

I believe we will provide a bill that the President will want to sign. The President of the United States campaigned on flextime. He understands this need. Mrs. Clinton has spoken clearly on the need for flextime and the importance of having time with children. The President mentioned it in his State of the Union Message, specifically calling for flextime, the ability to have flexible working arrangements and schedules. The President, when he found that there was a narrow niche, a narrow sliver, a small group of Federal employees that did not have it when he took the Office of President, he extended it by Executive order. So there is no question in my mind that he really knows the value, the Clinton family understands the need of other families in this situation. Although the President does know that the only organized opposition, really, the only opposition to this whole proposal, has been through labor leaders of organized labor. I do not say organized labor generally, because so many working people want this. If you talk to the working mothers, it is almost a 10 to 1 ratio in favor of this. I believe we will have an opportunity to send to the President of the United States a bill which he will want to sign.

My question is whether or not somehow his sense of indebtedness to the labor leaders in Washington, DC, organized labor leaders, will in some measure inhibit his capacity to sign something that would be good for the American people. I hope it will not. He should understand, and I think he does, there are 28.9 million hourly paid working women in America. They need the relief of flexible working arrangements so they can spend time with their families, as well as accommodate the demand of the workplace.

I close with this point. One of the reasons we have prosperity in America, the standard of living we enjoy, is so many women are working and doing such a great job. I do not think there is a culture anywhere in the world that can match the United States in terms of the contribution that working women make to the way we live and the way we want to live, the way we aspire to live. We need these women to be productive and contributors to the marketplace as we are competing against the rest of the world, but while we need them, we owe them, and we owe them the opportunity to spend time with their family. That could be achieved if we had a reasonable approach to directing work arrangements and allowing them to make choices.

Never in this bill is there an opportunity for an employer to impose upon a worker the requirement to work in return for time off, instead of working in return for pay. Whenever a person says, "I would like to work for comptime," that means they will be able to take time off and still get pay, and if they decide they want to take time off and still get pay and before they take the time off they change

their mind and they want the time-and-a-half pay, they get the time-and-a-half pay. This is a measure that is designed to give workers choice and to give them the opportunity to do what we need for them to do the most, which is to be the kind of parents they ought to be.

It is not like the Family and Medical Leave Act, which says when you take time off it is without pay. This is the capacity of Americans to be good parents and not take a pay cut. We should not, as a Government, say to people that in order to be a good parent you have to take a pay cut. We should develop a capacity for flexible working arrangements in this country which allows parents to be what they need to be and what we need them to be, and that is good parents, and to do so in the context of providing for their families.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to use the time allotted to me during morning business at this time.

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

THE MINING LAW OF 1872

Mr. BUMPERS. Mr. President, on this beautiful Monday morning when there is absolutely nothing going on in the Senate or in the entire Congress, it is an ideal time to remind the Members of Congress and the American people that 125 years ago this past Saturday, Ulysses Grant, who was President of the United States, signed a bill called the mining law of 1872. This is now my ninth year of trying to get this law repealed. It is probably the biggest single scam that continues in effect in America today.

In the past several years I have brought up numerous amendments to try to modify or repeal the mining law. Each time some of my colleagues, who do not have any hard-rock mining in their State, voted with western Senators to oppose my amendment. The western Senators always argue the reason they do not want to require the mining companies to pay a royalty for mining on public land and the reason they want the mining companies to buy this land for \$2.50 an acre is because it creates jobs. That is absurd Mr. President. We do not tolerate that in the private sector. We do not tolerate it anywhere else in the public sector. We should not tolerate it here.

Let me just refresh people's memory on how the mining law works. Under the law that Ulysses Grant signed,

which was designed primarily to encourage people to move west, anybody who wanted to could go out on Federal lands and drive four stakes in the ground and claim 20 acres for the purpose of extracting hard-rock minerals.

I never will forget when I described what an outrage this was to one of my former colleagues. I was trying to get him to cosponsor the bill with me. When I got through explaining it to him, I said, "Well, will you help me with this?" He said, "No, I am going out west and start staking claims. I didn't know you could do that."

If you drive four stakes in the ground you own 20 acres of minerals as long as you want to hold that claim. And you can file as many of them as you want. If at some point you find that there is gold, silver, platinum, palladium, copper—you name it, under that 20 acres, you go to the Department of the Interior, to the BLM.

Let's say you have 100 acres, five claims, and you want to mine it because you think it has gold under it. If you can convince BLM that, yes, indeed, there is gold under it, they are obligated by law, and have been for 125 years, to give you a deed to that 100 acres for \$250 or \$500. Some claims go for \$2.50 per acre and others go for \$5.00 an acre. I will come back to that in a moment.

The big mining companies usually approach these people that have staked claims and they say, "You know, we think this is a good claim. We will buy that claim from you and we will give you a royalty." So the farmer in Arizona or Wyoming or Idaho or Montana says, "Here, take it." The mining companies will usually pay him a substantial royalty. What do they pay the United States, who gave it to him for \$5 or for \$2.50 an acre? Absolutely nothing.

Nothing has changed since 1872. The United States has not collected one dime of royalty on the more than 3 million acres that it has deeded away for either \$2.50 an acre or \$5 an acre.

Mr. President, I cannot believe I am standing here for the ninth year trying to educate my colleagues on this. But I will say this. The news magazines, from "60 Minutes" to "Prime Time Live" to "20/20", they have all done it. And NBC just as recently as 2 months ago, did a segment on this.

Is it not strange that we have no compunction about cutting \$55 billion out of welfare, \$16 billion out of Medicaid for the poorest children's health care in America and \$115 billion from Medicare—you can say you are going to take it out of providers. If you take it out of providers, the beneficiaries are going to suffer. An assault, literally, on the most vulnerable people in America—the elderly, the poor, and the children—and allow the biggest mining companies on Earth to buy Federal land with billions of dollars worth of gold under it for \$2.50 an acre. The Mineral Policy Center estimates that over the past 125 years we have

deeded land containing \$243 billion worth of minerals for which we received not one red cent.

Anybody who thinks this is all conjured up, just check the facts, check with anybody you want to. I have heard every argument under the shining Sun to keep from doing something about this. So, we now have 600 patent applications pending. I have had some partial success in the last 3 years in my efforts to do something about this. We have put a moratorium on the issuance of any additional patents. But we have been doing it on a yearly basis. We first imposed the moratorium in 1995. This moratorium has been renewed the last 2 years. GEORGE MILLER and I have a bill pending in both the House and Senate that would make that permanent—no more giveaway of the public domain.

There is not a Senator in this body who has not gone home and told the chamber of commerce and the Rotary Club what a magnificent steward he is of their money, their tax money. And when they run, what do they say? "I'll treat your money like it was my own." Really? Do they?

You know, Barrick Resources, which is the biggest gold company in the world pays private landowners substantial royalties. But suggest they pay poor old Uncle Sam, who literally gave them the minerals in the land, suggest they pay him cent farthing, and they come unglued.

No, we can't do that.

How about the State of Nevada? Do you pay them anything?

Oh, yes, we pay Nevada. We pay a severance tax. But Uncle Sugar? Just can't do it. It will cost jobs.

You think about 260 million people in this country who own those minerals and Congress insisting that they be kept in the dark about what has been going on. Of the 600 patents now pending, we have literally stopped 235 of those. There may be no way legally that we can stop the others. Sooner or later those patents will probably be issued—hopefully for not a lot of gold. If my and GEORGE MILLER's bill passes this year, there will be no more patents without royalties and reclamation fees mining companies will no longer be able to take a depletion allowance deduction on their tax returns.

You think about these people getting depletion allowances. The very nature of depletion is to recover your cost of a depleting mineral. Your cost? They do not have any cost. They did not pay anything for it. How can you deplete something you did not pay for? So GEORGE MILLER and I say, yes, in the future we are going to take this depletion allowance away from you.

Mr. President, think about this, as we have gone home and told the people, "My No. 1 priority is to balance the budget. I will spend your money like it was my own." On December 1, 1995, ASARCO received a deed to 349 acres in Arizona.

Did you know Bruce Babbitt has no choice? It is not up to him. This is the

law. He has to comply with the law. So he gives ASARCO a deed, for \$1,745—\$1,745, that is about how much a Senator makes in a week. For 349 acres they pay \$1,745. Do you know the rest of the story? Underneath that 347 acres is \$3 billion worth of copper and silver. Do you know what the United States will get in royalties, reclamation fees? Zip, zero, not a dime.

And then on September 6, 1995, Fax Kalk, a Danish corporation—incidentally, many of the biggest mining companies including Barrick are foreign. I do not have any objection to that. Barrick is a Canadian company. How would you like to be a miner and go up to Canada and say, "I want to buy a couple of acres of land with billions of dollars worth of minerals. I will give you \$10,000 for it." They would probably put you in jail for being insane. And yet that is what we do. And here is a Danish corporation called Fax Kalk. They only wanted 110 acres. And Bruce Babbitt had no choice. The law required him to give this Danish corporation a deed for that land for \$275, about 1 day's pay for a U.S. Senator. And what do you think it had under it? One billion dollars worth of travertine. So for \$275 we gave them \$1 billion, and what did we get in return in for the \$1 billion? Zip, zero, nothing.

On May 10, 1994, American Barrick, as I said the biggest gold mining operation probably in the world, received 1,800 acres of land in Nevada. They paid \$9,000—\$5 an acre—for that 1,800 acres and they got \$11 billion worth of gold.

The Stillwater Mining Co. in Montana has not received a full patent yet. They have what is called a first half certificate, but they are one of the companies that had to be grandfathered in the moratorium, and Stillwater wants about 2,000 acres in Montana.

But Stillwater Mining Co.—and this is in their prospectus. These are not my figures. This is what they say—for 2,000 acres, for which they will pay \$10,000—\$5 an acre—they get \$38 billion worth of palladium and platinum—their figures—and the U.S. taxpayer gets nothing.

Mr. President, these things are literally unbelievable. I have made this speech here for 9 years, and I must say that while for a long, long time it fell on deaf ears, it is now getting to the point where Senators—and I do not want to make this a partisan issue, but Senators on that side of the aisle with the exception of six or seven have stood fast to continue this, and the time is coming because of all these news magazine stories where you are going to see 30-second spots next fall on how people voted to give away the public domain. I can see a spot now saying, did you know so and so voted to continue the giveaway of gold and minerals? Did you know we have given away \$243 billion worth of gold, silver, platinum, and so on, in the past 125 years, and he votes to continue that. They haul out all the votes that we have had on amendments

that I have offered on this floor just in the last 3 years. The Mineral Policy Center said of the \$243 billion worth of gold, silver, et cetera, that we have given away in the past 125 years, if we had the kind of royalty which GEORGE MILLER and I have in our bill the taxpayers would have received \$12 billion.

Mr. President, I would like to summarize the legislation that I and Congressman MILLER have introduced. Mining companies would have to pay a 5-percent net smelter return royalty for operations on public land. Now, this is another dimension that I have not mentioned, and that is a lot of people in this country are mining claims on Federal lands that have not been patented. Once you patent it, they give you a deed for it and it is yours. But there are a lot of minerals being mined in this country on unpatented lands though they are Federal lands. They do not pay any royalty either. So that net smelter return is on unpatented lands and it is predicted to save \$175 million over the next 5 years.

A second part of the legislation is a claim maintenance fee. Until about 5 years ago, when you filed a claim, you had to submit some proof to BLM that you had done some work on it. You could go out there with a pick and shovel and work for about an hour, and then you sent it into the BLM and said I worked hard on my claim and I still haven't found anything. That was enough to renew it.

About 4 years ago I finally got this body and the Congress to put a \$100 annual fee on these claims, 20-acre claims. That is \$5 an acre a year to hold the claim. We had 800,000 claims at that time. We now have 330,000, which shows you that people were just willy-nilly filing claims hoping that Barrick or some other big gold mining company would come by and make an offer for it. Isn't it interesting that very seldom does a major mining company ever find this stuff. They buy the claim from some old nester who has had it for 50 or 100 years. They do not go out and explore for it until after they buy the claim. Now, they have a pretty good idea of what is there, but what they do is they buy claims from a guy who has owned it for the last 20 to 50 years and give him a royalty and yet they say they cannot give us one.

But in any event, our bill continues the \$100 annual fee on existing claims, and we make it \$125 on new claims. So if anybody goes out and files a claim under this bill for 20 acres, the new fee will be \$125. And that is only on unpatented lands, of course. Then we have a reclamation fee that ranges on a sliding scale from 2 percent to 5 percent of net income depending on the profitability of the company. Mr. President, you cannot charge a royalty to somebody who already owns the land even though we gave it to them. You take American Barrick that just in 1994 got \$11 billion worth of gold. It is theirs. You cannot charge somebody for mining on their own property. But

you can charge a reclamation fee, and we calculate that is worth \$750 million over the next 5 years. Do we need a reclamation fee? The Bureau of Mines says there are 250,000—listen to this—sites on BLM land that have been abandoned and need to be reclaimed, 2,000 claims in national parks, if you can believe it—abandoned, and the Mineral Policy Center says there are 557,000 mines that have been abandoned in this country on both public and private lands—557,000 mine sites that need to be cleaned up. Do you know what they estimate the cost of cleaning them up to be? Somewhere between \$32.7 billion and \$71.5 billion.

So here we have given away 3 million acres that had \$243 billion worth of gold, silver, platinum, and palladium under it, and what have we gotten in return? We have gotten 250,000 sites that we have to clean up on BLM sites and 2,000 in the national parks. Sometimes I have a hard time believing my own words. If I did not do so much research on this all the time, I would not believe it. So why not charge a reclamation fee and say we are at least going to start cleaning up these sites.

Now, these people not only get the land for \$2.50 per acre, they not only get \$1 billion worth of gold for which they pay the U.S. Government not one cent, they also leave an unmitigated environmental disaster. Listen to this; 59 of the sites on the Superfund National Priority List are directly related to hardrock mining. Who could argue that we need to charge a reclamation fee to help reclaim the hundreds of thousands of acres that have been abandoned by the mining companies.

And finally, Mr. President, I have already alluded to the fact that our bill contains a fourth provision and that is a depletion allowance repeal. I forget exactly what it is. I think it is 15 percent for gold, for silver and copper, and 22 percent for palladium and platinum. We have always allowed depletion on oil because it was a depleting resource, gas because it was a depleting resource, and, yes, a depletion allowance on private land would make some sense. But to allow people to get land from the U.S. Government for virtually nothing, leave us an unmitigated disaster to clean up, and then get a 15 to 22 percent depletion allowance to deplete a resource that they paid nothing for. That is absurd.

Congressman MILLER and I will be working very hard to pass this bill this year. I would like to think that the time has come when Senators did not feel they could just accommodate their good friends. They are my good friends, too. Some of the people I debate this with—and the debate could get very loud and raucous—are my best friends. It is kind of like trial lawyers. Trial lawyers fight all day long and go out to dinner together. I have done that, too. This is not aimed at anybody individually. This is aimed at trying to bring some fundamental fairness to what simply is so intolerable it cannot be tolerated any longer.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, May 9, 1997, the Federal debt stood at \$5,331,940,681,736.92. (Five trillion, three hundred thirty-one billion, nine hundred forty million, six hundred eighty-one thousand, seven hundred thirty-six dollars and ninety-two cents.)

One year ago, May 9, 1996, the Federal debt stood at \$5,088,829,000,000. (Five trillion, eighty-eight billion, eight hundred twenty-nine million)

Twenty-five years ago, May 9, 1972, the Federal debt stood at \$426,455,000,000 (four hundred twenty-six billion, four hundred fifty-five million), which reflects a debt increase of nearly \$5 trillion—\$4,905,485,681,736.92 (four trillion, nine hundred five billion, four hundred eighty-five million, six hundred eighty-one thousand, seven hundred thirty-six dollars and ninety-two cents), during the past 25 years.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1997

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 46, S. 717.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 717) to amend the Individuals With Disabilities Education Act, to reauthorize and make improvements to that act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Jim Downing, a fellow with the Committee on Labor and Human Resources, and Mark Hall, a fellow with the leader's office, be accorded privilege of the floor during Senate consideration of the Individuals With Disabilities Education Act Amendments of 1997, S. 717.

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

Mr. JEFFORDS. Mr. President, today is a special occasion for me and I am proud to be with my distinguished colleagues to consider S. 717, the Individuals With Disabilities Education Act Amendments of 1997.

I was there in the beginning, in 1975, Congress faced with a patchwork of court decisions, first took the historic step in assuring educational opportunities for some of the most vulnerable in our society, children with disabilities.

In 1975, the Education of All Handicapped Children Act, or Public Law 94-142, was enacted to assist States in meeting the goal of providing a free appropriate public education and offering an equal educational opportunity to all children.

Public Law 94-142 has done much to meet the educational needs of children with disabilities.

Over the life of this historic legislation we have seen many advances toward the attainment of these goals—advances in educational technique, advances in technology, advances in opportunity, and advances in our expectations. Children with disabilities are now being educated alongside their peers in unprecedented numbers. Children with disabilities are now achieving beyond our wildest dreams.

Before Public Law 94-142, society placed little value on the lives of children with disabilities. Millions of children with disabilities were denied access to education, and we invested few resources in anything more than simple caretaking. We have now learned that investment in the education of children with disabilities from birth throughout their school years has rewards and benefits, not only for children with disabilities and their families, but for our whole society.

We have proven that investment in educational opportunity for all of our kids enriches society. We have proven that promoting educational opportunity for our children with disabilities directly impacts their opportunity to live independent lives as contributing members to society. Most importantly, we have learned to value all of America's children.

Public Law 94-142 was written in different times to address basic concerns. Concerns that have evolved into expectations. With this evolution in expectations has come an evolution in other concerns that its drafters could never have anticipated. Concerns that must be addressed if we are to continue in the advancement and development of educational programs that have done so much for America's children, our children.

This year, Mr. President, I have worked hand in hand with majority leader TRENT LOTT and Chairman GOODLING in the development of this agreement. We have also worked hand in hand with Senators KENNEDY and HARKIN here in the Senate. A bicameral, bipartisan agreement has been reached.

The process in itself is historic, one in which Democrats, Republicans, the