

approximately \$3.1 billion." The ITC's main source for this conclusion was its own 1991 study that found the 1989 cost to the economy of the Jones Act ranged from \$3.6 billion to \$9.8 billion.

The ITC staff developed these estimates by figuring the difference between U.S. and world shipping rates, and saying the higher U.S. costs are a sort of "tariff" charged to shippers using Jones Act vessels.

But the flaw in the ITC's analysis is that it took the rates charged by foreign-flag operators using "flag of convenience" registry in countries such as Panama, Liberia or the Bahamas. Those nations have either non-existent or very low rates of taxation and regulation.

The ITC then concluded that shippers could obtain world-rate savings in the waterborne domestic commerce of the United States by allowing in competitors who are free of the burdens of U.S. taxation and regulation, and who could compete with land and air modes of transportation that are subject to U.S. regulation and taxation. That premise is, of course, fatally flawed as a matter of law and policy.

The ITC doesn't understand the difference between importing shoes and importing transportation services. With shoes, the producer's costs, including associated tax and regulatory burdens, are incurred in the exporting state.

With most services, the producer's costs, including associated tax and regulatory burdens, are incurred in the importing state. But the reform coalition wants to change that with respect to domestic maritime transportation, and preserve the law of the flag of registry.

The reason is simple: If U.S. tax and regulatory costs were extended to all competitors in domestic trades, whether U.S. or foreign flag, then the savings to shippers from repealing the Jones Act would range from \$0 to nearly \$0—setting aside the separate cost of building vessels in U.S. yards.

There's not much fuel for reform there.●

#### TRIBUTE TO RICHARD MORGAN ON BEING NAMED THE CENTER OSSISPEE CITIZEN OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Richard Morgan, chief of police of Ossipee, NH, on being named the Center Ossipee's Citizen of the Year. I commend his outstanding community involvement, and congratulate him on this well-deserved honor.

Richard's commitment to his community is outstanding. He volunteers as a community member of the Domestic Violence Committee, as a moderator for the Central Ossipee's Fire Precinct, and as a community member on the board for Lakeview Neurorehabilitation Center. Richard also volunteered to chair the annual Ossipee Old Home Week. He is a Carroll County representative to executive board of New Hampshire Association Chiefs of Police, and president of the Carroll County Chiefs of Police.

Many know Richard as always willing to take responsibility, whether to chair the Ossipee Rescue Advisory Board, help organize and run the first annual winter carnival, or organize the annual fishing derby, and Safe Haven Homes for kids in town. Whatever he commits to, he always does the job well.

Richard has dedicated his time, talent, and energy to serving the residents of Ossipee in an exemplary way.

As a fellow Carroll County resident, I am proud to honor Richard Morgan's outstanding community commitment which is so important to the future and prosperity of Center Ossipee. We are indeed indebted to him for his efforts. Congratulations to Richard on this distinguished recognition. I am honored to represent him in the U.S. Senate.●

#### JACK THOMPSON

● Mr. LEVIN. Mr. President, I rise today to pay tribute to a constituent, a friend, a leader, and a great American. Jack Thompson recently retired from the Monroe Auto Equipment Co. in Michigan after a long and legendary career that is the embodiment of the American dream.

Jack started working at Ford Motor Co. in 1957. He later rose from the factory floor to lead a billion-dollar automotive supply company. Along the way, Jack demonstrated what it is to be not only a great leader, but a great human being. Jack's respect for the people working the floor drove his manufacturing philosophy throughout his career. His experiences gave him a lifelong respect and admiration for these workers, who are the keystone of success for any company.

Jack never measured success by a better title, a bigger office, or higher profits. Jack's success was measured by the success of his workers, whom he continuously cheered on and challenged. He has always been his workers' biggest champion. A telling example of Jack's leadership qualities came in 1986 when Jack received the Monroe Management Club's first Manager of the Year Award. Voted by Jack's subordinates, peers, and superiors, the award recognized his excellence in not only what he accomplished, but also how he accomplished it.

Twenty years ago, Jack put together a 10-point operating philosophy that he used and taught others. The first point on that list says a lot about how Jack approached business and life. It simply said, "be completely honest." That's just one of the qualities that have made Jack a shining example to his workers, friends, and neighbors.

I know my Senate colleagues join me in honoring Jack Thompson on his outstanding career.●

#### MUSEUM OF AFRICAN AMERICAN HISTORY

● Mr. LEVIN. Mr. President, I would like to make my colleagues aware of an important event taking place in my home city of Detroit, MI—the opening of the new Museum of African-American History. The museum is unique in its size, scope and mission.

Located in Detroit's Cultural Center, the 120,000 square foot Museum of African-American History is the largest museum in the Nation dedicated to

documenting and celebrating the African-American experience. It is led by Kimberley Camp, who was the first African-American gallery director in the history of the Smithsonian Institute. Under Dr. Camp's leadership, the museum is poised to become a destination for tourists and researchers from around the country. The Detroit News recently reported that, "Camp wants every visitor's experience to be personal. Some may be moved by the reality of slave sleeping quarters and pieces of a slave ship. Others may be enchanted by an exhibit on quilting, an African-American tradition. Still others may appreciate an Africa exhibit that opens in June, exploring the continent's diversity."

The museum was designed by prominent Detroit architects Howard Sims and Harold Varner, of Sims-Varner and Associates, Inc. Using contemporary building materials, Mr. Sims and Mr. Varner created a building thoroughly American in design, but with significant accents which evoke African culture and traditions. Two Detroit artists, Richard Bennett and Hubert Massey, created the most striking of these accents. Mr. Bennett's massive African-style masks adorn the facade above the bronze front doors, which he also created. Mr. Massey's terrazzo tile mosaic, "Genealogy," is interwoven with the floor in the rotunda. Crowning the rotunda is a glass and steel dome, the largest dome in southeastern Michigan.

The central display in the museum will be the core exhibition, "Of the people: An African-American experience." This exhibition will use historical artifacts, audio recordings, documents, and three-dimensional displays to take visitors through the totality of the African-American experience, from the first slave ships through the present day. Displays will also put into context the importance of African traditions in historical and modern American culture. Two additional galleries will be used for new and changing exhibits.

The men and women of the new Museum of African-American History are committed to creating an institution which is truly a partner in the community. To that end, the museum will offer a lecture series, after-school programs for Detroit children, weekend workshops for children and adults and theatrical arts programs.

The Museum never would have been built without the leadership of two remarkable mayors, Coleman Young and Dennis Archer, and without the financial support of the residents of Detroit and the corporate community. All of them came together and pledged their support for what will be the finest institution of its kind in the country.

At the museum's grand opening on April 12, the U.S. Postal Service will unveil the winning design for the first stamp celebrating Kwanzaa. The Kwanzaa stamp, which has been designed by the internationally acclaimed artist Synthia Saint James,

will highlight the importance of African traditions in the lives of so many Americans. Ms. Saint James is an accomplished author, poet, and award-winning illustrator of books for children and adults. She has previously been commissioned to create works of art for organizations like UNICEF, Dance Africa and the Girl Scouts of America.

Mr. President, it is important that we recognize the incredible contributions African-Americans have made to our nation's cultural heritage. People of all races will learn and be touched by their experience at Detroit's Museum of African-American History. On the occasion of the museum's grand opening, I know my colleagues join me in congratulating the men and women who helped make this remarkable institution a reality. •

#### ARLYNE BOCHNEK

• Mr. LEVIN. Mr. President, I rise today to recognize the achievements of Arlyne Bochniek, who is retiring from her position as regional director of the central region United Synagogue Youth. In her 9-year career with central region USY, Mrs. Bochniek has provided leadership and guidance to numerous young people in Michigan, Indiana, Ohio, Kentucky, West Virginia, and western Pennsylvania.

Mrs. Bochniek has been deeply devoted to her organization and the teenagers who make up its membership. She planned activities that encouraged young people to put their religious faith into action by giving back to their communities. Under her direction, teenagers throughout the Midwest have painted inner-city churches, volunteered at schools for the blind and homes for the elderly, and spent days cleaning up the environment. In addition, central region USY raises money to support charities in the United States, Europe, and Israel. This year, with Mrs. Bochniek's guidance, the teenagers of central region USY expect to raise \$17,000.

Arlyne Bochniek has been a powerful, positive influence in the lives of so many young people over the past 9 years. Her commitment to improving our communities and helping young people recognize the importance of volunteerism should serve as an inspiration to us all. I know my colleagues join me in expressing my appreciation and gratitude to Arlyne Bochniek on the occasion of her retirement from central region United Synagogue Youth. •

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE OF S. 104

• Mr. MURKOWSKI. Mr. President, in compliance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources has obtained a letter from the Congressional Budget Office containing an estimate of the costs of S. 104, the Energy Policy and Conservation Amendment Act, as reported from the committee. In addition, pursuant

to Public Law 104-4, the letter contains the opinion of the Congressional Budget Office regarding whether S. 104 contains intergovernmental mandates as defined in that act. I respectfully request that the opinion of the Congressional Budget Office be printed in the RECORD.

The opinion follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, March 21, 1997.  
Hon. FRANK H. MURKOWSKI,  
Chairman, Committee on Energy and Natural  
Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 104, the Nuclear Waste Policy Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kim Cawley.

Sincerely,

JUNE E. O'NEILL,  
Director.

Enclosure.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE S. 104—Nuclear Waste Policy Act of 1997

Summary: S. 104 would amend the Nuclear Waste Policy Act by directing the Department of Energy (DOE) to begin storing spent nuclear fuel and high-level nuclear waste at an interim facility in Nevada no later than November 30, 1999. The bill would direct DOE to continue site characterization activities at the proposed permanent repository site at Yucca Mountain, also in Nevada. Title IV would modify how the nuclear waste program is funded after 2002.

Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 104 would cost about \$4 billion over the 1997-2002 period. (The increase in 1997 spending only would be about \$15 million.) In addition, enacting the bill would affect direct spending—but not until 2002. Because S. 104 would not affect direct spending or receipts in either 1997 or 1998, pay-as-you-go procedures would not apply.

The state of Nevada and localities in the state would incur some additional costs as a result of this bill, but CBO is unsure whether the provisions causing those costs would be considered intergovernmental mandates, as defined in the Unfunded Mandates Reform Act of 1995 (UMRA). We estimate that the costs incurred by state and local governments would total significantly less than the threshold established in the law. (UMRA set a threshold of \$50 million for 1996, adjusted annually for inflation).

CBO estimates that S. 104 contains private-sector mandates that exceed the \$100 million threshold identified in UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 104 over the next five years is shown in the table below. CBO estimates that building and operating an interim storage facility and continuing the study of the Yucca Mountain site as authorized by the bill would require appropriations of about \$4 billion over the 1998-2002 period, resulting in outlays of about \$3.8 billion over that period. In addition, section 401 would result in an increase in offsetting receipts in 2002 because it would require certain utilities to make a one-time payment of nuclear waste fees to the government of about \$2.7 billion before the end of fiscal year 2002. Under current law, this payment is not expected to be made until 2010 or later.

S. 104 also would affect direct spending in later years by ending the current mandatory nuclear waste fee. Lost receipts would total about \$630 million annually beginning in 2004.

	By fiscal year, in millions of dollars					
	1997	1998	1999	2000	2001	2002
<b>SPENDING SUBJECT TO APPROPRIATION</b>						
Spending Under Current Law:						
Budget authority <sup>1</sup> .....	382	0	0	0	0	0
Estimated outlays .....	375	38	0	0	0	0
Proposed Changes:						
Authorization level .....	0	555	1,000	940	855	640
Estimated outlays .....	15	490	782	894	917	751
Spending Under S. 104:						
Authorization level <sup>1</sup> .....	382	555	1,000	940	855	640
Estimated outlays .....	390	528	782	894	917	751
<b>CHANGES IN DIRECT SPENDING</b>						
Estimated budget authority .....	0	0	0	0	0	-2,700
Estimated outlays ..	0	0	0	0	0	-2,700

<sup>1</sup> The 1997 level is the amount appropriated for that year.

The costs of this legislation fall within budget functions 050 (defense) and 270 (energy).

Basis of estimate: This estimate is based on DOE's program plan issued on May 6, 1996, and on information from the department concerning the costs of an interim storage facility. For purposes of the estimate, CBO assumes that S. 104 will be enacted by July 1, 1997, and that the department will proceed to develop an interim storage facility in Nevada to accept waste beginning in fiscal year 2000, as authorized by the bill. We assume that following the assessment of the viability of the Yucca Mountain site as a permanent waste repository, DOE would apply for a license from the Nuclear Regulatory Commission (NRC) to construct a permanent nuclear waste repository there in 2002, as detailed in the May 6, 1996, nuclear waste program plan.

#### Spending subject to appropriation

Yucca Mountain. S. 104 would direct DOE to proceed with its Civilian Radioactive Waste Management Program Plan of May 1996. This plan calls for continuing with the evaluation of the Yucca Mountain, Nevada site as a permanent repository for nuclear waste, and applying for a license from the NRC to construct a repository in 2002, if the site appears to be viable for this use. Based on information from DOE, we estimate this effort would cost about \$330 million annually over the 1998-2002 period.

Interim Storage Facility. The bill would require DOE to design and develop an interim nuclear waste storage facility at the Nevada test site. Based on information from DOE, we estimate the total costs of building, operating, and transporting nuclear waste to the Nevada facility would be about \$2.3 billion over the 1997-2002 period, including \$85 million appropriated in 1996. Spending from the existing \$85 million appropriation was made contingent upon enactment of an authorization of an interim nuclear waste repository, such as S. 104.

The facility would be built in two phases and designed to accept 55,000 metric tons of uranium (MTU). Initially, the facility would be designed to accept nuclear waste in special storage canisters; later it would accept fuel without canisters. If DOE does not apply for a license to construct a permanent repository in 2002, or if DOE does not begin to operate a permanent repository in 2010, the capacity could be increased to 75,000 MTU. Based on information from DOE, CBO estimates that the interim storage facility would initially cost about \$940 million to design, construct, and operate over the 1997-2002 period. This amount includes annual payments to Lincoln County, Nevada, of \$2.5 million before the first shipment of waste,