belongs to the business community especially if it could potentially be released to competitor companies.

It is my understanding that my colleague, Senator BREAUX was an author of the original OCSLA. Do you believe the MMS' proposed regulations accurately reflect the purpose of that legislation?

Mr. BREAUX. Mr. President, as one of the original authors of the Outer Continental Shelf Lands Act, I can advise the Senate that we spent a great deal of time and effort in developing a law that would result in the information, data, and interpretation remaining confidential. Any steps that would put that confidentiality at risk are contrary to the spirit and intent of what we were trying to accomplish in 1972.

At that time, geophysical contractors were particularly concerned about the data sharing and confidentiality provisions of the OCSLA because they felt any breach of that confidentiality would destroy the market for the data, which is the geophysical contractors' sole asset. To protect that confidentiality, provisions were adopted requiring MMS to make sure the agency obtained permission from the permittee and anyone to whom the permittee sold the data under promise of confidentiality before sharing any data obtained from the permittee with a State government.

Shortly after the amendment of the OCSLA, MMS promulgated regulations spelling out the mechanics of how data was to be made available to it and how it was to be protected once it had been turned over. Among those rules is one that mandates that the permittee, who had agreed to make its geophysical data available to MMS as a condition of the permit, require any party to whom the data is transferred to agree to the terms of the permit regarding data sharing as a condition of the transfer. Industry contends that when that regulation was proposed, MMS proposed to define the term ''transfer'' in a way that included nonexclusive licensees, but dropped that requirement from the final rule. Industry believes that MMS has now proposed to extend its data sharing requirements to nonexclusive licensees and to amend its regulations in several other significant ways.

MMS contends that, in the 25-year span of its statutory responsibility to hold geophysical data confidential, this confidentiality has never been breached. And, MMS believes its current rulemaking is fully consistent with its authority under the OCSLA. In other words, MMS is going forward with its rulemaking without further public input.

Mrs. HUTCHISON. I share your concerns regarding the intent of the original OCSLA and the effect of the MMS' actions.

MMS is threatening to implement regulations without adequate discussions between the agency, industry, and the original authors of the OCSLA. By utilizing a negotiated rulemaking, we have a unique opportunity to avoid the problems that MMS' current course of action will create. There are many stakeholders in this debate that have valid concerns which deserve to be addressed. The exploration contractors, the oil and gas companies and the MMS all have a lot to lose by pushing through regulations that will cause more problems than they will fix.

Each of the stakeholders can make significant contributions to a set of regulations that will accomplish the goals of the OCSLA, the MMS and the industry. I am frankly at a loss to understand why MMS has refused to engage in substantive negotiations on these issues when it is clear that substantive concerns remain unaddressed.

The notice and comment rulemaking that surrounded this proposed rule was insufficient. Significant disagreements continue to exist where solutions seem eminently reachable. It makes sense to get the interested parties together to see if they can find a mutually agreeable solution. I strongly urge MMS to abandon the current rulemaking proceeding and to negotiate immediately with the affected parties to avoid placing the OCS lease program in jeopardy.

Mr. BREAUX. Mr. President, I am very concerned about the tenor of these proceedings. MMS is the Federal agency charged with the responsibility to manage the mineral resources of the Outer Continental Shelf in an environmentally sound and safe manner and to timely collect, verify, and distribute mineral revenues from Federal and Indian lands. So, I want to know that this proposal is the best way to get at the objective that underlies it—a fair and reliable royalty system. But, I also want to ensure that the individuals and businesses affected by the MMS proposal are accorded every opportunity to have their concerns heard.

I agree that MMS needs access to G&G information to discharge its important duties. But, it ought to accomplish that duty in a way that does not risk disrupting one of the Federal Government's most successful revenue programs. The G&G industry estimates that the proposed regulations will, if adopted, require the renegotiation of thousands of existing license agreements and, until that renegotiation is complete, no data can be licensed. This renegotiation process may take several months, if not years. During that time, there will be no exploration. Thus, the process that recently led to another record oil and gas lease sale on the Gulf of Mexico Outer Continental Shelf, providing needed revenue to the Federal Treasury, will come to a grinding halt. This is an interruption we cannot afford.

For 50 years, oil and natural gas have been produced from the Outer Continental Shelf [OCS] underlying the Gulf of Mexico. This production represents more than 83 percent of total OCS oil production and more than 99 percent of all OCS natural gas production. In 1995, production from this area accounted for 15 percent of all oil produced in the United States and about a quarter of the natural gas.

Maintaining public trust in our royalty system is critical to the future of oil and gas leasing, both onshore and offshore. Federal royalty policy must balance the need to encourage public resource development with the need to ensure that the public gets its fair royalty share. That balancing act requires government and industry to work together. The OCS leasing program is one example of government and the private sector working together—reflected by the recent record leases, records bonus payments and increased exploration in the Gulf of Mexico.

I hope we can advance that partnership here. Let's take another opportunity to learn from each other what is working, what is not working under the current system—and how the MMS proposal addresses those problems. Then, we can move forward with a balanced policy that assures timely and accurate royalty payments for the people of the United States.●

TRADE NEGOTIATING AUTHORITY

● Mr. BAUCUS. Mr. President, I rise to discuss the administration's request for new trade negotiating authority.

Now, any discussion of trade policy should begin not with talk about new agreements. It should begin with a review of the basic facts, and of what we need to change in the international trade system to create jobs, raise wages, guarantee fairness, and create opportunities for Americans.

THE BASIC FACTS

So let's first look at the facts. We are enjoying what will soon be the longest period of economic growth in our history. Since 1992, our economy has grown from $6.5 to $8 trillion dollars. Inflation has fallen to 2 percent. We have added a net gain of more than 12 million jobs. And while from 1986 to 1993 real wages fell every year, since 1994 real wages have risen every year.

A lot of things go into that record. Research and development by companies and the Government. Deficit reduction from $290 billion in 1992 to $36 billion before the recent budget agreement. Improved competitiveness. Most of all, hard work and sacrifice by ordinary people.

But our trade policy in the past 4 years deserves some credit as well. Since 1993, Ambassador Mickey Kantor and now Ambassador Barshefsky, along with their staffs, have worked very hard, stood up for our workers and farmers, and achieved a great deal. And the result has been a nearly 50 percent jump in exports, from just over $600 billion in 1992 to nearly $900 billion this year.

FAR FROM FINISHED

That is a good record. But the work is far from finished.

Foreign countries routinely discriminate against our farm products. We can do more in high technology, where our telecommunications, computer hardware, and software firms are tremendously competitive. Subsidies and state trading companies in foreign countries distort trade tremendously. And our trade deficit remains unacceptably high. So we need to keep working to fix these things.

NEED FOR NEGOTIATING AUTHORITY

And the administration needs trade negotiating authority to do it. Granting negotiating authority—I do not call it ''fast track,'' because there is nothing fast about it—is a big step for Congress, but it is the right step. The fact is, big trade agreements are like base closing agreements. The best possible trade agreement will ask many different interests to give up a tariff, subsidy or other form of protection in exchange for an agreement that will help the entire country.

So I believe the Senate should approve a trade negotiating authority bill. And the one proposed yesterday by the administration is, I believe, a good start. It sets five general trade policy objectives: increasing market access; reducing barriers to trade; strengthening international trade rules; fostering economic growth and full employment; and addressing labor, environmental and other areas directly related to trade.

More specifically, the draft sets the following priorities: reducing tariff and non-tariff barriers; opening markets to services; protecting intellectual property; ensuring more transparency in international dispute settlement, which is extremely important to me; winning fairer investment rules, so countries no longer can force technology transfer or impose export requirements; and opening markets in agriculture. I am especially pleased by the inclusion of a specific negotiating objective of opening foreign markets to American farm products. The bill devotes appropriate attention to the problems we have with state trading enterprises like the boards which control grain trade in many of our trade competitors.

Finally, promoting internationally recognized labor standards and environmentally sustainable development.

LABOR AND THE ENVIRONMENT

Let me talk briefly about this last issue. This has become a source of controversy for reasons that I don't quite understand.

Since 1947 we have concluded five rounds of GATT. More recently, we have passed three so-called free trade agreements, the Information Technology Agreement, the Agreement on Basic Telecommunications and hundreds of other sectoral and bilateral agreements on trade issues. As a result, tariffs are lower, quotas have shrunk in number and scope, and other formal trade barriers have diminished.

As these agreements go into effect, we quite logically find that other policies—intellectual property enforcement, antitrust policy, subsidies, rule of law, transparency, technical standards, Government procurement, labor regulations, and environmental law enforcement all have some impact on trade.

Our trade policy should deal with these issues, and it does. Intellectual property is a top priority, as well it should be. Government procurement and subsidies are as well. To rule out labor and environmental standards is simply to make an arbitrary, ideological judgment that these are almost the only forms of policy whose trade effects we will refuse to recognize.

That does not mean treating them the same in all trade agreements. The trade agreement with Mexico, for example, was a unique case. There we negotiated an agreement with a developing country, with which we shared a long border and in which we had existing experience with a free trade arrangement—the maquiladora program—which had created very obvious and serious labor and environmental problems. So in my opinion, that agreement required pretty strict labor and environmental side agreements.

That is not necessarily true in all other agreements. We should look them over case by case. Some very important agreements authorized by this negotiating authority bill—for example, agreements on services, intellectual property and state trading companies in agriculture—probably don't require labor and environmental provisions at all. But it is simply wrong and unfair to American workers and companies to say that we should never consider these issues. And I believe that on the whole, the administration proposal strikes a reasonable balance by calling for negotiations on labor and environmental issues directly related to trade.

IMPROVING EXISTING AGREEMENTS

In one area, however, I think the proposal needs some additions.

That is, I consider it at least as important to enforce and improve existing trade agreements as to negotiate new ones. We now have a wide and complex web of agreements. Some work well. Others do not. Still others are bad agreements that ought to be improved or redone.

Let me offer an example. Ambassador Barshefsky recently scored a major success by opening Canada's market to our barley. That is a very good thing; but it also shows that NAFTA and the United States-Canada Free Trade Agreement are not perfect. They can be improved, and they should be. Likewise, the Uruguay round should have eliminated Japan's tariffs on wood products, but did not.

Thus I think we should also include language that reflects the importance of enforcing existing agreements and improving the ones we already have. And I hope to work with the administration to include such language.

NEGOTIATING AUTHORITY VERSUS AGREEMENTS

Finally, we should not confuse negotiating authority with actual agreements. By passing trade negotiating authority, we do not sign blank checks. I expect that the Congress and the public will be fully consulted as we decide which agreements to pursue,; and then as we negotiate those agreements. And we have the right to disapprove trade agreements that do not meet the standards they should. So by endorsing new negotiating authority, I do not promise support for any particular agreement.

To sum up, the country needs a tough and aggressive trade policy in the years to come. And the President needs negotiating authority for that policy. I support the effort and I hope the Senate will do so as well.

AMENDMENT NO. 1221

• Mr. MCCAIN. Mr. President, I join with Senator INOUYE in expressing strong opposition to the amendment. Just a few months ago, Senator INOUYE and I introduced a bill to amend the Indian Gaming Regulatory Act of 1987. The Indian Affairs Committee, which has jurisdiction over matters involving native Americans, has scheduled the first hearing on this bill on October 8, 1997. This hearing has been on the schedule for over a month. This is the normal and proper procedure for making policy with respect to native American issues.

If I had been able to be on the floor, I would have fought against and voted against this amendment. In its modified form, as it was finally adopted by voice vote, the amendment does not affect any process or procedure that currently exists into law or in regulation. However, it does represent an unwarranted interference into the development of reasonable and appropriate approaches to the authorization and regulation of Indian gaming that have not been considered or approved by the Indian Affairs Committee, the administration, or, more importantly, the tribes.

The amendment, even as modified, represents an ill-advised action of the Congress to influence the future of Indian gaming. The mere fact of offering this type of amendment, which seeks to micromanage the regulation of Indian gaming, will have the effect of prejudicing the outcome of the Indian Affairs' Committee hearings on IGRA amendment.

The proponents of this amendment are seeking to override a carefully balanced procedure in the Congress. They are seeking to throw up new obstacles to prevent tribes from engaging in gaming and to disrupt ongoing negotiations between States and tribes who are cooperating in developing Indian gaming compacts.

The IGRA was carefully crafted to take into account the differences among the several States. IGRA is not perfect, and that is why Senator INOUYE and I introduced amendments to the bill. The Enzi amendment is premature. The Senate Committee on Indian Affairs hearing is the proper