

is so vital to our Nation's economic productivity and quality of life. This was an important undertaking that presented many difficult issues. I applaud him for his patience and his willingness to meet with me and my constituents in California on one of those issues involving a fixed-guideway transit project.

As the chairman knows, my State has many requests for transportation investments, particularly in the area of bus and bus facilities. I would like to bring to the chairman's attention two projects in particular which were not funded in either the Senate or the House bills. The first was a request from the Los Angeles Metropolitan Transit Operators Coalition, which represents 8 municipal transit operators serving more than 63 million passengers annually in 36 cities of Los Angeles County. The coalition was formed to obtain economies of scale in procuring replacement and expansion buses and to provide critical alternative fuel facilities. These clean-fuel buses are vital for the Los Angeles area which has the most severe air pollution in the country. The second project involves replacement and expansion buses for the growing city of Santa Clarita.

I ask the chairman if he would support some funding for these two projects when he meets in conference with the House on the Transportation appropriations bill?

Mr. SHELBY. I understand the Senator's concerns about funding for bus and bus facilities in California and the subcommittee did face very difficult choices for funding. I will be happy to work with the Senator on these issues in the conference committee.

Mrs. BOXER. I thank the Senator and ask if he would respond to an additional question.

Mr. SHELBY. I would be happy to.

Mrs. BOXER. As the Senator knows, the advanced technology transit bus [ATTB] under development in California has the potential to be the next-generation urban transit bus. It has already demonstrated its ability to provide maintenance savings, accommodation for the disabled, and to be a platform for a variety of clean-fuel technologies. The committee agreed at my request to provide some funding for the project under the bus program. I now understand that the chairman did meet the President's request for full funding of the project at \$10 million under the Transit Planning and Research Program and ask that he support transferring the \$2 million earmarked elsewhere for the ATTB in the bus program funding to Foothill Transit.

Mr. SHELBY. Yes, the committee fully funded the President's request under the Transit Planning and Research Program. I will be happy to work with the distinguished Senator from California during conference committee consideration of this issue.

Mrs. BOXER. I thank the Senator for his continued cooperation and leadership on the Transportation appropriations bill.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on passage of the bill, as amended.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—98

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Gregg	Nickles
Brownback	Hagel	Reed
Bryan	Harkin	Reid
Bumpers	Hatch	Robb
Burns	Helms	Roberts
Byrd	Hollings	Rockefeller
Campbell	Hutchinson	Santorum
Chafee	Hutchison	Sarbanes
Cleland	Inhofe	Sessions
Coats	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kempthorne	Snowe
Coverdell	Kennedy	Specter
Craig	Kerrey	Stevens
D'Amato	Kerry	Thomas
Daschle	Kohl	Thompson
DeWine	Kyl	Thurmond
Dodd	Landrieu	Torricelli
Domenici	Lautenberg	Warner
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Enzi	Lieberman	

NAYS—1

RotH

NOT VOTING—1

Faircloth

The bill (H.R. 2169), as amended, was passed.

The PRESIDING OFFICER. Under a previous order, the Senate insists on its amendment, requests a conference with the House, and the Chair is authorized to appoint conferees.

The PRESIDING OFFICER (Mr. HUTCHINSON) appointed Mr. SHELBY, Mr. DOMENICI, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. BENNETT, Mr. FAIRCLOTH, Mr. STEVENS, Mr. LAUTENBERG, Mr. BYRD, Ms. MIKULSKI, Mr. REID, Mr. KOHL, and Mrs. MURRAY conferees on the part of the Senate.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### INTERNATIONAL DOLPHIN CONSERVATION PROGRAM ACT

Mr. INHOFE. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 408, the House companion to the tuna-dolphin legislation. I further ask unanimous consent that the Senate proceed to its consider-

ation and all after the enacting clause be stricken and the text of S. 39 as passed by the Senate be inserted in lieu thereof, the bill then be considered read a third time and passed, with the motion to reconsider laid on the table.

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

The bill (H.R. 408), as amended, was passed.

#### MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent that between now and 12 o'clock we have a period of morning business.

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

#### ORDER OF SPONSORSHIP—S. 1084

Mr. INHOFE. Mr. President, I also ask unanimous consent that the bill I introduced yesterday, S. 1084, that was introduced as the Inhofe-Breaux bill, be changed so that the bill be considered the Breaux-Inhofe bill.

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

#### OZONE AND PARTICULATE MATTER RESEARCH ACT OF 1997

Mr. INHOFE. Let me make a couple comments. Since we are down to a few minutes, there will not be the time for detail which I will go into later.

Yesterday, Senator BREAUX and I introduced S. 1084 entitled the "Ozone and Particulate Matter Research Act of 1997." This bill offers a simple solution to a very serious problem. I think there is a large segment of the population out there that will consider this bill to be singly the most significant of this legislative session.

In essence, this legislation provides the authority and resources to conduct the necessary scientific research and monitoring for the national ambient air quality standards for ozone and particulate matter. It reinstates the pre-existing standards for both pollutants and requires the agency to wait until the research is complete before they revise the standards.

The bill creates an independent panel which will be convened by the National Academy of Sciences to prioritize the needed particulate matter research. This would take the politics out of setting research priorities. Next, a panel will be created to oversee the Federal research program in order to ensure that the priorities set out will be followed.

Mr. President, just to bring us up to date here in this short period of time, last November the Administrator of the EPA came out with a message on behalf of the administration stating that we should change our ambient air standards so far as ozone and particulate matter are concerned. In particulate matter, it would mean that we

would drop it down from 10 microns to 2.5 microns. In ozone, which is measured by parts per million, it would drop it down from .12 to .08.

While that sounds technical and a little confusing to some people, the bottom line is that many counties throughout the United States would find themselves out of attainment with these new standards. I can tell you, when I was mayor of the city of Tulsa and we were out of attainment, how difficult it was. There was not any possibility of recruiting any new industry. A lot of industries had been shut down or had to reduce the number of shifts they had. We had to impose various requirements for car pooling and impose things that really changed the lifestyle of our citizens.

The problem is that when the Administrator came out with the proposed new standards in November, we did some research only to find out that there is no scientific justification for lowering the standards. In fact, as the chairman of the Clean Air Subcommittee of the Environment and Public Works Committee, I held my first hearing, a scientific hearing, where we had members of CASAC—that is the Clean Air Scientific Advisory Committee—to come in and advise us as to what the science is behind these recommended changes, only to find that there is no scientific consensus behind these recommended changes. In fact, these experts said there is no bright line, as they call it, for ozone levels beyond which it can be said to be detrimental to human health. As far as particulate matter is concerned, they say there is no science that concludes that there is any causal relationship between any level or type of 2.5-micron particulate matter and respiratory diseases. When asked how long it would take to establish such conclusions, they said it would be approximately 5 years before we should know.

Consequently, we feel that legislation is warranted to postpone any decision to set an arbitrary new standard for these pollutants. Instead we need more study and this bill provides for it. Clearly, as you can see from the original sponsor and cosponsor as well as from those behind a corresponding bill in the other body, this is a bipartisan effort. It is a bipartisan effort that wants clean air, that wants us to make sure that we do not impose any hardships on the American people which are going to be costly and make us non-competitive on a global basis, inconvenience the American people, and cost us billions of dollars unless there is some scientific justification for it.

I have been critical of EPA. When their proposed rules first came out, the Agency claimed the new standards were needed to prevent 40,000 premature deaths per year due to respiratory problems. Then some months later they changed that to 20,000 deaths, and then recently they knocked that down again to a much smaller amount. At the same time, a

research group called the Reason Foundation out in California concluded that a more accurate figure would be no more than 1,000 premature deaths, if that. So there has been a lot of scare talk around. And a lot of misinformation.

We hear many say that those of us who differ with the EPA don't want dirty air. Let me assure you, Mr. President, I have four kids and six grandkids. I do not want dirty air either. I care about their health and well-being as much, I dare say, as any public servant shuffling paper in some Federal agency. What I am concerned about is that we approach this issue in a rational and orderly manner. We should do the science first, we should know what's causing the problem, we should be clear about what is needed to address the problem and then take action with a proper consideration of all the consequences—both wanted and unwanted. What we don't want to do is put ourselves in a position where our philosophy is "ready, fire and aim" instead of the more reasonable "ready, aim and fire." Unfortunately, the EPA wants to shoot first and ask questions later. This is not right.

In the House of Representatives, on a bipartisan basis, H.R. 1984 was introduced, and this bill is very similar to the bill we are introducing.

So I would like to suggest to you, Mr. President, that there is going to be a lot of activity during the August recess, a lot of education going on to make sure that people understand what is about to happen and to make sure we don't go ahead and adopt standards that are artificially reduced with inadequate science to justify those reduced standards.

Mr. President, 12 o'clock being near, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. We have plenty of time. I wonder if the Senator from Oklahoma desires additional time.

Mr. INHOFE. I would like to have 5 additional minutes if I may.

Mr. DOMENICI. I yield up to 10 minutes to the Senator.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Oklahoma.

Mr. INHOFE. I thank the Senator from New Mexico.

To give you an idea of how this issue has been distorted, it was stated by the administration that, in the event that we do adopt the lower standards for ozone and particulate matter, they said it would only cost \$9 billion. Yet, last week, when we had Mary Nichols, the EPA's Assistant Secretary for Air, she stated that the cost would be \$9.1 billion, a very uneven number, making us believe there is some scientific reason for that, when, in fact, the Reason Foundation, out in California, concluded, in its study, that the cost is not going to be \$9.1 billion if we adopt these standards. Instead, they say it is going to be somewhere between \$90 and

\$150 billion. In fact, the President's own Council of Economic Advisers put the cost at \$60 billion for the ozone standard alone.

If we split the difference between the \$90 and the \$150 billion, that means that for a family of four on average income, it would cost them approximately \$1,600 a year—\$1,600 a year—to do something for which there is not adequate science to justify it. Second, the administration, in their scare tactics, back in November, said in the event we do not do this, it is going to result in 40,000 premature deaths a year. In December, they dropped that down to 20,000 premature deaths a year. In April, it came down to 15,000 premature deaths a year. Again, many groups now say it is less than 1,000.

It was kind of interesting, because when we had the people who are trying to claim the number of premature deaths that would be there if we did not lower these ozone and particulate matter standards, I described the death of my beloved mother-in-law, which took place on New Year's Day. She was 94 years old. It was one of those deaths that was a real blessing; the time was here. Yet, the circumstances under which she died would have qualified her, according to these so-called experts, to be counted as a premature death.

I think we have also been told things that are not true by the administration, when they say how many people are going to be affected. I have a chart here that we found by some accident, of the Southeastern part of the United States. This came out of the EPA. This is not my chart. What they are trying to say is only the counties, if we lower these standards, in the dark green would be affected in terms of having to come into compliance. Now we see these concentric circles around here covering more than half of this whole region, admitting at one point there would have to be some controls. They call this level 1 control region; level 2 control region—this would be level 2. In other words, the areas actually subject to some form of regulation under these new standards are much larger than people are sometimes being led to believe. So we are getting information that is certainly not consistent with the facts.

Another criticism I have with the administration is how they have tried to sell this idea by singling out certain people. Certainly the Presiding Officer, being from Kansas, and the former chairman of the House Agriculture Committee, understands that this would have a tremendous effect on the agricultural community throughout the United States. You would have Government saying when you can disk, when you can till, when you can burn off a field, when you can use fertilizers, when you can harvest a crop. I can tell you right now, if you ask the average farmer in America what his biggest problem is, it's not the taxes; it's the overregulation that takes away his

freedoms. I have often said, every time you increase regulation, you take away a degree of individual freedoms. That is exactly what they have done.

So we have an administration which now says to the farmers, don't worry, we are going to exempt you; you are not going to be affected by this. Then they went to the U.S. Conference of Mayors—and I have to say that I used to be the token conservative on the board of directors of the U.S. Conference of Mayors when I was mayor of Tulsa, OK. It's not really a conservative operation. Yet, they voted, in San Francisco, overwhelmingly, to reject these standards, and these are the mostly Democrats talking, not Republicans.

Why are they concerned about it? They are concerned about it because they know if we bring these standards down, those mayors are going to be running cities that will be out of attainment. This will be another, probably the most severe, of what they call the unfunded mandates that has been out there.

The administration also tried to single out small business, to say this is not going to affect small business. They even said that to one of the Congressmen from Louisiana: Well, you have seven parishes, but don't worry, we won't make you do anything, we'll get the people to the west so when the air flows over it is going to clean up your air. So it has been a very dishonest campaign by the administration. I really believe during the August recess we are going to be able to show the American people what this is really all about.

Last year we passed two significant laws. One is called SBREFA, the Small Business Regulatory Enforcement Act—SBREFA. The thrust of this bill is you can't pass a new rule, a new regulation, unless you explain its effect on small business. So, during one of our committee meetings, we asked the Director of the EPA, "Why is it that you have not explained what the effect of this will be on small business?" The response was, "There is no effect on small business."

I can assure you, Mr. President, all these farms that are small businesses—I can assure you, any small business that has an electric bill, when they say this is going to increase the electric bills by somewhere between 8 and 10 percent, that's an impact on small business. The response of the EPA is, "Wait a minute, all we are saying to the States is you have to come into attainment. You have to figure out how to do it. And whatever you do to your citizens to make that happen is your responsibility. So we—the EPA—are not the ones saying we are imposing a hardship."

We passed another bill, the unfunded mandates bill, that says we cannot pass regulations here that result in an unfunded mandate to political subdivisions below the Federal Government. Consequently, I can assure you, the

U.S. Conference of Mayors, the National Association of Governors, and the National Association of State Legislators, the National League of Cities and all these groups that are so concerned about this, they know exactly what an unfunded mandate is.

I anticipate, when the time comes that these standards are put into effect, or set, that there are going to be some lawsuits. I think the American Truckers Association already stated they are going to be suing the EPA. So my concern is, with all these lawsuits that will take place, that we resolve this issue to some satisfaction now, before we get locked in endless litigation, the best way to avoid this happening, the best way to avoid these arbitrary, onerous, and unjustified regulations, would be to go ahead and pass this legislation, which is S. 1084.

I believe S. 1084 and H.R. 1984 will be passed, and I think they will be passed with a large enough margin to sustain a veto.

Mr. President, I yield the floor.

#### BALANCED BUDGET ACT OF 1997— CONFERENCE REPORT

Mr. DOMENICI. Under the previous unanimous-consent order, I assume we are on the budget bill at 12 o'clock?

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to H.R. 2015 having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

THE PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of July 29, 1997.)

The PRESIDING OFFICER. Who seeks recognition?

Mr. LAUTENBERG. Mr. President, I 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. DOMENICI. 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. DOMENICI. Mr. President, parliamentary inquiry. How is the time being charged?

The PRESIDING OFFICER. The time under the quorum call was charged to the Senator from New Jersey who asked for the quorum call.

Mr. DOMENICI. He asked for it. That is not fair. Can we do this: I ask unanimous consent that we charge the time that has elapsed equally to both sides and, henceforth, on the quorum call I am going to ask for right now, it be charged equally also.

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

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### RECESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that we stand in recess until the hour of 1 o'clock, and that the time continue to run on the conference report pursuant to the Budget Act, and it be charged equally.

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

Thereupon, at 12:29 p.m., the Senate recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HAGEL).

#### BALANCED BUDGET ACT OF 1997— CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum and ask unanimous consent that it be charged equally.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. 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. DOMENICI. Mr. President, I understand Senator GRAMS would like to speak for up to 10 minutes. I yield him that time off the bill from our side of the 10 hours.

The PRESIDING OFFICER. The Senator from Minnesota is recognized to speak for up to 10 minutes.

Mr. GRAMS. Mr. President, I want to give my congratulations to the chairman of the Budget Committee and all the others who have worked so hard over the last couple of weeks to work out an especially very important tax package, which I believe is going to be a step in the right direction of relieving some of the tax burden placed on American families over the last several years.

So with that, Mr. President, I rise to express my strong support for the tax relief package that will be coming before the Senate tomorrow. I want to take this opportunity, again, to commend and thank the majority leader,