia, to be an Assistant Secretary of Labor.

Charles N. Jeffress, of North Carolina, to be an Assistant Secretary of Labor.

Jeanette C. Takamura, of Hawaii, to be Assistant Secretary for Aging, Department of Health and Human Services.

Robert H. Beatty, Jr., of West Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for the remainder of the term expiring August 30, 1998.

David Satcher, of Tennessee, to be an Assistant Secretary of Health and Human Services.

David Satcher, of Tennessee, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service for a term of four years.

Susan Robinson King, of the District of Columbia, to be an Assistant Secretary of Labor.

(The above nomination was reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Docs. 104-28 and 105-26 Migratory Bird Protocol With Canada and Migratory Bird Protocol With Mexico (Exec. Rept. 105-5).

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol between the Government of the United States of America and the Government of the United Mexican States Amending the Convention for the Protection of Migratory Birds and Game Mammals, signed at Mexico City on May 5, 1997 (Treaty Doc. 105-26), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the