United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, WEDNESDAY, NOVEMBER 29, 1995 No. 189

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. ALLARD].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 29, 1995.

I hereby designate the Honorable WAYNE ALLARD to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, from whom we have come and to whom we shall return, we pray for fortitude in our personal lives that our actions will blend with our words and our words will harmonize with our prayers. May we express in our lives an authenticity of spirit that resists the pressures that come from a complicated world and conflicting loyalties. Remind us each day, O God, to follow the road that leads to justice for every person and to hear anew Your words of reconciliation and peace. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey [Mr. PALLONE] come forward and lead the House in the Pledge of Allegiance.

Mr. PALLONE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

WHAT DOES A BALANCED BUDGET MEAN TO THE AVERAGE CITIZEN?

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, during the next 2 weeks we will make the most serious attempt at balancing the budget that we have had in the last three decades. An average citizen probably says, ''What is in it for me? So what if you balance the budget? I am doing OK in many ways.'' Here is what is in it. It is not just balancing the budget, it is doing fair and compassionate spending levels to meet the basic needs of this country as we have in saving Medicare.

What is in it for the average citizen was well said by Mr. Greenspan, Chairman of the Federal Reserve Board, in testimony before a committee of the Senate yesterday. What he said several months ago was in essence; if we can balance the budget, interest rates in America will be reduced 2 percent for the average mortgage on a house, for the average consumer loan, for the average automobile loan.

To summarize, here is what he said yesterday on the subject. It is something we should realize, that if we continue this commitment that we have to balance the budget, we will have the story of a prolonged growth in our economy versus a spurt that might not last. This is important to get this economy going.

We will keep that commitment to balance the budget, Mr. Speaker. We will keep that commitment.

PROTECT THE ENVIRONMENT

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, right now the budget negotiations have begun, and I was very pleased to see that President Clinton over the last few weeks specifically identified the environment and protection of the environment as one of the key issues or one of the key priorities that must be maintained and strengthened during these budget negotiations.

Today, Mr. Speaker, we have an opportunity to vote on the appropriations conference report that contains the budget for the EPA. Unfortunately, inconsistent with the President's priorities and concern for the environment, this Republican leadership measure would actually reduce funding for the EPA, the Environmental Protection Agency, by 21 percent over last year. And specifically for enforcement, the amount of money that is appropriated is even less; and for the Superfund Program, very important to my State and many parts of the country, the funding is reduced by 19 percent.

The President has already said that he intends to veto the EPA appropriations bill, and well he should.

THE REPUBLICANS WILL BALANCE THE BUDGET

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

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Mr. LEWIS of Kentucky. Mr. Speaker, the last 11 months here in the House have been an object lesson on keeping promises. At least on this side of the aisle. Last year, Republicans promised the American people that if we were given a majority here in the House, we would put all our energies into balancing the budget—something that Democrats failed to do even though they had the Presidency, and control of Congress.

Republicans made a commitment in the Contract With America and we kept that commitment. We passed a balanced budget. Even our opposition and liberal news media know that we are doing the right thing for America's economy and America's children.

Mr. Speaker, over 3 years ago, Bill Clinton said he would present a balanced budget. He never did. The American people deserve more than self-promoting politicians who promise, but never deliver. And that is why they voted for a Republican majority. We are doing what we said we would do, and we will balance the budget.

REPUBLICANS ARE SINGING THE SAME OLD SONGS ON THE BUDGET

(Mr. GUTTIEREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, we keep hearing the same old songs in this House.

It wasn't long ago that many of my Republican colleagues were singing the gospel of Voodoo Economics—that tax cuts for the rich and more money for defense that would magically add up to lower deficits.

The result?

A budget deficit that more than quadrupled during the 12 years Ronald Reagan and George Bush ran our Nation.

But now, many of my colleagues who stood in this Chamber and voted for 12 years to burden working Americans with 300 billion dollars' worth of deficits and now singing loudly in the choir of fiscal responsibility again.

They have a plan for getting our deficit under control.

But it is the same old song, with a new twist.

Tax cuts for the wealthy, more money for defense and devastating cuts in education, Medicare, and the programs that most American rely on every day.

I think it is time to change our tune to supporting a responsible budget that puts our children, our students, our families, and our seniors first.

My Republican friends might not know the words, but that would be a song that more working Americans could sing along to.

AMERICANS WORK HARD FOR THEIR MONEY AND OUGHT TO BE ABLE TO KEEP MORE OF IT

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I have a great deal of personal affection for the gentleman who preceded me here in the well, but the simple fact is when you talk about genuine cuts, about the only real cut we have seen is my good friend, the gentleman from Illinois, shaving off his trademark mustache.

The fact is, for all the venom and vitriol about incredible cuts and draconian measures taking place, that simply is not the case. Rather, we are slowing the rate of growth of Government. To my friend who says, Mr. Speaker, that we are affecting seniors and students and families, I say he is right; we are affecting them in a positive way. We are making sure that the American people hang onto more of their hard-earned money. Indeed the tax cut, the $500 per child tax credit, goes to help 80 percent of families in this country.

Certainly there is a problem with facts and rhetoric. The fact is we are helping working Americans by this very simple premise: They work hard for the money they earn, they ought to keep more of it and send less of it to the Federal Government here in Washington, DC.

THE CONSTITUTION CALLS FOR THE SEPARATION OF CHURCH FROM STATE, BUT NOT OF GOD FROM THE AMERICAN PEOPLE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Brittney Settle, a Tennessee ninth grader, wrote a paper about Jesus Christ. The teacher flunked her. The teacher said Jesus Christ is not an appropriate topic for a public school.

Appropriate? Other students are allowed to write about devil worship, reincarnation, the whole gamut; witchcraft. The Supreme Court, by the way, says Jesus Christ is not an appropriate topic. They sided with the school.

Mr. Speaker, is there any wonder our schools are so screwed up when the only time you can hear God's name is when it is taken in vain? Wake up, Congress. The Constitution may separate church and State, but the Constitution never intended to separate God and the American people. In God we trust. It would not be all over our buildings and all over our currency. Something is wrong in our public schools when the only time you can hear God's name legally is when it is taken in vain. Let us take a look at some issues here, Congress.

THE PRESIDENT NEEDS A PLAN TO BALANCE THE BUDGET

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, last week the Republican leadership here in Congress sent a letter to the President asking for specifics on exactly how the Clinton administration would balance the budget in 7 years as they agreed to do on November 19.

This is what the administration sent back—a set of talking points. No specifics, no numbers.

In his talking points, the President had the unmitigated gall to ask that Congress provide a legislative plan. Well excuse me, but it seems we have already passed the Balanced Budget Act of 1995. In that we spell out exactly how we will balance the budget in 7 years, including numbers, amounts, and specifics.

Mr. Speaker, it is understandable that the Clinton administration would have a problem with specifics. It already had huge problem keeping promises. The President totally lacks any plan to balance the budget with honest numbers. Without a plan, really, all they can do is provide talking points, and, of course, more hot air.

INTRODUCTION OF THE HEALTH EQUITY ACT

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, today I will introduce the Health Equity Act legislation that will address the problem of environmental discrimination.

Mr. Speaker, there is a growing recognition that people in poor and working class communities, and particularly people of color, are forced to live and work in areas contaminated by opportunistic polluters that target these communities. Whether it is in the form of incinerators, industrial production facilities, pesticides, or radiation—exposure to such contamination represents a death sentence for black and Latino Americans throughout this country.

My legislation, which applies title VI of the 1964 Civil Rights Act to the Federal environmental regulatory process, will allow minority communities to halt potentially dangerous action, before harm comes to them. Our society has slowly taken steps to end the burden of discrimination in areas ranging from employment to housing. This will give communities of color a chance to fight against this form of discrimination.

I would encourage my colleagues to cosponsor this legislation and help end one of the most neglected forms of discrimination in America.

BALANCING THE FEDERAL BUDGET AND HOPE

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, this Congress is dedicated to restoring traditional values in our society. Common sense tells us this means living within our means. This means a balanced Federal budget.

These past few weeks we've finally reached one of the ultimate questions separating conservatives and liberals: Do we want to continue sacrificing our childrens' chances at achieving the American Dream? Or do we want to do the principled thing and balance our Federal budget?

The President doesn't think our children deserve a chance at this opportunity. My colleagues and I believe that this is wrong. We are willing to do whatever it takes to give them their chance.

To hear my Democrat colleagues talk, one would suspect that they oppose job creation, lower interest rates, and a brighter future for all.

To hear them talk, a balanced Federal budget is little more than a myth, a mirage, a Xanadu.

To hear them talk, saving money for future generations is a bad thing, but we can do it.

Mr. Speaker, this is a nationwide drama with the President and Democrats using our children as the stakes. This is wrong. I believe our Nation deserves better. America is about hope and the potential for prosperity, and America's leadership should lead us in this direction. Let us balance the budget and help restore this hope.

AMERICANS WANT STRONG ENVIRONMENTAL PROTECTION

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, the public is finally becoming aware of what the antienvironmental extremists in this Congress are doing. Under the Republican leadership, clean water, clean air, and public health are being sold to the highest campaign contributor. While we are struggling to cut the budget, Republicans want to subsidize logging in the Nation's last rain forest. They want to continue the 1872 mining law that gives away millions to private companies, and to allow oil drilling on Alaska's true wilderness.'

The American people want strong environmental protection. Instead, the Republicans are jeopardizing the rivers we fish, the beaches we swim in, and the very air we breathe for the benefit of special interests. There truly is a contract with the American environment. That contract is becoming a bill of sale.

DEMOCRATS, START TELLING THE TRUTH

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, in a cynical ploy to distort reality for political gain, the minority party continues to decry the so-called student loan cuts in our budget. It is time to start telling the American people the truth.

My Republican colleagues understand the importance of helping low-income students pay for college. That is why we protect student aid in our budget.

Contrary to the battle cry of the minority, there are no student loan cuts in the Balanced Budget Act of 1995. In fact, total student loan volume will grow from $24 billion this year to $36 billion in 2002. And more loans will be available next year than ever before.

Student loans are preserved. No student will be cut off. And no student will be required to pay more for his or her loan.

Mr. Speaker, it doesn't take a Harvard professor to figure out what's going on. Democrats are trying to regain power by scaring the American people with imaginary spending cuts. This is downright dishonest.

□ 1015

PRIORITIES FOR A BALANCED BUDGET

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I was not planning to follow the other speaker, and I appreciate the changes that my Republican colleagues have made in the education funding, because they have come a long way. He is right. There have been some funding cuts restored, but the House Republicans do not deserve the credit. The Senate Democrats and Republicans deserve the credit for insisting that House Republicans not decimate education funding.

We have an opportunity over the next few weeks to work bipartisanly on a balanced budget bill. We have a responsibility to make sure the values and the priorities of the American people are maintained and that we balance the budget while protecting education, and Medicare, the environment, and veterans.

Our priorities should be, No. 1, to protect Medicare and Medicaid. We must maintain the high quality of health care we currently enjoy. No. 2, protect students and children. We must maintain current levels of education funding so that students, including those from Aldine High School in my congressional district who are here today from the Close-up program get the education they need to succeed in the 21st century. It is our obligation to make sure that those students have the opportunity to obtain a student loan or Pell grants. They are the future of our country and have a responsibility to make sure they are prepared. Finally, we need to protect tax fairness in the tax system. We do not need to punish low-income Americans by increasing their taxes.

I hope we will give serious consideration to a bipartisan effort to balance the budget. The time has come to get our fiscal house in order while maintaining the values and priorities most important to the American people.

UNITED STATES BOSNIA POLICY

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of Nebraska. Mr. Speaker, the House will soon debate a resolution of support for the President's decision to deploy up to 20,000 United States troops into Bosnia.

The President has placed himself and Congress into a lead box. If we decide to support the President, we'll be supporting a costly policy that won't be finished in a year—Bosnia, after all, isn't another Haiti. If Congress rejects the President's decision, our European allies, and others around the world, will come to doubt the United States resolve and commitment. The next time there is a Persian Gulf crisis, they may not answer our call for cooperation.

And so, no matter where we turn, we find our lead box sinking deeper and deeper into the Bosnian bog. This debate won't provide the right answers, nor will it provide an acceptable alternative, since the decision has already been made.

But, I must strongly object to the President's decision. I encourage my colleagues to join me in opposing that decision.

TRICKLE-DOWN ECONOMICS HAS FAILED

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, I find wearisome this continual Republican litany that claims only Republicans want to balance the budget and somehow Democrats are opposed to it.

I have served here 17 years. In my early years here Ronald Reagan was President, and by count, no President, with the exception of Franklin Roosevelt, ever got more of his economic policy agreed to by the Congress than did Ronald Reagan. Mr. Speaker, you remember it. It was called trickle-down economics. What happened to the deficit? It tripled. It tripled under Reaganomics.

Under President Clinton, the deficit has come down every year of his Presidency, and this is the first time that has happened since Harry Truman was President. If the Republican balanced budget attempt passed and was put into effect, it would not decrease the deficit in its first 3 years of operation as much as Clinton's economics has reduced the deficit in the last 3 years.

LINE IN THE SAND ON SPENDING

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, the magic number is $730 billion. In this morning's congressional article, it said $730 billion is what the President wants to spend in excess of what the Congress has passed. We both want balanced budgets, but they want to use different numbers to get there.

We are preparing to spend $2.6 trillion more in the next 7 years than we spent in the last 7 years, a total of $12.1 trillion. It seems to me that we can fight on priorities within that number, but we should put the line in the sand: $12.1 trillion and no more.

If the assumptions that the President wants to use are correct and we do wind up with $730 billion more in revenues or less in spending, we can apply that to our children's debt. However, we should draw the line in the sand: $12.1 trillion and not a dollar more.

BREAK THE TIES WITH SPECIAL INTERESTS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, 11 months ago, a new Republican majority promised to drive special interest lobbyists from the halls of Congress. What they did not tell us was that the lobbyists would be out of the halls and into their offices.

In fact, instead of ending the cozy relationship between the corporate special interests and lawmakers, Speaker GINGRICH has elevated it to an art form. An article in Monday's Washington Post revealed how the Republican leadership has boasted of twisting arms to raise campaign contributions and rewriting legislation for the highest bidder.

The Republican Campaign Committee even keeps this book on what they call friendly and unfriendly PAC's. The unfriendly PAC's are those that contribute to Democrats. Simply put, those groups are told to give more to Republicans or else.

It is time to break the ties with special interests. This is the people's House. Let us return it to the people today by passing a clean lobby reform bill.

NO GROUND TROOPS IN BOSNIA

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, our side needs a leader or leaders with the courage to say clearly that we should not send ground troops into Bosnia. It is not in America's vital national security interests. And there is absolutely nothing to be achieved for America, but much to be lost. We will lose lives and a year later if we leave—which is questionable—full scale ethnic war will resume as during the previous 600 years. Thus nothing will be accomplished but a year-long experiment of the President to gain macho credentials and leadership demonstration.

Bosnia is the latest in Bill Clinton's foreign misadventures. There was Somalia and there was Haiti. And what was gained in those places. In Haiti under the not-so-democratic Aristide, the so-called peace is unraveling.

And America cannot afford in dollars or lives, what NATO and the Europeans have been unwilling to do. It is Europe's turn to look out for its backyard.

With the onset of winter in the mountains of Bosnia and Herzegovina and over a million land mines in place, we do not need American lives sacrificed before Christmas for some artificial creation called Bosnia. In the Congress, let us assert our authority and not fund the latest unwise, tragic foreign misadventure of an aspiring leader named Bill Clinton. No money to send United States ground troops to Bosnia, period.

SAY NO TO GOP DOPE

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCKINNEY. Mr. Speaker, both Democrats and Republicans agree that the American worker is in need of relief. Stagnating wages, longer hours, corporate downsizing, and NAFTA have all taken their toll on what was once the world's highest living standard.

By contrast, the stock market is breaking new records, corporate profits are going through the roof, and corporate executives are making 30 times more than their lowest paid employees.

Yet the Republican solution to these inequities is to cut taxes for wealthy corporations, reduce worker safety, and increase funding for star wars and B–2 bombers.

This trickle-down strategy, Mr. Speaker, is the crack cocaine of bad economic policy. I urge my colleagues to just say no to GOP dope.

AMERICANS NEED BUDGET PLAN FROM THE PRESIDENT

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, it has been over a week since President Clinton committed in writing to an honest balanced budget in 7 years. The Republican majority has a specific plan—we have passed it in both the House and the Senate—now where is the President's plan.

But, the President has not submitted a specific plan. Sure, he sent us 22 pages of general talking points this summer, 10 of which were charts and graphs. And last week, his Chief of Staff, Leon Panetta, sent us a 2-page list of general principles that contained no numbers or specifics whatsoever. The American people have heard enough talk about general goals—they want action now. They want the President to put his plan on paper.

Mr. Speaker, it is time to do what is right for our children's future. Let us sit down, work together, no more rhetoric—no more excuses. Both the Republican majority and the President have promised to balance the budget. Let us keep our promise and let us do it now.

REPUBLICAN PLAN OFFERS TAX RELIEF TO AMERICAN FAMILIES

(Mr. LARGENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARGENT. Mr. Speaker, I appear here today as a Member of Congress, but more importantly, I speak as the father of four children. I know firsthand what it costs to raise a family in middle America and I am glad that the Balanced Budget Act includes tax relief for families.

Tax relief for families should not be looked at as a cost to Government. Instead, we should consider it as a way to keep money in the hands of those to whom it belongs in the first place: America's working families.

Cutting taxes is also fiscally responsible. America's families deserve tax relief and Federal spending should be reined in and controlled. Reducing the growth of Federal spending is the way to get to balance, not by taking more money from families.

The bipartisan agreement to balance the budget in 7 years using honest numbers is a step in the right direction. The Government's constant deficit spending must be stopped. I also strongly support tax relief which allows American families to keep more of their own money.

Our Democrat friends claim that they want to balance the budget too. They say that deficit reduction is their goal and we agree.

Let us work together to reach a balanced budget with tax cuts and no new spending.

PRESIDENT SHOULD SIGN DEFENSE APPROPRIATION BILL

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I have learned that the President of the United States has taken the defense appropriations bill to Europe with him and he will decide whether he will sign the bill or not sign the bill. I certainly hope he will sign it. If he does not sign it, I hope he will not veto the defense appropriation bill. I think it is a reasonable approach.

We have military forces all around the world today. We need as much money as possible to keep these forces in the different places. The President is talking now about Bosnia. So certainly I hope the President of the United States would sign this legislation and the money needed to take care of our troops.

About the only thing that we need in this country, to be sure, is that we have a strong military defense. If we have a good defense, we can just about do everything in this great country.

BALANCED BUDGET WILL RECHARGE OUR ECONOMY

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, our Nation needs a balanced budget, not because it's a good accounting device, but because it will help every American.

A balanced budget will recharge the economy. It will cause interest rates to drop. And reduced interests rates mean lower mortgage payments, lower car payments, lower student loan payments.

As part of the Republican plan to balance the budget in 7 years, there are income tax cuts for families. And there is a capital gains tax cut for job growth. This will generate more investments, more business expansion, and more jobs.

Before he was elected, President Clinton said he could balance the budget in 5 years. After the election he said it wasn't necessary. Now he says that he wants to balance the budget in 7 years but he still has not presented a plan.

The Republicans do have a plan. Let's balance the budget, cut taxes, and create jobs now.

AMERICANS WANT MORE INFORMATION ON BOSNIAN TROOP DEPLOYMENT

(Mr. BISHOP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP. Mr. Speaker, I have profound reservations about the participation of Untied States forces in a Bosnian peacekeeping mission. So do the people I represent. Of the many calls I have received on this matter over the past several days, not one has favored U.S. involvement.

At the same time, I also recognize the dangers that are inherent in a policy of noninvolvement.

If the United States abandons NATO's peace efforts in Bosnia, we could weaken and even destroy an alliance that has helped deter multinational conflicts for half a century. The current peace initiative would surely collapse. And if this ghastly slaughter ever spreads beyond the borders of the former Yugoslavia, our country's economic and military security would be critically threatened.

Americans know that our own security requires a secure peace in Europe. When necessary, they support deployment of our troops as peacekeepers—but not as targets. They want more information about the military plan, troop security, the mission's goals, and the plan for withdrawal. So do I.

□ 1030

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. LARGENT. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule:

Committee on Commerce; Committee on Government Reform and Oversight; Committee on Resources; and Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. ALLARD). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PROPOSED AGREEMENT FOR COOPERATION IN PEACEFUL USES OF NUCLEAR ENERGY BETWEEN UNITED STATES AND EUROPEAN ATOMIC ENERGY COMMUNITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–138)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement for Cooperation in the Peaceful Uses of Nuclear Energy Between the United States of America and the European Atomic Energy Community (EURATOM) with accompanying agreed minute, annexes, and other attachments. (The confidential list of EURATOM storage facilities covered by the Agreement is being transmitted directly to the Senate Foreign Relations Committee and the House International Relations Committee.) I am also pleased to transmit my written approval, authorization and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and other attachments, including the views of the Nuclear Regulatory Commission, is also enclosed.

The proposed new agreement with EURATOM has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 (NNPA) and as otherwise amended. It replaces two existing agreements for peaceful nuclear cooperation with EURATOM, including the 1960 agreement that has served as our primary legal framework for cooperation in recent years and that will expire by its terms on December 31 of this year. The proposed new agreement will provide an updated, comprehensive framework for peaceful nuclear cooperation between the United States and EURATOM, will facilitate such cooperation, and will establish strengthened nonproliferation conditions and controls including all those required by the NNPA. The new agreement provides for the transfer of nonnuclear material, nuclear material, and equipment for both nuclear research and nuclear power purposes. It does not provide for transfers under the agreement of any sensitive nuclear technology (SNT).

The proposed agreement has an initial term of 30 years, and will continue in force indefinitely thereafter in increments of 5 years each until terminated in accordance with its provisions. In the event of termination, key nonproliferation conditions and controls, including guarantees of safeguards, peaceful use and adequate physical protection, and the U.S. right to approve retransfers to third parties, will remain effective with respect to transferred nonnuclear material, nuclear material, and equipment, as well as nuclear material produced through their use. Procedures are also established for determining the survival of additional controls.

The member states of EURATOM and the European Union itself have impeccable nuclear nonproliferation credentials. All EURATOM member states are party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). EURATOM and all its nonnuclear weapon state member states have an agreement with the International Atomic Energy Agency (IAEA) for the application of full-scope IAEA safeguards within the respective territories of the nonnuclear weapon states. The two EURATOM nuclear weapon states, France and the United Kingdom, like the United States, have voluntary safeguards agreements with the IAEA. In addition, EURATOM itself applies its own stringent safeguards at all peaceful facilities within the territories of all member states. The United States and EURATOM are of one mind in their

unswerving commitment to achieving global nuclear nonproliferation goals. I call the attention of the Congress to the joint U.S.-EURATOM ''Declaration on Non-Proliferation Policy'' appended to the text of the agreement I am transmitting herewith.

The proposed new agreement provides for very stringent controls over certain fuel cycle activities, including enrichment, reprocessing, and alteration in form or content and storage of plutonium and other sensitive nuclear materials. The United States and EURATOM have accepted these controls on a reciprocal basis, not as a sign of either Party's distrust of the other, and not for the purpose of interfering with each other's fuel cycle choices, which are for each Party to determine for itself, but rather as a reflection of their common conviction that the provisions in question represent an important norm for peaceful nuclear commerce.

In view of the strong commitment of EURATOM and its member states to the international nonproliferation regime, the comprehensive nonproliferation commitments they have made, the advanced technological character of the EURATOM civil nuclear program, the long history of extensive transatlantic cooperation in the peaceful uses of nuclear energy without any risk of proliferation, and the fact that all member states are close allies or close friends of the United States, the proposed new agreement provides to EURATOM (and on a reciprocal basis, to the United States) advance, long-term approval for specified enrichment, retransfers, reprocessing, alteration in form or content, and storage of specified nuclear material, and for retransfers of nonnuclear material and equipment. The approval for reprocessing and alteration in form or content may be suspended if either activity ceases to meet the criteria set out in U.S. law, including criteria relating to safeguards and physical protection.

In providing advance, long-term approval for certain nuclear fuel cycle activities, the proposed agreement has features similar to those in several other agreements for cooperation that the United States has entered into subsequent to enactment of the NNPA. These include bilateral U.S. agreements with Japan, Finland, Norway and Sweden. (The U.S. agreements with Finland and Sweden will be automatically terminated upon entry into force of the new U.S.-EURATOM agreement, as Finland and Sweden joined the European Union on January 1, 1995.) Among the documents I am transmitting herewith to the Congress is an analysis by the Secretary of Energy of the advance, long-term approvals contained in the proposed U.S. agreement with EURATOM. The analysis concludes that the approvals meet all requirements of the Atomic Energy Act.

I believe that the proposed agreement for cooperation with EURATOM will make an important contribution to achieving our nonproliferation, trade and other significant foreign policy goals.

In particular, I am convinced that this agreement will strengthen the international nuclear nonproliferation regime, support of which is a fundamental objective of U.S. national security and foreign policy, by setting a high standard for rigorous nonproliferation conditions and controls.

It will substantially upgrade U.S. controls over nuclear items subject to the current U.S.-EURATOM agreement as well as over future cooperation.

I believe that the new agreement will also demonstrate the U.S. intention to be a reliable nuclear trading partner, and thus help ensure continuation and, I hope, growth of U.S. civil nuclear exports to EURATOM member states.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act of 1954, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 29, 1995.*

REQUEST FOR PERMISSION TO ADDRESS HOUSE FOR 5 MINUTES

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent to speak out of order for 5 minutes and to revise and extend my remarks.

The SPEAKER pro tempore. The Chair will not entertain that request at this point.

LOBBYING DISCLOSURE ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 269 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2564.

□ 1032

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2564) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, with Mr. KOLBE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, November 28, 1995, the amendment offered by the gentleman from Illinois [Mr. WELLER] had been disposed of and the bill was open for amendment at any point.

Are there further amendments to the bill?

Mr. TRAFICANT. Mr. Chairman, I move to strike the last word.

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Chairman, I think the votes yesterday on this bill are very explicit. The committee has the steam and the power to turn back amendments.

Lobby disclosure, the field that I have been interested in for 5 years, our foreign interests, individuals from our Government and individuals who represent the interests of foreign entities, the law has been so vague and so weak that two out of every three agents representing foreign interests do not even bother to register.

Now, this bill addresses that to some degree, but there are still fines and penalties that are so huge it is like shooting a flea with a bazooka. As a result, the Department of Justice does not enforce it. We have many foreign interests lobbying the Congress of the United States. That basically goes unchecked, and when you try and change it, there is always a good reason why it should not be now.

I am not impugning the work of the fine chairman here, nor his intentions, but I would like to say this. Here is, in essence, what we are doing here in the Congress. To make a bill as good as it could be, maybe even make a bill great, that bill has no shot. If you want to pass it, send a mediocre bill to the other body who all of a sudden is the big decisionmaker on what our legislation should be.

Let me inform Congress that the first Senate was appointed by State legislatures to protect the interests of the States. The House of Representatives, the House of Commons, was to protect the people of the country. I think it is unbelievable to me that we would have these foreign agents running around, not even registering, and we have taken token steps to clamp down on that. I think it is time to change that.

In essence, I am taking a little bit of time away from the gentleman from Massachusetts [Mr. FRANK] to be here, and I am hoping somebody else is here to offer an amendment. I am not going to offer my amendment first unless there is nobody else and this committee rises.

If it is going to be defeated, then so be it, but here is what the Traficant

amendment says: You will have to register. If you do not register, you will be subject to fines, anywhere from $2,000 to $1 million. You could be prosecuted. You could be subpoenaed in. To register and to extend, you will do so January 31 and July 31. You will have known dates to do it. And we will know who you are. The American taxpayer should know who represents foreign interests.

Technically in the past, when this law was written, it dealt with Nazi Germany. We were interested in spies. Well, now we have foreign agents whose interest is trade. Commercial interests. I would submit that that is a greater problem in this country today than anything else we deal with, with a trade deficit of $170 billion.

Who represents China, folks? Who represents Japan? Who represents the European interests? Who represents any foreign interest that has an interest in the legislation today or an interest in the legislation dealing with Bosnia or dealing with appropriation matters of defense? That is what the issue is about.

I am hoping that the Members of Congress will take a look at this. I think the committee has brought enough Democrats together to carry the load, that in fact they will accept no amendments because if there are amendments, the Senate just is not going to accept it.

Well, as one Member of Congress, let me say this to the Senate. Quite frankly, Scarlett, I think the Congress should draft only the best legislation and that is the legislation to be signed into law.

With that, it is good to see the venerable chairman here. I do not question the intentions of former Chairman FRANK and Chairman CANADY. I think you have done a fine job. I hope the Members realize that there are foreign interests that lobby the Government, and we are dealing with lobby disclosure, and we are not doing the best job we can with foreign interests.

Maybe the Members might just decide to do something about it.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

Page 37, line 11, strike ''AMENDMENT'' and insert ''AMENDMENTS'', in line 13 insert ''(a) REPORTS.—'' before ''Strike'' and insert after line 21 the following:

(b) DEFINITIONS.—

(1) AGENT OF A FOREIGN PRINCIPAL.—

(A) IN GENERAL.—Section 1(c) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(c)), is amended—

(i) by striking ''agent of a foreign principal'' each place it appears and inserting ''representative of a foreign principal'';

(ii) in paragraph (1)(iv), by striking ''and'' after the semicolon at the end;

(iii) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(3) any person who engages in political activities for purposes of furthering commercial, industrial, or financial operations with a foreign principal.

For purposes of clause (1), a foreign principal shall be considered to control a person in major part if the foreign principal holds more than 50 percent equitable ownership in such person or, subject to rebuttal evidence, if the foreign principal holds at least 20 percent but not more than 50 percent equitable ownership in such person.''.

(B) FURTHER DEFINITION.—Section 1(d) of that Act (22 U.S.C. 611(d)) is amended to read as follows:

''(d) The term 'representative of a foreign principal' does not include—

''(1) any news or press service or association organized under the laws of the United States or of any State or other place subject to the jurisdiction of the United States, or any newspaper, magazine, periodical, or other publication for which there is on file with the United States Postal Service information in compliance with section 3685 of title 39, United States Code, published in the United States, solely by virtue of any bona fide news or journalistic activities, including the solicitation or acceptance of advertisements, subscriptions, or other compensation therefor, so long as it is at least 80 percent beneficially owned by, and its officers and directors, if any, are citizens of the United States, and such news or press service or association, newspaper magazine, periodical, or other publication, is not owned, directed, supervised, controlled, subsidized, or financed, and none of its policies are determined by any foreign principal defined in subsection (b) of this section, or by any representative of a foreign principal required to register under this Act; or

''(2) any incorporated, nonprofit membership organization organized under the laws of the United States or of any State or other place subject to the jurisdiction of the United States that is registered under section 308 of the Federal Regulation of Lobbying Act and has obtained tax-exempt status under section 501(c) of the Internal Revenue Code of 1986 and whose activities are directly supervised, directed, controlled, financed, or subsidized in whole by citizens of the United States.''.

(2) POLITICAL PROMOTIONAL OR INFORMATIONAL MATERIALS.—Section 1(j) of that Act (22 U.S.C. 611(j)) is amended—

(A) in the matter preceding clause (1), by striking ''propaganda'' and inserting ''promotional or informational materials''; and

(B) in clause (1), by striking ''prevail upon, indoctrinate, convert, induce, or in any other way'' and inserting ''in any way''.

(3) POLITICAL ACTIVITIES.—Section 1(o) of that Act (22 U.S.C. 611(o)) is amended—

(A) by striking ''prevail upon, indoctrinate, convert, induce, persuade, or in any other way'' and inserting ''in any way''; and

(B) by striking ''or changing the domestic or foreign'' and inserting ''enforcing, or changing the domestic or foreign laws, regulations, or''.

(4) POLITICAL CONSULTANT.—Section 1(p) of that Act (22 U.S.C. 611(p)) is amended—

(A) by inserting ''(1)'' after ''any person''; and

(B) by inserting before the semicolon at the end the following: '', or (2) who distributes political promotional or informational materials to an officer or employee of the United States Government, in his or her capacity as such officer or employee''.

(5) SERVING PREDOMINANTLY A FOREIGN INTEREST.—Section 1(q) of that Act (22 U.S.C. 611(q)) is amended—

(A) by striking ''and'' at the end of clause (ii) of the proviso; and

(B) by inserting before the period at the end the following: '', and (iv) such activities do not involve the representation of the interests of the foreign principal before any agency or official of the Government of the United States other than providing information in response to requests by such agency or official or as a necessary part of a formal judicial or administrative proceeding, including the initiation of such a proceeding.''.

(c) SUPPLEMENTAL REGISTRATION.—Section 2(b) of that Act (22 U.S.C. 612(b)) is amended—

(1) in the first sentence by striking '', within thirty days'' and all that follows through ''preceding six months' period'' and inserting ''on January 31 and July 31 of each year file with the Attorney General a supplement thereto under oath, on a form prescribed by the Attorney General, which shall set forth regarding the six-month periods ending the previous December 31, and June 30, respectively, or, if a lesser period, the period since the initial filing,''; and

(2) by inserting after the first sentence the following new sentence: ''Any registrant using an accounting system with a fiscal year which is different from the calendar year may petition the Attorney General to permit the filing of supplemental statements at the close of the first and seventh month of each such fiscal year in lieu of the dates specified by the preceding sentence.''.

(d) REMOVAL OF EXEMPTION FOR CERTAIN COUNTRIES.—Section 3(f) of that Act (22 U.S.C. 613(f)) is repealed.

(e) LIMITING EXEMPTION FOR LEGAL REPRESENTATION.—Section 3(g) of that Act (22 U.S.C. 613(g)) is amended by striking ''or any agency of the Government of the United States'' and all that follows through ''informal'' and inserting ''or before the Patent and Trademark Office, including any written submission to that Office''.

(f) NOTIFICATION OF RELIANCE ON EXEMPTIONS.—Section 3 of that Act (22 U.S.C. 613) is amended by adding at the end the following:

''Any person who does not register under section 2(a) on account of any provision of subsections (a) through (g) of this section shall so notify the Attorney General in such form and manner as the Attorney General prescribes.''.

(g) CIVIL PENALTIES AND ENFORCEMENT PROVISIONS.—Section 8 of that Act (22 U.S.C. 618) is amended by adding at the end the following:

''(i)(1) Any person who is determined, after notice and opportunity for an administrative hearing—

''(A) to have failed to file when such filing is required a registration statement under section 2(a) or a supplement thereto under section 2(b),

''(B) to have omitted a material fact required to be stated therein, or

''(C) to have made a false statement with respect to such a material fact,

shall be required to pay for each violation committed a civil penalty of not less than $2,000 and not more than $1,000,000. In determining the amount of the penalty, the Attorney General shall give due consideration to the nature and duration of the violation.

''(2)(A) Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation regarding any violation of paragraph (1) of this subsection or of section 5, the Attorney General may, before bringing any civil or criminal proceeding thereon, issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to produce such material for examination.

''(B) Civil investigative demands issued under this paragraph shall be subject to the

applicable provisions of section 1968 of title 18, United States Code.''.

(h) CHANGE IN SHORT TITLE OF THE ACT.—Section 14 of that Act (22 U.S.C. 611 note) is amended by striking ''Foreign Agents Registration Act of 1938, as amended'' and inserting ''Foreign Interests Representation Act''.

(i) REFERENCES TO AGENT OF A FOREIGN PRINCIPAL.—The Foreign Agents Registration Act of 1938, as amended is amended—

(1) by striking ''agent of a foreign principal'' each place it appears and inserting ''representative of a foreign principal'';

(2) by striking ''agents of foreign principals'' each place it appears and inserting ''representatives of foreign principals'';

(3) by striking ''agent of such principal'' each place it appears and inserting ''representative of such principal''; and

(4) by striking ''such agent'' each place it appears and inserting ''such representative''.

(j) REFERENCES TO POLITICAL PROPAGANDA.—

(1) The paragraph preceding section 1 of the Foreign Agents Registration Act of 1938, as amended is amended by striking ''propaganda'' and inserting ''political''.

(2) The Foreign Interests Representation Act (other than the paragraph amended by paragraph (1) of this subsection) is amended by striking ''propaganda'' each place it appears and inserting ''promotional or informational materials''.

(k) REFERENCES TO THE ACT.—

(1) Section 207(f)(2) of title 18, United States Code, is amended by striking ''Foreign Agents Registration Act of 1938, as amended,'' and inserting ''Foreign Interests Representation Act''.

(2) Section 219 of title 18, United States Code, is amended—

(A) in subsection (a) by striking ''agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938, as amended,'' and inserting ''representative of a foreign principal required to register under the Foreign Interests Representation Act''; and

(B) in subsection (b)—

(i) by striking ''agent of a foreign principal'' and inserting ''representative of a foreign principal'';

(ii) by striking ''such agent'' and inserting ''such representative''; and

(iii) by striking ''Foreign Agents Registration Act of 1938, as amended'' and inserting ''Foreign Interests Representation Act''.

(3) Section 5210(4) of the Competitiveness Policy Council Act (15 U.S.C. 4809(4)) is amended—

(A) by striking ''agent of a foreign principal'' and inserting ''representative of a foreign principal''; and

(B) by striking ''subsection (d) of the first section of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611)'' and inserting ''section 1(d) of the Foreign Interests Representation Act (22 U.S.C. 611(d)),''.

(4) Section 34(a) of the Trading With the Enemy Act (50 U.S.C. App. 34(a)) is amended by striking ''Act of June 8, 1934 (ch. 327, 52 Stat. 631), as amended'' and inserting ''Foreign Interests Representation Act''.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, November 16, 1995, the gentleman from Ohio [Mr. TRAFICANT] and a Member opposed each will be recognized for 15 minutes.

Mr. CANADY of Florida. Mr. Chairman, I rise in opposition to the amendment and claim the 15 minutes in opposition. I yield 7½ minutes of that time to the gentleman from Massachusetts [Mr. FRANK] and ask unanimous consent that he may be permitted to yield blocks of time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. CANADY] and the gentleman from Massachusetts [Mr. FRANK] each will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

As I discussed, every year foreign interests spend hundreds of millions of dollars to influence our Government. They employ topnotch representatives. Many times they are former staff members of key committees, counsel to Ways and Means. Sometimes they are Members who chaired the most powerful committees in the Congress.

That evidently is a way of life, and the bill attempted to deal with that by banning for a lifetime U.S. Trade Representatives and Deputy Trade Representatives. We felt that did not go far enough.

But the bottom line is there are several General Accounting Office reports, and they basically say that only one out of every three, maybe only one out of every four agents who represent foreign interests take the time to register. The Traficant amendment deals with the registration of these agents dealing with foreign interests, and, in fact, penalties to stop such abuse.

Since that 1990 report was released by the General Accounting Office, the GAO wrote, neither the Justice Department nor Congress has adequately rectified this breach of security.

I submitted a bill dealing with the issue. The bottom line is with the end of the cold war, our whole dynamic on foreign interest lobbying has switched from sinister underground spy networks to trade and global competition. Many individuals and law firms who represent interests in these areas are exempt from registration under the act.

Now the bill deals with that, but not enough. The Traficant amendment would make them come in and submit in writing the reasons why they should qualify for an exemption.

In addition to that, the bill basically, and the focus, is changed from foreign agent representation act to foreign interest representation act, and that is where it should be.

Any person who engages in political activities for the purpose of furthering commercial, industrial or financial operations of a foreign interest would no longer be exempt. In addition, representatives of foreign interests will now be required to notify the Attorney General. Moreover, any person relying on an exemption under the act must notify the Justice Department of their intention to do so.

The amendment also establishes a test to determine what constitutes foreign control. Entities that are more than 50 percent foreign owned would be presumed to be foreign controlled, and be required to register. Entities with a 20 to 50 percent foreign ownership would also be considered foreign controlled.

But the timeliness of foreign agent registration now becomes an issue. Of the 28 registration statements reviewed in the GAO report, 70 percent had not even registered on time, for those who had registered.

Now one out of four is registering, and 70 percent of the one out of four is registering late. No one is really looking into them. We are talking about lobbying. We are worried about everybody lobbying Congress. I am talking about foreign interests that lobby the Congress of the United States. I could hear the talk. I have great respect for the gentleman from Texas [Mr. BRYANT] and the gentleman from Massachusetts [Mr. FRANK]. ''Yes, it's right, TRAFICANT, you're right, but not now.''

Beam me up here.

The penalties that are under law right now are so great the Justice Department shies away. The Traficant amendment puts reasonable penalties on. From a $2,000 civil fine up to $1 million with repeated abuse or significant facts.

The Justice Department would be given the authority to subpoena individuals for testimony and their records. The bottom line here is, even though I am preaching to the wind, we are now worried about Bosnia, with a $40 billion trade deficit with China.

Who represents China? We do not know. I guarantee you that. A $70-plus billion trade deficit with Japan. Whom all of those are, we do not know. We have gone from a $2 billion surplus with Mexico to a $20 billion deficit projected this year. Who represents the Government of Mexico? Who represents interests in Mexico?

□ 1045

Mr. Chairman, Canada, $16 billion surplus. Who represents all those interests? Here we are with North American free trade, Congress; we have a $36 billion deficit in our own hemisphere. We have chased our workers out of the country, chased our factories out, and we do not even require the people who represent those interests to register.

The Senate, the Senate said, ''If you add this on, it is gone, boy.'' Let me tell you what, any Senate that would reject this commonsense amendment is a Senate that the American people can do without.

I do not know how much time I have left, Mr. Chairman, but I want to retain some of my time to hear these illustrious rebuttals.

Mr. Chairman, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the interest of the gentleman from Ohio on this issue. I have offered to work with the gentleman from Ohio on his concerns.

I believe that the bill that is before the House addresses the concerns that the gentleman has in a very substantive way. I believe that the bill takes a big step forward in improving the information that will be available concerning foreign agents as well as persons representing foreign business interests.

As I have said before on the floor, I believe that this whole issue of the representation of foreign interests is something that we need to look into with greater detail. I am committed to doing that in a comprehensive way early next year in the Subcommittee on the Constitution.

I am concerned that, in some ways, the gentleman's amendment would actually weaken what we have in the bill. I think that that is a point that needs to be made and understood by the Members.

But I want to work with the gentleman from Ohio. I would urge the gentleman from Ohio to withdraw his amendment so that we can move forward with this important legislation, put this legislation on the President's desk, and break the 40-year gridlock. I understand what the gentleman has said, and I respect his perspective on this.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Would the gentleman articulate where the Traficant amendment weakens his bill?

Mr. CANADY of Florida. I will, Mr. Chairman. For instance, H.R. 2564, the bill before the House now, eliminates the domestic subsidiary exemption which is currently in the law for foreign corporations. Your amendment would restore that exemption. Now, I think that is a weakening of the bill.

Mr. TRAFICANT. Notification would allow it. We have to know the reasons, sir. Let us be honest about that. Right now that exemption goes without notice.

Mr. CANADY of Florida. Reclaiming my time, I urge the Members of the House to focus on the issue here. We debated this at great length yesterday or earlier and at some length yesterday. The point here is that we have a bill dealing with lobby disclosure reform. This is an issue that has been tied up in the House and the Senate for more than 40 years. We have seen 40 years of gridlock.

We have a historic opportunity today to send a bill to the President to sign that will ensure that the public has access to information concerning lobbying activities here in Washington. I think it is time we do that.

There is bipartisan consensus that that is what we should do. There is bipartisan support for this bill that passed the Senate 98 to zero.

I do not claim that this is a perfect bill. But I do know that if history repeats itself, we will not get anything done on this issue, and I think the American people want something done and they are tired of excuses. They are tired of delay. They are tired of games that are played, and it is time that we ended that.

So I would urge opposition to the amendment, the well-intended amendment, offered by the gentleman from Ohio.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BRYANT], a major sponsor of this legislation on our side.

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Chairman, I would like to say first to the gentleman from Ohio [Mr. TRAFICANT] that what you are asking for in this amendment is, in my opinion, the right thing, as were several of the amendments asked for last night, and I think I can speak with more credibility perhaps than many of the Members of the House about this because of the fact that over the last years I have introduced and on occasion passed legislation to require disclosure of foreign ownership, sponsored and voted for legislation to force disclosure of the lobbying connections between our former Cabinet members and their clients after they leave and to prohibit them from being able to lobby for or advise foreign nationals or foreign companies. I agree with you.

It is not the amendment that you have here today that is the problem. It is the fact that any amendment in this setting is a problem.

As you know, the gentleman from Massachusetts [Mr. FRANK] and the gentleman from Florida [Mr. CANADY] are going to introduce legislation which I intend to cosponsor that will take these amendments and put them into law. We will get to vote on this again.

The Senate has not said that if you put the Traficant amendment on we will kill this bill or if you put the Istook amendment on we will kill this bill; they have not said they are going to kill the bill at all.

What we know, though, is if this bill goes to conference, as opposed to being passed and going to the President, it is going to be tied up and killed as it has been every time it has been attempted for 40 years.

Here we have a historic opportunity to pass this bill and see it signed into law and watch a major bipartisan accomplishment improve this process. Any amendment offered today, no matter how good it is, standing alone, is going to endanger this process.

For that reason I ask Members to vote ''no'' and then to cosponsor the Canady-Frank bill that will come after it.

I want to say the gentleman from Florida [Mr. CANADY] has played this straight from the beginning. He played it straight last year when we were in the majority, and I was chairman of the Committee of jurisdiction, and he has played it straight this year as subcommittee chairman. I accept his commitment to do just what he said; that is, to have hearings and move this bill out of here that contains many of the things we would like to see done.

For the time being, please vote ''no'' on the amendment today so we can pass the bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Let me say the gentleman from Ohio has brought this to our attention before. I agree with most of his amendment.

This is a complex issue, and as the gentleman from Florida pointed out, there is one point the gentleman from Ohio acknowledges, and I appreciate it, that the legislation here would strengthen regulation of foreign agents. He makes the point that we can strengthen it further. We agree with him.

But there are two points that are relevant. First, and I think what happened was he quite sensibly drafted his amendment to the existing law. This bill, as it came to us, changed the existing law. So, while his amendment does, in fact, strengthen the regulation of foreign interests in most instances, there is one instance, because of the kind of problem that happens with drafting, where he drafted to the original law and then the bill about came in after that, and there is one provision here, domestic subsidiaries of foreign interests, which now have an exemption in the law, and the bill, as presented, would abolish that exemption. Domestic subsidiaries would have no exemption. What they have now is a too generous exemption.

The gentleman from Ohio understandably tightens up the exemption. What he could not have known when he was drafting his bill was this legislation would do away with the exemption altogether. So, through no fault of anyone's, in fact, in this one case his bill weakens the scheme. In general, it strengthens it. His amendment, in general, strengthens it. In this one instance, it weakens it because it modifies an exemption we abolished altogether.

I would note I mentioned yesterday we have, and I am holding a bill here that includes as cosponsors myself, the gentleman from Texas [Mr. BRYANT], I hope the gentleman from Ohio [Mr.

TRAFICANT], the gentleman from Connecticut [Mr. SHAYS] on the other side, and others. Not the chairman of the subcommittee, because he quite understandably wants to preserve his ability to look at the whole thing. But he promised us yesterday—and I have worked with him for years and he is a man who has kept every promise he has ever made to other Members—there would be a hearing and markup of legislation that would focus specifically on tightening foreign agents' registration.

Here is our problem. As my friend from Texas said, it is not anyone in the Senate has said if you change it we will kill the bill. It is worse than that. If we had such a public threat, then the gentleman would be correct, the gentleman from Ohio, and political pressure could be brought against them. But as the gentleman from Ohio understands as well as anyone here, this bill has a lot of enemies who do not want to admit they are its enemies. If we were dealing with someone who stood up and said, amend it and I will kill it, we could deal with that.

This bill is not likely to be shot head on. It is likely to be nibbled at from all sides. It will disappear. There will be quicksand here. There will be a bend in the road. We have a crowded legislative calendar.

It took a lot of energy to get this bill up even today. If it has to go to conference with everything else going on, with Bosnia, with the budget, with all the other major items, there is a strong likelihood of it being held up.

The problem is not if you go to conference and someone stands up and says, ''I hate this bill,'' but people who want to kill it say, ''I like this bill better than you do. I want to do it this way. I want to do it that way.'' We have no way to resolve it.

So we believe, and we appreciate the gentleman acknowledging this, we have a bill that improves the scheme of regulation of foreign interests. We agree it does not go far enough. Our hope is that we would get this bill passed, which we can do. If we get by this amendment without it being adopted, this bill goes to the President's desk, in my opinion, and we then immediately thereafter begin to tighten it. We tighten it in ways where I think we have a consensus.

The only change we would want to make in the gentleman's bill, I want to make, would be one I think he would agree with, we would want to continue to wipe out that exemption rather than to restore it.

With that, I hope the gentleman from Ohio would understand we say this in a cooperative spirit and want to get this bill to the President's desk.

Mr. Chairman, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Chairman, I yield myself 2 minutes.

Under the bill, section 8, lobbying contact, under exceptions, B, the term ''lobbying contact'' does not include a communication that is made on behalf of a government of a foreign country or foreign political party and disclosed. I have heard all of this talk about how it is so much stronger.

Let us talk about what your bill does not do here, folks. Your bill does not empower the opportunity of the Justice Department to subpoena foreign agents to appear, testify, or produce records at administrative hearings concerning their violation of registration. Your bill does not impose administrative fines for minor violations against those who, after being directly informed of their obligation to report, still fail to do so. So, as a result, the General Accounting Office says this is meaningless. The Department of Justice is not going to go after these gnats with an MX missile.

Now, if there is some delineation and clarification of exemption, I would submit I would have to see in writing where the strength of your language is that much stronger. But, given that, given that, when is it that there are minor matters that deal in these issues that cannot be rectified in the conference with the U.S. Senate? Have we started to become subservient to the House of Lords or what?

Let me say, I do not have that much time. You guys are going to defeat the amendment. I want to say this to you: We have allowed foreign interests to run around this country lobbying our Government, and if not this bill today, then, damn it, when? That is what this bill is about. You are telling me you are going to bring another bill back. It is going to go to the other body. They are going to like it then, and the President is going to sign it.

What I am hearing today is: If it is great legislation, it has no shot; if it is mediocre, send it over, boys.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the remainder of my time.

I am disappointed in my friend. We are trying to work this out. You want to posture and wave your arms, fine.

You asked me where is your bill weaker. We, in our bill here, page 26, line 13, letter D, striking subsection (q), subsection (q) of the law is an exemption granted to domestic subsidiaries of foreign agents. We abolish that exemption. Your bill merely amends it.

Yes, your bill tightens this in some ways. But here is the specific case, page 26, line 13.

Second, we are not being subservient to the Senate. We are recognizing what you yourself understand. There are enemies of this bill who, if it goes back into the parliamentary thicket, will make it less likely it emerges.

☐ 1100

That is why we want to get this thing done, and then move beyond that. But I will say at this point, there is a very specific area, page 26, line 13, where we strike an exemption for domestic subsidiaries of foreign interests, a pretty significant one, and you leave it in there and modify it. That is the difference.

Mr. Chairman, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, under my amendment, and listen to the language, ''Any person who engages in political activities for the purpose of furthering the commercial or financial operations of a foreign interest would no longer be exempt. In addition, representatives of foreign interests will now be required to notify the Attorney General'' if they would even seek any technicality to have such an exemption.

The only thing that I do is, I ban it too, but I make sure that at least those have an intention of trying to get around the registration have to show their hand here. I think that that speaks well of it. If there could be any more clarifying language, I would be glad to accept it.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

The gentleman had just said, first of all, he abolishes the exemption; but, second, he makes you tell the Attorney General if you are going to get it. That is like saying, ''I didn't take the bicycle, and it was fixed when I gave it back to you, but it was broken when I took it.''

The fact is that the gentleman, inadvertently perhaps, restores an exemption that this bill repeals, and saying that the Attorney General has to tell us does not change the facts. That is why this would benefit from being able to be worked on, as we will do in January or February.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, we are so close. We are about this close from passing real lobby reform legislation, the length of the pen that the President of the United States can use to sign this into law. We have done it in a very contentious Congress, on a bipartisan basis, with people who said ''Yes, let us have a gift ban, and a strong gift ban,'' and who now, after almost 50 years, five decades, are this close, the length of a pen, to signing this into law and to make it the law of the land that we are reforming this Congress and regulating the lobby.

Yes, I am very concerned about the lack of registration of foreign agents. There are some that are not registered. But for every one of them, there are dozens or hundreds of people that are domestic agents that are not registered under our laws today. I am concerned about the loss of jobs to other countries, but I am also concerned about the loss of the public interest from this Capitol building. Let us do what is

right today: Defeat these amendments, place this on the President's desk, sign it into law this year, and then move on to reform our campaign finance laws, on a bipartisan basis also.

Mr. TRAFICANT. Mr. Chairman, I yield 2 minutes to the gentleman from western Pennsylvania [Mr. ENGLISH], replacing the big shoes of Tom Ridge, and he has done a fine job.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding me the time, and for his handsome comments.

Mr. Chairman, the gentleman's amendment, I think, provides fundamental reform of the registration of foreign agents. I think it is timely and necessary, given that this aspect of the law has not been modified for many decades and is demanding of reform. It is an obscenity right now that most representatives of foreign interests do not register. They are not in the public domain. The public is not protected from them and is not provided with the information that they need about the level of foreign interest representation.

Mr. Chairman, let me say, there is no controversy here. The managers of this bill have conceded, despite some technical arguments, that generally this amendment would strengthen this bill. That clearly is not in question here. I think the managers of this bill have made one real argument against this amendment, that somehow it impedes the progress of the legislation. However, I would repeat my earlier argument on previous amendments, like the English-Traficant amendment that was defeated last night by a very narrow margin, that we need to do our business.

It has been conceded here that this bill, this underlying bill, should be stronger. I would submit that we will feed public cynicism if we do not go forward and produce, here and now, the strongest possible bill, and have the discipline to follow through and get a conference passed by both houses. I do not think we can jump start this by simply passing the Senate version which, as has been conceded, does not go far enough in some particulars.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this has been one of the few issues that has been bipartisan in the extraordinary leadership of the gentleman from Florida [Mr. CANADY] and the gentleman from Massachusetts [Mr. FRANK], Republican and Democrat coming together for the first time in 49 years to pass meaningful lobby disclosure.

The Senate wants the bill of the gentleman from Ohio [Mr. TRAFICANT] to pass. They want this bill to be sent back to the Senate. Some do not like the Simpson amendment in it; some do not like for the first time the fact that Senators will have to disclose their blind trusts, the full amount. They want it to come back to them so in conference they can take out the parts they do not want. Others want to send the President a bill that he will veto, to embarrass the President.

Mr. Chairman, we have the opportunity to have for the first time since 1946 meaningful lobby disclosure pass this Congress and be signed by the President. When they passed meaningful lobby disclosure in 1946 it was gutted by the Supreme Court in 1954. We have a meaningless law right now on the books. It is the reason that only 6,000 people register as lobbyists, when it is estimated that 60,000 to 80,000 people actually lobby Congress and lobby the executive branch. We have an opportunity to have these individuals lobby, and to disclose that they lobby, to disclose who pays them, to learn how much they are paid and to learn what they do.

The gentleman from Ohio [Mr. TRAFICANT] has a good concept. I believe that will pass. I believe that we can bring out a bill on its own, combined with a few others that have come forward in the course of this debate, but I urge my colleagues to recognize we are so close. We have the opportunity to defeat this amendment, maybe defeat one more, and then send it to the President and have it become law.

I would just conclude by congratulating the gentleman from Florida [Mr. CANADY] and congratulating the gentleman from Massachusetts [Mr. FRANK], and to tell them that it is refreshing to participate, and to the gentleman from Texas [Mr. BRYANT] and others, to participate in a bipartisan effort to get true lobby disclosure.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, No. 1, I do not want any of my comments taken to in any way cast any shadow of competency and/or address to duty on behalf of the gentleman from Massachusetts [Mr. FRANK], one of the most intelligent Members of this body, who has shepherded a lot of these bills in the past, and the gentleman from Florida [Mr. CANADY], his effort, the gentleman from Connecticut [Mr. SHAYS], both of them extremely well qualified and do an excellent job. They have worked with the gentleman from Massachusetts [Mr. FRANK] and we probably have the best brain trust involved in the bill. When you talk about the gentleman from Texas [Mr. BRYANT], we talk about one of our more solid Members who understands the Constitution and can interpret law.

Saying that, Mr. Chairman, I agree with everything the gentleman said. I have some concerns with loopholes in your language. In section 3 under definitions, the definition of lobbying contact calls for, in subsection B, under subsection 8, the term ''lobbying contact'' does not include a communication that is made on behalf of a government of a foreign country or a foreign political entity.

Mr. Chairman, there is some real technical language in here that people can run with. Everybody says no, that does not apply, the other section applies. A court of law is a funny place. The only thing I would like to say is this: that the Traficant amendment gives reasonable fines for reasonable offenses. It provides a date certain when individual agents representing foreign agents must register, and they have no more than a 30-day grace period, January 30–July 30.

The point I am making is, I listen to these arguments but here is what troubles me. We all agree that this is strengthening. If there is one question on the exemption language which, quite frankly, I believe the intent of my legislation prohibits any exemptions for commercial trade issues and, in fact, further makes notice that anybody who misreads that section must notify the Attorney General that they think they may have an exemption, make sure there is a process, before they could even consider having an exemption. My bill specifically in fact denies any exemption. I will read it: ''Any person who engages in political activities for the purpose of furthering commercial or financial operations of foreign interests would no longer be exempt.''

Yes, the trouble that we have is most people do not know the law. There is no notification, which the Traficant bill provides. There is no reasonableness in the fines. As a result, there is no enforcement. There are no subpoena powers. It is like saying we are going to enforce the law, but we cannot subpoena your records.

I have been here for a number of years and, quite frankly, I am absolutely sickened by foreign interests who rip us off. Let me say this: We might be concerned about the Senate's blind trust today, but I am concerned about foreign interests' blindsiding of the American economy. I think that is a hell of a lot more.

However, I am going to do this. I am asking the chairman, because I have a commitment by the gentleman from Massachusetts [Mr. FRANK], will he include the Traficant language with that one minor clarification, in another piece of legislation, and does that have a shot to come out of this Congress?

Mr. CANADY of Florida. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Florida.

Mr. CANADY of Florida. Mr. Chairman, as I have told the gentleman before, I want to work with the gentleman on this issue. We are going to consider the specific language that he has proposed here today, any changes he wants to make on it, any other suggestions he has on this general subject. I want to move forward with as strong a piece of legislation on this subject on this legislation as we possibly can.

Mr. TRAFICANT. I would ask the gentleman, Mr. Chairman, is that a yes?

Mr. CANADY of Florida. Yes.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I can guarantee to the gentleman, knowing the way this place functions, that we will have a new bill come out, his language will be in it in some form, and if he does not like that form, we will have a vote on the floor on his language, because we need a vote on this and other issues, and I can guarantee he can have a vote on this floor and I will be supporting it.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I would like to point out, there are a number of others of us who would like to speak in favor of such effort.

Mr. TRAFICANT. With that, Mr. Chairman, I think we have at least made our case. The blind trusts of the Senate are important, but there is the blindsiding of our economy by individuals trying to operate and get around it. I agree, the gentleman's intentions are honorable.

Mr. Chairman, I ask unanimous consent that my amendment, which in text and in substance will be included in further legislation, from what I have heard, now be withdrawn and there be no labor of a vote.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. REED. Mr. Chairman, I am pleased that today, the House of Representatives is considering H.R. 2564, legislation that will make long-overdue lobbying reforms. By approving this measure, the House will make real changes in the lobbying process, and take an important step toward restoring the American people's faith in their government.

Too often in the past, Congress has failed to effectively address the problems plaguing the lobbying process. Last year, for example, the House worked in a bipartisan manner to approve meaningful lobbying reform legislation, only to see the maneuvers of a few Republicans in the Senate block its enactment.

Throughout this year, Democrats have called upon the Republican majority to move forward with similarly meaningful lobbying reform legislation. By bringing H.R. 2564 to the floor, the Republicans have at last heard and answered this call. This bill would require professional lobbyists to identify their clients and disclose how much they are paid for their efforts. It would also guarantee the American people full access to this information.

Earlier this month, the Judiciary Committee, of which I am a member, recognized the importance of real lobbying reform and unanimously approved H.R. 2564. This impressive, bipartisan support offers great promise for today's debate on the measure.

Two weeks ago, the House demonstrated its commitment to reform by approving tough, new gift rules. Today, the House can take another step on the path toward needed reform and restored public faith in Government. I urge my colleagues to choose this path by passing real lobbying reform. I urge my colleagues to support H.R. 2564.

Mr. QUINN. Mr. Chairman, I rise today in support of H.R. 2564, the Lobbying Disclosure Act of 1995. This historic legislation imposes new disclosure requirements for lobbyists who contact legislative and executive branch officials and their staffs.

Lobbying reform legislation is long overdue. In fact, Congress has failed to agree to comprehensive legislation on this issue for 49 years. I have served in this body for almost 3 years and I am relieved to finally have the opportunity to vote for genuine lobbying reform.

Today, when the House adopts a rule to ban lobbyists from giving, and Members from receiving, unnecessary gifts, such as meals and vacations, it will be amending the 1946 Federal Regulation and Lobbying Act.

The 1946 act is seen as having broad deficiencies: among other weaknesses, it does not cover executive branch lobbying, grassroots lobbying, or the lobbying of congressional staff. These deficiencies have diminished the public's trust in Congress and its actions.

This issue should concern all Americans, because it indicates where the sympathies of their own Representatives lie, with them and their neighbors or with special interest groups based in Washington.

Polls clearly show that citizens continue to believe that special interests control the outcome of legislative debate. It is time for the House of Representatives and all of its Members to answer to the public's demand for lobbying reform.

The Lobbying Disclosure Act of 1995 reforms the way special interest groups and lobbyists unduly influence legislation on Capitol Hill. The legislation holds lobbyists responsible and if they break the law, they will be punished with tens of thousands of dollars in fines. I urge all my colleagues to support H.R. 2564.

Mr. FAWELL. Mr. Chairman, I rise in support of H.R. 2564, the Lobbying Disclosure Act of 1995. Unfortunately, current lobbying disclosure requirements are riddled with loopholes, which may lead public officials to enact policies that benefit special interests, rather than the public good. Building on Republican efforts to end business as usual in Washington, H.R. 2564 would impose strict registration and disclosure requirements for lobbyists who contact legislative and executive branch officials or their staffs. The bill would impose civil penalties on lobbyists who fail to file or who report false information, prohibit former U.S. trade officials from representing foreign entities, and expand financial disclosure requirements for Members of Congress.

In order to ensure that individuals who petition their congressional and Government representatives are not unfairly burdened with disclosure laws, H.R. 2564 defines a lobbyist as any individual who is employed or retained for compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a 6-month period.

There is strong bipartisan support for this legislation. In fact, the Senate passed an identical version of this legislation—S. 1060—on July 25, 1995, by a vote of 98 to 0.

Justifiable concerns were raised that if the Senate-version of this legislation were amended, the bill would become mired in a House-Senate conference, and the possibility of enacting any significant lobbying reform legislation would be substantially reduced. Therefore, although I find merit in many of the amendments which are being offered during floor consideration of H.R. 2564, I am voting against all changes to the underlying bill to avoid sending the legislation into a protracted House-Senate conference. This scenario would result in delay and disagreement between the two Chambers, which has in fact undermined previous attempts at lobbying reform.

Mr. Chairman, improvements in our outdated lobbying registration and disclosure requirements are long overdue. By promptly passing H.R. 2564 without amendment, we can send this important measure to the President's desk for signature into law. I am hopeful that the House will consider separate legislation relating to the issues raised through the amendment process in the coming months.

Mr. Chairman, I urge my colleagues to approve this legislation in the same form as passed by the Senate. H.R. 2564 is an important reform bill which is worthy of strong bipartisan support.

The CHAIRMAN. Are there further amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALLARD) having assumed the chair, Mr. KOLBE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2564) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, pursuant to House Resolution 269, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CANADY of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 11, as follows:

[Roll No. 828]

YEAS—421

Abercrombie	Andrews	Bachus
Ackerman	Archer	Baesler
Allard	Armey	Baker (CA)

Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Coyne
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Cox
Crane
de la Garza
Fattah
Flake
Hefner
Riggs
Roth
Towns
Tucker
Waters

□ 1134

Mrs. LINCOLN and Mr. OWENS changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. COX of California. Mr. Speaker, on rollcall No. 828, I was necessarily detained due to official business. Had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, on rollcall No. 828, I was unavoidably detained on other legislative business and was not able to cast my vote within the allotted time. Had I been present, I would have voted ''yea.''

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 2564, the bill just passed.

The SPEAKER pro tempore (Mr. ALLARD). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, pursuant to House Resolution 269, I call up the Senate bill (S. 1060) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lobbying Disclosure Act of 1995''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decisionmaking process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administrative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) AGENCY.—The term ''agency'' has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term ''client'' means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term ''covered executive branch official'' means—

(A) the President;

(B) the Vice President;

(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

(E) any member of the uniformed services whose pay grade is at or above O–7 under section 201 of title 37, United States Code; and

(F) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term ''covered legislative branch official'' means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) EMPLOYEE.—The term ''employee'' means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(6) FOREIGN ENTITY.—The term ''foreign entity'' means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)).

(7) LOBBYING ACTIVITIES.—The term ''lobbying activities'' means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.

(8) LOBBYING CONTACT.—

(A) DEFINITION.—The term ''lobbying contact'' means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term ''lobbying contact'' does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to an oral or written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033(a); and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by that Act or a similar organization that is designated by or registered with the Commodities Future Trading Commission as provided under the Commodity Exchange Act; and

(II) the Securities and Exchange Commission or the Commodities Future Trading Commission, respectively;

relating to the regulatory responsibilities of such organization under that Act.

(9) LOBBYING FIRM.—The term ''lobbying firm'' means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

(10) LOBBYIST.—The term ''lobbyist'' means any individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a six month period.

(11) MEDIA ORGANIZATION.—The term ''media organization'' means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(12) MEMBER OF CONGRESS.—The term ''Member of Congress'' means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

(13) ORGANIZATION.—The term ''organization'' means a person or entity other than an individual.

(14) PERSON OR ENTITY.—The term ''person or entity'' means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(15) PUBLIC OFFICIAL.—The term ''public official'' means any elected official, appointed official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j))), including any affiliate of such an agency; or

(v) an agency of any State functioning as a student loan secondary market pursuant to section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F));

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government.

(16) STATE.—The term ''State'' means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

SEC. 4. REGISTRATION OF LOBBYISTS.

(a) REGISTRATION.—

(1) GENERAL RULE.—No later than 45 days after a lobbyist first makes a lobbying contact or is employed or retained to make a lobbying contact, whichever is earlier, such lobbyist (or, as provided under paragraph (2), the organization employing such lobbyist), shall register with the Secretary of the Senate and the Clerk of the House of Representatives.

(2) EMPLOYER FILING.—Any organization that has 1 or more employees who are lobbyists shall file a single registration under this section on behalf of such employees for each client on whose behalf the employees act as lobbyists.

(3) EXEMPTION.—

(A) GENERAL RULE.—Notwithstanding paragraphs (1) and (2), a person or entity whose—

(i) total income for matters related to lobbying activities on behalf of a particular client (in the case of a lobbying firm) does not exceed and is not expected to exceed $5,000; or

(ii) total expenses in connection with lobbying activities (in the case of an organization whose employees engage in lobbying activities on its own behalf) do not exceed or are not expected to exceed $20,000,

(as estimated under section 5) in the semiannual period described in section 5(a) during which the registration would be made is not required to register under subsection (a) with respect to such client.

(B) ADJUSTMENT.—The dollar amounts in subparagraph (A) shall be adjusted—

(i) on January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) since the date of enactment of this Act; and

(ii) on January 1 of each fourth year occurring after January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) during the preceding 4-year period,

rounded to the nearest $500.

(b) CONTENTS OF REGISTRATION.—Each registration under this section shall contain—

(1) the name, address, business telephone number, and principal place of business of the registrant, and a general description of its business or activities;

(2) the name, address, and principal place of business of the registrant's client, and a general description of its business or activities (if different from paragraph (1));

(3) the name, address, and principal place of business of any organization, other than the client, that—

(A) contributes more than $10,000 toward the lobbying activities of the registrant in a semiannual period described in section 5(a); and

(B) in whole or in major part plans, supervises, or controls such lobbying activities.

(4) the name, address, principal place of business, amount of any contribution of more than $10,000 to the lobbying activities of the registrant, and approximate percentage of equitable ownership in the client (if any) of any foreign entity that—

(A) holds at least 20 percent equitable ownership in the client or any organization identified under paragraph (3);

(B) directly or indirectly, in whole or in major part, plans, supervises, controls, directs, finances, or subsidizes the activities of the client or any organization identified under paragraph (3); or

(C) is an affiliate of the client or any organization identified under paragraph (3) and has a direct interest in the outcome of the lobbying activity;

(5) a statement of—

(A) the general issue areas in which the registrant expects to engage in lobbying activities on behalf of the client; and

(B) to the extent practicable, specific issues that have (as of the date of the registration) already been addressed or are likely to be addressed in lobbying activities; and

(6) the name of each employee of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client and, if any such employee has served as a covered executive branch official or a covered legislative branch official in the 2 years before the date on which such employee first acted (after the date of enactment of this Act) as a lobbyist on behalf of the client, the position in which such employee served.

(c) GUIDELINES FOR REGISTRATION.—

(1) MULTIPLE CLIENTS.—In the case of a registrant making lobbying contacts on behalf of more than 1 client, a separate registration under this section shall be filed for each such client.

(2) MULTIPLE CONTACTS.—A registrant who makes more than 1 lobbying contact for the same client shall file a single registration covering all such lobbying contacts.

(d) TERMINATION OF REGISTRATION.—A registrant who after registration—

(1) is no longer employed or retained by a client to conduct lobbying activities, and

(2) does not anticipate any additional lobbying activities for such client,

may so notify the Secretary of the Senate and the Clerk of the House of Representatives and terminate its registration.

SEC. 5. REPORTS BY REGISTERED LOBBYISTS.

(a) SEMIANNUAL REPORT.—No later than 45 days after the end of the semiannual period beginning on the first day of each January and the first day of July of each year in which a registrant is registered under section 4, each registrant shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives on its lobbying activities during such semiannual period. A separate report shall be filed for each client of the registrant.

(b) CONTENTS OF REPORT.—Each semiannual report filed under subsection (a) shall contain—

(1) the name of the registrant, the name of the client, and any changes or updates to the information provided in the initial registration;

(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the semiannual filing period—

(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of bill numbers and references to specific executive branch actions;

(B) a statement of the Houses of Congress and the Federal agencies contacted by lobbyists employed by the registrant on behalf of the client;

(C) a list of the employees of the registrant who acted as lobbyists on behalf of the client; and

(D) a description of the interest, if any, of any foreign entity identified under section 4(b)(4) in the specific issues listed under subparagraph (A).

(3) in the case of a lobbying firm, a good faith estimate of the total amount of all income from the client (including any payments to the registrant by any other person for lobbying activities on behalf of the client) during the semiannual period, other than income for matters that are unrelated to lobbying activities; and

(4) in the case of a registrant engaged in lobbying activities on its own behalf, a good faith estimate of the total expenses that the registrant and its employees incurred in connection with lobbying activities during the semiannual filing period.

(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

(1) Estimates of amounts in excess of $10,000 shall be rounded to the nearest $20,000.

(2) In the event income or expenses do not exceed $10,000, the registrant shall include a statement that income or expenses totaled less than $10,000 for the reporting period.

(3) A registrant that reports lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may satisfy the requirement to report income or expenses by filing with the Secretary of the Senate and the Clerk of the House of Representatives a copy of the form filed in accordance with section 6033(b)(8).

SEC. 6. DISCLOSURE AND ENFORCEMENT.

The Secretary of the Senate and the Clerk of the House of Representatives shall—

(1) provide guidance and assistance on the registration and reporting requirements of this Act and develop common standards, rules, and procedures for compliance with this Act;

(2) review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports;

(3) develop filing, coding, and cross-indexing systems to carry out the purpose of this Act, including—

(A) a publicly available list of all registered lobbyists, lobbying firms, and their clients; and

(B) computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this Act;

(4) make available for public inspection and copying at reasonable times the registrations and reports filed under this Act;

(5) retain registrations for a period of at least 6 years after they are terminated and reports for a period of at least 6 years after they are filed;

(6) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a clear and complete manner;

(7) notify any lobbyist or lobbying firm in writing that may be in noncompliance with this Act; and

(8) notify the United States Attorney for the District of Columbia that a lobbyist or lobbying firm may be in noncompliance with this Act, if the registrant has been notified in writing and has failed to provide an appropriate response within 60 days after notice was given under paragraph (6).

SEC. 7. PENALTIES.

Whoever knowingly fails to—

(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

(2) comply with any other provision of this Act; shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than $50,000, depending on the extent and gravity of the violation.

SEC. 8. RULES OF CONSTRUCTION.

(a) CONSTITUTIONAL RIGHTS.—Nothing in this Act shall be construed to prohibit or interfere with—

(1) the right to petition the government for the redress of grievances;

(2) the right to express a personal opinion; or

(3) the right of association,

protected by the first amendment to the Constitution.

(b) PROHIBITION OF ACTIVITIES.—Nothing in this Act shall be construed to prohibit, or to authorize any court to prohibit, lobbying activities or lobbying contacts by any person or entity, regardless of whether such person or entity is in compliance with the requirements of this Act.

(c) AUDIT AND INVESTIGATIONS.—Nothing in this Act shall be construed to grant general audit or investigative authority to the Secretary of the Senate or the Clerk of the House of Representatives.

SEC. 9. AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION ACT.

The Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) is amended—

(1) in section 1—

(A) by striking subsection (j);

(B) in subsection (o) by striking ''the dissemination of political propaganda and any other activity which the person engaging

therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence'' and inserting ''any activity that the person engaging in believes will, or that the person intends to, in any way influence'';

(C) in subsection (p) by striking the semicolon and inserting a period; and

(D) by striking subsection (q);

(2) in section 3(g) (22 U.S.C. 613(g)), by striking ''established agency proceedings, whether formal or informal.'' and inserting ''judicial proceedings, criminal or civil law enforcement inquiries, investigations, or proceedings, or agency proceedings required by statute or regulation to be conducted on the record.'';

(3) in section 3 (22 U.S.C. 613) by adding at the end the following:

''(h) Any agent of a person described in section 1(b)(2) or an entity described in section 1(b)(3) if the agent is required to register and does register under the Lobbying Disclosure Act of 1995 in connection with the agent's representation of such person or entity.'';

(4) in section 4(a) (22 U.S.C. 614(a))—

(A) by striking ''political propaganda'' and inserting ''informational materials''; and

(B) by striking ''and a statement, duly signed by or on behalf of such an agent, setting forth full information as to the places, times, and extent of such transmittal'';

(5) in section 4(b) (22 U.S.C. 614(b))—

(A) in the matter preceding clause (i), by striking ''political propaganda'' and inserting ''informational materials''; and

(B) by striking ''(i) in the form of prints, or'' and all that follows through the end of the subsection and inserting ''without placing in such informational materials a conspicuous statement that the materials are distributed by the agent on behalf of the foreign principal, and that additional information is on file with the Department of Justice, Washington, District of Columbia. The Attorney General may by rule define what constitutes a conspicuous statement for the purposes of this subsection.'';

(6) in section 4(c) (22 U.S.C. 614(c)), by striking ''political propaganda'' and inserting ''informational materials'';

(7) in section 6 (22 U.S.C. 616)—

(A) in subsection (a) by striking ''and all statements concerning the distribution of political propaganda'';

(B) in subsection (b) by striking '', and one copy of every item of political propaganda''; and

(C) in subsection (c) by striking ''copies of political propaganda,'';

(8) in section 8 (22 U.S.C. 618)—

(A) in subsection (a)(2) by striking ''or in any statement under section 4(a) hereof concerning the distribution of political propaganda''; and

(B) by striking subsection (d); and

(9) in section 11 (22 U.S.C. 621) by striking '', including the nature, sources, and content of political propaganda disseminated or distributed''.

SEC. 10. AMENDMENTS TO THE BYRD AMENDMENT.

(a) REVISED CERTIFICATION REQUIREMENTS.—Section 1352(b) of title 31, United States Code, is amended—

(1) in paragraph (2) by striking subparagraphs (A), (B), and (C) and inserting the following:

''(A) the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on behalf of the person with respect to that Federal contract, grant, loan, or cooperative agreement; and

''(B) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a).'';

(2) in paragraph (3) by striking all that follows ''loan shall contain'' and inserting ''the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on behalf of the person in connection with that loan insurance or guarantee.''; and

(3) by striking paragraph (6) and redesignating paragraph (7) as paragraph (6).

(b) REMOVAL OF OBSOLETE REPORTING REQUIREMENT.—Section 1352 of title 31, United States Code, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 11. REPEAL OF CERTAIN LOBBYING PROVISIONS.

(a) REPEAL OF THE FEDERAL REGULATION OF LOBBYING ACT.—The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.) is repealed.

(b) REPEAL OF PROVISIONS RELATING TO HOUSING LOBBYIST ACTIVITIES.—

(1) Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) is repealed.

(2) Section 536(d) of the Housing Act of 1949 (42 U.S.C. 1490p(d)) is repealed.

SEC. 12. CONFORMING AMENDMENTS TO OTHER STATUTES.

(a) AMENDMENT TO COMPETITIVENESS POLICY COUNCIL ACT.—Section 5206(e) of the Competitiveness Policy Council Act (15 U.S.C. 4804(e)) is amended by inserting ''or a lobbyist for a foreign entity (as the terms 'lobbyist' and 'foreign entity' are defined under section 3 of the Lobbying Disclosure Act of 1995)'' after ''an agent for a foreign principal''.

(b) AMENDMENTS TO TITLE 18, UNITED STATES CODE.—Section 219(a) of title 18, United States Code, is amended—

(1) by inserting ''or a lobbyist required to register under the Lobbying Disclosure Act of 1995 in connection with the representation of a foreign entity, as defined in section 3(7) of that Act'' after ''an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938''; and

(2) by striking out '', as amended,''.

(c) AMENDMENT TO FOREIGN SERVICE ACT OF 1980.—Section 602(c) of the Foreign Service Act of 1980 (22 U.S.C. 4002(c)) is amended by inserting ''or a lobbyist for a foreign entity (as defined in section 3(7) of the Lobbying Disclosure Act of 1995)'' after ''an agent of a foreign principal (as defined by section 1(b) of the Foreign Agents Registration Act of 1938)''.

SEC. 13. SEVERABILITY.

If any provision of this Act, or the application thereof, is held invalid, the validity of the remainder of this Act and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 14. IDENTIFICATION OF CLIENTS AND COVERED OFFICIALS.

(a) ORAL LOBBYING CONTACTS.—Any person or entity that makes an oral lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact—

(1) state whether the person or entity is registered under this Act and identify the client on whose behalf the lobbying contact is made; and

(2) state whether such client is a foreign entity and identify any foreign entity required to be disclosed under section 4(b)(4) that has a direct interest in the outcome of the lobbying activity.

(b) WRITTEN LOBBYING CONTACTS.—Any person or entity registered under this Act that makes a written lobbying contact (including an electronic communication) with a covered legislative branch official or a covered executive branch official shall—

(1) if the client on whose behalf the lobbying contact was made is a foreign entity, identify such client, state that the client is considered a foreign entity under this Act, and state whether the person making the lobbying contact is registered on behalf of that client under section 4; and

(2) identify any other foreign entity identified pursuant to section 4(b)(4) that has a direct interest in the outcome of the lobbying activity.

(c) IDENTIFICATION AS COVERED OFFICIAL.—Upon request by a person or entity making a lobbying contact, the individual who is contacted or the office employing that individual shall indicate whether or not the individual is a covered legislative branch official or a covered executive branch official.

SEC. 15. ESTIMATES BASED ON TAX REPORTING SYSTEM.

(a) ENTITIES COVERED BY SECTION 6033(b) OF THE INTERNAL REVENUE CODE OF 1986.—A registrant that is required to report and does report lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may—

(1) make a good faith estimate (by category of dollar value) of applicable amounts that would be required to be disclosed under such section for the appropriate semiannual period to meet the requirements of sections 4(a)(3), 5(a)(2), and 5(b)(4); and

(2) in lieu of using the definition of ''lobbying activities'' in section 3(8) of this Act, consider as lobbying activities only those activities that are influencing legislation as defined in section 4911(d) of the Internal Revenue Code of 1986.

(b) ENTITIES COVERED BY SECTION 162(e) OF THE INTERNAL REVENUE CODE OF 1986.—A registrant that is subject to section 162(e) of the Internal Revenue Code of 1986 may—

(1) make a good faith estimate (by category of dollar value) of applicable amounts that would not be deductible pursuant to such section for the appropriate semiannual period to meet the requirements of sections 4(a)(3), 5(a)(2), and 5(b)(4); and

(2) in lieu of using the definition of ''lobbying activities'' in section 3(8) of this Act, consider as lobbying activities only those activities, the costs of which are not deductible pursuant to section 162(e) of the Internal Revenue Code of 1986.

(c) DISCLOSURE OF ESTIMATE.—Any registrant that elects to make estimates required by this Act under the procedures authorized by subsection (a) or (b) for reporting or threshold purposes shall—

(1) inform the Secretary of the Senate and the Clerk of the House of Representatives that the registrant has elected to make its estimates under such procedures; and

(2) make all such estimates, in a given calendar year, under such procedures.

(d) STUDY.—Not later than March 31, 1997, the Comptroller General of the United States shall review reporting by registrants under subsections (a) and (b) and report to the Congress—

(1) the differences between the definition of ''lobbying activities'' in section 3(8) and the definitions of ''lobbying expenditures'', ''influencing legislation'', and related terms in sections 162(e) and 4911 of the Internal Revenue Code of 1986, as each are implemented by regulations;

(2) the impact that any such differences may have on filing and reporting under this Act pursuant to this subsection; and

(3) any changes to this Act or to the appropriate sections of the Internal Revenue Code of 1986 that the Comptroller General may recommend to harmonize the definitions.

SEC. 16. REPEAL OF THE RAMSPECK ACT.

(a) REPEAL.—Subsection (c) of section 3304 of title 5, United States Code, is repealed.

(b) REDESIGNATION.—Subsection (d) of section 3304 of title 5, United States Code, is redesignated as subsection (c).

(c) EFFECTIVE DATE.—The repeal and amendment made by this section shall take effect 2 years after the date of the enactment of this Act.

SEC. 17. EXCEPTED SERVICE AND OTHER EXPERIENCE CONSIDERATIONS FOR COMPETITIVE SERVICE APPOINTMENTS.

(a) IN GENERAL.—Section 3304 of title 5, United States Code (as amended by section 2 of this Act) is further amended by adding at the end thereof the following new subsection:

''(d) The Office of Personnel Management shall promulgate regulations on the manner and extent that experience of an individual in a position other than the competitive service, such as the excepted service (as defined under section 2103) in the legislative or judicial branch, or in any private or nonprofit enterprise, may be considered in making appointments to a position in the competitive service (as defined under section 2102). In promulgating such regulations OPM shall not grant any preference based on the fact of service in the legislative or judicial branch. The regulations shall be consistent with the principles of equitable competition and merit based appointments.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 2 years after the date of the enactment of this Act, except the Office of Personnel Management shall—

(1) conduct a study on excepted service considerations for competitive service appointments relating to such amendment; and

(2) take all necessary actions for the regulations described under such amendment to take effect as final regulations on the effective date of this section.

SEC. 18. EXEMPT ORGANIZATIONS.

An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

SEC. 19. AMENDMENT TO THE FOREIGN AGENTS REGISTRATION ACT (P.L. 75–583).

Strike section 11 of the Foreign Agents Registration Act of 1938, as amended, and insert in lieu thereof the following:

''SECTION 11. REPORTS TO THE CONGRESS.—The Attorney General shall every six months report to the Congress concerning administration of this Act, including registrations filed pursuant to the Act, and the nature, sources and content of political propaganda disseminated and distributed.''.

SEC. 20. DISCLOSURE OF THE VALUE OF ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) INCOME.—Section 102(a)(1)(B) of the Ethics in Government Act of 1978 is amended—

(1) in clause (vii) by striking ''or''; and

(2) by striking clause (viii) and inserting the following:

''(viii) greater than $1,000,000 but not more than $5,000,000, or

''(ix) greater than $5,000,000.''.

(b) ASSETS AND LIABILITIES.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended—

(1) in subparagraph (F) by striking ''and''; and

(2) by striking subparagraph (G) and inserting the following:

''(G) greater than $1,000,000 but not more than $5,000,000;

''(H) greater than $5,000,000 but not more than $25,000,000;

''(I) greater than $25,000,000 but not more than $50,000,000; and

''(J) greater than $50,000,000.''.

(c) EXCEPTION.—Section 102(e)(1) of the Ethics in Government Act of 1978 is amended by adding after subparagraph (E) the following:

''(F) For purposes of this section, categories with amounts or values greater than $1,000,000 set forth in sections 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under this section in an amount or value greater than $1,000,000 shall be categorized only as an amount or value greater than $1,000,000.''.

SEC. 21. BAN ON TRADE REPRESENTATIVE REPRESENTING OR ADVISING FOREIGN ENTITIES.

(a) REPRESENTING AFTER SERVICE.—Section 207(f)(2) of title 18, United States Code, is amended by—

(1) inserting ''or Deputy United States Trade Representative'' after ''is the United States Trade Representative''; and

(2) striking ''within 3 years'' and inserting ''at any time''.

(b) LIMITATION ON APPOINTMENT AS UNITED STATES TRADE REPRESENTATIVE AND DEPUTY UNITED STATES TRADE REPRESENTATIVE.—Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended by adding at the end the following new paragraph:

''(3) LIMITATION ON APPOINTMENTS.—A person who has directly represented, aided, or advised a foreign entity (as defined by section 207(f)(3) of title 18, United States Code) in any trade negotiation, or trade dispute, with the United States may not be appointed as United States Trade Representative or as a Deputy United States Trade Representative.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to an individual appointed as United States Trade Representative or as a Deputy United States Trade Representative on or after the date of enactment of this Act.

SEC. 22. FINANCIAL DISCLOSURE OF INTEREST IN QUALIFIED BLIND TRUST.

(a) IN GENERAL.—Section 102(a) of the Ethics in Government Act of 1978 is amended by adding at the end thereof the following:

''(8) The category of the total cash value of any interest of the reporting individual in a qualified blind trust, unless the trust instrument was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust.''.

(b) CONFORMING AMENDMENT.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended by striking ''and (5) and inserting ''(5), and (8)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

SEC. 23. SENSE OF THE SENATE THAT LOBBYING EXPENSES SHOULD REMAIN NONDEDUCTIBLE.

(a) FINDINGS.—The Senate finds that ordinary Americans generally are not allowed to deduct the costs of communicating with their elected representatives.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that lobbying expenses should not be tax deductible.

SEC. 24. EFFECTIVE DATES.

(a) Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect on January 1, 1996.

(b) The repeals and amendments made under sections 13, 14, 15, and 16 shall take effect as provided under subsection (a), except that such repeals and amendments—

(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.

The SPEAKER pro tempore. Pursuant to House Resolution 269, the previous question is ordered. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 2564) was laid on the table.

MAKING TECHNICAL CORRECTIONS IN ENROLLMENT OF S. 1060, LOBBYING DISCLOSURE ACT OF 1995

Mr. CANADY of Florida. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 116) directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1060, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. FRANK of Massachusetts. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida to explain the purpose of his unanimous-consent request.

Mr. CANADY of Florida. I thank the gentleman for yielding.

Mr. Speaker, the concurrent resolution directs the enrolling clerk to correct solely technical errors in the Senate bill, especially with respect to some erroneous cross references. It makes no substantive changes in the bill. The concurrent resolution is necessary so that the bill that will be sent to the President will be technically correct.

Mr. FRANK of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 116

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill S. 1060, to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 6(8), strike ''6'' and insert ''7''.

(2) In section 9(7), insert ''and'' after the semicolon, in section 9(8), strike ''; and'' and insert a period, and strike paragraph (9) of section 9.

(3) In section 12(c), strike ''7'' and insert ''6''.

(4) In section 15(a)(2), strike ''8'' and insert ''7''.

(5) In section 15(b)(1), strike '', 5(a)(2),'' and in section 15(b)(2), strike ''8'' and insert ''7''.

(6) In section 24(b), strike ''13, 14, 15, and 16'' and insert ''9, 10, 11, and 12''.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

Mr. LEWIS. Mr. Speaker, pursuant to House Resolution 280, I call up the conference report on the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. EMERSON). Pursuant to rule XXVIII, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 17, 1995, at page H13249).

The SPEAKER pro tempore. The gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] each will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. LEWIS].

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on H.R. 2099 as well as the Senate amendments reported in disagreement, and that I may include charts, tables and other extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have before us H.R. 2099, which is a very, very complex bill dealing with diverse agencies such as veterans, housing, EPA, NASA, and a variety of other independent agencies and commissions.

Mr. Speaker, I would first like to start my comments by expressing my deep appreciation for my colleagues within the subcommittee who have worked so hard to bring this package together in a successful fashion. Beyond that, Mr. Speaker, I want my colleagues to know that this work would not have been able to be done successfully without the assistance of very fine staff, headed by my chief of staff within the committee, Mr. Frank Cushing, and his colleagues.

I would also like to mention, Mr. Speaker, that within my personal staff a great deal of assistance was provided for me, I would like to extend my appreciation particularly today to David LesStrang, Jeff Shockey, and one of my key staff people who will be leaving us shortly, Mr. Doc Syers.

Mr. Speaker, it is with a combination of pleasure and pain that I bring this bill to the floor today, and I would suggest first that the pleasure is there because I am very proud of the fact that this subcommittee has led the way in putting Uncle Sam on a diet. This bill represents $10.1 billion as a down payment toward balancing the budget by 2002.

I must say, Mr. Speaker, up until now we have been talking about moving toward balancing the budget. This, however, is where the rubber meets the road. It is one thing to talk. It is another thing to make the very, very tough decisions.

Let me suggest that the pain that I mentioned earlier involves that very fact. Unfortunately, the spirit of bipartisanship among the committee members that has long been a hallmark of the Committee on Appropriations has suffered as a result of our taking a different turn in the road regarding this country's spending habits. Even as we continue to travel on that road to balance the budget, I pledge to do all that I can, Mr. Speaker, to bring this subcommittee back to that bipartisan spirit that we have lost this year.

This conference report reflects a willingness to make the very tough decisions and to meet the spending targets necessary to balance the budget in 7 years. As I have suggested, out of 13 appropriations subcommittees, the VA–HUD bill makes the single largest contribution toward balancing the budget. It does not wait until year 5 or year 7 or year 10. We are making the tough decisions today. No longer will we tolerate paying lip service to the goal of deficit reduction.

This conference report of $61.3 billion in new discretionary spending represents a reduction in budget authority of 13.1 percent, and it is about $9.25 billion below the administration's requested spending level for fiscal year 1996.

To say the least, the decisions that led to these reductions were certainly not easy ones to make. The work of the Subcommittee on VA, HUD and Independent Agencies has changed dramatically from last year. No longer do we simply compare the agency account on the basis of what they received last year, then add on a certain amount for inflation and maybe tack on some more there to establish a new base level.

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We have now completed a bottom-up review of all of our agencies. This is all part of a process of justifying each program's existence and examining how taxpayer dollars are being used. I intend to continue this approach next year so that every program within every agency under our jurisdiction receives the kind of necessary scrutiny to find appropriate savings.

The subcommittee began working on this bill on January 24 when we held the first of over 20 separate hearings. When our bill passed the House in late July we showed a reduction from the 1995 enacted level of $9.7 billion, while the Senate showed a reduction of $8.4 billion in budget authority.

As I noted, the conferees essentially split the difference for a net reduction of over $9 billion.

However, during the process we were also able to take advantage of an additional 1 year's legislative savings, a provision at HUD, thus giving us an additional $1 billion, with which to better fund housing programs.

Let me at this time take a moment to share some of the positive actions recently taken by the House-Senate conference meeting. We provided an increase of $400 million over the 1995 level for VA medical care and were able to do away with the so-called incompetent veterans' legislative savings provision that was of concern to many. We provided some $24.4 billion for HUD programs. While this is a reduction from the budget request, it actually represents a program level of $1 billion over the earlier House-passed bill.

Most importantly, this increase would achieve for 1996 without adversely impacting our outlay problems in 1997 and beyond.

In the bill we terminated four Federal agencies for savings of $705 million, including the Office of Consumer Affairs, the Chemical Safety and Hazards Investigation Board, Community Development Financial Institutions, and the Corporation for National Community Service.

We fully funded the space station and space shuttle programs, even though NASA took its fair share of downsizing like every other department and agency under this subcommittee's jurisdiction.

We provided over $1.1 billion to continue the Superfund Program at EPA and over $2.3 billion for wastewater, drinking water, and various categorical grants to the States so they can adequately meet Federal environmental mandates.

We also created a performance partnership program between the EPA and the States so that these funds can be used where the States believe they are most needed.

Finally, we have not included any of the EPA legislative provisions as passed by the House and only four passed by the Senate. Of those, three were included in last year's bill signed by the President.

Mr. Speaker, please allow me to digress for just a moment with respect to the HUD programs. As I mentioned, we were able to do a little more this year than we first thought. However, each successive year will get more and more difficult with respect to HUD outlays as payment for some of the budget authority approved in past years finally comes due.

The choices we make this year will go beyond fiscal year 1996. Indeed, they set the foundation for the years ahead. One specific area of special note in this regard is the renewal of section 8 subsidy contracts. Over the next 2 years, the cost of renewing section 8 expiring contracts will increase from $4.35 billion in 1996 to $14.4 billion by 1998. This will occur despite the fact that we have passed legislation which actually lowers HUD spending levels from past years.

The challenge facing the subcommittee in the coming years will be difficult, but we have made great progress this year, and I look forward to working with my colleagues to find reasonable solutions to complex issues like this section 8 issue.

Mr. Speaker, I am including in the RECORD a table illustrating the aforementioned section 8 problem.

SECTION 8—RENEWAL OF EXPIRING CONTRACTS

[Dollars in thousands]

	Units	1996 Budget authority	Units	1997 Budget authority	Units	1998 Budget authority
Certificates	241,206	$2,993,597	213,590	$2,709,631	579,193	$7,517,923
Vouchers	58,798	729,739	100,389	1,273,548	242,256	3,095,473
LMSA	120,587	475,354	126,591	1,637,370	227,794	2,835,182
Property disposition	4,464	35,194	12,738	103,439	17,351	156,649
Moderate rehabilitation	8,016	99,486	18,232	231,294	30,409	394,709
New construction/substantial rehabilitation	1,957	17,492	15,667	144,233	45,208	436,083
Total	435,028	4,350,862	487,207	6,099,515	1,142,211	14,436,019

Note.—Totals may not add due to rounding. Budget authority in 1997 and 1998 reflects LMSA contract renewals with one-year terms calculated from assumptions contained in HUD's 1996 estimates.

Mr. LEWIS of California. I would like to make an additional observation with regard to HUD. My experience in working with HUD Secretary Henry Cisneros and NASA Administrator Dan Golden illustrate how valuable partnerships can be when faced with tough spending decisions. Both have reached out and been helpful in outlining their specific priorities.

I had hoped such a partnership would be possible in working with President Clinton's chief of staff Leon Panetta to fashion a bill President Clinton would support. To date it appears we are far from any final agreement.

It is important to note to my colleagues for the record that the administration fully expects to veto this bill. At a meeting almost 2 weeks ago, Mr. Panetta informed Chairman BOND, Senator MIKULSKI, the gentleman from Ohio, Mr. STOKES, and me that this bill would be vetoed regardless of what we did to address the President's priorities. If this is correct, then the true losers will be the millions of Americans who counted on the many programs that would be continued and properly funded under this agreement.

I might mention, Mr. Speaker, at this point that for those of you among my colleagues who care about veterans' medical care programs, who care about housing programs, who are concerned about EPA, it should be noted that the only money those programs will receive in the coming year will be as a result of this conference report successfully being signed into law. To do otherwise will leave them with a base of funding considerably less than available in this bill.

So I would suggest my colleagues on both sides of the aisle make note of that. This is your chance to provide funding that is needed for veterans' programs and housing and the like.

Mr. Speaker, this conference report strikes a careful balance in caring for our veterans, housing people in need, protecting the environment, ensuring America's future role in space, and meeting many other critical needs. This is a good, tough, fair bill, and it deserves the bipartisan support of this body. I strongly urge adoption of the conference report and urge your support.

Mr. Speaker, I reserve the balance of my time.

Mr. STOKES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is no one in this House for whom I have greater respect or higher regard than the chairman of our subcommittee, JERRY LEWIS of California. He brings before the House a tough bill and I am aware of the long hours and how much personal time and sacrifice he has committed to this effort. I also want to recognize all of the subcommittee staff for their tireless work on this bill, along with my own staff persons.

I regret having to rise in opposition to the conference report on H.R. 2099, the Fiscal Year 1996 Appropriations Act for the Departments of Veterans Affairs, Housing and Urban Development, and Independent Agencies. My opposition to this legislation is predicated upon the fact that the lives of millions of Americans will be devastated if this measure is passed in its current form.

Mr. Speaker, we have witnessed during this Congress, a new leadership with an ambitious plan to implement its Contract With America. While my Republican colleagues laud their discipline in terms of advancing the contract, I worry that they have shown a blindspot to the high cost in human suffering and damage to this country's precious resources that this legislation will extract. This is certainly the case with the conference report on H.R. 2099.

Having previously served as chairman of the VA–HUD Subcommittee, I am acutely aware of the complexities of the subcommittee's bill. I am also aware of the problems with the Federal deficit and the call for Government reform which have heightened the problems of providing funding for essential needs, many of which are under the subcommittee's jurisdiction. I believe, however, that there is considerable opportunity to try to meet these basic and pressing priorities upon which millions of Americans depend—even in this budget climate.

When this bill first came before the House in July, I argued then against drastic funding cuts and harmful legislative provisions in housing, the environmental, and veterans programs. I think my colleagues on this side of the aisle can take tremendous credit for having heightened awareness about these negative actions to the extent that the conference report before us has made some important positive steps to correcting some of these concerns. Unfortunately, not enough has been done and therefore I must still oppose this measure.

In fact, the President agrees with my position and has already indicated that he will veto this bill if it is presented to him in its present form. In his statement on H.R. 2099, the President stated and I quote:

> The bill provides insufficient funds to support the important activities covered by this bill. It would threaten public health and the environment, and programs that are helping communities help themselves, close the door on college from thousands of young people, and leave veterans seeking medical care with fewer treatment options. This bill does not reflect the values that Americans hold dear.

Let me take a moment to explain to you why this bill is so unacceptable to the President and those of us who care about the people dependent upon the programs in this bill.

For veterans programs, this bill is still almost $1 billion below the President's request. You know how misguided this bill must be when programs serving those brave men and women who sacrificed and protected our national interest are not adequately funded. Further, there are unprecedented retaliatory limitations placed on the Secretary of Veterans Affairs because he spoke out strongly against the cuts in these programs for these

veterans. According to the majority they are sending him a message. The message clearly is that they don't tolerate free speech.

Housing programs, which already suffered under the $6.3 billion cut to HUD in the 1995 rescissions bill earlier this year, face another $4 billion in reductions in fiscal year 1996. This constitutes a wholesale assault on those individuals and critical programs that provide safety net and human service programs through Federal housing. Hardest hit are those programs that provide affordable and decent housing for the elderly and poor, like section 8 incremental rental assistance and public housing.

Now, my colleagues on the other side will claim that these actions are fair; that HUD is mismanaged and an unwieldy bureaucracy that has gotten out of control. Well, I don't think that our elderly, our families with children, and our poor would agree that these cuts are fair. I am certain that threatening them with homelessness and hopelessness is not a price worth paying to satisfy the Republican Contract With America.

But my Republican colleagues did not stop here. Added to these reductions are nearly 20 pages of extensive legislative changes—legislation that clearly falls within the jurisdiction of the authorizing committee. Like many other provisions the majority party has adopted this year, this legislation showed up in the chairman's mark of the bill. While certain provisions have been deleted, just as many others have been added and are now in the conference report before us. These damaging changes come at at time when affordable housing is at a record short supply.

Mr. Speaker, as if there are not enough problems, not enough reasons for the President to veto this piece of legislation, there remains the undisguised attack on the environment that this bill represents. As all of us remember, this bill as passed by the House included an assortment of antienvironment riders that the Republican leadership insisted the bill carry. To no one's surprise, Members from both sides of the aisle joined in saying that these extreme legislative changes should have no place in this bill. And so most, but not all, have been removed.

Does this make this bill an environmentally sound measure? Does this mean that the majority leadership's assault against the environment is over? Does this mean that my friends from across the aisle who fought so hard with me on my various motions to strip the rider may now vote—with a clear conscience—for this bill? The answer is a resounding no.

This bill makes a huge, unpredented cut in EPA's operating budget. This cut of more than 20 percent is intended to and will devastate the Agency's ability to protect public health and the environment.

And let us be clear here. These cuts go far beyond what is necessary to balance the budget. That is the smoke screen. If the Republicans really favored protecting the environment, they would find a way to ensure that EPA receives adequate funding even under a balanced budget plan. Instead they have targeted a huge, disproportionate, arbitrary reduction, that belies any claim that Republicans are interested in protecting the environment.

Furthermore, contained within the details of the big cut are other attacks to the environment.

At a time when Americans continually indicate their support for increased environmental enforcement, this measure targets EPA's environmental enforcement activities for extra cuts. Last year, EPA investigated over 500 cases of criminal misconduct, including cases involving loss of life, tainted food, and falsified laboratory data.

Last year EPA brought over 2,200 administrative and civil cases resulting in reductions in hundreds of thousands of pounds of pollutants and over $740 million in remediation efforts to clean up damage caused by violations of the environmental laws. What number of civil and administrative actions can we expect this fiscal year?

Right now the Center for Disease Control has told vulnerable Americans—the elderly, cancer and AIDS patients and others—to boil tap water due to the danger from microorganisms in much of the Nation's drinking water. The Republicans respond by cutting safe drinking water funds in half from the President's request. Not money for regulations, mind you, but money that would be used by local communities to build and improve their water purification equipment.

The Republicans also cut hazardous site cleanups by 25 percent and sewage treatment funds by 30 percent. With these actions, the bill undermines the capacity of EPA and States to clean up toxic sites and keep raw sewage out of our streams, lakes, and oceans.

And let us not forget about the riders. While most have been eliminated from the bill language itself, the conference report still bluntly pressures EPA into making exceptions and exemptions for natural gas processors, oil refineries, pulp and paper facilities, and cement kilns that burn hazardous waste. The special interests will not be disappointed by this bill.

One rider, that is still in, cuts EPA out of wetlands permitting so that the permitting can proceed without the environmental experts allowed a voice.

The conference on H.R. 2099 also terminates the Corporation for National and Community Service [Americorps], the Community Development Financial Institutions Program, the Council on Environmental Quality, and the Office of Consumer Affairs. These programs and agencies are of highest priority to the administration.

I do not think that this is a close vote for anyone who believes in meeting our obligations to our Nation's veterans, providing affordable and decent housing for all Americans, protecting the environment, and rewarding community service. I urge my colleagues to vote ''no'' on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. METCALF] for purposes of a colloquy.

Mr. METCALF. Mr. Speaker, I wonder if my friend, the gentleman from California, the chairman of the Subcommittee on VA, HUD and Independent Agencies, might help clarify the intent of the conferees with regard to the language contained in the Senate report accompanying the fiscal year 1996 VA, HUD and independent agencies appropriations bill.

Mr. LEWIS of California. If the gentleman will yield, I will be happy to do so.

Mr. METCALF. As the gentleman knows, the Senate report addressed a particular site on the national priorities list, the Tulalip landfill in Marysville, WA. The Senate language requires EPA to complete the comprehensive baseline risk assessment at the site and to then conduct an alternative dispute resolution procedure in order to achieve a remedial act plan based on sound science all parties agree on.

Mr. Speaker, that direction to the agency represents the views of the majority of those Members from the Washington State delegation. The site involves over 300 large and small businesses in my home State. It is critical to all of them that EPA follow this direction at the site.

Ms. DUNN of Washington. Mr. Speaker, will the gentleman yield?

Mr. METCALF. I yield to the gentlewoman from Washington.

Ms. DUNN of Washington. I thank the gentleman and rise in strong support of the request of the gentleman from Washington [Mr. METCALF] that the EPA be required to complete a comprehensive baseline risk assessment at the Tulalip landfill in Washington State.

Many of us from Washington State represent constituents who have been severely impacted by EPA's handling of this site. The Senate report language was very clear in its direction the agency, and the chairman's support of this directive is appreciated.

Mr. METCALF. I thank the gentlewoman.

Mr. LEWIS of California. If the gentleman will yield further, let me, by way of responding to both of my colleagues from Washington, say that I want to assure you both that the presence of that particular language in the final conference report in no way diminishes the intent of the conferees that the Senate language serves as the clear and final direction to the EPA at the Tulalip site during the fiscal year.

My recollection is that both Washington State members of the Committee on Appropriations, one from each

side of the aisle, have strongly supported this language, and it is certainly my intention to see that the agency conducts a comprehensive baseline risk assessment and responds to your request. So I appreciate my colleague raising the question.

Mr. METCALF. I thank the gentleman.

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Mr. STOKES. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan [Mr. DINGELL], the distinguished ranking minority member of the Committee on Commerce.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, this is an outrageous bill. I rise in strong opposition to the conference report on H.R. 2099. I urge my colleagues to reject it.

I hope all Americans know what is in this bill, because it reveals the real essence of the Republican vision for this country.

In a budget where sacrifices had to be made to protect tax breaks for the wealthy and Republican pet projects, something had to give. Here is what gave.

One group that is being forced to give is our Nation's veterans, their widows, and their children. This bill reduces funds for VA construction and improvement projects by 62 percent. It cuts $400 million from the Administration's requests for veterans' health care.

What does this mean? By the year 2000, cuts mandated by this Republican budget plan will require 41 veterans' hospitals to close their doors. More than 1 million veterans will be denied health care. The Republican plan will force the elimination of about 60,000 health care positions and the cancellation of 40 construction projects for the VA.

More shockingly—and one of the really spiteful things that I have seen done by the Republicans in this Congress, and that is an extraordinary event—because Secretary Jesse Brown dares to speak his mind about this bill and Republican budget priorities, the majority has added to the conference report provisions aimed at stripping huge sums and personnel out of his office. As a matter of fact, they totally eliminated his travel budget. The question then is how will he travel about the country to look at VA facilities, VA projects, and to talk to the veterans? So much for free speech and so much for the veterans in this legislation.

Mr. Speaker, this bill is going to also cut 20 percent off of EPA's budget. It is going to see to it that cleanup of Superfund sites and the dirty waters of this Nation will be set back enormously. So much for the environment.

This is also the worst attack on housing since the Hoover administration. Housing programs face $4 billion in reductions. These cuts are on top of more than $6 billion cut in last summer's rescission bill. Wrongheaded provisions are also included to undercut enforcement of fair housing and antiredlining requirements.

I urge my colleagues to reject it.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. KNOLLENBERG] for purposes of a colloquy.

(Mr. KNOLLENBERG asked and was given permission to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I seek the time just to engage our chairman, the gentleman from California [Mr. LEWIS], in a colloquy. I would like to reserve a serious reservation that I have with respect to the statement of the manager's language regarding amendment No. 58. Section 223(D) of the administrative provisions was intended to address HUD's pattern of regulation regarding property insurance. My problem is simply this: The language does not precisely reflect the compromise that was reached with the gentleman from Ohio [Mr. STOKES] and others. I want to address that.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I would say to the gentleman from Michigan [Mr. KNOLLENBERG], his concern is appropriately addressed. I share his reservation. The House bill, which contained a spending limitation in the bill language, was rather clear. Unfortunately, I think the final manager's language goes beyond what the gentleman attempted to develop, and he is the author of the provision. It was carefully worked out with the staff on the other side.

Mr. KNOLLENBERG. I appreciate the gentleman's comments. Can I get the chairman's assurance that the offending language will be removed if this bill is vetoed and if negotiations on H.R. 2099 are resumed for any other reason?

Mr. LEWIS of California. If the gentleman will continue to yield, I can assume the gentleman, Mr. Speaker, that if we have another opportunity to go back at this language by way of a separate bill, or a bill to follow one that is vetoed, the gentleman's voice will be very clearly heard.

Mr. KNOLLENBERG. I thank the gentleman.

Mr. STOKES. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas [Mr. GONZALEZ], the distinguished ranking member of the Committee on Banking and Financial Services.

(Mr. GONZALEZ asked and was given permission to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, I strongly oppose this mean-spirited and draconian HUD–VA appropriations conference report for fiscal year 1996. This will victimize people who are helpless—they have neither money nor power, which are commodities that seem to get attention these days. H.R. 2099 slashes one fifth of the budget for the Department of Housing and Urban Development. It starves all efforts to expand, preserve, and rehabilitate all kinds of public, assisted, and affordable housing. And through the legislation that is included in this appropriations report, housing policy has shifted and changed course dramatically.

But bad as it is, this conference report is much better than the bill that left the House in July.

Let me tell my colleagues what will happen if this conference report becomes law. If we pass this bill, we virtually ensure that affordable housing will continue to decrease and deteriorate; we will lose our $90 billion investment in public housing; and hundreds of thousands more families will become or remain homeless.

Public housing residents in the more than 3,400 local housing authorities throughout the Nation are at risk of seeing their everyday maintenance requests go unanswered for lack of operating funds, which are set at only $2.8 billion, some $400 million below this year's HUD funding request.

Inevitably, housing that is good will fall into ruin, and the eyesores of deteriorated and dilapidated housing in many of our urban centers will remain vacant and crumbling, further destroying neighborhoods.

Because nearly one-third of the modernization funds and 50 percent of the urban revitalization grants for severely distressed public housing projects will be lost if this conference report passes.

Under this bill there will be no new public housing funded and no incremental or new section 8 certificates available for the first time in 20 years. There will be only certificates for replacement housing—even though there are more than 5.6 million families today who pay more than 50 percent of their incomes for rent, or who live in substandard housing. The number of families who need help grows each year by more than ten times the number that would be assisted under this bill. During this fiscal year 88,400 units of affordable housing were financed through the various Federal housing programs but—next year there will be fewer than 15,000 units.

The conference report leaves two of the core programs untouched—HOME and CDBG. That's good; however, don't be surprised when the mayors and the Governors are here begging for more money. Why? Because, the deep, deep cuts in public housing and section 8, and the increases in the cost of that housing inevitably will mean trouble for our cities and States—more deteriorated housing and more homelessness—more people with nowhere safe and sound to live.

What this conference report does, make no mistake, is place the burden on cities and States, while the Federal Government takes a walk and abrogates its responsibilities.

I have watched these programs work for poor and working families, for the elderly and

for the disabled throughout my public career. One of my jobs in my home city of San Antonio before I came to Congress was with the San Antonio Housing Authority. Public housing worked; and despite the problems in some places, public housing in most areas is safe, decent, and sound. But this bill by the Republican majority will devastate the lives of thousands of families currently residing in public and assisted housing and those who wait, sometimes for years, for such housing.

The Republicans talk about their historic balanced budget bill. They talk about their willingness to make hard decisions about discretionary spending to control spending. Despite what our colleagues on the majority contend, these are not hard decisions, they are merely heartless attacks on those too poor and too inconsequential to count on the scales of political calculations. The insistence and desire to provide foolhardy tax breaks for the wealthy at the expense of America's poor and working families drives this bill just as it drives the whole budget process. That is the thrust of this massive and mean assault on our most vulnerable citizens.

I urg a ''no'' vote on this conference report, which merely victimizes further the victims of poverty.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH], a member of the committee.

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, the conference report of H.R. 2099 shows a real commitment to our future and our citizens. While it takes a major step toward eliminating our Nation's deficit, it does so while providing medical care to our veterans, housing for the poor, and preserving the challenges to be explored in space. One might call it a balancing act—but it is a skill that Chairman LEWIS and his excellent staff have refined. I commend the them on their fine work. I would also like to give thanks and a wish of good luck to Doc Syers of the chairman's staff, who will be leaving the Hill to boldly go where no man has gone before. Doc has been a great friend over the years and we will miss him.

Returning to the matter at hand, our veterans represent one of our Nation's finest resources. This conference report appropriates $37.7 billion for the Department of Veterans Affairs, of which $16.5 billion is included for medical care. After listening to the concerns of many veterans groups, the subcommittee determined the controversial incompetent veterans language should be deleted. Our commitment to our veterans is unwavering and I believe this bill is proof of this fact.

The conference report also provides $19.3 billion for housing programs to help our poor, our homeless, and to give homebuyers a chance to reach the American dream of owning their own home.

In this time of fiscal restraint, the conference report takes strong action in eliminating programs which are ineffective or duplicative, such as the AmeriCorps Program and the Health and Human Services Office of Consumer Affairs.

When faced with the tough challenges of a decreasing budget, the subcommittee made effective decisions. This is a conference report in which we can all be proud and I urge my colleagues to vote in favor of this essential legislation. A yea vote is a vote in favor of our veterans and our commitment to our Nation's future.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New York [Mrs. LOWEY].

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I rise in very strong opposition to the conference report. Although admittedly an improvement from the draconian version originally passed by this body a few months ago, this bill still is a glaring indication of wrong-headed priorities.

In addition to slashing funding for housing and veterans programs, this appropriations bill severely curtails the Government's historic role in ensuring the most basic guarantees of clean air and clean water. It cuts the Environmental Protection Agency by 21 percent, including a 19-percent cut in the program that cleans up hazardous waste sites. It also cuts hundreds of millions of dollars from wastewater treatment grants that provide critical assistance to local communities in keeping drinking water safe and beaches swimmable. In the area I represent, these funds are critical to helping to clean up Long Island Sound.

This legislation is premised on the false assumption that a strong economy and a clean environment are natural enemies. The authors of this bill try to polarize the debate as a choice between jobs and environmental stewardship.

Well, my colleagues, do not be fooled. A strong environment and a strong economy go hand in hand.

My constituents and I know from our experience with Long Island Sound that pollution-based prosperity is shortsighted and costs more—financially and otherwise—in the end.

There is no denying that these environmental rollbacks will cripple the EPA's ability to protect the quality of our air and water.

Let us not turn back the clock on environmental protection. Defeat the conference report.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

(Mr. FRELINGHUYSEN asked and was given permission to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to thank Chairman LEWIS, Congressman STOKES, and the subcommittee staff for all of their hard work in producing this compromise agreement.

This conference report contains funding for many vital programs for our Nation's veterans, protects and preserves our environment, helps house the needy and disabled, and moves scientific research and discovery forward.

As Chairman LEWIS has said it has been a difficult task balancing these needs against the critical need to balance our Federal budget. I believe that it has been done responsibly.

In total, this report provides $80.6 billion for these important programs. That number is $9.6 billion less than last year and $894 million more than the House-passed bill. This action shows that we have truly compromised in order to produce a sound piece of legislation.

Specifically, Mr. Speaker, I am pleased that we were able to increase the Superfund program by $163 million for a total of $1.16 billion. In addition, this agreement removes the December 31 ''drop dead'' date for the Superfund program. By removing this provision, we will be allowing this important program to operate while the authorization committee acts on reforming the Superfund law.

Representing a State with more Superfund sites than any other, I want to thank Chairman LEWIS for these actions and for realizing the importance of keeping work at all current Superfund sites moving forward. This funding increase brings the total number very close to what the program received last year.

This conference agreement also removes the controversial 17 EPA riders that were included in the House-passed bill. I am particularly happy that the clean water riders were removed. As I have always said, these riders should not have been included in this bill. We should give the authorization committees a chance to fine-tune the Clean Water Act, instead of prematurely halting many of the programs that have been working under this Act.

While I do not agree with all the reductions in this conference agreement, I do believe that it is time to stop throwing good money after bad and start focusing our limited resources toward programs that work.

Three such programs are at HUD, section 202, Senior Housing, and 811, Disabled Housing, and HOPWA, Housing Opportunity for People With AIDS. These programs have a proven track record and have worked. While the House-passed bill consolidated these three programs under one account, the conference agreement keeps these accounts separate allowing each of them to run independent of one another. This is something I supported and worked in conference to achieve. I would have liked to provide more funding, however, the committee agreed to freeze all these accounts at the current level.

As regards scientific research and development, I am pleased that this agreement recognizes that our Nation's future depends on properly educating all Americans so that we can continue to be number one in developing and producing various technologies. New Jersey is already the home to the brightest and best in both the public and private sector. This report dedicates itself to renewing our Nation's

commitment to science by providing new resources, both fiscal and physical.

This report also funds the Department of Veterans Affairs. Nearly half of our allocation supports these activities and the committee increased medical care above the current year by $337 million. This should be adequate funding to keep all our veterans who rely on the VA for medical care fully supported.

I would also like to comment on the behavior of VA Secretary Brown who has politicized this budget process. Under the guise of so-called ''free speech'' he has needlessly alarmed veterans throughout the Nation. As a veteran myself, I am insulted by his actions.

Mr. Speaker, we have drafted a sound agreement and I urge my colleagues to support this conference report.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, before the Thanksgiving holiday, we came to an agreement on a framework to work toward a balanced budget. Within this framework, we agreed to a set of priorities to guide our actions. We agreed to preserve Medicare, strengthen our educational system, and protect the environment for our children and our future.

Well, today we have the opportunity to stand up for one of the priorities we outlined over a week ago. It is time to stop this Congress from rolling back existing environmental protections. In the VA–HUD appropriations bill before us now, most of the infamous regulatory riders have disappeared, but the EPA has still been put on a starvation diet.

This bill radically cuts the EPA's budget, from the $7.2 billion appropriated last year, down to only $5.7 billion, a reduction of $1.5 billion, or 21 percent. The EPA enforcement budget is specifically targeted for an even larger 25 percent cut. Make no mistake, Mr. Speaker, taking the environmental cops off the beat by slashing their budget is just another way to gut strong environmental laws.

The GOP cuts slash $270 million from the Superfund program. The EPA Administrator, Carol Browner, has testified that this will delay cleanups of toxic waste sites at hundreds of communities around our Nation.

And at the same time this Congress is cutting the budget for environmental protection, we just sent the Defense Department $7 billion the Pentagon did not even ask for.

Mr. Speaker, this all comes down to a question of priorities. Should we be giving tax cuts to the wealthy and buying more B–1 bombers, which we do not need? Or, should we be insuring that our children have clean air and clean water and that toxic waste sites in our communities get cleaned up?

We cannot say one day that we believe the preservation of our environment is a national priority, and then 10 days later turn around and agree to radical cuts in environmental enforcement and cleanup programs. It is wrong, Mr. Speaker, and I urge my colleagues to vote against this proposal.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Michigan [Mr. KNOLLENBERG], a member of the committee.

(Mr. KNOLLENBERG asked and was given permission to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of the bill, and I commend the gentleman from California [Mr. LEWIS] and the staff for all their hard work. Without the chairman and, obviously, the staff, we would not be here today.

Mr. Speaker, the VA–HUD bill has never been an attractive piece of legislation. Never. It contains funding for a wide variety of programs that represent different and often conflicting priorities. What we have before us is the product of this task, and it is a good one. The bill does not simply spread the pain throughout all of the programs in its jurisdiction, it makes the tough choices which are necessary, but it also preserves funding for those programs which work well.

There are some who will complain that the spending cuts in our bill are just simply too deep.

□ 1215

Mr. Speaker, let me make one point. We spend over $5 billion for environmental protection and over $20 billion for affordable housing in this bill. Just a few days ago, as my colleagues know, during the Government shutdown only 4 percent of EPA's 18,000 employees were considered essential and, I repeat, only 1 percent of HUD's employees were considered essential. So it seems to me that it would be much easier to say that perhaps these cuts are not deep enough; they should be deeper.

Mr. Speaker, I am sure that every Member of this body, given the chance, would draft a different VA–HUD bill. I would like to make a few changes myself. But to use an often-heard quote, we cannot allow the perfect to be the enemy of the good.

Mr. Speaker, this is a good bill, and I urge my colleagues to support it.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

(Mr. VENTO asked and was given permission to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, I rise in strong opposition to this bill. What is wrong with this bill is what is wrong with the priorities. There is no consideration or deliberation, much less public awareness, of votes on these topics. Wholesale policy changes are made without consideration, Mr. Speaker, all of this, of course, under the mantra of a balanced budget.

The impact of the GOP spending cuts priorities for the poor, the environment, the homeless, the veterans. It is not fair, and it is not right. The fact is that it is bad policy. A Congress that creates and bloats the human deficit, the environmental deficit, but claims to balance the budget is out of balance; out of balance with the common sense and values of the people we represent.

Mr. Speaker, the shortest distance between legislation and law is to get the President to sign this. I suggest we defeat this conference report, send it back to conference committee, and get on with the job of making compromises and reflecting the values of the people that we represent that stand for a sound environmental policy, sound policies and fairness to the poor and the programs that are important to them. I suggest we send this back to conference and a ''no'' vote on this measure.

Mr. VENTO. Mr. Speaker, I rise in opposition to the conference agreement on H.R. 2099, the VA, HUD, and Independent Agencies appropriations bill. This conference agreement has positive modifications from the radical bill passed by the majority party of the House earlier this year, but it remains wholly out of step with people, priorities and shared sacrifice which should characterize reductions in spending necessary to achieve a sound fiscal result.

On the whole, the agreement cuts housing programs by 21 percent, guts homeless programs by almost 30 percent, reduces Environmental Protection Agency spending by 21 percent, eliminates a number of community programs, and subsumes many into larger block grants thereby diluting the funds and in the end, atrophying the programs. These cuts are represented as being necessary for deficit reduction, but what is proposed in this measure is a fundamental retreat from proper Federal responsibilities and support. The conference agreement cuts housing on the ground by $4 billion from the administration request, but manages once again to provide over $2.1 billion for the latest version of the questionable space station. This VA, HUD and Independent Agencies conference agreement continues to balance the budget on the backs of those least able to support cuts: the poor, the homeless and our seniors. Our congressional priority should be to help those unable to help themselves but this measure reneges.

As I mentioned, the conference agreement cuts homeless funds, both at HUD and the Federal Emergency Management Agency. The statement of managers indicates that the funds should be used as localities see fit under the rubric of options available under the McKinney Act programs. I cannot agree that any one HUD homeless assistance program should receive any priority over another such program as the statement of managers suggests. If demand were any indicator, the supportive housing program would be the likely model program, not the shelter plus care program emphasized in this agreement. The record should further reflect the reality that in shifting

these reduced funds—a shell and pea game—in no way alters the loss and adverse impact on the homeless. In fact, it only compounds and complicates the use of the programs.

I am also concerned about the great number of authorizations rewriting policy in this appropriations conference agreement. The Banking Committee today continues to cede its authority and role to the Budget and Appropriations Committees and in the process jeopardizes the integrity of important housing and community development programs.

Frankly, the committee process in this Congress is in a shambles. The new Republican majority has adopted an authoritarian posture. Through the budget and appropriation scheme the GOP leadership has dictated without consideration, much less public awareness and votes on the topics, wholesale policy changes under the guise of fiscal crisis and the mantra of balancing the budget. They—the majority Gingrich Republicans—rationalize and gloss over the fundamental impact of the GOP spending priorities that cut programs for the poor, the environment, the homeless, and the veterans in this measure for example. This isn't fair and it isn't right. We can and should balance the budget but how we do it is the key to our role as policy makers. A Congress that creates and bloats the human deficit and the environmental deficit but claims to balance the budget is out of balance with the common sense and values of the American people we represent.

What it all comes down to is that despite the changes in this HUD-VA appropriations legislation from the House-passed version and at least two round trips to the House and Senate conference table, the priorities and the funding levels guarantee that we will see more people denied housing opportunities in public and assisted housing, fewer people receiving homeless assistance in order to get back on their feet, veterans excluded from needed service, and more chances for polluters to desecrate our precious air and water. All this by virtue of this deficient appropriations measure.

Mr. Speaker, I do not oppose every aspect of this measure. However, because the cuts and sacrifices are not balanced, I must strongly oppose this conference agreement. I urge my colleagues to heed the President's concerns with regards to this measure and vote against this report. By defeating the conference report today and addressing the serious deficiencies in a House/Senate conference report we can attain the shortest distance from legislation to law. We do not have to experience a certain veto that will force us to start all over again.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. HEINEMAN] for the purpose of a coloquy.

(Mr. HEINEMAN asked and was given permission to revise and extend his remarks.)

Mr. HEINEMAN. Mr. Speaker, will the distinguished gentleman from California [Mr. LEWIS], the chairman of the Subcommittee on VA–HUD and Independent Agencies of the Committee on Appropriations engage me in a brief colloquy?

Mr. LEWIS of California. Mr. Speaker, If the gentleman will yield I would be happy to.

Mr. HEINEMAN. Mr. Speaker, let me first say that I very much appreciate the support of my good friend, Chairman LEWIS, over the past several months regarding plans to construct a new consolidated facility for the EPA and the Research Triangle Part in North Carolina.

As the chairman knows, the EPA is currently scattered in 11 separate buildings which are privately owned and in bad shape. The chairman made this freshman Member aware that previous Congresses have not dealt with this problem.

After studying the matter and after touring these existing facilities, I learned that recent studies show that renovating the existing buildings and signing new leases would cost $400 million. For only $232 million, a brandnew, consolidated facility can be built, making this the most realistic, cost-effective plan available to further the important mission of the EPA.

I know that the gentleman from California [Mr. LEWIS] has pledged his support to find the additional funds necessary in the next fiscal year to make this new facility a reality, and I want to thank the gentleman for that support.

Mr. LEWIS of California. Mr. Speaker, reclaiming my time, let me express my appreciation to the gentleman from North Carolina [Mr. HEINEMAN] for bringing to our attention in such an effective manner the importance of this research facility, and the committee does very much want to be of assistance.

As I indicated in the earlier colloquy, the Research Triangle Park facility is one of the three major infrastructure projects requested for the EPA. Funding was not available for the current fiscal year, but I have pledged my support to the gentleman to do my very best to find funds necessary for the project in the next fiscal year.

It is my understanding that the Committee on Transportation and Infrastructure is currently updating the authorization for this project, and I look forward to addressing this in the years ahead.

Mr. HEINEMAN. Mr. Speaker, I thank the gentleman from California.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise in opposition to this conference report.

Once again, we are witnessing an all out assault on the quality of our Nation's water, air and land. The Republican Party is trying to accomplish through funding cuts what they failed to do through an open debate on environmental policy.

Time and again this year, and the last several years, Democrats and Republicans have come together in a spirit of bipartisanship to protect the environment. This conference report will cut enforcement of environmental laws, cut funding for safe drinking water, cut funding for wastewater treatment, and cut hazardous waste cleanup.

Slashing EPA's budget by more than 20 percent, will cripple the EPA's ability to ensure that our water is safe to drink, our food is safe to eat, and our air is safe to breathe.

I urge my colleagues to vote against this conference report.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. BORSKI].

(Mr. BORSKI asked and was given permission to revise and extend his remarks.)

Mr. BORSKI. Mr. Speaker, this conference report will roll back 25 years of environmental protection and it should be defeated.

This bill slashes the funding for the Clean Water Act. It slashes the funding for Superfund. It slashes the funding for EPA to even conduct an effective management and enforcement program.

EPA, will be barred from any role whatsoever in decisions on development of our Nation's most valuable wetlands.

It is absolutely incredible that we can give the Pentagon $7 billion more than the President of the United States wanted but, unbelievably, we can't find the money for the Environmental Protection Agency to enforce the laws that protect our water and our air.

Mr. Speaker, in the Philadelphia region, there have been and will be cancellations of numerous Superfund inspections, leaving potentially dangerous toxic waste undiscovered at sites that threaten the community.

The conference report means no new Superfund priority cleanups, whether or not there is a toxic threat to drinking water.

Mr. Speaker, the American public does not want less environmental protection. They want more protection of their water and their air.

This bill does not give them that protection. It should be defeated and sent back to conference.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Speaker, there are a lot of reasons to vote against this bill, but the truth of the matter is, whether we are concerned about the fouling of our air and our water and our streams or whether or not we are concerned about the cuts in the veterans' health care budget, what is the most egregious in this budget is what we have done to the housing of our Nation's poor and our Nation's senior citizens.

We see cuts in this budget that will decimate our housing programs. We see politicians constantly marching before public housing projects and condemning them for the condition that they are in, and yet what this housing budget does is gut the very provisions that are necessary to improve those housing projects. At the same time, we turn around and cut the homeless budget of our country by 40 percent. So what we are going to do is we are going to gut our public housing, we are going to come in and hurt our assisted housing projects, and once our senior citizens and our poor are not able to live in those projects, we then are going to turn them to the streets where we then gut the homeless budget of this country. It is a crying shame, and we ought to do better than this.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just might mention, in responding to the gentleman's comments, that, indeed, the assisted housing, for example, in this country has increased in terms of budget by 50 percent in the last 4 years. All one has to do is look across the country at boarded-up buildings in housing projects everywhere to know that it is time for us to rethink where we have been in terms of those programs. Clearly, this side is very concerned about those future programs in terms of their effectiveness, and it is time for us to take some new direction.

I said in my opening remarks the Secretary Cisneros has publicly said on many occasions it is time to rethink where we are going on housing. Money is one way to do it; but, indeed, it is important to make sure that the House recognizes that it has a positive role to play in terms of the change as well.

Mr. Speaker, I reserve the balance of my time.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I rise in opposition to the bill primarily because of the impact on the environment. No other agency faces the type of cuts in this House that the EPA does in this conference report.

It has already been mentioned that EPA funding is cut by approximately 20 percent, with enforcement being the hardest hit in terms of cuts, almost 25 percent. We all read in the New York Times last week that the EPA has had to cut back on inspections and enforcement already. This will only make it worse.

In addition, more than half of the original 17 antienvironmental riders have been included either directly or through report language in this conference report. Since agencies often have to follow the dictates of the appropriators, this shift to report language in my opinion does not mean that the damage to the environment will be any less. So I ask once again that we oppose this bill and that it go back to conference to improve in particular the funding for the EPA.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, two-and-a-half weeks ago we celebrated Veterans Day, and we told the veterans of America how much we respect them and how grateful we are for the sacrifices that they have made for this Nation. Well, two-and-a-half weeks have come and gone and how quickly we have forgotten.

This bill cuts $43 million from the VA programs, a larger cut than the House version, but that is just the beginning. The Republicans' 7-year budget, which begins with a funding bill we are discussing today, cuts entitlements for veterans by $6.7 billion over 7 years. Under the Republican budget, many veterans would pay more for their prescription drugs. In some cases, the cost that veterans pay for prescription drugs would double, and the cuts do not stop there.

The Republican budget demands that, in addition to the $6.7 billion veterans' cuts, all discretionary spending, including veterans' programs, be reduced by 20 percent over the 7-year combined period.

Let us defeat this bad bill. It is unfair to our veterans.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New York [Ms. VELÁZQUEZ].

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Mr. VELÁZQUEZ. Mr. Speaker, I rise in strong opposition to this draconian conference report. This conference report is nothing more than a cruel attack on our children, the elderly and the poor. These cuts are not about arbitrary numbers of the elimination of port barrel projects. They are about human beings. Behind every dollar of this reduction, there is human tragedy.

Mr. Speaker, by gutting the MCKINNEY program, hundreds of thousands of Americans will be forced to live in the streets. As we begin the coming winter months, the action taken on the floor today will constitute a death sentence for many.

These cuts mean less security services and the elimination of critical social services. For the 500,000 public housing residents in the New York City area, this reduction translates into deteriorating buildings, greater insecurity and fewer opportunities for economic advancement. This is shameful. It is not enough that Republicans have slashed education, cut Medicare, and eliminated job training programs. Now they are planning to throw poor people out on the street. Enough is enough.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, I thank the gentleman from Ohio for yielding to me at this time.

Mr. Speaker, this is a more-than bill. This is more than what we had before, but what is that? I certainly applaud the assurance that has been given to the space program, but where are we in research and development dollars, far less than needed. Then when we begin to look at the Department of Housing and Urban Development we see that this bill cuts 17 percent, the Environmental Protection Agency is almost gutted with cuts of 21 percent, and our Federal Emergency Management Agency is cut 17 percent. What will occur if disasters occur in our States.

Then we look at the Community Development Bank initiatives which were designed to revitalize economically distressed areas that program is being absolutely eliminated. The housing assistance under section 8 which helps house poor Americans is being cut. Homeownership grants, wherein we in this Congress have stood on the House floor and said we want Americans to own homes, is being cut by 48 percent.

□ 1230

Public housing modernization programs are being but by 32 percent. Then the one-for-one replacement program to restore public housing is being cut. Also when we talk about negotiations in my city regarding a final solution to APV, located in the 18th Congressional District in Houston, intrusions to prevent us from considering historic preservation issues and the repeal of the Frost-Leland amendment which does not take into account the need for a local master plan for public housing being completed, are not helpful. This is not a good bill. This is an intrusive bill in some areas and it takes away the money from the people who need it most. More-than is simply not good enough.

Mr. Speaker, I include my complete statement on the conference report for the RECORD, as follows:

Mr. Speaker, I rise today to express my opinion regarding the conference report on the VA–HUD appropriations bill. I applaud the conferees for appropriating $13.8 billion for NASA. This funding is more than the amount contained in the House bill. The Space Agency will receive full funding for the space station. Funding for other programs such as human space flight, mission support and science, aeronautics and technology is slightly below current level.

While there are still challenges that remain with respect to the space program, I believe that NASA will continue to provide leadership to the rest of the world.

The Department of Veterans' Affairs also receives funding that is only slightly below the current level, with the major spending reductions relating to the construction of VA facilities. Our veterans have made numerous sacrifices on behalf of our country and we must ensure that the needs of veterans remain a top priority.

Some of the provisions of the bill, however, trouble me, particularly funding for the Department of Housing and Urban Development and

the Environmental Protection Agency. The bill reduces spending for the Department of Housing and Urban Development by 17 percent and for the Environmental Protection Agency by 21 percent. The Federal Emergency Management Agency's funding has been cut by 17 percent.

Furthermore, the conference report eliminates funding for the AmeriCorps Program, which is providing numerous opportunities for young people to contribute to their communities. The Community Development Bank initiative is also eliminated. The Community Development Banking Program was designed to revitalize economically distressed areas by providing grants, loans, and technical assistance to financial institutions and community development organizations in such areas.

With respect to housing, the conference report eliminates funding for section 8 rental assistance contracts and hope homeownership grants. Low-income assisted housing programs are cut by 48 percent, public housing modernization programs by 32 percent, section 202 elderly housing by 39 percent, section 811 disabled housing by 40 percent and homeless programs by 27 percent.

I do not believe that it is necessary to make these drastic cuts in spending. We have now learned that the economic projections provided by the Congressional Budget Office on the level of the budget deficit need to be revised.

Other housing reforms include the suspension of the one-for-one replacement rule, which requires local public housing authorities to replace each public housing unit it demolishes with a replacement unit. Affordable housing should be a major priority for our country.

In connection with the issue of public housing, I am concerned that the conference report contains language that states:

> That historic preservation is an admirable goal, but that it is not good policy to require the preservation of buildings unsuitable for modern family life at the expense of low-income families in need of affordable housing.

I believe that it is necessary that we clarify the issue of the importance of historic preservation to the cultural heritage of our country. Historic preservation guidelines contained in current law and regulations have not delayed the process of rehabilitating facilities such as Allen Parkway Village in Houston. Let me also add that many officials in my hometown of Houston also recognize the role of historic preservation in providing affordable housing to the citizens of Houston.

I also believe it was unnecessary to include language in the conference report, at this time, that repealed the Frost-Leland provision, which prohibited Federal funds from being used to demolish Allen Parkway Village in Houston. This repeal is untimely because all interested parties in the effort to rehabilitate and build new housing at the Allen Parkway Village facility met yesterday to reach an agreement to move the process forward and to create a master plan. I recognize, however, that it is important that municipalities have the ability to make the best use of taxpayers funds by being able to seek reimbursement from the Federal Government when some of the structures within a housing facility must be demolished. At the appropriate time with the establishment of an inclusive master plan to restore housing for needy and working families such a repeal should be implemented.

The provisions of the bill that relate to the Environmental Protection Agency greatly concern me since the bill reduces overall funding for the Superfund Program by 13 percent. There are several communities in my congressional district that have experienced problems with toxic waste areas such as Pleasantville and Kennedy Heights. This is not the time to reduce funding for the Superfund Program.

I am concerned about the reduction in funding for State loan funds relating to upgrading facilities to provide safe drinking water and infrastructure repair such as possibly Houston's own wastewater project. And spending cuts for programs that enforce other environmental and public health standards.

The VA–HUD appropriations bill is a comprehensive bill and a controversial bill. As we debate the various provisions contained in this bill, I hope that my colleagues will carefully consider the policy assumptions that were involved in drafting the bill and the potential impact of such policies on millions of Americans.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to my very effective colleague from Florida [Mr. WELDON].

Mr. WELDON of Florida. I thank the kind gentleman for yielding me the time.

Mr. Speaker, I rise in very strong support of this conference bill and urge all my colleagues on both sides of the aisle to vote in favor of this.

I was particularly pleased that the conference was able to fully fund the shuttle and the space station at near the request level of the President, and I am particularly pleased that the conference restored $100 million that the Senate had cut from the shuttle program.

It allows NASA's vital field research centers to remain open so that they can continue to perform the important research work, and I am particularly pleased that there is $25 million for a VA medical clinic in my district. The veterans in my district have been waiting 12 years for a medical facility. This will allow these veterans to begin to receive good quality medical care that they have long deserved and they have long been waiting for.

I would again urge all my colleagues to put aside their partisan differences and vote in favor of this bill. It is a good bill. It is good for veterans. It is good for NASA. I would encourage its support.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DOGGETT]

Mr. DOGGETT. I thank the gentleman for yielding me the time.

Mr. Speaker, this bill should be properly entitled the Unilateral Disarmament Act of 1995 because what it is all about is unilaterally disarming our capability to provide for clean air and clean water. It just returns to the old Gingrich-ite philosophy of the environment, ''Polluters know best.''

Well, we do not think they know best, and we think it is essential that this Nation have the capability to provide for clean air and clean water.

This is a bill for unilateral disarmament. It says to those who would police the polluters that they will not have the resources to get the job done. This is the same group that tried to tie up and bind and shackle with 17 different binders the right to protect against the environment, and even some elements of their own party rebelled against it and said it would not stand. So now they have come back and they have tried every way they can to cut the power of our law enforcement officers to protect and preserve our environment. It needs to be rejected.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. FARR].

Mr. FARR. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. President, you should veto this bill. It kills a program that evokes the spirit of a national service program, the AmeriCorps.

There are many other bad aspects of this bill but eliminating AmericCorps is penny-foolish. It is a program that benefits the very heart of our communities.

In my district in California, we have AmeriCorps workers involved in the Boys and Girls Clubs, in Big Brothers and Sisters, in the Food Bank of Monterey.

We have 20 AmeriCorps volunteers involved in the Senior Companion Program. I happened to swear in as a former Peace Corps volunteer new AmeriCorps workers. The pledge of office is something this Congress ought to learn. The pledge of office to be AmeriCorps is to get the job done. The job that they are doing is essential to make our communities get back on their feet both socially and economically.

I suggest that to eliminate that program is not a very wise thing to do. Mr. President, if this House cannot reject the bill, then veto it.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. I thank the gentleman for yielding me the time.

Mr. Speaker, this bill is an awful bill and I hope it is defeated. Let us look at what it does. It cuts housing programs by 21 percent. It cuts environmental protection by 21 percent, the Superfund by 19 percent, homeless programs by 27 percent.

The Republicans give our veterans an amendment against burning the American flag, but what do they do to veterans' needs? They cut construction or improvement at VA facilities by 62 percent and slash all kinds of other help to our veterans. It is nothing but a sham and a shell game that is being perpetrated on our veterans. The AmeriCorps Program, the community development bank initiative and dozens of housing programs are eliminated. All of the original 17 EPA riders which the House instructed to drop were removed from the bill.

We are talking about America's future here. What we are doing is we are

slashing all these good programs to pay for a tax cut for the rich. It is really a disgrace.

Mr. LEWIS of California. Mr. Speaker, I yield 30 seconds to the gentleman from New York [Mr. BOEHLERT] for purposes of a colloquy.

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman for yielding me the time.

I appreciate the work the chairman has done to ensure that the bill and the managers' language reflect the House concerns about environmental riders. As the chairman knows, I am still a bit uncomfortable with the managers' language. I just want to ask the gentleman to make clear that report language does not have the force of law. So am I correct in saying that the managers' language is not binding and should not be interpreted by the courts as having the force of law?

Mr. LEWIS. If the gentleman will yield, bill language has the force of law, managers' language does not, especially when recognizing the way the agency the gentleman is concerned about relates to the Congress.

Mr. BOEHLERT. I thank the gentleman for his response.

Mr. STOKES. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking member of the full Committee on Appropriations.

Mr. OBEY. Mr. Speaker, when I first came to Congress and later joined the Committee on Appropriations as a very young Member of Congress, in fact the youngest Member of Congress at that time, I was asked why I had tried so hard to get on the Committee on Appropriations rather than some of the other committees around here. I said at that time that the reason I did that is because I thought that, more than anything else that Congress does, our budgets define what it is that we value.

I think this bill tells a very sad story about what this Congress apparently values because, as the previous speaker on our side of the aisle indicated, this bill makes huge reductions in housing, it makes huge reductions in our ability to enforce environmental cleanup legislation. In that sense I think it will leave this country much poorer, both in terms of the housing stock available to low-income people in this society and most especially poorer in terms of the quality of the air, the quality of the water, and the quality of the living environment that our kids and our grandkids will be living.

This bill is going to be vetoed and it should be vetoed because it is, I think, an abdication of our responsibilities to be stewards of the environment and to be stewards of the entire ecosystem.

I also think it abdicates in many ways the responsibilities that we have to our veterans. It cuts $900 million from the VA request.

It eliminates, it is true it eliminates 17 anti-environment riders which were earlier attached to this bill and then later stripped out by a motion on the House floor, and that is good. But as the previous colloquy indicated, many of those riders have found their way back into the statement of managers.

While those riders in the statement of managers do not have the force of law, they certainly do place a considerable burden on the agency, in that they require the agency to try to take into account the opinion of the committee when they drafted that statement on the part of the managers. When we are dealing with an agency such as EPA, which has tended to follow guidance provided in statements of the manager in years past unless they are forbidden to do so by law, I think that what it really does is put the Congress on record in support of a good many anti-environmental positions which I do not believe the Congress wants to do, given its vote on those riders just a few weeks ago.

Let me also note with respect to veterans that despite the fact that this bill had about $1.5 billion more to work with in reality than the bill had when it left the House, that despite that fact, veterans' medical care is funded $213 million below the amount originally contained in the House bill. I think that is wrong.

Let me state that again. Despite the fact that the committee and $1.5 billion more to work with than the House bill, veterans got $213 million less than they would have gotten in the House bill for veterans' medical care.

I congratulate the committee for dropping its plan to reduce benefits for what are known as incompetent veterans. That was also mentioned by one of our friends on the Republicans side of the aisle earlier. I congratulate the committee. As Members know, we offered an amendment on this side of the aisle to try to require that that provision be eliminated. It was not accepted on the floor. I am happy it was accepted now.

But nonetheless, I do not think that we can justify cutting veterans' medical benefits by $213 million. My motion to recommit will eliminate that reduction and would restore that $213 million. I would urge that Members vote ''yes'' on the motion to recommit and then ''no'' on the bill.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. LAZIO].

(Mr. LAZIO of New York asked and was given permission to revise and extend his remarks.)

Mr. LAZIO of New York. Mr. Speaker, I rise today in support of this conference report with some resesuations. We need to pass this bill to move the process forward. Although I have the greatest respect for the chairman of the Appropriations Subcommittee, Chairman LEWIS, and I agree with him more often than not, I hoped the result of the House-Senate conference on H.R. 2099 would be better.

As chairman of the Subcommittee on Housing and Community Opportunity, I have worked hard to make sure this legislation established appropriate funding levels for programs and policies and did not create new programs without the direction of authorizing committees.

I remain convinced that the original House funding levels for housing programs supporting vulnerable populations should be maintained. Section 202, which provides housing support for elderly families, and section 811, which assists disabled families, are programs we should strongly support. We need to do better.

Section 202 represents hope for many of our seniors seeking a decent home. These are our parents and grandparents, people whose lives were spent contributing to their community and who deserve our support now.

Section 811 allows families trying to raise children with disabilities or disabled adults looking for supportive housing to get the assistance they need and the support they deserve. Again, this is the type of program this House must protect.

Mr. Speaker, there are improvements in the conference agreement. The authorization committees are aware of the problems the appropriators face. In fact, we donated over a billion dollars from a change to the FHA assignment program inserted by the House Banking Committee to assist the Appropriations committees in their work. We realized the difficult pressures on the Appropriations Committee, and therefore we allowed them to claim a portion of the savings from our reconciliation package to benefit housing programs, to ensure that low-income families would not face higher rents, so that public housing authorities would not face new reductions in their operating subsidies without giving time for new reforms and deregulations to take effect.

Obviously, we must include some provisions to alleviate difficult budget pressures. These provisions are good policy choices as well. Removing disincentives that prevent low-income tenants from going to work is a great step forward for this Congress and I applaud Chairman LEWIS for working with me to correct this for fiscal year 1996. But I would stress that the real work of drafting policy reforms is not to be found here in an Appropriations bill, rather it is the subject of the hard work of the Subcommittee on Housing and Community Opportunity is currently engaged in.

I intend to work with my very distinguished colleague and chairman of the Appropriations Committee, Mr. LIVINGSTON, as well as with my friend, Mr. LEWIS, to ensure that the House position on these areas that remain in conflict are maintained when the bill comes back to this House.

I would ask my colleagues who vote to support this legislation today to withhold their support of any future bill unless changes are made to shift priorities back to deserving low-income families and to eliminate unnecessary legislative provisions.

□ 1245

Mr. STOKES. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, first, I want to strongly support the motion to recommit which has been offered by the gentleman from Wisconsin [Mr. OBEY].

I think it is important that we recommit this bill, and, therefore, I urge my Members and our colleagues to support it

Mr. Speaker, it is unusual for a bill to be so bad that none of the Democratic conferees on the House side would sign the conference report. It is a bill which the President has told the conferees is so bad that he will veto it in its current form.

The conference agreement eliminates funding for the President's AmeriCorps service program, the community development bank initiative, the FDIC affordable housing program. It also eliminates several other housing programs.

I can understand why the chairman of the Subcommittee on Housing and Community Opportunity has just said to the House that he is voting for it with some very severe reservations in light of the cuts in these programs. I can understand why he made that statement.

It also cuts the office of consumer affairs.

There are provisions in the bill which will act to raise rents for families living in public housing, in section 8 housing.

In a letter received from the Administration, the President expresses concern about the $162 million reduction in funds that were requested to go directly to the States and needy cities for clean water and drinking water needs. He cites the more than 50 percent cut for the Council for Environmental Quality. He also cites the failure of the bill to provide funding for economic development initiatives.

Finally, in his letter or communication to us, the President says, and I quote, ''Clearly this bill does not reflect the values that Americans hold dear.'' He urges the Congress to send him an appropriations bill for these important priorities that truly serve the American people.

This bill, in its present form, does not adequately serve the American people. The President is going to veto it.

I urge my colleagues to defeat this conference report.

Mr. Speaker, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker and my colleagues, this is a very, very important vote.

I would mention one more time to the House that any funding that is made available to very important programs—such as those serving veterans, those serving housing, those programs that involve the EPA, a variety of other agencies—any funds that go in the coming fiscal year to those programs will be voted for up or down on this vote. So if you are for supporting veterans, then you should be voting ''aye'' on this measure.

Having said that, Mr. Speaker, the most important challenge that we have during this Congress, the people have said very clearly that we must move toward balancing the budget. The President has signed on. The House has committed by way of its budget actions we will move toward balancing our budget at least in a 7-year period.

Beyond the rhetoric of balancing the budget, this is a time to begin voting. This bill, of all appropriations bills, makes the single largest reduction in a pattern of ever-increasing Federal spending. Because of that, I suggest my colleagues take a hard look at saving $9.2 billion below the President's request.

This bill is an important bill because it does make a difference if you believe in balancing the budget.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in opposition to Conference Report 104–353 for the VA–HUD and independent agencies appropriations bill for fiscal year 1996.

According to a November 9, 1995, article in the Honolulu Star Bulletin:

> The Honolulu median price among existing houses and apartments changing hands, $350,000, was one-third higher than the next-highest city, San Francisco, where the median was $263,300, according to a report today by the National Association of Realtors.

H.R. 2099, appropriates a mere $19.3 billion for the Department of Housing and Urban Development. This is less than either the House or Senate-passed versions of the bill. It is a $5.3 billion reduction from the fiscal year 1995 appropriation and it is $6.2 billion, or 24.3 percent, less than the administration budget request.

H.R. 2099 would permit the Secretary to manage and dispose of multifamily properties owned by HUD and multifamily mortgages held by HUD without regard to any other provision of law. Provisions established to protect the needy will be ignored.

Assistance for homeless programs would be cut by $297,000, dropping funding in this area from $1.1 billion in fiscal year 1995 to $823 million in fiscal year 1996.

Finally, opportunities for tenant-sponsored organizations, nonprofit organizations, and others, to purchase the buildings they reside in, would be eliminated. H.R. 2099 sunsets preservation programs after October 1, 1996. The Emergency Low Income Preservation Act of 1987 and the Low Income Housing Preservation and Resident Homeownership Act of 1990 would be eliminated by this time next year. These programs help tenant-sponsored organizations, nonprofit organizations, and many others acquire buildings for their low-income residents.

These cuts are not slowing growth, but deliberate and undeniable reductions in program funding.

In addition to all of these cuts in the VA–HUD appropriations bill, the budget reconciliation bill contains further reductions and will eliminate the low-income housing tax credit which encourages investment in housing for low-income families.

Mr. Speaker, I urge a ''no'' vote on this conference report.

Mr. FARR of California. Mr. Speaker, this is a bad bill camouflaged by the military uniforms of our former service men and women. Not only will this bill hurt veterans, the environment, and tenants in low-income housing, but it eliminates funding for AmeriCorps, the national service program.

In my district, there are tens of thousands of veterans and military retirees who rely on medical assistance and quality medical facilities. Unfortunately, the cuts in this bill will threaten the quality care they depend on. For example, it cuts nearly $400 million in medical care from the administration's request and eliminates educational help for those who agree to work at VA facilities.

Many veterans and military retirees are willing to make a sacrifice in the effort to end the deficit, but we should not target them unfairly—and, unfortunately, this bill does just that.

This bill will also hurt the environment by cutting the EPA's funding by over $1.5 billion from this year's budget. In my coastal district, less money will be given to help local communities keep the Monterey Bay clean and healthy. This bill will also hurt the public by preventing EPA from expanding its list of the toxic chemical releases that companies must make public. Finally, this bill hurts our young people.

As we approach a new millennium, we need to renew the spirit of our Founding Fathers. A program that evokes that spirit is the national service program, AmeriCorps. It is a volunteer program that works—it should not be arbitrarily cut. It is an investment in our future—according to IBM for every dollar AmeriCorps invests, the community will realize a return of $1.60 to $2.60 or more in direct benefits. AmeriCorps workers are involved in every aspect of our communities, teaching in schools, feeding the homeless, and counseling troubled youth.

In my district in California, we have AmeriCorps workers involved with the Boys and Girls Club, Big Brothers and Sisters, and the Food Bank of Monterey. We have 20 AmeriCorps members involved in the Senior Companion Program which has low-income seniors assisting other seniors, allowing them to lead independent lives.

Several weeks ago I had the privilege of swearing in two AmeriCorps volunteers in Hollister. They will be working on developing a new youth center and administering the city's housing rehabilitation program. Unfortunately, this bill terminates funding for AmeriCorps.

As a former Peace Corps volunteer, I know the benefits of volunteer service. No one can quantify the benefits an AmeriCorps worker gives to his or her community. Unfortunately, the communities of Hollister and Monterey will notice the loss of this valuable volunteer service benefit.

This is yet again another example of Republican budget-cutting that is penny-wise and pound-foolish.

Mr. HOYER. Mr. Speaker, I rise in opposition to the conference report on HUD–VA.

This bill contains some of our Nation's most important priorities, and I was pleased that the conference agreement protects space research. Nevertheless, the overall cuts which were sustained by the EPA and Superfund are unacceptable. Preserving our environment is

too important to be traded off for other priorities. Therefore, I oppose this bill.

I commend the conferees for providing funding to NASA to continue important work on space science and move the space station forward. I especially want to thank the conferees for providing $1.26 billion for mission to Planet Earth. The research this sponsors will greatly enhance weather forecasting, and allow us to protect lives and property by giving better advance warning before severe weather such as hurricanes. I am pleased that today, this bill reaffirms the importance of the work that is done at the Goddard Space Center.

Nevertheless, the funding cuts for EPA in this bill are an unacceptable attack on our environment.

Funding for Superfund cleanup has been cut by 19 percent. This leaves no flexibility to take care of sites which will be identified as problems in the upcoming year. The Fifth District of Maryland has five areas which are currently being considered for Sueprfund cleanup assistance. All five contain pollution which threatens the health and well-being of Fifth District residents. It is unfair to limit clean up progress to currently identified sites. This bill will exclude many dangerous areas from getting clean up help

I am also concerned about the impact of EPA cuts on our ongoing efforts to clean up the Chesapeake Bay. Under this conference report, EPA funding would be cut more than one-fifth. This means that available funding will be directed to dealing with crises. Long-term restoration efforts will bear the brunt of the cuts. For example, we recently discovered that as much as 30 percent of the nitrogen pollution in the bay is due to airborne, not waterborne, contamination. The cuts in this bill will force the EPA to stop much of this type of research. Likewise, our ongoing programs to reintroduce rockfish and other species to the bay may also be put on hold.

I am pleased that the Chesapeake Bay program has been funded under this bill. However, as any fisherman will tell you, our efforts to restore the bay and its oyster population are dependent upon the quality of the water that flows into the bay. The ultimate success of our efforts to restore the economic and environmental vitality of the bay depend on cleaning up the Patuxent, Anacostia, and Potomac Rivers. These are precisely the sorts of long-term projects which are most likely to be delayed as scarce funding turns to short-term emergency responses and crisis management.

These cuts show the folly of attempting to cut taxes while balancing the budget. I believe we must balance the Federal budget, for the sake of our children and grandchildren. But I do not believe that spending $245 billion to give tax breaks to our wealthiest Americans is a wise use of taxpayer funds. These cuts are not to balance the budget—they are paying for the tax cut. How will our grandchildren judge us if we fail to preserve our Nation's environmental and economic viability? Will giving a tax cut be an adequate defense? I believe not, and I urge my colleagues to join me in voting against this bill.

Ms. PELOSI. Mr. Speaker, I rise today in opposition to the conference report on H.R. 2099, the fiscal year 1996 VA–HUD appropriations bill. While the measure before us is slightly better than the one passed by the House, it has a long way to go before it is acceptable. I am particularly concerned about the 26 percent cut in housing programs, the 27 percent cut in homeless programs, and the 21 percent cut in the programs of the Environmental Protection Agency [EPA].

I would like to thank the chairman of the committee and the conferees for continuing to fund the Housing Opportunities for People with AIDS [HOPWA] program as a separate program. The $171 million provide for HOPWA, the same level as the post-rescission funding in fiscal year 1995, will help communities across the Nation as they develop local solutions to problems confronting people with HIV/AIDS. Because new communities qualify for HOPWA funds this year, the level of funding to communities already receiving HOPWA grants will be reduced. This problem could have been resolved by providing a higher level of funding. However, I am pleased that HOPWA is being maintained as a separate program and will, therefore, not have to compete with housing for the disabled and the elderly.

I would also like to commend the conferees for their efforts to address the continuing threat to the affordable housing stock posed by prepayment. This conference report provides $624 million for a modified preservation/prepayment program. Although I am concerned that the funds are insufficient to meet the needs, I am pleased that the conferees recognized that there is a serious problem and are interested in developing a solution to it.

Despite these provisions, I oppose this bill because it reneges on our Federal commitment to help this Nation's families. Strong families make our communities strong and strong communities make our Nation strong. For families to be strong, they must have access to the basics—employment, education, healthcare, and housing. This bill dramatically decreases the ability of local communities to provide access to decent, safe, and affordable housing for America's families.

The costs to our society of homelessness are significant and they are long-term. At the simplest level, the costs are financial. It costs more to return homeless people to the mainstream of society than it costs to prevent them from becoming homeless in the first place. But, the costs to society of homelessness go far beyond financial ones.

Children growing up homeless in the streets today will carry the scars of their childhood experiences and the memories of society's indifference to them into their adulthood. We are being willfully blind if we refuse to see that society's indifference today will cost us tomorrow.

The conference report to H.R. 2099, like so many of the pieces of the agenda of this Republican-controlled Congress, targets its hardest hits at the most vulnerable. In the case of housing, those hit the hardest are the poorest residents in public and assisted housing and poor working families, too many of whom live on the streets. The median income of households receiving Federal housing assistance is $8,000. These households simply have no additional resources with which to pay for increases in housing costs.

Currently, more than 5.6 million very-low-income households in this country pay half or more of their incomes for rent or live in substandard housing. Between 1989 and 1993, this group grew by 600,000 households—a growth rate which will be dwarfed by the one ahead of us if this bill becomes law. More than 8 percent of our Nation's children—our future—live in these households.

In this Nation, we already have at least 4.7 million fewer affordable rental units than we need, and more than 1.5 million households are on waiting lists for public or assisted housing. This number will increase dramatically and quickly if this bill becomes law. Under the funding levels contained in this bill, no additional families will receive Federal housing assistance, and for those families who have been on waiting lists, sometimes for years, their hopes for decent housing grow even dimmer.

These cuts would be bad enough if they were being done on their own. They are not. Coupled with the dismantling of the Federal safety net and draconian cuts in Federal programs contained in other legislation passed by Congress—including cuts in welfare, food stamps, the Earned Income Tax Credit, Medicaid, education and job training—the cuts in housing and homelessness programs in this bill add up to disaster. These cuts create insurmountable odds for America's struggling working lower income families and increased demand for local community assistance, with no hope of Federal assistance. The needs do not go away because Congress has taken the money away. In many cases, the needs will grow. This bill is cruel and cold-hearted. It does not reflect American values.

I also oppose the provisions in this conference report which would cut the funding levels for the Environmental Protection Agency by 21 percent.

These provisions not only severely limit the agency's ability to protect our lands, air, and water; but they also continue the full-scale assault on the environment that began on the first day of the 104th Congress.

Poll after poll has indicated that the American people favor strong environmental laws. We should not be willing to sacrifice the health and safety of our children. For the families, children, and citizens of America, I urge my colleagues to oppose this conference report.

Mr. EWING. Mr. Speaker, I would like to raise some strong concerns I have with language contained in the conference report on H.R. 2099 concerning the ongoing efforts in the Department of Housing and Urban Development to move toward Federal regulation of so-called redlining within the property insurance industry, an area of regulation traditionally left to the States.

The VA/HUD bill approved by the House earlier this year contained language requested by me, Representative KNOLLENBERG, and a number of other Members from throughout the country which would have reestablished the States' right to regulate the insurance industry and address rules dealing with any redlining problems in their respective States, and prohibited HUD from spending fiscal year 1996 dollars on promulgating redlining regulations and funding projects by activist groups. I commend and thank Chairman LEWIS for working to include this language in the House bill.

HUD has no statutory authority to be involved in this area, and under the McCarran/Ferguson Act regulation of insurance is properly handled by the States. The States are exercising that authority to address redlining problems where they exist, and there is absolutely no reason for HUD to get involved.

The House of Representatives clearly endorsed this view when it voted 266 to 157

against an amendment to strike this section from the bill. The Senate bill did not contain similar language when it went to conference.

I am deeply distressed that the conference committee not only deleted this section, but replaced it with report language which takes a position directly opposite of the House-approved language prohibiting redlining regulation. In particular, the language calls for congressional committees to take action ''so that a clear statutory basis of regulation can be provided, and effective antidiscrimination regulation of insurance activities enforced'' with respect to redlining. This is a position with which I vehemently disagree and which is diametrically opposed to the position taken earlier by the House.

I have every confidence that if this bill is vetoed by the President, as is expected, this matter will be addressed again by the Appropriations Committees. I thank Chairman LEWIS for his support and look forward to working with him in the future to include the previously adopted language to prohibit HUD for regulating property insurers in any future version of this legislation.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in strong opposition to the VA–HUD appropriations conference report.

This bill makes dangerous and unnecessary cuts in programs protecting the health and welfare of our Nation.

It decimates important environmental protection programs by cutting EPA funding by 21 percent—the largest targeted cut for any single Federal agency.

It also slashes public housing programs by 21 percent and homeless programs by 27 percent, at a time when public housing needs are rising, not falling.

The impact of these cuts will be felt in urban and rural areas throughout the Nation. For example, in Los Angeles County alone, reductions in the incremental section 8 housing program will deny rental assistance to 40,000 individuals and families currently on the county's waiting list.

I urge my colleagues to reject the flawed funding priorities reflected in this bill by defeating the conference report.

Mr. MILLER of California. Mr. Speaker, my colleagues on the other side of the aisle are playing an increasingly dangerous game with public health and the environment.

Every poll shows that Americans oppose the weakening of environmental standards. In fact, an ABC/Washington Post poll showed that 70 percent of respondents felt that the Federal Government has not done enough to protect the environment. If you ask questions about the protection of communities and employees from hazardous industries and substances, the public support is even higher.

And yet the Republican leaders of this Congress, beginning with the blatant efforts to repeal much of the Clean Water Act as part of the Contract With America, have unleashed an unprecedented assault on the safety of America's communities. That assault has been promoted, drafted, and financed by the very industries and special interests that are benefiting from the Republican revolution.

This conference report is a startling example of this capitulation by the Republican Congress to the special interests who have long challenged the authority of public entities to regulate the safety of the workplaces, the safety of their products, and the safety of their operations. Provisions in this report hamstring the ability of the Environmental Protection Agency to enforce the laws that keep our water clean, our air safe, and our communities free from toxic dangers.

This conference report bars EPA from protecting wetlands, limits EPA's authority to list new hazardous waste sites, and bars the issuance of new standards to protect the public from drinking water contaminated by radon.

As a representative of a heavily industrial district where constituents have often been subjected to health hazards both on the job and in the community, this legislation contains unacceptable waivers from basic laws intended to protect the public from serious threats to health and safety. Instructions buried in the legislative history of this conference report direct EPA to: Exempt the oil and gas industry from requirements to develop accident prevention plans; excuse the oil and gas industry from reducing toxic air pollution from refineries; and infringe on the public's right to know by limiting the kinds of information about air and water pollution that industries must report for the Toxic Release Inventory.

The Seventh District of California—like much of the San Francisco Bay area—has had a long and unhappy history with industries that have leaked, spilled, spewed, emitted, discharged, and released up to 40,000 tons of hazardous materials, with serious results on our community. Indeed, our region has been affected by dozens of releases of hazardous chemicals and other substances into our water, our air, and our lands.

The San Joaquin River, which discharges into the fragile Sacramento-San Joaquin Delta, dumps the following loads every year into that estuary: arsenic, 12 metric tons; chromium, 66 tons; lead, 51 to 55 tons; and nickel, 51 tons.

In 1993, the General Chemical Co. of Richmond, CA, released a huge amount of oleum into the air, forcing 24,000 people to seek medical attention. General Chemical was charged with numerous violations of civil and criminal law, including failure to maintain equipment, failing to provide adequate employees training, failure to provide employees with protective equipment, and negligently emitting an air contaminant.

The General Chemical crisis illustrates the accuracy of the principle: prevention pays. General Chemical was required to pay $1.18 million in fines to the Government agencies and recently agreed to a $180 million settlement with thousands of its victims. For a small amount of that money, General Chemical could have had in place the safety policies and technology that would have prevented the release, and the subsequent damage and costs, in the first place.

There are those who believe that industry will act to minimize risks to its employees, the community, and the environment without the compulsion of safety regulations. They are sadly naive. Time and again, in my community and around this country and indeed the world, we have learned the lesson that removing safety regulations invariably leads to short cuts and practices that endanger thousands of lives. Those who seek, in this legislation, to pare back the important work of the Environmental Protection Agency, or elsewhere attack the Occupational Safety and Health Administration or the Mine Safety and Health Administration, would do well to consider this record.

The Shell refinery in Martinez, CA, like other local refineries, discharged large amounts of selenium into local waterways, with potentially serious results on waterfowl and other marsh wildlife. Shell, like Unocal and Exxon, failed to meet a 1993 deadline to reduce selenium discharges. Some also charge the refineries with the release of dioxins that have been linked with cancer and other serious health problems.

Earlier this year, a pipeline leak at the Dow Chemical plant in Pittsburg, CA, released dissolved chlorine hydrochloric acid and carbon tetrachloride, affecting nearby residents. The examples go on an on: Unocal of Rodeo dumped 200 tons of toxic chemicals onto surrounding communities over a 16-day period. Although plant managers were aware of the leak and workers informed their supervisors, the leak was permitted to continue for 16 days before the damaged unit was finally shut down, leaving hundreds of people with longstanding illnesses.

There are a lot of people in this House who obviously do not believe our communities, our constituents, or our employees need or deserve the protection of their Government from the contamination and poisonings associated with industrial actions. I do not know if they are misinformed, naive, or swayed by the special interests who are behind the weakening of the EPA and behind this legislation. But the effect is the same.

Laws written to protect our citizens and our communities are being trampled by special interest money and influence and, quite literally, people are going to die as a result of this capitulation to corporate interests.

I recognize everyone in this House can point to some example of another of bureaucratic overstepping, and we need good faith efforts to minimize that kind of obstructionism and redtape. But protecting our constituents from the well-documented cases of industrial contamination and poisoning by undercutting the EPA is irresponsible and condemnable. We should vote against this legislation and stand up for the men and women who work in our factories, live in our communities, and look to their Government to provide them with a basic amount of protection and security.

I urge the House to reject the conference report.

Mr. KILDEE. Mr. Speaker, last month I had the honor to host in my district one of the finest public servants who has ever served the combat veterans of this Nation—the Honorable Jesse Brown.

Secretary Brown did not just talk to the veterans at the VFW hall in Davison, MI—he took the time to carefully listen to the concerns of each veteran who attended the town hall meeting. He talked individually to literally dozens of the veterans that day.

But now some Members of Congress want to muzzle Secretary Brown because he has become a real advocate for the veterans and their needs.

In yet another attempt to stifle opposition to their agenda, these Members of Congress want to severely cut funding for the veterans Secretary's office as a means of sending Jesse Brown a message.

These cuts in the Secretary's personal office are in addition to the harsh cuts already contained in the appropriations bill.

Mr. Speaker, such behavior should be beneath the dignity of this House.

I urge Members to join me in opposition to this attack on the Secretary of Veterans' Affairs—and oppose this appropriations bill.

Mr. LARGENT. Mr. Speaker, I support passage of the VA–HUD conference report to H.R. 2099. I want to thank Chairman Lewis and the conferees for their diligence on this bill, and their willingness to work with me and members of the Oklahoma delegation, to incorporate report language compelling the EPA to properly notify corporations or persons as a potentially responsible party [PRP] for facilities on the Superfund's national priorities list.

I know that the House Commerce and Transportation and Infrastructure Committees are currently in the process of reauthorizing and reforming the Superfund Program which is in critical need of improvement. However, for some unfortunate parties, Superfund reform may be a case of too little—too late.

Presently, there are policies which the EPA should be implementing that would save a great deal of time, money, and legal maneuvering in the context of reform and good government. Superfund's overreaching, illogical, and unfair liability snarls have deflected the program from its intended function: to protect human health and the environment in a realistic cost-effective manner. Despite the expenditure of at least $25 billion in Federal and private funds over the past 15 years, cleanup construction has been completed at only 291 out of nearly 1,300 sites—a whopping 12 percent success rate.

I wholeheartedly concur with the conference report language which states,

Potentially responsible parties [PRP's] have a reasonable expectation to be notified by the EPA in a timely manner and within a time frame that permits participation in remedy selection and execution. In particular, it is inequitable and unconscionable for the agency to identify a PRP without the means to effectively participate in remedy selection and execution and then, after the remedy has been substantially completed, to attempt to identify other parties to pay for remedial activity.

Additionally, the report language makes clear that the EPA should review all of its activities to determine the extent to which such situations have occurred and, in conjunction with the Department of Justice, make every effort to remedy such actions in a nonconfrontational, nonlitigious manner.

I strongly encourage EPA Administrator Browner to abide by the spirit of this language and not take any premature actions which may lead to innocent corporations or persons expending unnecessary legal costs for a problem they did not have any association with and/or did not create.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

The Speaker pro tempore. (Mr. EMERSON). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. OBEY. That is safe to say, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the conference report on the bill H.R. 2099 to the committee of conference with instructions to the managers on the part of the House to insist on the House position on Senate amendment numbered 4.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 216, nays 208, not voting 8, as follows:

[Roll No. 829]

YEAS—216

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Burr
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Foglietta
Ford
Fox
Frank (MA)
Franks (CT)
Frost
Funderburk
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefley
Hilleary
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scarborough
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Velazquez
Vento
Visclosky
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Whitfield
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—208

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Frisa
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Heineman
Herger
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Walsh
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Fattah
Flake
Hefner
Roth
Seastrand
Towns
Tucker
Volkmer

□ 1311

Messrs. LINDER, SALMON, FOLEY, LEWIS of Kentucky, RIGGS, and BILBRAY changed their vote from ''yea'' to ''nay.''

Mrs. KENNELLY, Messrs. ROEMER, BARCIA, FUNDERBURK, HAYES, GOODLATTE, FOX of Pennsylvania, MURTHA, MANZULLO, GOODLING, HILLEARY, and STOCKMAN, and Ms.

ROYBAL-ALLARD changed their vote from ''nay'' to ''yea.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. SEASTRAND. Mr. Speaker, on rollcall No. 829, I was unavoidably detained. Had I been present, I would have voted ''nay.''

PERSONAL EXPLANATION

Mrs. MALONEY. Mr. Speaker, yesterday I was unavoidably detained in my district, but had I been present, I would have voted ''aye'' on both rollcall votes 822 and 823.

PERSONAL EXPLANATION

Mr. ROTH. Mr. Speaker, today because of inclement weather and airport delays, I was delayed on two votes.

For H.R. 2564, I would have voted ''yes''; and for H.R. 2099 I would have voted ''yes.''

□ 1315

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I would ask my friend, the gentleman from Texas [Mr. ARMEY], to explain the schedule this afternoon and for tomorrow. If we are going on Amtrak tomorrow, I would ask the gentleman, why can we not do it today? It is 1 o'clock in the afternoon and we have a good part of the day left.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, this last vote is the last vote of the day. The Committee on Rules will be meeting at 2:30 or later this afternoon to write a rule on the Amtrak legislation that we intend to bring up tomorrow. We do not anticipate any vote on Friday or Monday.

Mr. BONIOR. Mr. Speaker, if I can reclaim my time, I ask unanimous consent that we bring the Amtrak bill up today. There would not be any objection on this side of the aisle. We would be happy to take it up today. We do not need a rule, unless the gentleman plans to close the rule. We do not need a rule.

The SPEAKER pro tempore (Mr. EMERSON). The Chair is unable to recognize the gentleman for that unanimous-consent request.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I would ask the gentleman to yield for the purposes of inquiring of my good friend, the gentleman from Texas, the distinguished whip on the majority side, are we going to bring up the securities reform legislation?

Mr. DELAY. Mr. Speaker, if the gentleman from Michigan will continue to yield, we intend to bring up that piece of legislation sometime next week.

Mr. DINGELL. Next week, not tomorrow or Thursday, Friday?

Mr. DELAY. Sometime next week.

Mr. DINGELL. Would it come up Monday or Tuesday of next week?

Mr. DELAY. We have not set the schedule for next week, but it would be sometime next week.

Mr. DINGELL. I thank the gentleman.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

[Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

[Mrs. SCHROEDER addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

RECOMMITTING THE VA–HUD APPROPRIATIONS CONFERENCE REPORT WILL ALLOW FOR THE GREATER PROTECTION OF THE ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I was very pleased to see that the VA–HUD appropriations conference report, which, of course, includes funding for the Environmental Protection Agency, was recommitted to conference today, primarily because of two provisions related to the Environmental Protection Agency. One is that the amount of money that is appropriated to the EPA is probably one of the lowest amounts for any agency, and specifically with regard to enforcement, there is a 25-percent cut in terms of the EPA's enforcement.

Already we know that the EPA has cut back significantly on inspections and on enforcement because of the level of funding that they have received pursuant to the continuing resolution. In other words, as we proceed in trying to put together an appropriations bill for the EPA, less money can be spent on a monthly basis since October 1, because we have not had an appropriations bill signed into law.

Mr. Speaker, the point I was trying to make is that this conference report, which fortunately was sent back to conference today, cuts back on EPA's enforcement ability by about 25 percent. Since we are already into fiscal year 1996 and we are operating on a continuing resolution which significantly cuts back the amount of money available to the EPA, already inspections and other enforcement actions have been reduced at the Environmental Protection Agency. This 25-percent cut in enforcement will simply magnify that problem.

What it means essentially is that, although we have good environmental laws on the books, they cannot be enforced. Polluters will go free, and there will not be the ability for the EPA to go in and even know exactly what is going on, whether someone, for example, is violating their discharge permit into waters.

In addition to the problem with enforcement, this House has several times, at least on two occasions now, voted to take out riders that were in the EPA appropriations bill which I characterize as anti-environment, because they prohibit the agency from actually enforcing certain actions pursuant to the current law. Yet, we know that of the 17 House riders that were in the EPA appropriations bill, two of them remain in the conference report, and at least half of them have been placed into what we call report language. They are not actually in the law, but they are placed in the conference report, and normally Federal agencies have some sort of requirement to try to go along with what the report, what the conference report language says.

Specifically, there are two provisions, two of the riders that are still in the bill and I hope will be taken out when this bill goes back to conference. One of the two would essentially say that the EPA has no ability to enforce wetlands protection. Right now the EPA has the authority under certain circumstances to permit the filing in of wetlands where the agency feels there has been substantial or will be substantial detriment to the environment. That has been taken out; that rider is still in the bill, but that prohibits the agency from providing any kind of wetlands protection.

The other rider that still is in the bill is one that would prohibit the designation of new Superfund sites. Again, if we are supposed to use a scientific basis, which we traditionally have, for deciding whether or not a hazardous waste site would be put on the national priority list for Superfund status, then there is no reason why an appropriations bill, or a conference report in this case, should specifically say that no new Superfund site can be designated.

In addition, through, Mr. Speaker, there are at least another eight or nine riders that are put into what we call report language. These are essentially loopholes that are created to provide

special treatment; for example, utilities and other industries seeking to prevent the EPA from expanding its disclosure program under the Community Right To Know Act, refineries facing compliance with air toxic emission standards, cement kilns that burn hazardous waste, air permitting programs for the State of Virginia, bioengineering plants, State audit shields for polluters, natural gas processors. In each case there is conference language requesting the EPA to create loopholes or other special treatment in these various categories.

Essentially, Mr. Speaker, I believe very strongly that since agencies are supposed to follow the dictates of the appropriators, this shift to report language, taking the riders out of the statute but putting in the report language, really means that a lot of the damage will still be done to the environment. I hope that the conferees, when this bill goes back to committee, will make some additional changes so we have more money for environmental protection.

THE OCCUPATION OF BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, I want to spend some time this afternoon and talk to us about the occupation of Bosnia. The President has already decided that we are going to be sending troops into Bosnia, approximately the number of 20,000, under the alleged peacekeeping mission. However, I think as we see the events of Bosnia unfold, we are starting to realize that there are many questions unanswered, in that the direction of those questions and the partial answers that we are receiving is saying that this is not a peacekeeping effort, and that this is a peacemaking effort which will probably result in an occupation unless we take some drastic changes of direction now.

Mr. Speaker, this is a big concern, I think, to every American. If it is not on their thoughts today, it should be. It will be tomorrow. I think it is a well-known fact now in the media and in Congress that the President is going to send troops to Bosnia. He has the constitutional authority to send those troops. He has thought this out. It has been planned in the Pentagon. There will be troops before the end of the year in Bosnia.

It is very frustrating for a Member of Congress, because we are unable to stop this action. We have repeatedly voted to stop from sending troops to Bosnia, yet every effort on the part of the Congress has been met with disdain, with the turning from our advice, and the President has not yet come to us with the arguments, with the right ideas, with the right plan in order to gain not only the support of Congress, but the support of the American public.

Some of the questions that are arising out of this tragic mistake that we are about to make are, No. 1, the President says there will be casualties. There are risks involved. I think this Member of Congress and others would like to know what is the acceptable level of casualties in Bosnia. Is it 1,300 troops per day? Is it the loss of 250 young men and women each day we are over there? Is that acceptable?

I can tell you what is acceptable in Kansas, in the Fourth District of Kansas. It is zero. No casualties. But that is not what we have heard. There will be casualties, but we do not know how many.

□ 1330

Another thing is that we were told that it is going to be 20,000 troops, but now we are finding out that it may be 30,000, maybe 35,000. There will be some held in float. There will be some stationed nearby. According to the War College, it takes seven troops to support one combat troop. So if it is 20,000, that means it is 140,000 with support personnel. If it is 30,000, it goes up to 210,000. Pretty soon, we are talking about a quarter of a million people, and they are in there for the alleged duration, which is supposed to be 12 months.

Will there be a rotation? If there is a rotation, where will the training take place? Does that mean that there is now a half a million troops involved? If so, what would happen if North Korea should cross the border and what would happen if Saddam Hussein again crosses another border? What would happen if a conflict occurs in Yugoslavia or some other place like Macedonia?

This country is not funded in the Department of Defense to handle a two-scenario conflict. Regardless of what the leadership in the administration has said, it is simply not there. Members of the Pentagon know that.

If this is an occupation, which it appears to be leaning towards, 20,000 is not enough. Probably 200,000 is more like what it will take, just ground troops. What is the mission here?

Another question is, what is the geographical area that we will be required to defend? Is it near the hottest area? Near the Serbs? Mr. Speaker, we have already had air strikes on the Serbs. There are some 40,000 to 60,000 rogue Serbs who do not agree with the peace agreement, and we will be near there. Our troops are planned to land at Tuzla, which is just about a mile from the Serb current locations. A mortar round can travel a mile.

Other questions are, is the duration of 12 months enough? We have had a century's old conflict and we think we can solve it in 12 months? What firepower will we have there? What is the funding level? It started out at $1 billion. It is now up to $3 billion. Would it not be more economical in terms of human lives to offer to rebuild the entire country with this $3 billion instead of spending it on troops, putting them in harm's way and accepting some level of casualties?

There are many more questions. One is the question of leadership. Will America not be a leader if we back away from this? There are many ways to lead, through NATO and through other ways. We can lead through air power, through intelligence, through strategy, through logistical support. We have many ways that we can lead. But to send troops into harm's way without the support of the American public, without the support of the America people, the Congress, the answer is no, Mr. President.

BUDGET RECONCILIATION BILL LIMITS OPPORTUNITIES FOR AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, we are in the midst, during these next couple of days, of making a recommitment to the American people that we are now serious about a budget reconciliation process that takes away the stridency and the gross imbalance that the present bill has offered.

I voted against the Budget Reconciliation Act that has been proposed by the majority in this House. This is not to say that the consequences of not balancing a budget is not of great concern.

I have been to my district. I have discussed the issue with a myriad of constituents: working Americans, also individuals who are looking to become independent, transitioning themselves maybe from public housing, from being recipients of welfare. But as they look to become independent and as working families are looking to become stronger, the Budget Reconciliation Act says to them that we will not join you in partnership.

This bill drastically cuts housing opportunities for affordable housing. This bill drastically cuts opportunities for poor working families to receive an earned income tax credit. What we may be saying sounds like a continuous recording sound, droning on and on. But what it actually does is impacts the lives of working and living Americans. It jeopardizes the fragile relationship of survival, whether they survive today or whether they do not survive tomorrow.

We find that when we cast aspersions and criticisms on those who receive welfare, this Budget Reconciliation Act, along with the proposed welfare reform plan, cuts child care, cuts job training, and disregards the opportunity for encouraging businesses and others to employ now present welfare recipients by providing a tax incentive to hire such persons. We find in the Budget Reconciliation Act that the job program that helped youth be employed during the summer the last

number of years is simply nothing but a baby sitting job or a baby sitting activity. How egregiously wrong that perspective is.

In my district, in the city of Houston, we will lose some 6,000 summer jobs. Across this Nation, we will lose millions of dollars that have helped young people be directed away from activities that would cause criminal results to more constructive activities that have exposed them to career activities.

There have been accusations, for example, that the monies have been misused. I am not sure of the extensiveness of any hearings that have suggested that cities that have been, and quasi-public agencies that have been in partnership with the business communities throughout this Nation have not effectively utilized youth summer program monies.

We have been able to hire 6,000 youths in my community. All of them have managed to be exposed to unique experiences. Whether it was with NASA and the space station, whether it was with city government, or whether it was with one of our major energy companies in the community, they have learned independence, self-sufficiency, self-esteem.

In fact, Mr. Speaker, I had a young person who worked in my office when I was a local elected official who did real work, by the way, this young intern, who, when she got the offer to be an intern under the summer jobs program, called with excitement but yet sadness and said, I cannot accept, because I do not have the proper clothes and I would be embarrassed to show up. I said to that young person, if you have to wear a paper bag, come to this office to know what you can do, how you can be challenged and what the opportunities are for you in the future.

The Budget Reconciliation Act must give to the American people hope. It must give to them a direction. It must give to them focus. What we have now is an ill-spirited and misdirected opportunity.

So I would ask, as the process continues, that we begin to look at where this country wants to go in the 21st century. Do we want to turn back the clock on environment with respect to clear water, clean air, and would you believe, food safety inspections? How outrageous when we have come so far that now we would deny citizens the adequacy of food safety inspections.

We have a responsibility, Mr. Speaker, to fairly strike a chord of reason in the Budget Reconciliation Act process. I will participate. I ask my colleagues to participate.

BALANCED BUDGET REQUIRES ELIMINATING AND TRIMMING PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I want to address the House today on the budget and on the process of balancing the budget.

I have listened to a number of our colleagues on the other side of the aisle today and in the weeks past on the budget, and I really think that maybe an honest step would be for them to say that we do not want to balance the budget, just get it over with. Because what we are hearing is, well, not here and not there, and do not do this, and do not do that.

Federal jobs programs, for example. Mr. Speaker, as you know, we have 163 different Federal jobs training programs. Is it possible that some of those could be trimmed back, some could be consolidated, and perhaps, oh, do not say it too loudly around Washington, but maybe some could be eliminated? Is that not what the American people actually want?

Ms. JACKSON-LEE. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I would be happy to yield to the gentlewoman from Texas.

Ms. JACKSON-LEE. Mr. Speaker, I thank the gentleman for his perspective.

The gentleman from Georgia mentioned several job training programs. I would only raise an inquiry for what I hear my colleagues on the other side of the aisle trying to do and what I would hope that we could do together, and that is to turn this country around to a level of self-sufficiency. Part of that comes from our youth. If I can just separate out your comments to focus on the summer jobs program that have been effective in our communities, because, in fact, they have been a partnership between the public and the private sector.

Mr. KINGSTON. Mr. Speaker, reclaiming my time, one of the things that is very important to remember is that the AmeriCorps Program, which the gentlewoman has been discussing, for example, is $26,000 per child. Well, I would say to my colleague, we can produce a heck of a lot of great opportunities for kids at that rate.

The problem, as the gentlewoman knows, is that if we want to do something for kids, we have to reduce the deficit. We cannot pass them our bankrupt legacy, the $200 billion debt that we have year after year, the $4.9 trillion that is eating away at these things.

Now, the gentlewoman and I know that when we were kids, an old trick used to be to go to the corner drugstore and charge a Coca Cola or an ice cream to your dad's account down there. Well, at the end of the month your father would find out, well, you charged something to me, and I am going to make you pay that back.

Well, now what is happening is we parents are going down and we are charging things for our kids to pay, but these are 4- and 5- and 6-year-old children who for years and years are going to be paying.

Ms. JACKSON-LEE. Mr. Speaker, will the gentleman yield? I thank the gentleman for his thoughts.

Mr. Speaker, I will be very quick on this point. If we have analyzed the $26,000 on AmeriCorps, we have not yet juxtaposed or compared that against the investment or resources that they provide to the community which balances off, because they are giving labor for free, in essence, and the summer jobs exposes children to opportunity.

Mr. KINGSTON. Mr. Speaker, reclaiming my time, that is important, but out of 163 job training programs I would challenge the gentlewoman from Texas [Ms. JACKSON-LEE] to say, let us cut these. We are in agreement that maybe we need 100 job training programs, or maybe we need 2, or maybe we need 50. Where I think the Democrat Party is being somewhat disingenuous is you all are saying, let us cut the budget and let us balance it, but not here, not now, not in my area.

These are good programs. I would say to my colleague that, in each case, many of them are good programs, yet we are still in debt. So why do we not try to take the good ones that are good and consolidate them together and reduce it and, most importantly, cut out the Washington bureaucrats who are the middle people who are sucking up so much of the money that should go?

I want to make one more point. Mr. Speaker, it is already November, almost December. We keep hearing, balance the budget, but not here, not now. We want to work in a bipartisan fashion. To my knowledge, the only serious plan that has come from you all has been on the Blue Tick Hounds or the Hound Dog Democrats or whatever you call them, and I know that the gentleman from Mississippi has been a part of that. That is a great counterpunch to the debate, and I applaud it. But it is still a minority group within the Democrat Party.

We do not have a serious Democrat proposal to balance the budget yet. So as long as my colleagues on the other side of the aisle are going to say, not here, not now; I would say, get in the arena with us. I mean, it is difficult to balance the budget. If it was not, we would have had one in the last 25 years.

Let me yield to the gentleman from Mississippi. If we can get more time, I will continue this debate, because the lady from Texas has been a very positive person in this debate process.

Ms. JACKSON-LEE. Mr. Speaker, I think there is more that we can do, the gentleman from Georgia, and I appreciate it. I think we have tried to meet on different issues. I wish that the budget now before us was not so strident.

I thank the gentleman for yielding.

REQUEST TO EXTEND SPECIAL ORDER TIME

Mr. TAYLOR of Mississippi. Mr. Speaker, I have a unanimous-consent request. I would like to extend the gentleman's time by 3 minutes so that he

could yield to me so that I could have the opportunity to answer the question that he asked of me.

The SPEAKER pro tempore. The Chair is unable to recognize that unanimous-consent request. The gentleman is limited to 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, how many additional people are there on the list, sir?

The SPEAKER pro tempore. Approximately 15.

PARLIAMENTARY INQUIRY

Mr. KINGSTON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KINGSTON. Mr. Speaker, in keeping with going back and forth between Democrat and Republican, is it not true that a Democrat can ask for unanimous consent for 5 minutes to speak out of order and then the gentleman from Mississippi can get 5 minutes if no one objects?

The SPEAKER pro tempore. The gentleman is correct.

□ 1345

A BALANCED BUDGET?

The SPEAKER pro tempore (Mr. GANSKE). Under a previous order of the House, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Speaker, parliamentary inquiry before we go on.

I understand what is at stake here. But is the ruling of the Chair about continuing because, if we start this process, that means those who have signed up will have to wait a longer time? Is that the reason for proceeding this way?

The SPEAKER pro tempore. The Chair cannot recognize Members for extensions of 5-minute special orders.

Mr. ABERCROMBIE. I understand. I thank the Chair.

I have the time, Mr. Speaker, is that correct?

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. I thank the gentleman from Hawaii for his courtesy.

Mr. Speaker, I would just like to point out to my friend from Georgia, and I do consider him my friend, that what the coalition and what I hope every Member of this body is asking for is honesty in budgeting.

I did some checking yesterday from the Congressional Budget Office, and even the Republican budget for 1996 would run up a $296 billion annual operating deficit; $118 billion of that would be taken from trust funds.

I have continually heard that bill being referred to on the floor of the House of Representatives as the Balanced Budget Act of 1995. Sir, that is not a balanced budget. I think the gentleman knows that, and I know that, I think the people of America ought to know that.

Mr. ABERCROMBIE. Reclaiming my time, Mr. Speaker, following up on Mr. TAYLOR's comment, as you know, yesterday I started what I said would be a series of discussions as to what constitutes a balanced budget in the context of the Speaker's admonition to us that we use honest numbers.

I invited the Speaker to come down and discuss that if he wants. He is not here today. I do not know whether he will be here tomorrow. I am going to be here right through the 15th. He may be in negotiations right now, I do not know, about this so-called balanced budget. But every time we see on television or hear on radio or read in the newspaper the Speaker talking about a balanced budget in 7 years and using honest numbers, I submit to you and I submit to him and would be very happy to have a discourse with him that this is illusionary. This is entirely illusory in nature. These numbers do not reflect an honest balanced budget.

As the gentleman from Mississippi [Mr. TAYLOR] indicated, every single budget proposed from the years 1996 through 2002 has a massive deficit attached to it in the Republican plan. Every single one of those budgets is going into the Social Security trust fund. It is stated right in the budget documents of the Republican proposals, and I do not object at any time to someone coming forward with the idea of saying let us get to a balanced budget as I indicated yesterday.

In time to come, I will come on this floor and propose the kind of alternatives that some of us are putting together and are willing to get behind that which will achieve that in an honest way. This is dishonest in the sense that you are putting forward, or we are having put forward to us by the majority the idea that somehow they have exclusive claim to a balanced budget.

I will indicate that this year alone, and I may be off $1 or $2 billion, a couple of billion dollars depending on what the final figures come out to be, but the proposal is that they take $63 billion from a so-called surplus in the Social Security system.

Mr. KINGSTON. Will the gentleman yield?

Mr. ABERCROMBIE. I will yield briefly because I have got a long way to go and you folks are on the floor every single day with this line and you have hundreds of people saying the same things, and we are just a couple of us here right now. But I will yield for the moment.

Mr. KINGSTON. I would say this to my friend from Hawaii whom I know to be a learned and honest gentleman. This is an 18-inch ruler, and what is unbelievable to me that over here 18 inches may be different, if we were talking money on the other side of the aisle, and I agree with what you and the gentleman from Mississippi [Mr. TAYLOR] and the gentlewoman from Texas [Ms. JACKSON-LEE] are saying, let us use the same ruler when we debate this so that balance really is balance. No deficit really means no deficit.

So I would say to you in the spirit of let us get to the bottom of it, I am with you 100 percent on what your assertion is. I appreciate the gentleman yielding.

Mr. ABERCROMBIE. To enter into a dialog with you on this, then, is it your position that the budget as put forward by the majority at the present time is not going to balance the budget if at the end of 2002 we have almost $1 trillion owing to the Social Security trust fund?

Mr. KINGSTON. If we are making by a ruler that is the same ruler that we measure all plans on and that is the case, then we need to look at it.

Mr. ABERCROMBIE. If you could be so kind, would you try and answer my question. Is it the Republican budget position that in the year 2002 when you have ostensibly balanced the budget that you will owe the Social Security trust fund $636 billion plus interest, approximately $1 trillion will be owing to the trust fund?

Mr. KINGSTON. Let me say this. Last night was the first night that I listened to what you are saying and it raised something that I want to go back and do my homework on. But I can assure you that I would be happy to answer that question afterwards and continue a dialog in an honest manner.

Mr. ABERCROMBIE. Reclaiming my time, Mr. Speaker, do I have time?

The SPEAKER pro tempore. Ten seconds.

Mr. ABERCROMBIE. I very much appreciate the honesty of the gentleman from Georgia. I will indicate to him and to the rest of the House that if they go back and do their homework as he suggests, they will find that in the year 2002 we will owe almost $1 trillion to the Social Security trust fund, and in the time to come, Mr. Speaker, over the next couple of weeks I am sure we can explore this issue at greater depth. I thank the Speaker very much and the gentleman from Georgia.

BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

BALANCING THE BUDGET

Mr. SCARBOROUGH. Mr. Speaker, just to follow up briefly, I was going to be talking on Bosnia but to follow up briefly on what the gentleman said before, anybody that comes up with a plan that does more to balance the budget than what the Republican plan has done this year is fine with me. But I am hearing conflicting signals.

The first thing I am hearing is that the Republican budget does not go far enough to balance the budget. And then we turn around the next day and

hear how savagely the Republican budget cuts everything. The fact of the matter is that is a falsehood.

Student aid goes up 49 percent under the Republican plan, goes from $24 billion to $36 billion. But now we are hearing a new line. Now the line is that the Republican budget does not go far enough. If the gentleman from Hawaii would like to get into the debate and figure out a way to balance the budget plus handle it, $1 trillion dollars, 7 years from now, if you say we are $1 trillion short, I welcome him. Again I want to talk about Bosnia. But I will just say this with a footnote.

Mr. ABERCROMBIE. Will the gentleman kindly yield a moment.

Mr. SCARBOROUGH. Let me just finish this. Any plan you come up with if it goes even further than the Republican plan in making the savings that we are doing is going to have to add about $750 billion to what your President and your party is willing to do.

I yield to the gentleman before going into Bosnia.

Mr. ABERCROMBIE. That is very kind because I will focus on Bosnia. I realize what you are saying. Obviously if this moves forward we have to find more money to deal it. That is one of the problems with Bosnia.

My point is that there are alternatives. I will not take the gentleman's time tonight. It includes capital budgeting, and I do not consider it Republican or Democrat in that context. I am considering it in the context of America, the way the rest of American Government and business and families run their budgeting.

We separate capital budgeting from operating expenses and I think we can get to a balanced budget. We do not have to put a timetable right now but I would be happy to discuss with the gentleman and my good friend from Georgia ways that we can deal with honest numbers. I appreciate the gentleman yielding.

Mr. SCARBOROUGH. Mr. Speaker, I appreciate the comments of the gentleman from Hawaii. Certainly it has nothing to do with the Republican or Democratic Party. It has to do with being honest with budget figures. Obviously the Republicans in the early 1980's engaged in rosy scenarios just as Democrats have in the past.

But moving on to Bosnia, I know the gentleman from Hawaii certainly has some opinions on this which I look forward to hearing, also, I have just got to tell you. I hear so many people calling my offices, and I have answered a lot of the calls myself, and I have talked to other Members across the country.

The fact of the matter is, and I do not care what a CNN poll says, the overwhelming number of Americans today do not want United States men and women to put their lives on the line for a 500- or 600-year-old civil war in Bosnia. The fact of the matter is that we as a country appear to have learned a lot from the mistakes we made in Vietnam.

In fact, the Pentagon put forward a doctrine that would prevent us from getting involved in future conflicts that would lead into Vietnam-style quagmires. It was called the Weinberger doctrine. It came out in the mid 1980's, and it seemed to make a lot of sense. The first requirement was that before the President sent one young American to die in a war across the sea, he clearly stated a vital American interest that was at stake.

I have sat on the Committee on National Security for the past few months. I have heard testimony from the Secretary of Defense, Secretary of State, General Shalikashvili, and they have failed to come forward, and not them personally. They are representatives of the administration. The administration has failed to set forth a clear, vital American interest that is worth the spilling of blood of young American men and women to end a civil war that has been going on for 500 or 600 years, to end a civil war that is much more complex than even the conflict we got involved with with Somalia.

Remember the need to go to Somalia because it was the right thing to do? We had to stop the hunger, we had to stop the clans from fighting each other.

The fact of the matter is, we went to Somalia, we spent $3 billion, it cost us over 20 American lives, and today the warlords continue to fight each other. We did not make a difference in Somalia, and Somalia is nothing compared with what we go to when we start talking about sending troops to Bosnia. It makes absolutely no sense.

The President spoke a few nights ago and tried to define a vital interest, but unfortunately his vital interest had to do with securing a Bosnian peace treaty. The fact of the matter is that right now that Serbs in Sarajevo said they will fight to the death. I have got to tell my colleagues, until we clearly define a vital American interest that is worth the death of Americans, I respectfully have to reject the President's reasoning to send young Americans to Bosnia to die.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 5 minutes.

Ms. PELOSI addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

BALANCED BUDGET DEBATE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, Members on both sides of the aisle feel very passionately about their positions in the budget debate, and we should feel passionately about this issue because in fact what we are debating is the future of our country. The debate is about far more than numbers. It really, in essence, is about the values and the priorities of the American people.

Democrats are concerned about the level of cuts that this budget makes in Medicare, in education, and in environmental protection. We believe that the cuts that are currently there, the cuts in this budget, go too far and too fast and will hurt too many people.

We are also very concerned about the tax package that is contained in this budget. Because of that tax package, we think that it is wrong to impose higher taxes on those who can least afford it while lowering the taxes on those who can in fact most afford it. That seems to have the priorities of this Nation out of whack.

We are not alone in thinking that the budget has its priorities upside down. If you take a look at what the American people are talking about, and there are recent surveys that have discussed this issue, the surveys indicate that 60 percent of the public today would like to see the President veto this budget as it currently stands.

I think that there are a number of us here who concur that that is what the President should do if Republicans refuse to lessen the blow on our seniors, our students, and on our environment.

Congress should not force its priorities on the American people. It is time to start to listen to them, to compromise on a balanced budget that protects the priorities of the American people. No one disagrees about getting our fiscal house in order, about achieving a balanced budget. There is a right way to do it and a wrong way to do it.

What we want to try to do is to protect those principles and those priorities that the American public has asked us, in fact, to protect. That means protecting educational opportunity, environmental protections, and it means protecting Medicare.

As it currently stands, the Republican budget, and this number has not budged in all these months, cuts $270 billion from Medicare to help to finance a tax cut for the wealthiest Americans. Over 50 percent of the tax cuts go to the richest 1 or 2 percent of the people in this country.

□ 1400

The cuts go too far too fast and will devastate a health care system that is serving 37 million seniors.

It is not only the seniors who are going to be hurt, and it is not just Democrats who are warning about the impact of the deep and the dangerous Medicare cuts. The most recent issue of Money magazine, there is an article. It tells families, actually, in the article, to hold on to their wallets because health care costs are going to go up if this budget passes. In fact, because of the cuts in Medicare payments to hospitals under this plan, administrators say that they will have to raise health care costs for the rest of the population in order to have to make up the difference.

According to a recent article in the New York Times, the Medicare cuts will shift more than $11 billion in costs onto small businesses and American workers. That is because if people wind up having additional people wind up with not having insurance, once more, as our current situation indicates to us, that those people who are without insurance, if they do get health care, and they will, that those costs do not just fall into an abyss, into a vacuum. Those costs get picked up by all those who, in fact, are currently paying health care costs. We will just add to the number of those who are uninsured, and those additional costs will have to be borne by those who are currently picking up health care costs today.

That is a burden on individuals, and it is a burden on our businesses today and our workers that they simply cannot afford.

The GOP Medicare proposal is fundamentally flawed by controlling spending, but, by not controlling costs, it ensures seniors will be forced to pay more out of pocket while health care costs continue to rise. That would mean a giant step backward for America's seniors. That is not the way to balance the budget. That is not the American way.

CLAIMS VERSUS TRUTH

The SPEAKER pro tempore (Mr. GANSKE). Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, the last few months the congressional Democrats have tried to scare the American people, using all kinds of scare tactics and disinformation with twisted rhetoric.

I would like to point out to you a typical example of how wrong it is. First one Medicare, my golly, I just heard the story that this is gutting Medicare cuts, and the dangerous Medicare cuts, et cetera. Let us take a look because I would like to have the American people make their own judgment.

It seems like the argument is Medicare part B. Part B is to pay for a doctor's bills, et cetera, long-term care. The way it is right now, senior citizens pay about one-third, $46.10. They cost Government three times more than that.

So what happens right now, one-third is paid by the senior citizens, two-thirds paid by the other taxpayers, younger generation. The other ones subsidize senior citizens by this ratio.

Take a look at this. Starting next year, our friends want to do this one-quarter paid by the senior citizens, three-quarters by the other taxpayers. We said ''no'' because in good time perhaps, maybe, but we do not have any money. We would like to keep it one-third, two-thirds relationship, continuing the next 7 years so we can balance the budget.

Where is the cut? This is what they call a cut. They would like to spend this much. We said ''no.'' Let us maintain present situation. They call that a mean-spirited cut, deep cut, all kinds of rhetoric.

Now, even though maintaining this relationship, because hospital costs have gone up anyway, everybody has to pay a little more. Senior citizens have to pay a few bucks more a month, and their younger generation has to pay a few dollars more to subsidize.

Let us take a look at the next chart. Starting $46.10 a month, eventually at the end of 7 years it is going to go up to $87 a month. Mr. Clinton's plan is $83 at the end of seventh year. Strangely enough, next year, did it to less payment, I do not know why, perhaps election year, then go up. Eventually we are talking about $87 versus $83. The American people knows this. That is what is the difference in the Part B premium than what the Republicans propose and what Mr. Clinton proposes. It is about the same.

Let us take a look at the next one. I mean, hearing this rhetoric that we are trying to put all of this poor working family out in the cold, they are talking about earned income tax credit. Many people do not know what is earned income tax credit. What it is, if you make money, you have a family, but not enough to support family, then Government pays you money. Look at what happens. This time, about this year, the Congress passed a law so you do not have to have children. Anybody can be eligible to receive the Government paychecks without having any children. That was different than original intent. Guess what happened here? Zoom, thousand percent increase.

What we are trying to do is slow down a little bit. The blue line here, slow down by eliminating waste and fraud, and also we are trying to go back to the original intent that if you do not have any kids, if you do not have any children, you are not going to receive any EITC paychecks anymore from Government. That is all we are trying to do.

Where is the cut? Where is the mean-spirited cut here?

Let us take a look at the next example. Next one is a lunch program, taking food away from the mouths of children. What a grotesque twist of rhetoric. Actually, we are spending more money, to be exact, 37 percent more, from $4.5 billion in 1995 to $6.17 billion in the year 2002. Is that the cut? 37-percent increase is a cut?

All we are trying to do is, there are so many programs right now, we are trying to consolidate into one program, also eliminate the middle man—in this case, Federal bureaucracy—so the local school district can get more money, in a sense, the children can get more money for their school lunch program.

Tell me where the cut is.

Finally, now they are trying to scare students. My God, they say we are cutting student loans and other educational aid.

Let us take a look at this. Starting from 1995, continue going up at the end of the seventh year the budget shows student loan, $36.4 billion, 48-percent increase. The student gets 48-percent increase in student loans.

Is there a cut? I think we should stop this rhetoric.

The SPEAKER pro temproe. Under a previous order of the House, the gentleman from New York [Mr. SCHUMER] is recognized for 5 minutes.

[Mr. SCHUMER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SIESTA FOR CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DOGGETT] is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, today we gain new insight into what this new Gingrich-ite majority meant when they said they would give us a new Congress, and we can see it right here on the floor today. They have brought an entirely new institution to this Congress, not new to other countries of the world. It is known as a siesta.

You see, at a little after 1 o'clock today, when most Americans were out working hard trying to make ends meet, the Gingrich-ite leadership declared a siesta in the Congress. They said at 1 o'clock, after they had paid to bring back Members of Congress from all of the 50 States to pass a bill this morning that could have been approved last night with ease, to suffer a major defeat today on a piece of legislation that would take money away from veterans' care, they said at 1 o'clock, ''We do not have any more business today. We do not want to work any more.'' And unlike some of our friends in other countries in the world who might take a 2- or-3-hour siesta around noontime, this new Gingrich-ite majority proposes to extend its siesta until midnight and well into tomorrow.

It is as if they did not hear the message of the American people that I heard over the Thanksgiving break, a message that said, ''Stop your antics. Get to work.'' The message that said, ''We do not appreciate Speaker GINGRICH wasting somewhere between $500 million and $800 million, so zealous with his extremist agenda that he would pay Federal workers not to even work for a week, at the expense of the American taxpayer.''

But instead of coming back to work and actually working through these appropriations bills, they declare a siesta.

And is there work left to be done? Well, indeed, if they had not been sleeping on the job or something, we would never have had a Government shutdown in the first place. You see, they had a responsibility to pass some 13 appropriations bills by September 30.

Did they do it? No. They passed 2 of 13, a failing grade where I come from down in Texas. Have they done it

today? Have they even gotten half of these bills passed? Well, now, as we begin to approach Christmas, having completed Thanksgiving, they have yet to send to the President's desk almost half of the appropriations bills.

Let me review what pends here as these Republicans enjoy their siesta today:

The Commerce, Justice, State, and Judiciary appropriations bills have not been presented to this House for action.

The District of Columbia appropriations bill, it says in the latest report that conference was continued on November 17, and it is still continued. We do not have the bill out here to act on.

The Committee on Foreign Operations, the latest report says the conference deadlocked on November 15. That means that the Senate Republicans and the House Republicans cannot agree on the same bill. So it is not out here for us to act on.

The Interior bill, that is the one we defeated just before the Thanksgiving break because of that giveaway that the Gingrich-ite majority wanted to give to the mining companies to take public property and use it for private gain.

The Labor, Health and Human Services, and Education bills, they failed to begin floor debate over in the Senate at the end of September. It has not even passed the U.S. Senate.

Then the Veterans' Affairs, Housing and Urban Development legislation which was taken up and defeated today, recommitted for the second time, the second time that this House has recommitted that bill, the first time because our Republican colleagues wanted to bind and destroy law enforcement against pollution with some 17 binders, and so it was rejected. They came back kind of with their tails between their legs, saying, ''We really did not mean to do so much damage to the environment as we did.''

Today this House said ''yes,'' but you are doing damage to the veterans that secured this country. You are taking $213 million out of their health care that ought not to be taken out of that health care, and this House soundly rejected and recommitted that bill.

We have got half the business and well over half of the appropriations of the Government of the United States that have not been signed into law, and these folks take a siesta for the rest of the day.

They say they want a balanced budget. Well, they do not have much balance to the way they are getting that budget. The problem is they do not have any balance in the budget that they propose.

I believe in a budget that is balanced. I come from the pay-as-you-go approach of Texas. I want those figures to balance so that we do not leave our grandchildren with debt upon debt.

But how about a little balance for the people that are affected by that budget? Oh, yes, they say we have got to sacrifice. They said this morning that those veterans had to sacrifice to the extent of $213 million out of their health care.

But what sacrifice do they demand of the most wealthy of our citizens? They said, ''Could you, please, pretty please, take a tax break at the same time we cut the rest of America?''

That is wrong, and so is this siesta.

BALANCING THE BUDGET IN 7 YEARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine [Mr. LONGLEY] is recognized for 5 minutes.

Mr. LONGLEY. Mr. Speaker, I did not rise to defend this Congress. But I can vouch personally for the fact that the overwhelming majority of Members of this body are working quite hard, thank you.

I did want to speak and address some of the remarks that were made by the gentleman from Hawaii [Mr. ABERCROMBIE] because I think he has raised a very important point relative to the role and interaction of the Social Security trust funds with the deficit. I do not have the precise numbers, and I am sure I am going to be looking forward to the Members' discussion over the next several days and weeks. But I would be interested to know the extent to which the Social Security trust funds actually comprise a significant percentage of our $5 trillion national debt.

I would suggest that there are clear implications to that which relate to how, in fact, we are dealing with balancing the budget and whether, in fact, we are using the type of honest numbers we have come to expect.

I have confess that, having spent the Thanksgiving weekend, frankly, with two of the most important people in my life, my two children, I have got maybe a little bit of a different perspective of what we have been doing over the past several months, particularly as it relates to the deficit. Again, I think we all agree there is no issue that is more important than balancing this country's budget once and for all.

I for one was very pleased to see that the President agreed just about 2 weeks ago to the concept that we are going to work together, Republicans and Democrats, to come up with a 7-year plan to finally once and for all balance the Federal budget.

But I have to confess that I think the public expects an awful lot more of the Members of this body on both sides of the aisle with respect to how we work toward that objective, and specifically I was very distressed to know that barely was the ink dry on the agreement when the President's chief of staff made the comment that, well, he was not sure we were really going to balance the budget in 7 years, that it might take 8 years or longer.

□ 1415

Then over the weekend, Mr. Carvel, the President's chief political strategist, made the comment that from his perspective, the President might just as well drive a hard line that would result in a continuing resolution or even a Government shutdown until November of 1996, almost over a year from today.

I have got to say there is no more important issue in this body than our once and for all coming to grips with many of the petty, partisan differences that stand in the way of our doing the work that the people elected us to do, which is to find a way to honestly get the Government spending under control so that we can move in the direction of a balanced Federal budget.

Again, I respect the points that are being made by the gentleman from Hawaii [Mr. ABERCROMBIE], and I would suggest that they are very much factors that need to be considered in how we go about doing it. But the bottom line is that we need to work toward balancing the budget, and that means making tough decisions relative to cutting spending.

Yesterday, again, the chief of Staff of the White House made the comment that the White House was not going to be willing to agree to any 7-year plan to balance the budget unless we obtained the support of 100 Members of the Democratic side of this House. While as laudable a goal as that is, I think what it is suggesting to me is that, frankly, we may be wasting our efforts, Republicans and Democrats, attempting to work with the White House, and perhaps it is the responsibility of this party, this body, to come to grips together as Republicans and Democrats, to finally get the heavy lifting done on the budget, because I interpret the Chief of Staff's comments yesterday as a suggestion that the White House, frankly, is not really serious about working together to get to a balanced Federal budget.

When we cannot even agree on the number of people who are participating in the negotiations, I would suggest that this is a major embarrassment on everybody involved in the process. As I said, I think the public expects an awful lot more than they are receiving. When we have a government that over the next 7 years is going to spend in excess of $12 trillion, some $3 trillion more in the next 7 years than we spent in the last 7 years, and that is using the numbers from the Republicans budget, then I think that we need to take serious stock of where we are and how seriously we are committed to making the tough decisions that need to be made.

I was pleased this morning to be part of a group from my side of the aisle of Republican Members who are going to be trying to work with Democratic Members, with the Coalition, to try to find a common ground that we need to finally get the type of accommodation, the type of agreement, that will allow us to make the serious decisions we need to make.

With respect to the comments of the gentleman from Hawaii [Mr. ABERCROMBIE], and I think it is an important issue that we need to address, the fact that some percentage of our $5 trillion deficit actually consists of funds loaned by workers who were paying into the Social Security trust fund, again we have some serious issues. We need to address it. But first of all, we need to work together to finally get Government spending under control.

The SPEAKER pro tempore (Mr. GANSKE). Under a previous order of the House, the gentleman from Georgia [Mr. LEWIS] is recognized for 5 minutes.

[Mr. LEWIS of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

BUDGET RECONCILIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, our budget should reflect our values.

We now have a chance to achieve that important goal. Before Thanksgiving, we voted to return all government employees to work—ending the false distinction between those referred to as essential and those as nonessential.

In addition, the President and leadership from the majority in Congress reached an agreement, in principal, to balance the budget, to use reliable revenue projections, and to protect vital social programs.

As part of that agreement and our action, in the House and in the Senate, we are aiming at December 15th to deliver on those commitments. The American people expect us to reach that target. Another Government shutdown will not be tolerated.

How can we reach that target, what are the obstacles to reaching that target, and what are the values of America? We can reach that target by putting principal and people above politics and party. We can reach that target by discovering our similarities and overlooking our differences.

Now the obstacles, admittedly, are many.

But this Nation and this Congress have faced obstacles before. And we have overcome those obstacles by holding to our values.

We believe in equality. We believe in fairness. We believe in justice. And, we believe in family. Those are values held by every Member of this Chamber.

And, since those are our similarities, there is really no reason for our differences to prevent us from enacting a long-term, balanced budget bill by December 15.

If all of us believe in equality, fairness, justice, and family—and we do—why should achieving a balanced budget in 7, 8, 9 or 10 years be an obstacle?

It should not.

If all of us believe in equality—and we do—why should there by any distinction in tax relief between those making $100,000 dollars a year or more and those making $28,000 dollars a year or less?

Doesn't fairness require that we treat our seniors, our children, and the poor with the same concern and respect as we treat the able-bodied and the well-to-do?

And, what does justice require?

Is it just to insist upon a rigid set of numbers and a rigid time frame that have been subjectively selected?

Is it justice to increase spending by $245 billion on a tax cut, while reducing spending on medicare by $270 billion or on Medicaid by $175 billion or while reducing spending on education and the environment?

Can we not agree that justice requires that if we must spend a dollar to help some, we should not take a dollar and hurt others?

And, family—one of our most important values.

Family is more than a strong father and a sturdy mother.

Family is a healthy grandfather and grandmother.

Family is fit children who can count on and look forward to educational and economic opportunities.

Family, in the larger sense, is a community of friends and neighbors who have jobs at liveable wages, who have safe and sanitary housing, and who can breathe free and drink safe water.

Not one Member in this Chamber will deny those values.

And, the budget we enact, before December 15, should reflect each of those values.

If it does, we would have reached our goal.

If it does not, we have surrendered our values.

And, so, I challenge the Speaker, the majority leader, others with authority in the majority, the leaders on this side of the aisle and all Members of this and the other body—hold fast to your values—put people first—advance a budget bill, but do not retreat from equality, do not shrink from fairness, do not withdraw from justice, and do not wince from family.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker,

HAITIAN POLICY SUCCESSFUL, BUT MORE NEEDS TO BE DONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, there have been several explosive developments in Haiti in the last few weeks. The wisdom of President Aristide, no matter what course these developments take, is still the greatest asset of Haiti. The wisdom of Jean-Bertrand Aristide is still necessary for this country to have a new birth. Recent statements by President Aristide and recent behavior by President Aristide are clearly understandable in the light of certain recent developments.

It is important for us to remember that the liberation of Haiti still represents one of the moral and humanitarian mountain tops of United States foreign policy. This Nation took a giant step forward and we did the right thing. Americans set new standards for the hemisphere, and we set new standards for international law and order. Criminals will not be allowed to seize control of a nation, take over its legitimate government, oppress its people, and terrorize its people. Criminals aided by the United States and an army set up by the United States will not be allowed to do this in one of the countries in this hemisphere. We clearly established that policy.

The policy has already succeeded. I congratulate the Clinton administration. But, still, so much more can be done to facilitate democracy, peace, and progress in Haiti. So much more can be done without any great costs, additional costs.

The most basic needs of Haiti right now are judges, jails, and electricity. We have the capacity, the United States and the United Nations forces which are still in Haiti have the capacity, to deliver those three items, those three basics: judges, jails, and electricity.

Haiti needs jails because there are many wrongdoers from the previous regime who are moving about with impunity. They have no fear of the government whatsoever. There are many that have been seized and many that have been judged and put in prison who just walked away because they do not have decent jails or stockades. One thing the U.S. Army or military force can do is build some jails and stockades, but we have refused to do that. If would not cost very much.

Haiti needs an improved criminal justice system. The judges were run out of Haiti. They are spread out among the world; 1 million Haitians are in France, the United States and Canada. They will come home if a clear system is set up with the backing of the United Nations and United States. We can give them judges and jails.

And Haiti needs electricity. That is the basic necessity for industry in Haiti. We promised to do that when we went in there. We have not delivered on that capacity.

Understand if we have these basics in place, you would have an atmosphere and environment established which would create trust between the Haitian people and the United Nations that are trying to help the people. Instead of those few basics being met, what we have is the kind of situation where the United States is withholding documents that it seized from the Haitian

military criminals, documents which show who committed the murders of 3,000 people, documents which show who armed the groups that drove our forces away from the pier in Haiti when we first went to Haiti peacefully. All those documents show who the perpetrators are, who financed the coup.

Yet our army, which seized those documents, is refusing to share them with the Haitian Government. It is a kind of racism. I know of no other situation where a country has gone in to liberate and help another country, seized documents which would lead to the prosecution of those people who are guilty of committing serious crimes in the country, and claimed those documents as their own. The Haitian people are suspicious. Jean-Bertrand Aristide is suspicious. The cousin of Jean-Bertrand Aristide, who is a member of parliament, was recently assassinated in broad daylight.

When you add up these kinds of situations, our Government refusing to share documents which would prosecute the wrongdoers, and then a resurgence of violence so strong and so bold as to shoot down the cousin of the President, who is a member of parliament, then you can see what great suspicion sets in, where the Haitian Government under Aristide is wondering what is happening now.

The CIA in the past has not seemed to be operating hand in hand with the White House. The White House and the people there would say one thing, and the CIA would do another. The organization called FRAP, which created so much havoc in Haiti just before the return of Aristide, it was financed by the CIA it turned out.

These kind of contradictions and strange happenings lead to a bewildering array of activities that raise suspicion and eliminate what trust did exist. We can return that trust by providing judges, jails, and electricity, and giving back to the Haitian Government any documents which rightfully belong to that government.

□ 1430

INTRODUCTION OF THE WASHINGTON, DC, FISCAL PROTECTION ACT

The SPEAKER pro tempore (Mr. GANSKE). Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, this is day 17 of the countdown to December 15. I am here every morning to try to see to it that if you shut down Federal agencies on that date, you do not shut down an entire city, the District of Columbia.

This, of course, was one of the all-time unintended consequences of the last shutdown. If we shut Federal agencies, the District of Columbia automatically shuts down. Mr. Speaker, these are apples and oranges. The District is a living, breathing city that delivers vital frontline services. A Federal agency is a creature of the Federal Government that delivers services that local communities find important but not vital to their day-to-day survival. Please, let us delink these two entities.

I have yesterday introduced an independent CR for the District of Columbia, so that if on December 15 another shutdown should occur, the District would be free from it. I have spoken to the Speaker, who appeared to be sympathetic to my concerns; the chair of the subcommittee, the gentleman from Virginia, Mr. TOM DAVIS, has cosponsored this special CR for the District of Columbia.

The shutdown of the District of Columbia was particularly galling and unnecessary, because 85 percent of the money in our appropriation was raised in the District of Columbia from District taxpayers. It should not be up here in the first place. But if it happens to be up here and caught in a shutdown, the very least that the Congress can do, in all decency, is to say, ''Here, District of Columbia, you are entitled to spend your own money to keep your own city open.'' That is all I am asking. As to the Federal payment, some of it would remain, of course, locked up here, and yet we need that cash very much. Bear in mind that the Federal payment is a PILOT, a payment in lieu of taxes, thank you, no gift from the Federal Government, but a payment owed us. Nevertheless, that would be treated in the normal way.

Remember the city which I represent. It is second per capita in taxes paid to the Federal Government, yet it is the only jurisdiction that flies the American flag that does not have full home rule and full self-government.

All of you, make up and read the morning papers. You know about the condition of the District of Columbia. You know it now has a control board just to borrow, and that it is virtually insolvent. Surely the Congress does not mean to do more damage to the capital city of the United States. What is that damage? Imagine, the District of Columbia of course, has to pay employees even though they do not work, because they are forced onto administrative leave. There is that lost productivity, some of it completely irrecoverable.

These 3- or 4-week CR's do not allow a complicated city to operate, because a city cannot overobligate. If you are obligating on a basis of one-fourteenth, because you have a 14-day CR, and yet you have unfunded mandates like Medicaid or AFDC, you are put in an untenable position. And of course, if the District were overobligated, as we have seen, the Congress would be the very first to object and to criticize.

The District of Columbia has taken its hits and it knows it deserves its licks for what it has not done to keep its city in good shape. The very least the Congress, which has been profuse in its criticism, should do is to make sure it does no further harm to the District.

I have a D.C. Fiscal Protection Act, in addition to the CR for December 15, that would mean that whenever we get to the end of a fiscal year, the District could spend its own money until an appropriation cleared the Congress. Our appropriation is stuck up here on provisions added undemocratically by Members unaccountable to the voters of the District of Columbia. We may not be able to get it out for weeks and weeks.

Do not hold the District hostage. I represent a lot of innocent bystanders. Whatever you think of the Mayor or the city council or the delegate, remember these high taxpaying citizens who deserve a whole lot better. The last time the District got lost in the shuffle, even though the District was right here ''in your face.'' This time, you will not be able to miss us, because I will be here every day on the countdown until December 15.

HONESTY IN DISCUSSING A BALANCED BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. TAYLOR] is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, a few minutes ago, the gentleman from Hawaii [Mr. ABERCROMBIE] extended me the courtesy of giving me one of his minutes. I would like to return that courtesy.

THE SOCIAL SECURITY TRUST FUND AND BALANCING THE BUDGET

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman from Mississippi for yielding to me.

Mr. Speaker, the gentleman from Mississippi [Mr. TAYLOR] raised the issue of whether there is, in fact, a Balanced Budget Act before us. I had spoken about the fact that, and I say ''the fact'' that the budget proposed by the majority, by the Republican majority, by Speaker GINGRICH, is going to take $636 billion from the Social Security trust fund in order to so-call balance the budget. I want to quote at this point, so it is not just coming from me, but from Senator HOLLINGS in the other body:

> You will expend another $636 billion of the Social Security trust fund. We said we were raising the Social Security taxes to make certain there was trust in the trust fund through the year 2050.

That is why the FICA taxes, your Social Security tax, was raised previously, to make sure the trust fund was solvent. Now we are taking it.

Again, quoting Senator HOLLINGS:

> When you put together the borrowing from the trust funds that must be replenished, you get the real deficit, the gross Federal deficit, and the gross interest costs.

Finally, again from Senator HOLLINGS:

> Wait a minute. When you take the revenues in, the outlays out, and you look at

that figure, that is too high for me to run on in the next election, so we will take an amount of money out of the right pocket, put it into the left pocket, we will take $636 billion from Social Security in this budget that we have under consideration, and put it in the general fund to make it appear we are balancing the budget. You will have to pay back Social Security with interest and at the end of the 7-year budget period, you will owe. At the end of the 7-year period, we will all have to pay back supposedly over $1 trillion into the Social Security trust fund, and no one has any idea, not any Senator or House Member, who is going to introduce the increase in taxes to refund the Social Security trust fund.

Mr. Speaker, I wish the Speaker would come here and answer that question.

Mr. TAYLOR of Mississippi. Reclaiming my time, Mr. Speaker, it came as quite a surprise to me yesterday in researching the Republican budget plan that was much touted on the floor of this House as being the balanced budget plan of 1995, said repeatedly, that the annual operating deficit for this Nation will actually increase by $33 billion in fiscal year 1996 over this year. I think people need to know that. The budget deficit will increase from $263 billion on an annual operating basis to $296 billion on an annual operating basis.

Part of this, Mr. Speaker, will come from the trust funds that the gentleman from Hawaii [Mr. ABERCROMBIE] just mentioned: The $118 billion that people paid into things like the Social Security trust fund will be used to disguise the true nature of this debt.

The gentleman from Ohio [Mr. KASICH] is for a balanced budget. I am for a balanced budget. Let us be honest with the American people. Let us not tell them we can spend more in spending, we can receive less in taxes, that we are already $5 trillion in debt, paying $1 million in interest payments every 2 minutes, 2 minutes, and somehow all of this is magically going to work without pain.

The gentleman from Ohio [Mr. KASICH] is my friend, but let us be honest with this. Let us be honest with the American people. This morning you told me you were willing to borrow $75 billion so you could give people a minuscule tax break. They have to pay that back. That is not a gift. That is just loan sharking. You are taking money from them, you are giving them a little bit back, and they are going to have to pay back a whole heck of a lot more of the time they pay the interest. Let us be honest with the American people.

The second thing I want to mention, Mr. Speaker, is I have had a number of calls from home. I want to assure the people of south Mississippi that I was one of the first members of this body to be against putting American troops on the ground when President Bush asked me to do it, and I will remain opposed to that when President Clinton asks me to do it.

I traveled to that part of the world a few weeks ago, traveled up to the border posts in Macedonia, had the privilege with having lunch with some fellow Mississippians, a young man from Tupelo in particular, and from four-star officers to sergeant majors. Every one of them privately told me we should not get involved there. That is not our fight.

These people have been fighting each other for 700 years. The only peace they have known recently was the 45 or so years when Tito was in charge there, using the iron fist of communism, and he got the Bosnians to quit killing Muslims and the Muslims to quit killing Serbs and the Croatians to quit killing the others. As soon as the iron fist of communism was gone, they went back to killing each other.

Mr. Speaker, I want to close by saying that they told me that the smart weapons that worked so well in Desert Storm will not work in the cold, wet fog of Bosnia. We are going to send those kids on the ground, a bunch of them are going to die, and nothing good will come of it.

COMMON SENSE AND THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. GRAHAM] is recognized for 5 minutes.

Mr. GRAHAM. Mr. Speaker, I think a good way to start is to echo what the gentleman from Mississippi [Mr. TAYLOR] just said. I agree with his analysis of Bosnia, and I hope that we can bring some common sense to bear on that issue.

Let us talk about the budget and see if we can get some common sense and a level of agreement on what we are trying to do up here in Congress. A lot of people have said they want to balance the budget. I hope they are sincere. My gut instinct is that some mean it and some do not. The best way to judge whether a person means what they say is to look at what they do.

When I was a prosecutor in the Air Force and a defense attorney, I had this as my guide. I never quite believed everything my client told me as a defense attorney, and when the accused said he did not do it, I did not stop the investigation there. I looked behind what people say, and you judge their actions by their deeds.

So when somebody comes up here and tells you they want to balance the budget, the first question you need to ask them is are they willing to spend within the revenues generated, because if you want to spend more than you take in, you are not going to balance the budget. Does anybody have any idea how much the Federal Government has grown since 1969? I do not have that answer right now, but I have been told it has been several hundred percent. I am trying to find out how much the Federal Government has grown since we last balanced our Federal budget. I think the number is going to be shocking.

We have some folks visiting here today, and those that are listening at home, what is your estimate that the Federal Government spends per person to run the Federal Government, on Federal Government programs? How much do you think we spend per person to operate the Federal government? Let me tell you what it was for the last 7 years. Over a 7-year period, we spent $145,962 on a family of four. We spent $9.5 trillion over the last 7 years to run the Federal Fovernment.

We have come up with a new budget that balances, that has been certified to balance. Guess how much we spend as Republicans, the mean old Republicans who want to devastate everything? Guess how much money we have spent? Twelve trillion dollars. Where does that $12 trillion come from? It comes from you, the taxpayer; it comes from you, the senior citizen. It is hard to make the money, it is far too easy to spend the money up here, but over the next 7 years we are going to take $12 trillion of your money and run this Federal Government.

I ask one simple thing of my colleagues: Let that be enough. Twelve trillion dollars is enough to spend in Washington, DC. We can argue about how to spend it, we can rearrange the $12 trillion pie, we can move money around, but for the sake of future generations, for the sake of fiscal sanity, please do not spend more than $12 trillion of hard-earned taxpayer money.

Do you know what that equates to, for a family of four over a 7-year period? It is $184,373 that will be spent by your Federal Government on a family of four. It is hard to make that much money and it is far too easy to spend it. If you do not like the tax cuts, fine. If you think we have spent too much money on defense, fine. If you think we have not spent enough money on Medicare, fine. Just agree with me and evey other American who knows the facts. Rearrange the $12 trillion pie, and do not go into our pockets any deeper. We do not have much of a picket left as it is. This is not a shoestring budget. Twelve trillion dollars is unimaginable. They tell me that if you spend $1 million a day from the time of Christ to the present, you would not have spent $1 trillion.

Mr. Speaker, I ask the people who are listening here, Members of Congress, to agree on one simple fact: That we can run an efficient nation on $12 trillion, we can satisfy legitimate needs on $12 trillion, and that any politician who wants to spend more than $12 trillion has a problem. They do not need to be up here.

THE IMPACT OF THE CUTS IN EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas, Mr. GENE GREEN, is recognized for 60 minutes as the designee of the minority leader.

Mr. GENE GREEN of Texas. Mr. Speaker, I would like to thank my colleague, the gentleman from South

Carolina, when he talks about $12 trillion. That is what, for the next hours, the members of the Committee on Economic and Educational Opportunities will talk about. I wish we had $12 trillion to spend on education, but we do not. That is why our committee members are joining today in this special order to highlight the spending cuts that will happen.

Mr. Speaker, I do not know about $12 trillion over the next whatever number of years it is, but I know the impact the education cuts are having on my own district from the rescission bill, and the potential for the budget that we will ultimately end up passing, and the lost opportunity we will have, not just for the students who are there this year or next year, but for the next generation that we hope will be the ones who are taking our place here on this floor and taking our place all over the country in the medical schools and in the professions.

□ 1445

In the name of deficit reduction, the Congress is cutting the Federal money available for education programs, and I believe we need to balance our budget. However, I do not believe that we must balance it on the backs of those children.

The purpose of the deficit reduction is to make America stronger, and we agree with that on a philosophical basis. How can we make America stronger if we are not willing to invest in education? Education is talking about the strength of America, again, not for this year, Mr. Speaker, but for the next 5 and 10 years, and even after that. We should not stand by while the Republican majority destroys the educational system that we have all worked hard to achieve.

Mr. Speaker, I know in Houston we have made a solid investment in education and have a lot of individual students who are being successful, part of it because of the Federal funding that goes to the schools in our own district. A good example is Franklin Elementary School in my district, which was recognized by the U.S. Department of Education for its educational improvement.

The students at Franklin made exemplary progress in the Texas Assessment of Academic Skills last year. In 1994, only 35 percent to 59 percent of the student body passed the TAAS test as we call it, Texas Assessment for Academic Skills. In 1995, due to innovative teacher methods and a significant Federal investment in Franklin and the freedom that we had last year under title I, that school was classified as a recognized school where 75 percent of those children, at least up to 80 percent, are passing their TAAS testing. So we have a three-quarter success rate in an inner-city school that is eligible and receives both bilingual funding from the State, but also title I.

The students at Franklin are especially hurt by the cuts in title I from the rescission bill this year. Currently, Franklin receives about $200,000 in Federal title I funding. If the House-passed Labor-HHS appropriations bill becomes law, Franklin will lose 17 percent or $34,000 of those funds.

Harris County in the State of Texas receives $81.1 million in title I funds now. Under the House-passed bill originally, Labor-HHS, Harris County would lose $13.8 million, and under the President's budget proposal, Harris County will receive $8 million more. So what we are seeing is a loss, if we add those together of the cuts, plus the potential of $21 million, $21.9 million in loss of Federal funding.

We are having great success in our district. I have visited almost every elementary school in my district. I still have a few left that I go into, and I read, like a lot of Members of Congress do, and I see the success every day. I have an inner-city district that people say, oh, how can you have education success there? We have it every day, and it is because of the dedicated teachers and parents and administrators and people involved in the community.

Mr. Speaker, do not take that success away in the name of tax cuts, and that is what I am pleading. I think today the members of the committee will join in that.

Other educational programs hit hardest are the basic math and reading programs, efforts to promote safe and drug-free schools, and resources for State and local officials to implement higher standards in educational technology. Cuts in these vital programs will cause irreparable harm to students in our local community and as well around the country.

We will be spending $4.5 billion less in 1996, almost a 20 percent of the total Federal aid cut in 1996 than we did in 1995. At the same time, local and Statewide and Nationwide enrollment trends are up. Again, using my own district as an example, our enrollment is up in the Houston Independent School District and in the Aldine School District and the Galena Park School District. We are not seeing declining enrollment. Yet we are saying, okay, you have more students, but we are giving you less money.

The Republican budget eliminates also the Goals 2000 funding, severely undermining State and local efforts to reform elementary and secondary education. In the State of Texas alone, we would lose $29.2 million in the Goals 2000, and we have already completed our planning and begun implementation of comprehensive reforms, as provided by Goals 2000.

The Republican budget cuts Federal support for drug-free schools and community programs to the tune of $266 million, or about 60 percent, sharply reducing drug abuse and violence prevention activities serving students in 97 percent of our Nation's schools. In Texas, we would lose $18.9 million.

The House would cut funds to States ready to implement school-to-work programs by $20.6 million, or by 18 percent.

Mr. Speaker, I could go on and on. I intend to as we proceed during this hour, but I would like to yield time to the gentleman from Rhode Island [Mr. REED], my colleague.

Mr. REED. Mr. Speaker, I thank the gentleman for yielding.

I have come to the floor today to join my colleagues in addressing the serious issues of the Republican budget and the draconian cuts to education. The American public understands the importance of education. They understand now more than ever that we have to prepare the best educated young people for the challenges ahead. They want overwhelmingly to invest more resources, both Federal resources, local resources, in good, solid education for their youngsters and for the whole community.

Unfortunately, this budget takes exactly the opposite track. It disinvests in good, solid, well-established, innovative education programs.

Last Congress, we tried to move forward with an agenda of education reform and support that would truly represent a sound investment in the future of this country, particularly at a time when the old industrial age is yielding to the new information age.

Years ago, 20 years ago, 30 years ago, it would not be unreasonable for a young person to think that with a high school education he or she could leave that high school, find an adequate job, make a living to support a family, and, in fact, spend a whole career with those skills learned in high school. Today, every American understands that this is not the case, that today, in order to be an effective worker in almost every level of endeavor, you have to have postsecondary skills, either college or some technical training. The thrust and the consequence of this Republican budget is that those opportunities for higher education will be diminished.

We also understand, and the American people understand, that we have to have a solid basis in order to start our young people off on a solid path to educational achievement. That is why last year we spent a great deal of time on a bipartisan basis in developing the Goals 2000 program. Goals 2000 is an attempt, I think a very worthy attempt, to act as a catalyst from the Federal level for school reform at the local level, to provide the kind of resources, the directions and the standards that would be very necessary to move our elementary and secondary education system forward.

We also in the last Congress understood that in too many schools the education process is sacrificed to a climate of violence and intimidation, a climate that is too often indicated by pervasive drug use, and, as a result, we passed a Safe and Drug-Free Schools Act.

These legislative measures at the elementary and secondary level were important steps forward, but sadly, too,

because of this budget, those initiatives will not receive the resources that are necessary to carry on that important work.

At the level of higher education, understanding, as the American people understand, the need for advanced skills, we sought to strengthen those existing programs, like the Pell grant and the Stafford loan program to make access to higher education something that would be available and affordable for all of our citizens. It makes sense, particularly as we move from this industrial age to the new information age which demands higher skills for everyone in our society.

Again, sadly, the thrust of this Republican budget is to undercut significantly the resources that will be available for higher education. This budget would cut student loan programs by more than $5 billion going forward for those young people that want to go on to higher education, postsecondary education.

This is going to be a tremendous burden on their lives and the lives of their families, because one of the persistent complaints, one of the persistent concerns that I hear from my constituents in Rhode Island, those working people which we all claim to represent, those working families, is that they have one or two youngsters in college and the cost of college is outrageous, and without adequate Federal assistance, they cannot send their children to the schools they want.

In some cases, they cannot send them to school at all or, in other cases, they have to make the very difficult choice of which child will be favored with a college education and which will be told, well, you have to fend for yourself in the job market without that education. That is a very, very cruel choice which I thought that we had basically prevented in the last 30 years by providing a strong Federal commitment to higher education. But, sadly, we seem to be going back to a point in time when those cruel choices were all too common.

All of this impacts mightily in the localities, the districts and the States that we represent. In my State alone, in Rhode Island, we estimate that next year we will lose about $14 million in resources for education, and that over the next several years, the next 7 years of this budget, we will lose more than $90 million.

Where will these cuts go to? First, I mentioned the Goals 2000 program. This is really the only money for reform and restructuring of our educational system that is available in my home State. It has been eagerly embraced by the commissioner of elementary and secondary education in my State, by all of the districts.

There is an active process, an exciting process of change that is being sponsored by this program; and, sadly, we will lose about $1.4 million roughly all of the money that has been committed. This will affect as many as 71 schools who are participating directly as schools in the program. This is going to set back reform which is necessary and which every American citizen recognizes is necessary. It will set it back perhaps fatally.

In terms of student loans, the budget cuts would raise the cost of a college education by more than $2,000 for over 36,000 college students and more than $9,400 for over 5,000 graduate students in Rhode Island.

Pell grants. Changes in the Pell grant program will reduce support to students in Rhode Island by nearly $2 million. An estimated 1,600 students in 1996 alone will be denied Pell grants as a result of this cut.

Title I program, another program very important to elementary and secondary education that provides compensatory education for low-income American. Under this budget, the funds would be cut by a total of about $3.5 million, and this has a real impact, not only again in the lives of these students but in the tax rolls in local communities. Because as the city of Providence and the city of Central Falls and the city of Pawtucket copes with these cuts, they have to turn, once again, to their very, very strained tax rolls to make up the difference, if they can make it up at all.

So this is not just a problem for the beneficiaries of the program. It is a problem for the fiscal health of our cities and towns in Rhode Island.

I mentioned before the Safe and Drug-Free Schools Act which so important last Congress, which directed resources to a problem that is gnawing at the heart not only of our educational system but of our society as a whole. That, too, is going to lose funds. These budget cuts result in about a $1 million loss in these funds, which are helping to keep programs going, to show young people that drugs are not anything but the path to destruction and that we have to choose another path.

I would also mention one other program which touches upon the issue of education and opportunities so importantly, and that is the national service program. Americorps in Rhode Island is a shining example of a program that is inspired perhaps by legislation but embraced by the business community and the local community as a whole. The director of Americorps in our State, Larry Fish, is the chairman of one of our largest financial institutions. We are very lucky to have every category of Americorps activity funded in Rhode Island.

We have a City-Year program, which young people are spending a year helping out all through the community. We have programs that are helping through the Children's Crusade to mentor young people in schools to help them get through school and get on into college. A wonderful program, but, once again, even though this is supported strongly with corporate contributions and corporate leadership in Rhode Island, this program, too, is being affected mightily, basically almost zeroed out, if not entirely. It would deny 450,000 young people in Rhode Island the chance to serve.

This program is so useful, too, because it embodies in my view the ethic that we should all have as Americans: serving our country, and by that serving getting a chance to go to school and educate yourself so that you can be better prepared as a citizen, as a worker, as an American. Sadly, again this program is being jeopardized by this budget.

□ 1500

Mr. Speaker, when we look at this budget and we look at the reality of the world, something is sadly wrong. At a time when we have to invest in education, at a time when our economic future is at stake and education will be the key to our success as an economy, as a society, as a world power, and as a source of opportunity for all of our citizens, we are turning our back on funding education.

This is a sad mistake which I hope we can rectify in the days ahead.

Mr. GENE GREEN of Texas. I thank my colleague from Rhode Island with whom I enjoy serving on our committee.

Mr. Speaker, I will just sum up what he said and what the concern a lot of us have is that balancing the budget requires tough choices, but we should not let the majority balance the budget on education.

The proposed budget cuts make only a tiny part in the size of the deficit. Yet they have a tremendous devastating impact on the future of America's children.

I yield to the gentlewoman from California [Ms. WOOLSEY]. We serve together on the Committee on Economic and Educational Opportunities and we actually sit together and have gotten to know each other over the last 3 years serving on that committee.

Ms. WOOLSEY. I compliment the gentleman from Texas, Mr. GENE GREEN, and the members of the Committee on Economic and Educational Opportunities for organizing this special order tonight.

Mr. Speaker, it is hard to believe that it was just last year when I convinced this body to approve a landmark resolution, which put us on our way to making our schools the best in the world.

Yes, it is true.

Last year, the House approved my resolution which called on Congress to increase our investment in education by 1 percent a year, until the education budget accounts for 10 percent of the budget in 2002.

At the time, I said that the resolution would send a clear message to those who decide how our Federal dollars are spent. The appropriators received the message that this Congress was serious about improving education.

Well, guess what, folks? Times have changed. We have got a new majority

in Congress. And, instead of going forward, we are going backward. Fast.

The new majority in the House blatantly ignored the pledge we made last year to improve our children's education, and has passed some of the most antieducation legislation this Nation has ever seen.

Just take a look at the education budget for 1996 which the House has approved.

This terrible bill cuts: Head Start, chapter one, safe and drug-free schools, school-to-work, and vocational and adult education.

In all, it cuts education by 13 percent in 1 year alone; 13 percent.

But that is nothing compared to what they want to do to our education system over the next 7 years.

The new majority's 7-year budget plan would deny Head Start to 180,000 children by 2002.

It eliminates Goals 2000, which helps schools meet higher national standards and increases parental involvement.

It kills AmeriCorps, which has provided thousands of Americans with college tuition assistance in exchange for community service.

And, it cuts in half, the President's program aimed at helping schools bring technology into the classroom.

Under their budget, my State of California alone will lose, among other things, $1 billion for the School Lunch Program, and over 181,000 Californians will be denied participation in the cost-effective direct Student Loan Program.

My friends, that is the wrong direction, and that is not the way we are supposed to be taking care of our children and their education.

You see, I believe, as do my colleagues here today, that our Nation's greatest responsibility is to provide a quality education for everybody in this country.

We believe this because education is absolutely central to solving the problems facing our Nation.

When we strengthen education, we prepare our children and workers for jobs that pay a livable wage; we get people off welfare and prevent people from having to go on welfare in the first place; we actually prevent crime and violence in our communities; and, we increase respect for our health, respect for our environment, and respect for each other.

That is why, for the life of me, I cannot understand why the new majority is cutting and gutting our education system.

You see, we can balance the budget, but it does not have to be on the backs of our children and their education.

It is time to stop this assault of education.

It is time to pass a budget that invests in education, and reduces the deficit by cutting wasteful military and Government spending; closing tax loopholes; and ending corporate welfare.

It is time to make our Nation's No. 1 special interest our children, and not the fat cats and lobbyists in Washington.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield the balance of my time to the gentlewoman from Hawaii [Mrs. MINK].

The SPEAKER pro tempore (Mr. GANSKE). The gentlewoman is recognized for 39 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I appreciate very much the time being yielded to me and I appreciate the ranking member of our Committee on Economic and Educational Opportunities taking the time to schedule this special order.

Mr. Speaker, the discussions that the House and the Senate have been having recently with regard to the reconciliation budget is a 7-year plan to bring the Government eventually to a balanced budget, or a zero deficit in 7 years. In discussing the budget reconciliation proposal, which is a 7-year plan, there are so many larger issues, such as the $270 billion reduction in Medicare, $162 billion cuts in Medicaid, and other programs of that enormity.

In the course of the debate in the budget reconciliation measure last week, we did not hear much about the impacts on education, and so I appreciate the time that is being allotted this evening to discuss the impacts on education, because in my estimation it is probably the most far-reaching and devastating of all the cuts that we are making.

I know that the majority feels very strongly about reallocating the functions of Government, to the idea specifically of returning many of the functions that have been assumed by the Federal Government, many of the priorities that have been expressed by the Federal Government over the last 20 or 30 years, and trying to reassemble them and make them State priorities, under the assumption that the States know best how to govern their constituents and are more directly responsible one to the other.

While that is an excellent political philosophy, it seems wholly inappropriate in the field of education because education, after all, is really tooling one generation to the next generation for leadership, for the ability to assume responsibility, to maintain our quality of life, our ability to compete in the world market, and to discover those things that make our economy and our business and so forth much more competitive.

So in the educational system rests the future of this country, not just individually, for the sake of the child or the family or their prosperity, but truly the whole nature of our society and the success of our country lies in our ability to educate our children well. We know that in recent years, compared to other countries, we have been falling by the wayside.

I look at such things as national security as being, indeed, important. But what is more important than the national domestic security of our citizens through adequate education? That is what the forfeiture of funding in education means to me and why I feel that this is a very, very dangerous decision.

If all States were equal in their ability to educate and to provide quality education to their children and adults that need training and education, then perhaps our concerns can be mitigated somewhat by the idea that the States have the capacity and the will to perform in accordance to the national expectations. But we all know that our States are very widely differing in their ability to fulfill this function. One cannot, as a Nation, exercise the luxury of happenstance in terms of the States' abilities to perform. Therefore, the presence of the Federal Government in this important field of education seems to me the most important responsibility that we have to our country and to our future.

So when we see this reconciliation, 7-year balanced budget plan calling for cuts amounting to $45 billion over the next 7 years, it troubles me deeply that we are sacrificing the future capacity of our children and our adults who are being trained under these programs to meet the challenges of the future. I think that this is a mistaken notion of reversion to State responsibilities.

Even within a State, one can recognize that there are differences in capacities of local communities to assume their responsibilities, and we hear States having to come up with ways in which they can balance out their support for education by giving certain localities additional funds with which to function, because the basis for funding education is the local real property tax, and we know that the values of property differ even within one State. Of course, they differ widely all across the country.

If we are going to put the future of our country in terms of our ability to compete with the rest of the world on this notion of equity distributed by real property taxes, that seems to me wildly off the mark. Therefore, the idea of the Federal interest in supporting educational opportunities in our 50 States is so important.

To see programs like title I, for instance, being cut back, even this 1 year, fiscal year 1996, we are apt to lose almost $2 billion if we follow the rate of reductions between the House and the Senate versions. These bills are still in conference and the final figures have not been reconciled.

We have a moment in our legislative discussions to rise to the occasion, and to call attention to the House and the Senate and to the conference committees about this dangerous course that we are embarked upon.

Title I, as we know, is a program that allocates funds to our local school districts that have high concentrations of poor people, youngsters that are educationally disadvantaged through economic circumstances or because of other disadvantages that may surround them in their environment and in their community.

Why is it important that the Federal Government support these communities with large concentrations of disadvantaged children? Well, because if we do not, then we will have large blocks of our children in various places throughout the country ill-educated and ill-equipped to perform in this highly technological society. If they are ill-equipped to compete and they are not properly prepared, they will constantly be a cost factor not only for the local communities but also for the Federal Government, so it is important that we target this money in these special communities.

So one would have thought, of all the programs in education, that this would be the last place that there would be any significant cuts. Yet we see nearly a billion, probably a $2 billion reduction in just 1 year of that program.

For my State, just by State, we only have two Members in the House of Representatives, so that illustrates comparatively the size of my State. Even my State is going to suffer somewhere between a $1.7 million loss as in the Senate version and a $3 million loss if it followed the House version.

That is a very big cut for my State to have to endure in a very, very important program which has been successful. One only has to look at the reports that have been written. The criticisms are not from the funding, the criticisms are because it has not been adequately targeted. The maximum bang for the buck has not been achieved because the requirements of the Federal Government have not been as stringent as they should have been.

□ 1515

But nowhere in these reports and critiques is there a suggestion that the Federal Government funding ought not to go. It still is considered a very, very important program.

Addressing the whole subject of quality education and meeting the expectations of the Nation in terms of what education ought to mean to our society, it was important that the Governors convene some years ago a task force on trying to find ways in which the States could direct their resources and come up with a higher quality of education. So they set this Goals 2000 concept. It was brought to the Congress by President Bush, and now implemented by President Clinton, and yet we find that this is one of the programs that the House has chosen to zero out, and that is a shame because one looks to the Federal Government, it seems to me, for leadership. And here we are taking up the recommendations of the Governors' conference and doing precisely what the Governors conference has suggested, putting the Governors themselves really on the governing board of this group called Goals 2000, and yet the House of Representatives majority party has seen fit to zero out this function. It seems to me this is an absolutely appropriate area for the Federal Government to be involved in.

The next one is also equally disturbing, the safe and drug-free schools. The letters that I receive, the critique that has come to my attention from all over the country because I am a member of this committee, suggest that this program is working very, very well. For a small amount of money that the schools receive, they have been able to do a monumental job of trying to instill in our young people the dangers of drug addiction and drug use and how simple it is to develop an attitude and a philosophy of simply rejecting this intervention in your life. So to see this program cut back so drastically, the fiscal year 1995 allocation was $466 million. The House allocated only a $200-million figure, and in the budget resolution which came up and which we approved, it zeroed it out, and I think that that is a serious mistake.

So as we look at this whole thing, we see any number of areas which are truly regrettable. Vocational education, as my colleague from California mentioned, an area which is so vital in this dynamically changing technological environment, we need to have vocational programs that constantly train and retrain our workers and adapt them to changing circumstances; the vocational education ought to be retained at its high level of Federal participation.

When we look at education, what do people usually say? The teacher is the central focus of the success of the school or the child or the programs, and so we rest our case upon the quality of teachers, the quality of our educational system, the ways in which our teachers are better equipped to handle their classes, and yet here again we find that the programs have been cut back very drastically.

The President, in the fiscal year 1996 budget, asked for $735 million for the Eisenhower professional development program. The House only allocated $500 million. So that is a terrible cut, one that I know will be felt throughout the system.

There is a lot more to be said about the impacts of these cuts, but I notice that my colleague from New York is here, and I would invite him to make his comments at this point, and I yield to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. I thank my colleague and friend, the gentlewoman from Hawaii.

You know, I certainly agree with everything that she said, and what is really just so shocking about this is that only a year ago it would have been unthinkable to have these kinds of draconian cuts to education.

If you asked the American people how can we best fulfill the future promise of America, they certainly would say that we need to invest in our children's future, that we need to invest in education, that we need to invest in programs for the future, and while we may have some disagreements in Congress over which programs are important and which programs are more important than others, I do not think that there should be any question that we should be increasing funding for our children's future or our Nation's future for education.

If this appropriations bill is enacted, the education cut would be the largest setback to education in United States history. Education would be cut under the Republican plan by 17 percent, while defense spending is increased by 5 percent, and yet we are still giving the $270-billion tax break for the rich.

I do not see where the priorities are straight when we are cutting education. Now, this House, 1996 Labor, HHS, Education bill, in my opinion, many, many of these appropriations bills are horrendous, and to me this is the most horrendous of all the bills. We are cutting education funding by $4 billion. The budget reconciliation package cuts student aid by $5 billion over 7 years. My State of New York will lose $319 million next year and $2.5 billion over the next 7 years.

Major cuts in education are certainly unwise, and unwise as an economic policy as well, and this legislation, amongst all the terrible things it does, as my colleague from Hawaii points out, this legislation eliminates $1 billion from Medicaid funds from more than 1 million children with disabilities. New York City will lose $85 million of that money, and the legislation denies Head Start to 180,000 children in the year 2002 as compared to 1995.

Just last year we were fully funding Head Start, and in a bipartisan approach we were all patting each other on the back to say Head Start is really a program that works. Everyone agreed, and here we are cutting it.

My colleague from Hawaii mentioned we eliminate Goals 2000, the Eisenhower professional development program, the Safe and Drug-Free Schools Program. What could be more important than a program to ensure that we have safe and drug-free schools? Certainly those of us in urban areas know that we have a problem in our schools, and we should be trying to eradicate the drug problem, not cutting back funds to try to eradicate it.

The legislation cuts bilingual education, vocational education, $9.5 million in New York State in vocational education, and title I. Title I, in my district, is very, very important because there are a lot of children with low income and the schools rely on title I funding.

We have a 17 percent cut of $1.1 billion in 1996 in title I funding. Title I funding was put there so that schools that were in poorer areas could get the enrichment, the children in those schools could get the enrichment they deserve. What we are doing is we say we do not really give a darn about the poor and we are just going to cut those funds.

I think in the long run I could go on and on about the things, the terrible things that this bill does, but it is just basically, I think, the wrong approach.

There is fat in the Federal budget. We need to downsize the Federal Government. We need to cut out fat. We need to put programs that work ahead and fund programs that work, and we need to change programs that do not work. But we do not need cuts to education. We do not need the orientation of mortgaging the future of our country by saying that we are not going to continue to expand.

Mr. HOKE. Mr. Chairman, will the gentlewoman yield?

Mrs. MINK of Hawaii. I yield to the gentleman from Ohio.

Mr. HOKE. Mr. Speaker, I just wonder how you define the word ''cut.'' How would you define the word ''cut''?

Mr. ENGEL. Let me just say to my colleague, we have had this discussion not only in this bill but in Medicaid and Medicare, and you can play with numbers, you can say, well, we are really giving it a small increase or we are cutting back on what we were going to have. To me, the bottom line is this, because we can all play with numbers and can all show statistics, the bottom line is what kind of programs do we have now in 1995–1996, if I just might answer your question, and what are we going to have under this bill in the year 2002?

Mr. HOKE. You are using specific language, I say to the gentleman from New York [Mr. ENGEL]. You are using the word ''cut.'' If you are going to use the word ''cut,'' it seems to me it is very confusing to the public. When a family says they are going to cut their spending for the next year, they are spending $2,000 a month now, next year they are going to spend $1,850 a month, that is a cut. Is it not true in every single one of these education appropriations we are talking about, the spending goes up from 1996 to 1995?

Mr. ENGEL. No. That is not true.

Mr. HOKE. I will grant you it might not be true in absolutely every case. Certainly, overall the appropriations bill for education is substantially more in 1996 than it is in 1995 and substantially more in 1997 than in 1996, more in 1998 than in 1997. It goes up every single year.

If you want to say we are reducing the rate of increase, if you want to say that we are not spending as much as CBO has said we would be spending a year ago, you are absolutely right. But to suggest we are cutting spending and spending less this year in this education appropriation than we were last year is absolutely wrong.

Mr. ENGEL. Let me just answer the gentleman again. Let me say the bottom line is that we know how much funding we need to keep American education looking forward, to increasing the funding for education that we know our children are going to need so that this Nation is going to have a future, and what I see here when I look at this bill, I look at the Republican plan, is that in each and every aspect that the gentlewoman from Hawaii [Mrs. MINK] and the gentleman from Texas [Mr. GENE GREEN] and I have mentioned, we are not going to be able to provide the kinds of services that we set as a priority in the last Congress on a bipartisan basis.

Mr. HOKE. You are absolutely right, I say to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Let me just answer you. When we are going to deny Head Start to 180,000 children in the year 2002, to me, anyway you play with numbers, that is a cut. If we are going to say that children who have disabilities are not going to be able to get the funding, that is a cut. If we are going to eliminate or sharply curtail the Safe and Drug-Free Schools Program, that is a cut, and we can point to several more instances whereby it is a hard cut, and even if it is not a cut, it is a cut in the services that we will be able to provide for our children because of inflation and because of what we have learned and where we know we have to provide the funds. There is no denying that. There will be a cut in education services to millions of American children, and I personally cannot see that at a time when we are increasing defense spending, giving a huge tax break to the rich. I cannot see us sacrificing education funding for our children.

Mrs. MINK of Hawaii. Reclaiming my time at this point, I still have others to yield to. But let me say that on all of the items that I mentioned, there is a cut in funding for fiscal year 1996 based upon fiscal year 1995.

I am not talking about reductions in anticipated funding. But I want to make sure that everyone understands that in fiscal year 1995, title I was funded at $6.7 billion. The House-passed bill provides for only $5.5 billion. If that is not a cut, I cannot understand what a cut is.

Goals 2000, we had $361 million. The House-passed bill has zero funding. That is obviously a cut.

Safe and drug-free schools in fiscal year 1995 was funded at $466 million. The House-passed bill was funded at $200 million. That is a cut, no matter how you look at it.

Bilingual education, we were funded in fiscal year 1995 at $157 million. The House-passed bill for fiscal year 1996 provides only a $53 million. That is a cut.

Vocational education in fiscal year 1995 was $1.1 billion. The House-passed bill provides $903 million. That is a cut.

The Eisenhower professional development was funded at $598 million for fiscal year 1995. In fiscal year 1996 the House provided $500 million.

So all of the programs that have been mentioned here in the special orders, there are clear cuts in the appropriation bills that have cleared this House. Obviously, they are still pending in the Senate.

The point of this special order is to call attention to these cuts, over $4 billion in total as against fiscal year 1995 spending, and it is not the idea of what more is coming in the future, 7 years. It is what is being done now to the educational support by the Federal Government in all of these important areas.

□ 1530

I am glad my colleague has raised this point, because it gave me the opportunity to clearly point out that we are talking about cuts in current funding.

I am very happy to yield to my colleague from Texas, SHEILA JACKSON-LEE.

Ms. JACKSON-LEE. Mr. Speaker, I appreciate the gentlewoman from Hawaii yielding, and I particularly appreciate the pointed focus of her presentation relating to education. I was in a meeting and then at my office, and I heard the discussion ongoing, and am sorry that the gentleman has offered to not continue to wait on some time to have this discussion, because you were clearly responding to what I think has been misrepresentations about the direction that our Republican colleagues are taking us, and also their arguments there have not been cuts.

I met with a group of educators in the North Forest Independent School District, which is a school district that has brought itself out of both near bankruptcy, but as well out of the doldrums of poor test scores in and around the city of Houston. Clearly the programs that have been drastically cut are the very programs that these educators have utilized to assist their children in excelling. We already know we can tell our children that they can succeed, but these have been bridges that have helped them.

The Goals 2000 programs are particularly unique when it relates to inner city and rural school children, where they do not have the necessary resources. It is well documented that Head Start provides that extra step, if you will, for many of our children who do not have the privileges of preschool education that is paid for by the private sector because of the economic development level of their parents.

The schools also have had a margin of victory with the Safe and Drug-Free Schools Program. I do not know why anyone would call that a waste of money. And the $4 billion cuts overall clearly tell our educators as well as our children that the successes that they have had are not valuable.

The Budget Reconciliation Act that cuts these proposals is misdirected. Vocational education, the school-to-work programs that have been so successful for some of our youngsters who are not directly interested and or prepared for a liberal arts college education.

I heard earlier the Democrats were being accused of supporting a myriad of job training programs; we do not know which ones we want. I might tell my colleague, the gentleman who was on the floor previously, that we have already consolidated job programs. We have already done an inventory of the effective ones and the noneffective

ones, and we can be assured that we have programs that have proven to be successful.

The gentlewoman has been a stalwart spokesperson for real welfare reform. How do you reform welfare if you do not give that dependent mother or father an opportunity for job training and for work?

So when we begin to talk about cutting, I am wondering whether my Republican colleagues understand the word ''investment,'' because when you invest in job taining, education, then you prepare yourselves for the diminishing of welfare rolls, you prepare yourself for people to be tuned into the work force of the 21st century, you prepare yourself for work.

Mr. Speaker, I would compliment the gentlewoman, and I would thank her for allowing me to bring this to a point of acknowledging the drastic and devastating impact that this will have in my local community.

I close simply by saying part of the cuts that have come about in the education cuts and the job training cuts comes I think as one of the most telling and also the most destructive cuts, because of the negative discussion around it, and that was summer youth jobs that many of us have seen work, because they are partnerships between the public and private sector.

I was on the floor earlier talking about that, because it hurts so much to tell a youngster it is only a baby-sitting job, you were not learning anything from being exposed at an energy company or in a local government office or in the parks department or somewhere else where you have seen that work counts and work is important.

I think and hope that in this budget reconciliation process, even as short as it is, that we give life to the idea that we can balance the budget in a better way, less mean spirited, but we can invest in our people so that we will not have this occurrence as we move into the 21st century.

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentlewoman from Texas for her contribution. It is very important that we have this kind of focus on the significance of the cuts in education.

I am pleased to yield the balance of my time to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentlewoman for yielding and for her taking this time on this important matter.

Mr. Speaker, I join this debate to point out some impacts that are now starting to be felt in the State of California, and that is with our superintendent of public instruction. Delaine Easton has written to our delegation explaining her very deep concern with the cuts in the education budget, both those which are in the Health and Human Services appropriations bill and the budget cuts.

California stands to lose some $260 million under the budget now being considered in the conference discussions with the administration. In her words, this is catastrophic for our State. Our State, which has the obligation to educate a very diverse school population that is beset with the whole series of problems that confront many of our large States, are simply not going to be able to do that job in an adequate fashion. When I say in an adequate fashion, I am simply talking about people having the ability to perform at grade level in the basics of education, in reading and writing and mathematics and critical thinking skills.

The growing evidence is that a growing number of students across our State and across this country are simply not becoming proficient in those very basic skills, those skills which are necessary if these students are going to be able to take their place in the American economy and if they are going to be able to adapt to the changing economy once they have their place in the job market.

We see evidence of this now in the State college system. In the State of California, some 60 percent of the entrants in the State college system are in need of remedial education. The frightening part is this is from I believe the top 30 percent of the students who graduate from high school in our State. So now we find ourselves spending money on some of the highest paid professors to deal with remedial education problems that should have been dealt with quite properly at the 4th and 5th and 6th grade of education. But as our superintendent of public instruction tells us, the likelihood of that now happening with these budget cuts is placed in jeopardy.

That is not to suggest that this is a problem of money alone, because it is not. But it is also to strongly suggest, as she does in her communications to the members of our delegation, that the corrective actions necessary in terms of school reform, in terms of accountability, in terms of teacher proficiency, in terms of reducing the administrative bureaucracy, are all placed in jeopardy by these budget cuts. They make all of the tasks of our educational system in California far more difficult.

This does not even begin to speak to the problem of the capital assets of our elementary and secondary education systems in the State of California, where we now find our children, the children that we keep claiming are so important to the future of this country, that we believe are the most important asset of the future of this country, we are now sending them to schools that are dilapidated, that are run down, that are not capable of being properly wired for new technologies, for computer access for these students, where students are constantly confronted with water coming through the ceiling.

That is a whole other issue. But as the State struggles with that, if it loses this kind of program money, if it loses this kind of assistance that generates additional assistance at the State level and at the local level to provide for extra reading help and mathematics tutoring, computer equipment, special training for teachers, all of which every independent report in assessing the American education system and the California education system, done by the California Roundtable, done by our business community, to look at this educational system, none of them have suggested that resources to that system should be reduced. They have all suggested that resources going to that system should be reorganized and should be used more efficiently. But the monies that you gain from the efficient use of that reorganization should be plowed back into that system so that we can better educate a larger number of the children.

Those are not the conclusions that I have reached. Those are not the conclusions that the California Teachers Association has reached or the school principals have reached. Those are the conclusions of independent blue ribbon commissions, dominated in many instances by the business community, who have looked at these systems, have looked at these institutions and said we have a major problem simply in the sufficiency of the resources available to these institutions.

So when we see budgets that are passed by the House of Representatives that are talking about a 17-percent reduction over 7 years in these budgets, we are talking about a trickle down of a critical problem for local education.

Interestingly enough, we find that people in my home community of Martinez and many other communities that I represent in my congressional district, they are voting to try to raise what resources they can in the community to improve school facilities, to try to provide technological improvements to the education system. But at the same time they are making this effort, that they are voting with their pocketbook, what they see is a reduction in resources from the Federal Government. It is not only unwise, but I think it flies in the face of what parents have said they want for their children. I think we have an obligation to take these programs that have been highly successful and make sure that they in fact are delivered to the students of our State and of our Nation.

Mr. Speaker, I want to thank again the gentlewoman for taking this time, and I just want to say that I think superintendent Delaine Easton makes a very forceful case to the Members of the delegation to give very, very strict scrutiny to the cuts that have been made in the education budget and to understanding the impacts as they drift down to the local district level in the State of California.

We have a huge obligation and responsibility to our students to make them world class graduates, and to be

proficient at a world class level in the basics of education and in critical thinking. All of the evidence suggests we will not meet that responsibility and obligation to our students with the educational budget and the trendlines that are put in place by the budget adopted by the House and the Senate.

I would hope that the President would reject it. Should we eventually get to the Health and Human Services appropriations bill, I would hope that Members of Congress would vote against that, I would hope that the President would veto it, and I would hope that we sustain his veto so we can negotiate decent levels of education funding for our children and for our families who have such high aspirations and hopes and desires for their children's education and for their ability to provide for their economic wherewithal in the American economic system.

I thank the gentlewoman for yielding.

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman for his contribution in this debate. I concur with the gentleman absolutely that if the conference bill in this area comes back anywhere near what I have just described, the only thing that is left for us to do is to defeat that bill and hope that the Congress concurs with our opinion. If not, if it should pass, I certainly hope that the President will veto it, and the House will surely sustain that veto.

This is an area of critical importance. I cannot emphasize our feelings about this in any stronger terms. I believe fervently that we represent the majority of people in this country that are committed to the Federal participation in education. If we could have a referendum, I am sure that our point of view would be more than supported. I hope that point of view will be recognized by the Members who are conferees on the conference committee, and that we will have an opportunity to restore this funding.

Mr. MARTINEZ. Mr. Speaker, I rise today to protest the proposed cuts in education.

I have listened to Member after Member come to the well and say time after time that we must protect the future of the children of tomorrow and their children.

In reality, Members on the other side of the aisle are jeopardizing our children's future.

How can you guarantee the future if you don't take care of the children of today?

The new majority is cutting education so it can give tax breaks to the rich and spend more on defense.

If the Members on the other side of the aisle were really serious about balancing the budget to ensure the prosperity of future generations, they would do it responsibly.

They would not slash the programs that help the young, the old, the poor, and the middle class.

If they truly wanted to help our kids succeed, they would make an investment in education, not eliminate the support that schools depend upon.

In fiscal year 1995, California received $2.5 billion from the Federal Government for education.

Under legislation crafted by the new House majority, California would lose $392 million in fiscal year 1996, and stands to lose a total of $2.59 billion over 7 years.

In fiscal year 1996, there would be $42.4 million less for Pell grants for college, $42.1 million less for local school reform, $122.3 million less for services for disadvantaged children, $26.4 million less for safe and drug-free schools, $18.4 million less for vocational education, and $5 million less for teacher training.

Come on now, who's taking care of whom.

The new majority is taking care of the rich and ignoring the children of today.

If they're worrying about the children of tomorrow then they would take care of the children of today.

GENERAL LEAVE

Mrs. MINK of Hawaii. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the special order just presented.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

□ 1545

THE IMPORTANCE OF A BALANCED BUDGET

The SPEAKER pro tempore (Mr. GANSKE). Under the Speaker's announced policy of May 12, 1995, the gentleman from Ohio [Mr. HOKE] is recognized for 60 minutes as the designee of the majority leader.

Mr. HOKE. Mr. Speaker, we are going to talk this afternoon about the budget, about some of the things we have just heard regarding that, about what the importance is of a balanced budget, and I want to recognize a great fighter pilot, former, a great American, great Member of the Committee on Economic and Educational Opportunities, and a Californian as well, because I know that he has some important things to say about education, and education particularly in California.

Mr. Speaker, I yield to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank the gentleman, Mr. Speaker. I serve on the Committee on Economic and Educational Opportunities.

Mr. DORNAN. Mr. Speaker, there is no such thing as a former fighter pilot.

Mr. CUNNINGHAM. And I still am flying fighters, so there is no such thing as a former fighter pilot.

Mr. Speaker, I want to comment on some of the things my colleagues on the other side of the aisle have said. I agree with one thing they said, there are some very, very good schools out there. I have some of the finest schools in Torrey Pines and San Dieguito, all up and down in my particular area. They would compete with any school in the Nation. But across the board our schools are not.

We pour billions of dollars into that but, Mr. Speaker, less than 12 percent of our classrooms have even a single phone jack for fiber optics or computers or software or the programs we need to put in there.

What my colleagues on the other side of the aisle are really talking about is power. Washington-based power in education. When they say we are cutting Goals 2000, the Federal power of Goals 2000 has been cut to zero. Absolutely correct. But we send the money, block grant it to the States, and the Governors have told us that they can run those programs more efficiently than letting the Government talk about it with their rules and regulations.

We only control about 7 percent of the funding for our schools in this Nation out of the Federal Government. Seven percent. But with that 7 percent comes over 50 percent of the regulations and 75 percent of the paperwork to the States. We are eliminating that, Mr. Speaker, and we are giving that power to the State.

If the State wants to run a Goals 2000 without all the bureaucrats in Washington, without having to file all the reports, without having to go through all the paperwork, they can do it, and they have the funds to do it and it is much more efficient. To say we cut Goals 2000 is not a fact. It is there. It is at the State level.

Second, let us look at the perspective of California. We have less than 12 percent of our classrooms across the Nation, as I mentioned, that have a single phone jack. Seven percent of education, again, comes out of the Federal Government. We get less than 25 cents on the dollar back down into the classroom because of all the bureaucracy. What we are doing is eliminating that bureaucracy and absolutely on the Federal level we are cutting it and taking that power out of Washington and the Democrats' ability to spend money so that they can get reelected, so that they can have the power, and we are giving it back to the States.

Mr. Speaker, I think there would be a legitimate complaint if the Republicans were taking that power and shifting it over to themselves, but they are not. They are shifting it back to the people where Government is closer to the people and more effective. But we hear time and time again from the other side of the aisle that the States do not know how to manage their own problems, only the liberals here in the Congress know best for what is good for the individual States. We will hear it over and over again, but we feel differently, Mr. Speaker.

I look at the State of California, and look at how they have destroyed education. One example. The liberals voted to cut defense $177 billion. California is one of the leaders in defense. We have lost a million jobs with base closures and defense cuts. Ninety-three percent of education is paid for out of the tax dollars of the State. That is a million people. Say that half of them got jobs, probably not as good as they were in the defense industry, but take that out

of the budget in Sacramento. How many jobs have we lost?

Let us take just one governmental regulation, meant with good intentions but ruled by extremists. The Endangered Species Act, and how it applies to education. How many jobs have we lost to the gnatcatcher in California? Construction jobs. How many jobs to the spotted owl, where we could not even go in and cut timber that the beetles had destroyed, that are totally dead trees, just to keep the industry surviving? How many jobs in California have we lost in the tuna industry because of the porpoise? How many jobs have we lost in the Central Valley Water Project, that the gentleman from California [Mr. MILLER] supported, with the farmers, or the salmon with the farmers? And over and over again they have cut jobs.

Now, let us take illegal immigration, Mr. Speaker. We spend $1.2 million a day on the school meals programs for illegals, because there is 800,000 K through 12 illegals in the California State system, Mr. Speaker. Let us take half of that so they cannot dispute the numbers. That is $1.2 million a day at $1.90 a meal. And let us not even take the three meals, let us just take two meals, 185-percent below the meals program. That is $1.2 million a day out of education.

It takes $4,750 to educate a child K through 12 per year, Mr. Speaker. That is $2 billion a year out of the education system, but yet we cannot get help from the other side of the aisle on immigration reform.

I look at the other things that cost us. We have 18,000 illegals in our prison system. When they talk about cuts, we are cutting the Federal bureaucracy, Mr. Speaker. We are sending that money and the extra money down to the States. The rest of the education funding that was taken out of the Federal Government, do my colleagues know what we put it in, in the committee, some of it against my wishes? We put it in NIH for medical research, which we also feel is a national level interest.

I thank my good friend for letting me have 5 minutes here but I wanted to set the record straight.

Mr. NORWOOD. Mr. Speaker, if the gentleman will yield for just a second.

Mr. HOKE. Sure, go right ahead.

Mr. NORWOOD. Mr. Speaker, I thank the gentleman from Ohio [Mr. HOKE] and the gentleman from California [Mr. CUNNINGHAM]. I wanted to join with the gentleman for just a minute, because I, too, serve on the Committee on Economic and Educational Opportunities.

Mr. Speaker, it is rather amazing that Mr. CUNNINGHAM and I serve on the Committee on Economic and Educational Opportunities, and then we have the gentleman from California, Mr. MILLER, and the gentlewoman from Hawaii, Mrs. MINK, on the other side of the aisle, and we go to the same meetings and we do not seem to hear the same things at all. Basically, my recommendation is that if education is our friend's top priority, running for State Senate might be a thought, because education is the priority of the State.

The State, the folks at home, the parents, the teachers at home should run education, yet we send 10 percent of the money from the Federal Government to our States and we insist on making all the rules. Well, we are, indeed, trying to cut back our costs. We are trying to balance our budget. If students want to be unhappy, I think they should be very unhappy that we only reduced the cost in education by $4 billion. Our committee started out trying to reduce it by $10 billion over 7 years. We ended up, after the Senate, only reducing it $4 billion. This had nothing to do with the students or harming the students or harming education, this was simply a mechanism.

Mr. HOKE. Mr. Speaker, if I could reclaim my time for a minute, because we have been talking about—and I thank the gentleman from California for his comments very much. DUKE, thank you.

Excuse me, Mr. CUNNINGHAM. I was admonished by the Speaker once that we should not be using first names. But we had all this talk about education——

Mr. CUNNINGHAM. You can call me DUKE and I will call you MARTIN.

Mr. HOKE. Mr. Speaker, we have had all this talk about education, and it seems to me that there are an awful lot of people in this Congress who could use an education about the use of the word cut. The fact is that there really is an opportunity to debate the priorities that are important to this country in this Congress and that there may be a whole bunch of different views regarding that, but we should agree on the ability to use language and that certainly requires a little bit of education.

I have here from the Webster Merriam dictionary the definition of the word ''cut.'' The first one is to reduce in amount. That is the most wisely used definition of the word ''cut.'' It means to be less, to reduce in amount, to be less in the next year than it was in the current year.

In fact, let me ask my colleagues a question, if I may. Are we cutting, using this definition of the word cut? Are we cutting the amount of money that is being allocated to education in this budget?

Mr. NORWOOD. No, we are increasing the spending. If the gentleman will yield, we are increasing the spending in education considerably.

What they are talking about is this imaginary made-up number that is placed out there 7 years from now that nobody knows what is. We are in fact, going to balance our budget by spending less than they project, but we are increasing the spending from 1995 considerably.

Mr. HOKE. Less than was predicted by whom? By Federal bureaucrats at the CBO or OMB, by people who are hired at a staff level to make these things, but not certainly by Members of Congress. Projections that were not made, and amounts that are projected off of baselines that do not exist except in somebody's imagination or in somebody's mental calculations.

The fact is that, and I want to get into this later, because I want to really explore this in detail, because it seems to me it is impossible, Mr. Speaker, for us to have the kind of debate that the American people deserve, that they should have so that they can genuinely ferret out, make decisions for themselves about what is going on here, what is being increased, what is not being increased, what is being cut, if anything, because there are some things being cut, although one would never know it from the kind of rhetoric we hear on the floor. But as long as we abuse language the way that language is abused all the time on this floor, it is going to be very difficult for the American people to get the information that they need in order to make decisions about their representives and who they ought to have representing them.

Mr. Speaker, I think that at the bottom of all of this, more so than anything else, more so than anything else in this Congress, I believe that we need to define our terms so that we are all speaking the same English language, so that we are all on the same page and we are not going to be arguing about how we define words. I will get into that more in detail.

I want to yield a couple of minutes to the gentleman from Illinois [Mr. WELLER], who has asked me for some time, and I see the gentleman has a bag with him.

Mr. WELLER. I do have a plastic bag, which I will point to in just a few seconds.

Mr. Speaker, first I want to thank my friend from Ohio, Mr. HOKE, for bringing this issue to the attention of the House. I think it is extremely important when we talk about some of the changes that need to be made here in Washington. I am one of the freshmen, one of the new guys, and I heard time and time again from the voters of my district, which is the south suburbs and part of the city of Chicago and a lot of farm towns, about how we need to change how Washington works and how we need to send representatives to the Congress who are going to vote for change.

I have with me something I carry, just like my other colleagues do, and that is our voting card. This piece of plastic that has a little computer chip in it, –I believe. We walk into the House chamber when it is time to cast a vote, slide it in that box and push a red or green button if we are going to vote yes or no. The most important and significant thing about this card is that for the last 26 years Members of the House of Representatives have used this card just like a credit care. In fact,

I labeled this voting card the world's most expensive credit card, because for the last 26 years, in fact, since Neil Armstrong walked on the Moon, Members of Congress have used this card, their voting card, to run up a $4.9 trillion national debt.

Now, Mr. Speaker, when we think about our own families and our own households, we all know the pain that everyone feels if someone in the family uses a credit card and runs up a huge debt. It is tough to pay that off. Today we have a $4.9 trillion national debt. That is four times our operating budget for the Federal Government.

This bag that the gentleman alluded to that I brought with me has $19,000 in play money in it. The reason that $19,000 is so significant is because every person's share of the national debt today is $19,000. So every man, woman and child in the State of Illinois, my home State, the land of Lincoln, if we were to pay off the national debt today would have to write a check for $19,000. The interest alone on that debt is $430 a month for a family of four. That is more than the average car payment.

Well, Mr. Speaker, I think it is time that we worked to address the fiscal problems of our Nation. For 26 years this country has operated on deficit spending, running up a huge, huge national debt. Now it is time to balance the budget, and there is a lot of benefits for my State, as well as Ohio, and Kansas, and Georgia, and this great country we all live in. We have made a little progress in the last couple of weeks. In fact, even Bill Clinton says now he wants to balance the budget. The President's agreed with the Congress that we can do it and do it in a responsible way over a period of 7 years.

Now, we are still waiting to hear from the President regarding his specific plan on how he would do it and what the fine print is. In fact, we are also still waiting for the Democratic leadership to see their plan to balance the budget over 7 years.

□ 1600

Conservative Democrats and the moderate Democrats, like Republicans, believe that we can balance the budget over 7 years. They have offered a plan and I give them credit for that.

The Republican plan, our plan, does a lot of good things. We balance the budget over 7 years and reform welfare by emphasizing work and family and responsibility. We save our Medicare system from bankruptcy. In fact, we are increasing funding for Medicare by 50 percent over the next 7 years and we are also providing tax relief to working families.

The President says he does not like our plan that saves Medicare and provide tax relief for working families, but has failed to show leadership, I believe, by offering his alternative.

In the early 1980's there was a fast food ad where that one gal said, ''Where's the beef?'' I think it is time to say, ''Mr. President, where's the beef? Where's the beef? Where's your specific plan?''

It is time to stop governing with opinion polls and press releases. We need to actually see specific plans. If we think about it, what are the real benefits for my State if we balance the budget? Our balanced budget plan will increase student loans, the volume of student loans, by 50 percent. Medicaid funding, which is health care for the poor, will go up 55 percent over the next 7 years. School lunch funding will increase more than the President asked for. Medicare spending for the average Illinoisan will go from $4,800 to $7,100 per senior citizen in Illinois over the next 7 years, even while we are balancing the budget.

Those are real benefits, if we think how much money we spend shows compassion. But also there are some real benefits to working families and that is by eliminating the deficit, the dividend is a reduction in interest rates. The Federal Reserve, the Chairman of the Federal Reserve has said if we balance the budget and are no longer borrowing money to finance deficit spending, interest rates will go down. For the average family of four, they will save $2,800 a year on a home mortgage. On a car loan, they would save over a thousand dollars a year in interest costs for lower interest rates. And for students going to college, at the end of that four years, an undergraduate student would save about $1,900 on their student loan. Mr. Speaker, those are real savings.

USA Today highlighted the fact that overwhelmingly almost every American would directly benefit from lower interest rates. We have a commitment from the President to balance the budget over 7 years. We know the benefits of doing that. We in the Congress have put a plan on the table for the last several weeks which offers specific proposals which will balance the budget over 7 years. I think it is time for the President to show leadership.

That is why I am so disappointed he is going to leave the country for 6 days. Before he leaves, I think he should show us his plan on the table which balances budget and shows us how he is going to do it over 7 years, and then we can work out the differences and come up with a bipartisan plan.

Mr. Speaker, I thank the gentleman from Ohio [Mr. HOKE] for the time and commend the gentleman for his leadership in making sure that the American people know that the bottom line is we are going to provide a better economic future for our children, free of debt. We have to balance the budget.

Mr. HOKE. Reclaiming my time, I thank the gentleman from Illinois [Mr. WELLER] for his comments and for bringing these things to our attention.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. HOKE. I will yield to the gentleman from Indiana for a moment, and then I am going to open up a free-for-all debate.

Mr. BURTON of Indiana. Mr. Speaker, I want to congratulate the gentleman from Ohio [Mr. HOKE] who is the chairman of our Theme Team here, for bringing to the attention of the body some very important facts.

The earned income tax credit, our Democrat colleagues have been saying that we are going to cut that. The fact is, and the American people need to know this, we are increasing it by almost $6 billion over the 7-year period.

The school lunch program, which they said we are going to cut, in fact is going to be increased by almost $2 billion over the 7-year period. Student loans are going to be increased by $12 billion, not a cut like they have said.

Medicaid is going to go up by almost $40 billion over the 7 years, which is contrary to what the Democrat leadership has been telling us. Medicare is going up by over $110 billion over the 7-year period and they have been trying to scare the American seniors to death by saying that we are going to have Medicare cuts.

I appreciate the gentleman for pointing this out. The American people need to know we are increasing all of these things; we are just slowing the rate of growth, and that is going to be good for the country.

Mr. HOKE. Reclaiming my time, I want to take 5 or so minutes, and then I see that my good friend from Kansas is here. But I have to say, and I thank the gentleman from Indiana [Mr. BURTON] for bringing these things to the attention of the Speaker, because for me it is so exasperating that we hear the abusive language day after day after day after day on the floor. I can only believe that this is an attempt to obscure the real issues, to confuse the American people, and to make it impossible to really define what the differences are in the debate.

The reality is there are differences in the debate. We really do want to zero out Goals 2000. We want to zero it out because we do not think that the Federal Government ought to be involved and we have a real problem with the kinds of mandates that are being placed on local school systems. But it does not have to do with money in the sense that it is being portrayed on the other side.

Mr. Speaker, I put together here, just for the edification of the Speaker, a graph that shows, and maybe we can see this on television, it shows the total Federal spending from 1995 to the year 2002. We can see we have $1.53 trillion in 1995. This is according to the Republican budget plan that we have passed in the House that we have passed in the Senate and that we have passed in conference. This is the plan that is now, but for the President's signature, and remember the President has promised that he is going to sign into law before December 31, 1995, he is going to sign into law a budget that will be in balance by the year 2002. But this is what we have done.

We have passed this with every degree of detail that is necessary. We are

going from $1.53 trillion in 1995 to $1.875 trillion in the year 2002. Obviously, not a cut if the definition of ''cut'' is to reduce in amount. Not a cut.

It goes up from $1.5 trillion to $1.875 trillion, a tremendous increase. I want to go over some of the specific areas, just as the gentleman from Indiana did. We increased spending in education; we increase spending on school lunches; we increase spending on student loans; we increase spending on Medicaid and Medicare.

We have genuine differences of opinion about how we ought to do that and what we ought to be doing. But it seems to me, Mr. Speaker, that when the American people listen to this and they constantly hear this scare tactic and abusive language that would have them believe that we are cutting when we are, in fact, increasing spending, that it makes it difficult, if not impossible to make the kinds of considered, thoughtful decisions about what their representatives are saying, what their representatives believe, in order to really know about what the future of our country ought to be and who they ought to have representing them. I think that this is right at the bottom, right at the foundation of the problem that we face in this Congress.

Let me talk a little bit about some of the benefits that will come from this, and then the reason I wanted to have the opportunity speak on my own for just a few minutes was that it seems to me that there is one benefit that is really rarely talked about in the Congress. I hope that we will have an opportunity to talk about some of the economic benefits of the balanced budget, because it will increase job creation, economic development. It includes more disposal income, real disposal income, consumable income; more cars being build; construction, et cetera, et cetera. But there is something we will get with a balanced budget that we do not have today that is critically important to our future, and that is the ability to define as a Nation what we believe Government ought to be doing; what we believe the role of Government should be; what the parameters of its extent in our society and in our lives are.

The way that we will do that, on an economic basis, is by what we are willing to pay for on a pay-as-you-go basis. It is a fundamental concept. It is crystally clear and critically important. That is that we not spend more than we are willing to tax ourselves for.

The problem that we have now is that we do not really know as a society, as a people, as an American culture, what it is that our Government, what the limits of our Government should be, because we, right now, are willing, and have for 25 years, spent more than we have raised in revenue.

So, the point is that when we get to this balanced budget where we are saying we are not going to spend more than we take in, then we are going to be making the tough decisions about how those resources get allocated. The fact is that there is more reality to the debate that goes on in the city councils around this country, and more reality to the debate that goes on in the State legislatures around this country, because that is where when one person wins, another person loses. When one interest group gets funding, another interest group does not, because it is a zero-sum game.

We do not have a zero-sum game at the Federal level of Government. We just keep spending and spending and spending. It is one of the reasons that, as I say, I get so exasperated and so, frankly, disgusted with the rhetoric that we hear in the body when we are told that we are cutting programs that are absolutely not being cut.

There are certain programs that are being cut completely. The Goals 2000 in the House budget was cut out completely; not in the conference report, it is not cut out. But in the House budget it was. Why? Because it is an honest difference regarding policy decisions that we ought to be making in the U.S. House, in the Congress. We should be doing these things. It is clear. But we should not be abusing language and talking about phenomenal increases in spending, in the case of Medicare, for example, we are going from $178 billion in 1995 to $289 billion in 2002. From $4,800 per beneficiary this year to $6,700 per beneficiary in 2002. Yet, we are hearing from the other side, and we will hear from the President himself, that this is a cut.

Mr. SCARBOROUGH. Will the gentleman yield on the education point? What we hear time and time again is that we are cutting education and that we are cutting student loans, and we are doing all of these horrible things. The fact of the matter is that we have an honest difference of opinion on goals 2000, and whether we want a bureaucrat in Washington, DC, to decide how to educate our children or not. But on student loans, there is an honest difference of opinion on how we handle student loans. We are not cutting student loans. Our student loans increase 50 percent.

Mr. HOKE. From $24 billion to $36 billion in 2002.

Mr. SCARBOROUGH. But we do have a difference of opinion on how we get the money to those students to go to college.

The President of the United States, swimming against the tide of history and swimming against the tide of popular support, believes that what we should do is take all the money for student loan, round it all up, and bring it to Washington, DC, in what he calls his Direct Student Loan Program plan, and give Washington, DC bureaucracies a total monopoly. So, every time a student, whether that student be in Ohio or in Florida, or in Kansas or anywhere across this country, any time they want student loan money, they have to go crawling and kowtowing to a Federal bureaucracy in Washington, DC. We believe that we should let the communities continue to have say so in helping students.

Mr. HOKE. The gentleman is completely correct. What the President passed, or what was passed in this House in 1993, called for a tremendous increase in direct student loans, which essentially means that the Government got into the banking business.

Mr. SCARBOROUGH. Let the Department of Education, one of the most inefficient bureaucracies in the Federal Government, totally monopolize it and take it out of the hands of the community. Because we want to empower the communities, and because we want to increase funding for education for these loans 50 percent over 7 years, they are saying that we are cutting.

Now, I must admit, I did not go to Oxford and I did not go to Yale, but the schools that I went to, and we did not learn this new math stuff, but if we go from $24 billion to $36 billion in student loans, at least in the schools I went to in the Southeast, that was called a spending increase. I do not know what Rhodes scholar's math is like, but in my neck of the woods and outside of the Beltway, going from $24 billion to $36 billion is a spending increase.

If I could cite some quotes, because we were just talking about Medicare, I do not think any of us could say it any better than what the Washington Post said. And I see the quotes there, but let me give a couple of other Washington Post quotes before you get into that. This came from last week by Matthew Miller, who used to work in the Clinton administration.

The Washington Post article, and he was talking about the GOP's proposal for Medicare, and he wrote:

> Though many of the President's advisors think the GOP premium proposal is sensible and believe it differs little from the President's own plan, the President fired sound bites from the Oval Office yesterday taking the low road in ways that only Washington pundits could recast as standing tall.

For that reason, so the President could gain in the polls, the President sent home 880,000 workers saying that he opposed the Republican plan and he was going to shut down the Federal Government because of it.

□ 1615

The secret is out. The President's plan is just like the Republican plan.

Mr. HOKE. Mr. Speaker, I hope the secret is out. The one thing that I get concerned about is that we hear so much of this rhetoric and demagoguery and medigoguery, as the Post has said, and mediscare and scare tactics about all these things. And we just heard it from the other side that we are cutting, cutting, cutting. I just hope and pray that the American public is not being fooled by this rhetoric.

My friends at home tell me that people are buying into this notion that, in fact, we are slashing Government, that senior citizens are actually being manipulated and exploited and being

frightened. And I have two parents that are Medicare beneficiaries themselves, that that is really what we are about here.

I get concerned that maybe we have sunk to such a low level of power hungriness that we are willing to sell out any group, claiming and scare them into believing that they are somehow going to suffer, that the sky is going to fall and particularly those that are the most vulnerable, of course, the senior citizens, to this kind of tactic. It does concern me. The truth is that we ought to be talking about the very legitimate and real differences between the world views, and they are real and they are deep. They deserve to be heard and thought about and not obscured for the American people but, in fact, made clear.

I believe that the clearer that they are made, the more that people will be attracted to them, and they will say, yes, I do believe in the values of limited government. Yes, I do believe in the values of family and faith and hard work and education and personal responsibility. And, yes, the government should not be the institution that we look to in our society first. It should be the institution that we look to last as a genuine safety net for those who truly cannot provide for themselves. But it should not be the first resort. It should be the last resort.

These are real, these are deep differences between the parties. But they get obscured with this language.

Mr. SCARBOROUGH. Mr. Speaker, if the gentleman will continue to yield, one thing that he left out, when he is talking about personal responsibility and family and faith, all these other things that we stand for, one thing he left out was freedom. That is what is so great about the Medicare Program. Once again, our program, at about the same price as the President's program, allows senior citizens to make the decisions with their physicians and their own doctors on what their plan should be instead of having a 1964 Blue Cross/Blue Shield plan codified into law and run by bureaucrats. It has been shameless how they have done it.

If I could just briefly quote the Washington Post from November 16 on Medicare, I think this is one of the most important editorials of this political season.

Mr. HOKE. The Washington Post, they are generally on the Republican side; right? There are two newspapers in Washington? The Times and the Post?

Mr. SCARBOROUGH. The Washington Times obviously is a conservative newspaper. The Washington Post has long been the nemesis of, considered to be a nemesis of the Republican Party and of conservative plans. But I will tell you by reading the Washington Post the past few most months, it is obvious that they are even turned off by the President's demagoguery.

Mr. HOKE. When one reads these editorials, what is obvious is that there is a level of integrity at the Post. The Post is clearly liberal. They love government in a way that conservatives never will, but there is a level of integrity at the Post that I frankly respect, particularly on the editorial page. They have recognized that the demagoguery of the President and of the Democrat leadership in Congress is really shameful and should end. They have been very clear about this. They are as exasperated as I am, as the gentleman is, and as others in this House regarding the confusion and the obfuscation and obscuring of these issues.

I think I know what the gentleman is going to read.

Mr. SCARBOROUGH. If I could, let me say that the Post has been, I think, extremely responsible this entire year, even though they are more liberal than——

Mr. HOKE. Even though they are the paper we love to hate.

Mr. SCARBOROUGH. Let me read this, the most important editorial, I think, of the year:

> Bill Clinton and the congressional Democrats were handed an unusual chance this year to deal constructively with the effect of Medicare on the deficit, and they blew it. The chance came in the form of the congressional Republican plan to balance the budget over 7 years. Some other aspects of that plan deserved to be resisted, but the Republican proposal to get at the deficit partly by confronting the cost of Medicare deserved support. The Democrats, led by the President, chose instead to present themselves as Medicare's great protectors. They have shamelessly used the issue, demagogued on it, because they think that is where the votes are and the way to derail the Republican proposals generally. The President was still doing it this week; a Republican proposal to increase Medicare premiums was one of the reasons he alleged for the veto to shut down the government, and never mind that he himself, in his own budget, would countenance a similar increase.
>
> We have said it before; it gets more serious. If the Democrats play the Medicare card and win, they will have set back for years, for the worst of political reasons, the very cause of rational government in behalf of which they profess to be behaving.

Who could say it better than that? Again, if I could just say personally before wrapping up, I was extremely frustrated with the press coverage of this entire Government shutdown because I thought that many were trivializing it. I said I wish one major publication would step forward and tell the truth. The Washington Post had the medigoguery editorial a month or two back and did it then. They stepped forward this time, cut through it all. Because of the influence the Post has, I believe this message is going to start sinking in.

We are not cutting Medicare. We are saving Medicare. We are not restricting senior citizens access or rights. We are empowering senior citizens. We are empowering medical providers to do what is best for senior citizens and not do what is best for bureaucrats.

Mr. HOKE. And, Mr. Speaker, we are changing the nature of the program itself so that, instead of being top down, it is being bottom under, where the senior citizen, the beneficiary himself or herself, actually has power and control.

In fact, if you are like me, the most important aspect of our plan is the ability for a senior to participate in a medical savings account, the medisave plan, which is an integral part of the Medicare reform. It is one of the Medicare Plus things.

Mr. SCARBOROUGH. And the provider service networks where physicians can actually get together with their patients and make the decision, what type of plan do we want to put forward for the senior citizen? What is the best option for them. Let us cut out the insurance companies. Let us cut the Federal Government.

Mr. HOKE. Attacked by insurance companies, by the way.

Mr. SCARBOROUGH. Just you, the senior citizen, and I, the physician, will sit down and decide what is best for you. And if insurance companies and if the Federal Government does not like it, too bad. We have been empowered by this plan.

Mr. HOKE. I see that my friend from Kansas has been waiting patiently to dive in and has some things that he wants to add to this debate.

Mr. TIAHRT. Mr. Speaker, I am in agreement with what you are saying on Medicare.

Mr. HOKE. What are you in disagreement with us about?

Mr. TIAHRT. What I would like to do is move on to the 7-year commitment that the President has signed.

Mr. HOKE. Could I read this? This is the commitment to a 7-year balanced budget that the President signed into law just last week and this was in the continuing resolution. Here is what it says. It says: The President and the Congress shall enact legislation in the first session. When does the first session of this Congress end?

Mr. TIAHRT. We are currently in the first session of the Congress.

Mr. HOKE. And it will end on the last day of December 1995.

Mr. TIAHRT. And then we will start the second session of the 104th Congress. So that gives us just a short amount of time to implement legislation that gets us on the path to a balanced budget by fiscal year 2002.

Mr. HOKE. Continuing the rest of this, it says that we shall enact, the President and the Congress shall enact legislation in the first session of the 104th Congress to achieve a balanced budget not later than the fiscal year 2002 as estimated by the Congressional Budget Office. This is law, signed into law by the President, passed by the Senate, passed by the House.

Mr. TIAHRT. Mr. Speaker, the reason I wanted to move on to that is because I heard a startling statement that came from the White House press secretary just yesterday.

It was in response to a question that a reporter asked that said, asked whether or not the White House would

prefer to put off this larger budget debate and instead operate on continuing resolution into next year so that we could carry out this kind of thing during the Presidential campaign.

The response from the White House press secretary was, ''There are big differences between the President and Congress, and I suspect that those kinds of issues will have to be settled in November of 1996.''

And he went on to say some other things about averting a shutdown, but I think there is a real move to avoid a written, signed contract with the American public that this commitment indicates. If you read it again, it says, the President and Congress shall enact legislation in the first session of the 104th Congress to achieve a balanced budget not later than fiscal year 2002 as estimated by the Congressional Budget Office.

This is very important because it is a signed document. The President has signed this. Words mean something. I think one thing that we have discerned here with the American public, we saw it with the Contract With America, that words mean something, that we are trying to convey to people that we are very serious about this. The President has agreed to it. This was something that was confirmed in 1994 during the election. We ran on the Contract With America. It was a signed document that we would do things which have been accomplished by this Congress.

Then this year we are talking about something that has been signed, but yet the White House is already hedging on this signature. They are hedging on this agreement, wanting to move it off to the Presidential campaign where they can use 20-second sound bites instead of open and honest debate about what is really important to the American public.

Mr. HOKE. I could not agree with you more. I want to follow up on this with the statement from Mr. McCurry.

Mr. Speaker, I think the gentleman from Kansas is absolutely right. I think that what we are saying here is not withstanding the fact that the President of the United States, pursuant to very, very long, arduous, difficult, tough, detailed, grueling negotiations between his chief of staff, Mr. Panetta, the Speaker of the House, the majority leader of the Senate, the President himself and the minority leader of the House, the minority leader of the Senate and the chairs of the Budget Committees, they worked out this language, they worked and worked and worked. They fought hard over every single word, and these were the words that they came up with that we shall enact legislation in the first session of this Congress to achieve a balanced budget not later than fiscal year 2002 as estimated by the Congressional Budget Office.

And not a week later, before the President's signature is barely dry, his press secretary is saying:

There are big differences between the President and the Congress. I suspect that those are the kinds of issues that will have to be settled in November 1996, but in the meantime, we can avert the crisis and then have our debate next year during a national election campaign, when we should, as Americans, have that kind of debate. We can avert the shutdown and get on with orderly business.

He is talking about using continuing resolutions, not entering into a balanced budget. That is why, as Mr. WELLER said earlier, that is why the question that we raise is, What exactly is your budget. There are now, what is today, today is the 29th?

□ 1630

Mr. Speaker, we have got about 30 days left before this session of this 104th Congress, this first session, ends.

Mr. TIAHRT. If the gentleman will yield, I think this Congress is heading toward a second shutdown this year, and if it does occur, it will reflect that we are unable to come to an agreement that has been signed by the President. It will be that he has violated his signature to balance the budget in this, achieve a balanced budget, not later than fiscal year 2002 by enacting legislation this session, the first session of the 104th Congress. I do not think that anyone in America is going to accept a violation of this signed contract because you know we have seen some tremendous gains in our economy, and I want to just quickly go over what every person knows in their heart, what most businessmen practice daily, but it is that you must have a balanced budget, and I just want to quote someone that goes beyond myself, who came out of the aerospace industry, someone who is involved in the financial markets, and it is Alan Greenspan, who is the Federal Reserve Chairman, and I want to quote his testimony to the Senate Banking Committee which was November 27, just 2 days ago.

He said that I have no idea what the actual proportion of the 2-percentage-point decline in long-term interest rates is that is attributed to the expectation of a balanced budget, but it is a significant part. He says that he believes interest rates will drop 2 percent if we can balance the budget, 2 percent, and what that means to the average household, American household, is somewhere around $2,300–$2,400 per year less money, a lower interest rate on their mortgage, lower interest rates on their credit cards, lower interest rates on their student loans, on their car loans, any time-borrowed money. It also means more jobs because companies will have more, but he went on to say subsequently, if there is a shattering of expectations.

Now I want to diverge here a minute. There is so much involved in expectations in the financial markets with just the anticipation of a balanced budget. We saw the market rates soar over 5,000, we saw bond, a strong bond market, strong financial markets, because of the anticipation of what we are trying to do here with this signed agreement between the President and Congress, but he says if there is, and I quote again, consequently if there is a shattering of expectation that leads to the conclusion that there is indeed an incapability on the part of the Government to ultimately redress the corrosive forces of debt, I think the reaction could quite—could be quite negative, and I am fearful that were it to happen there would be a sharp increase in long-term interest rates. He is talking about an increase in interest rates.

Now we know, I know, from the economy in Wichita, KS, in my home district, that when interest rates dropped, housing starts increased dramatically. We saw expansions in both ends of Wichita, a real strong economy. So here is the Chairman of the Federal Reserve saying that, if we can balance the budget, which the President has signed to and agreed with this Congress, if we can do this in fact and not have the violation of a written agreement, then he sees a drop of 2 percentage points in the interest rates, and the corollary, quote oppositely, if it does not occur, if for some reason we are incapable, then we see an increase in interest rates.

Mr. HOKE. Let me reclaim my time for a minute. I also see it is 4:30, and I know we are late for a meeting that I am supposed to be at, chairing as a matter of fact, and I am going to give the balance of my time to the gentleman from Indiana [Mr. BURTON]. But let me just read a couple of factual things from a report that was just released by the Heritage Foundation on what a balanced Federal budget with tax cuts would mean to the economy.

The gross domestic product will grow by $10.8 billion more than under current law. In the year 2002 we will have an additional $32 billion in real disposable income over the period, an additional $66 billion in consumption expenditures, and an additional $88.2 billion in real nonresidential fixed investments, a decrease of four-tents of 1 percent in the conventional mortgage rate, the additional construction of 104,000 new family homes than would have been built otherwise, the additional sales of 600,000 automobiles, and a decrease of seven-tenths of 1 percent in the growth rate of the CPI.

Mr. Speaker, the other thing that this study points out, and I think it points it out very clearly, and it is important to point it out to the American people because they will hear the litany over and over, as though it is some kind of Sanskrit mantra, that these are tax cuts for the rich, in order to pay for tax cuts for the rich. Well, you tell me when 89 percent of all of the $500-per-child tax credit go to middle-class families earning below $75,000, family households under $75,000, 89 percent, you tell me are those tax cuts for the rich? Only 4 percent of those tax cuts on the child credit go to families earning above $100,000.

The other thing that I would point out is that, as the gentleman from Indiana will recall, we did in fact raise taxes on the quote so-called rich in the summer of 1993. We changed the marginal tax rate with a 10-percent surtax on the rich, people making a million dollars or more with a 10-percent surtax, so it went from 36 to 39.6 percent.

Now let me ask a rhetorical question. If we wanted to cut taxes on the rich, if that is really what Republicans were all about, then would it not make sense that we would repeal that 10-percent surtax? Would that not be the first thing that we would do? I would think that somebody that wants to cut taxes on the rich, it would be. Did we do that? Is that in this plan? Is there any repeal of that 10 percent, notwithstanding the fact that it was a stupid thing to do in the first place? We should not have raised that tax. We should not have done it because it actually—it works perversely. It does not increase revenues. It actually discourages working, but nonetheless did we do that?

No, we did not do that. We clearly did not do that, and we are not going to do that. It is a middle-class tax cut. What it does is it puts more money in the hands, in the pockets, in the wallets and the purses of the men and women who earn it for their families, and it is for families.

Mr. Speaker, at this time I yield the balance of my time to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I want to thank the gentleman from Ohio [Mr. HOKE] for this special order. I think it has been very enlightening, and I know many Americans watching it had a lot of their questions answered.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The gentleman is recognized for 8 minutes.

Mr. BURTON of Indiana. That should be sufficient, Mr. Speaker.

You know one of the problems you have when you are in public life is sometimes you are misquoted, and yesterday I was on CBS' morning show along with Senator MCCAIN, and I was on CNN ''Talkback Live,'' and last night I was quoted on NBC News, Tom Brokaw's news report, talking about my opposition, unequivocal opposition, to sending our troops to Bosnia. But one of the reporters from the AP wire service took one line out of my statement on CBS news which said, you know, ''He's hell-bent''; I was referring to the President, ''He's hell-bent to send our troops there, and, if he does that, we must support them,'' is what I meant to say, but we were running out of time, and I said ''him.'' And so they put that on the AP wire, and it went all over the country, and in every major newspaper in the country I was quoted as saying, ''He's hell-bent to do this, and, if he does, we must support him.'' Mr. Speaker, it made it look like I was in favor of sending our troops to Bosnia, which is 180 degrees from the truth. I am absolutely and unequivocally opposed to sending our troops to Bosnia, and I want to tell you, Mr. Speaker, and the people who may be paying attention to this special order exactly why.

I met today with the Prime Minister of the Bosnian Moslem Republic, Mr. Silajdzic, and we had a nice long talk with other members of the Committee on International Relations talking about whether or not there were perils involved for our troops in Bosnia. I also had an intelligence briefing along with members of our committee, some of which I cannot go into here tonight because it was a closed briefing, and it was an intelligence briefing, and it is not for public consumption. But the bottom line is, things that I can say that need to be reported to my colleagues and to the American people, is there are 6 million land mines over there, and a number of our troops are going to be blown apart, or lose their arms and legs by stepping on these mines. They cannot be detected by metal detectors, many of them, because they are made out of plastic, they are very cheap, and they blow off the feet, and some of them jump up and will blow of legs and even kill people, but they are designed to maim. Six million of them. They only know where there are about 100,000 to 1 million of them. That means that at least 5 million of them are not known where they are, so that is a real peril to our troops.

Our troops are going to be on a corridor that runs many, many, many miles, probably from around Sarajevo up to Tuzla, and we are going to have troops in a 2½ mile wide corridor, and they will be subject to terrorist attacks, a terrorist, a Bosnian Serb, a Moslem from Iran, a number of people who are disenchanted with the peace accord, maybe some people who live around Sarajevo who fear they are going to lose their homes when the Bosnian Moslems return. These people may perpetrate a terrorist attack on our troops. They could put a truckload of dynamite, just like they did in Beirut back in the early eighties, and drive it through a barrier and blow up a lot of our young men and women. They are being put in harm's way with no end in sight.

The President said they will be brought home in 1 year, but in 1 year will we resolve this problem? After having talked to the leaders of these various countries and these various sects over there, I am convinced that there is not going to be a solution to this. These hatreds go back hundreds of years, and these people do not like each other at all, and it is my feeling that in 1 year we will still be mired down in this quagmire. The only difference is we are probably going to have an awful lot of our young men and women maimed or killed unnecessarily.

I do not think anybody knows for sure how many are going to be lost, but make no mistake about it, there will be many. All those land mines, all of these age-old hatreds, putting our troops in between warring factions, hoping that things will work out even though some people who were supposed to be included in the negotiations have not yet agreed to them. As a matter of fact, the Bosnian Serb leaders are still trying to renegotiate part of the agreement that deals with Sarajevo and the property around that.

So, Mr. Speaker, I am very concerned about sending our troops. I oppose sending our troops. Every time I get more information from the intelligence community or from the leaders of that part of the world, the former Yugoslavia, I become more concerned about the safety of our troops and am more convinced that this will not be a solution to these age-old hatreds.

The solution is to embargo products that are going into the warring factions, to force them to the conference table, to make them sit down and work out an agreement without outside forces being involved because, if they really reach an agreement and they really want peace, they are going to work it out and have troops there of their own to be a barrier between the warring factions. To put our troops, and the British troops, and the British troops, and other troops in between all these warring factions is a recipe for disaster, and I think the President is making a very, very major mistake.

I see my colleague from California here who shares my views. He is going to be taking, I believe, the next hour to talk about this issue. But I wanted to make very, very clear to AP and to the people across this country who may have been misled by that AP story that I am unalterably opposed to sending our troops, I think it is a tragic mistake, I think the President is leading us down the road to a real possible disaster, and I think that the American people ought to know there is a better way to skin this cat than putting American young men and women at risk.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1788, THE AMTRAK REFORM AND PRIVATIZATION ACT OF 1995

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 104–370) on the resolution (H. Res. 284) providing for the consideration of the bill (H.R. 1788) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina) laid before

the House the following communication from the chairman of the Committee on Transportation and Infrastructure, which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, November 16, 1995.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR NEWT: Pursuant to the provisions of the Public Buildings Act of 1959, I am transmitting herewith the resolutions approved today by the Committee on Transportation and Infrastructure.

Sincerely,

BUD SHUSTER, *Chairman.*

There was no objection.

WHY WE SHOULD NOT BE IN BOSNIA

The Speaker pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN. I did not realize your time was wrapping up, Mr. BURTON. I just wanted to, in a colloquy with you, underscore what you said about the targeting of Americans by people from outside Bosnia. The MOIS, the secret police of Iran, have people in all the areas in Bosnia and around there. They are the security for shipping arms to the Moslem Bosnians through Zagreb with the complicity, the tolerance of the Croatian Government, all the way up to President Franjo Tudjman. They have targeted Americans for over a year.

Mr. BURTON of Indiana. And they are having Americans killed, you might add.

Mr. DORNAN. Yes.

Now here is what adds a dimension to this today. Someone who has told me who I trust—now this makes it hearsay and puts it in the category of rumor for our friends in the dominant media culture. The liberals will go wild here, but a meeting took place at the White House, all the key players from Defense and from the State Department and security agencies, and Clinton himself expressed concern and asked many questions about the mujaheddin from Iran, the bad mujaheddin, just like we had good and bad in Afghanistan—the Hamas, some of the groups you have named, and the secret police, the terrorist secret police of Iran. He asked about them targeting Americans. He has known about this for a year.

□ 1645

The President is purported to have said, looking at Leon Panetta, my classmate from 1976, ''Do not let the Congress get fired up on this. Downplay this when you talk to the Congressmen and the Senators.''

In other words, instead of telling the American people the danger that we are in, and, to quote his own words which I will do in a minute, he is asking them to downplay the threat to our Americans.

Mr. BURTON of Indiana. If the gentleman will continue to yield, the fact of the matter is we know there are hundreds, perhaps thousands, of Moslem terrorists from Iran who are in the Bosnia area right now. We do not know how many. We have no idea. The fact of the matter is that some of those people were involved in such tragedies here in America as the World Trade Center bombing. They do not like our policies, they do not like America very much.

When you put troops, American troops strung out between, say, Sarajevo and Tuzla, that long corridor 2½ miles wide, you are leaving them open for an attack anyplace among that line. That means that you are probably going to have, anyplace along that corridor for Sarajevo to Tuzla that there could be a bomber, there could be a mortar attack, there could be any kind of attack on our troops and they will not know when it is coming.

I remember when President Clinton had a number of us in the White House when we were in Mogadishu, in Somalia. The President came up with a new policy. He said he was going to billet our troops on the tarmac at the airport there in Mogadishu. He said they would be safe. They would be there as a security measure, but they would not be involved in any combat or other operations. This was after we started nation building, we quit the food handling over there.

Two days later the Aideed forces, the terrorist tribal leader over there, lobbed mortars into the exact spot where our soldiers were going to be billeted. That was not anything like Bosnia, yet if we had had troops in that area where the President said they were going to be, and they found out about it, there would have been many of them killed. Think about that when you talk about a corridor between Sarajevo and Tuzla, 2½ miles wide with 25,000 American troops in there. They could pick any spot along there, any time day or night, attack our troops and kill hundreds, maybe thousands of them. This is a recipe for disaster.

I appreciate the gentleman for yielding to me. The President should reconsider, and he should come clean with the American people. If he said what you alleged he said to Leon Panetta, you know, we do not let the Congress get into this thing, then he should be taken to task. I do not know if he said it or not.

The American people need to know the risks. There are going to be young women lose their legs, their arms, their eyes from these land mines, but even a greater risk is the possibility of a terrorist attack from possibly Bosnian Serbs who are going to be upset about losing their homes and the problems around Sarajevo, or possibly Moslem terrorist from Iran. There are a number of people who do not like what is going on over there. They do not like anybody very much. I think our troops are really at risk. It is a mistake to get into this quagmire.

Mr. DORNAN. DAN, stay with me just a minute here, because I have been to Central America with you several times, we have both been to Haiti and been very concerned about what is happening there. We both have taken a personal interest in the calls that are coming into our offices from families of men who are in active duty in Germany and who resented Clinton referring to them as volunteers.

One mother said to one of my staffers,

> My son is not a French legionnaire or a mercenary, he did not join the military to fight under any flag, he joined and took an oath to defend the Constitution of the United States against all enemies, foreign and domestic.

And he did take a follow-on order that we do not take as Congressmen NEWT would like this probably at this point, that we will obey all lawful orders of our commander. But it is coming down to the word ''lawful.''

Because you suffered through Mogadishu and spoke so forcefully and eloquently on the floor, I want to share something with you. When I was in my thirties I produced my own TV show. We had, the year I started, just gotten state-of-the-art close-up lenses where we could go in on an ant on the set and fill someone's television screen at home with that ant. Here we are, 27 years later, since I first started in December of 1967 28 years later, and we cannot call for a close-up with these good Americans down in the control room a couple of floors below us, and it is too bad. I think the day is going to come, just like some day we will have color in the CONGRESSIONAL RECORD.

Mr. BURTON of Indiana. I would like for them to see this map.

Mr. DORNAN. If they can see this Posavina corridor that we are supposed to widen by the Dayton-Wright Patterson treaty, widen and enforce——

Mr. BURTON of Indiana. If the Americans could see the corridor we are supposed to try to defend——

Mr. DORNAN. Hold that steady and maybe the camera here in the southeast corner of the House could come in, point with your finger——

Mr. BURTON of Indiana. It is going to run all the way this way.

Mr. DORNAN. Take it from there at the top. The little pink strip there, between the part of Serb-held Bosnia that is against Milosevic's Bosnia-Serbia proper and Montenegro, and this huge glob in the northern part of what is Bosnia, this little, tiny Posavina corridor, 2½ miles, is supposed to be expanded to five.

Keep in mind the Israelis were properly always exercised about the distance from the furthest west point of the West Bank, Judea, from Natanya, by the sea, was 18 miles. They say that is an artillery-lobbed shell. This is 2½. Our men——

Mr. BURTON of Indiana. You have been in the military you might tell our

colleagues how far a mortar will go, how far they can stay back from that 2½-mile-wide corridor to hit American troops if they wanted to lob something in there.

Mr. DORNAN. The mortars that hit the marketplace in Tuzla when I was in Zagreb the 28th of August, and threw bodies every which way, killed 60 or 70 people and maimed 150; when I look at that ''maimed,'' I always think ''Who is blind? Who has no legs there? Who lost all their fingers there?'' We always put the death toll in bigger caps than the maimed. That is lives changed forever. A person will never earn the same income. Those mortars could be 5 or 10 miles from the corridor and lob these shells into the corridor.

Mr. BURTON of Indiana. The point is they could get within a half a mile and be more accurately targeted in. That is the problem.

Mr. DORNAN. I wish almost, like in every television show, we had a monitor buried in the table here so we could see. I don't know how close they can come in on this picture, but I am going to walk over there and give it to you so you can look at this handsome young American soldier's face, First Sergeant Randall Shughart. I visited his grave 2 weeks ago in Carlisle, PA. His parents sent me this picture because they did not like the standard Army picture. They said, ''This is more what Randy looked like when he was helping us on the farm.'' I am sure that as close as they can get, it is just a color picture of a handsome young fellow with a closely cropped beard and a cowboy hat, in his barn. Take a look at this while I tell you this story.

Randy Shughart, together with Gary Gordon, begged the headquarters at Mogadishu International Airport to let them go down and disembark from their helicopter, because they could see movement in the cockpit of Michael Durant's crashed Blackhawk helicopter. Three times they were told no. They were, in a sense, because they knew the odds, begging to die for their friends. St. John the Evangelist 15:13, ''Greater love no man has than he died for his friends.''

They saved Durant. Durant hugging me, and both of us crying, told me that he owes his life to Randy Shughart and Gary Gordon. All four men had spine injuries when that helicopter made a hard landing. The helicopter that he disembarked took a direct hit of a rocket-propelled grenade and blew out one of the door posts and tore the leg right off one of the door gunners.

I talked to the young Corporal Hall who jumped in and took over the door gun, and they flew back to Newport and crashed the helicopter, totaling it out. So that day we lost Wolcott's helicopter, Cliff Wolcott, killing him and his pilot, and then we lost this one, Durant's, and then we lost that one to a total accident after they were out of it.

They held off for about 30 minutes. I have asked the Army for their last transcriptions. Durant told me the last thing Gordon or Shughart said to him was ''Good luck, pal. I hope you make it.'' Went around the front of the helicopter, heard him take a couple of shots, heard him grunt with pain. Hopefully they died with the rifle shots as the crowd overwhelmed the helicopter and captured Durant.

Durant told me another man was lying on the ground, and I will not give his name because of his parents, and he was taken alive with Durant. They beat him to death. Then they began to so abuse their bodies that now that it is 2 years and 2 months later, a former Congressman said to me tonight, ''Congressman, these men are owned by America. Why don't you tell the country what happened to them?''

I will not, but I will go further than I have ever gone before. These five men, including the two that won the Medal of Honor and including Randy Shughart's picture you have there, they did not just mutilate their bodies and drag them through the streets and stick rifles and poles into every bodily orifice, including their mouths, and have women and children dance upon them in the streets for Canadian Broadcasting, the guy won a Pulitzer Prize for his video and film coverage, Paul something, they cut their arms off the bodies. We never got those limbs back. They dumped their burned remains on the steps of the United Nation every 2 days until we had gotten back——

Mr. BURTON of Indiana. If I may interrupt, that was never reported to the American people?

Mr. DORNAN. Never. Look at Randy's handsome face, and he was born in Lincoln, NE. I showed this to our Medal of Honor winner, the Senator from Nebraska, BOB KERREY, and he started at him intently, and I said, ''This guy is from Lincoln.'' And he said, ''Are you sure?'' and I said yes, I thought he was buried there. And then the Army told me where, so I went to his grave, because the week before when I was at a presidential forum in Bangor, ME, and I had asked where the other Lincoln was, in Lincoln, ME, where Gary Gordon is from. ''Two Young Men from Lincoln'' is the story I would like to write.

They said, ''50 minutes north of here,'' and I took my son and drove up this first week of November to Gary Gordon's grave. I said to Mark, ''I want to see Randy Shughart's grave.'' His dad, that man there, his father is the one who refused to shake Clinton's hand in the East Ballroom of the White House, and BOB KERREY, Senator, told me he was at this ceremony and remembers it vividly. I said, ''How is it BOB, the press never reported that story, that it only came out on talk radio?''

Mr. Shughart, a basic American farmer type, retired in Carlisle near his son's grave. He told me that he said to Clinton, ''Why did you fly Aideed down to Addis Ababa days after this people killed and multilated my son's body?''

Mr. BURTON of Indiana. He was the dictator and tribal terrorist over there that was responsible for that.

Mr. DORNAN. Another Fidel Castro, another General Jopp, another Aristide, the same mold, all of them. He said Clinton told him, ''I did not know about that operation.''

Mr. BURTON of Indiana. If the gentleman will yield, that is a ludicrous statement for anybody to make, because the administration had their Ambassador over there, negotiating with Aideed during a lot of this stuff that was going on. They knew entirely, from intelligence sources, what was going on. It is absolutely unbelievable that they would make a statement like that.

Let me just add one more thing.

Mr. DORNAN. It is Clinton making the statement to the father of a dead, murdered, Medal of Honor winner.

Mr. BURTON of Indiana. I just cannot believe that is the case. The President said in his speech——

Mr. DORNAN. He meant the operation, taking Aideed down to Addis Ababa.

Mr. BURTON of Indiana. The President said, ''I take full responsibility for whatever might happen over there.'' The fact of the matter is he should take full responsibility for what happened in Mogadishu to those men who got killed. They did not send proper equipment there, they did not send M–1 A–1 tanks, they did not send Bradley armored vehicles. He knew they should have sent those over there. The men trapped there, they did not get to them in that little town for 40 or 50 minutes because they could not get through the crowds.

Mr. DORNAN. Eleven and one-half hours before they relieved the Rangers.

Mr. BURTON of Indiana. The fact of the matter is we lost some of those men because we did not get there quick enough.

Mr. DORNAN. Four or five died during the night.

Mr. BURTON of Indiana. The fact of the matter is we are going to lose more young men and women, many more times, 40 or 50 more times in Bosnia. I think the President is making a terrible mistake.

Mr. SCARBBOROUGH. Will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. I thank the gentleman from California for yielding, and thank him for all of his service on the Committee on National Security, where we have worked together. I certainly appreciate the comments you have made about the horrible treatment that American soldiers have to go through, and humanizing this process.

Let me tell you something that really has disturbed me during this debate. There have been three falsehoods. The first is that we should blindly fall in line behind our Commander in Chief, regardless of what he suggests. We

should send out troops, whether we know if there is a vital American interest, a time line, or all of the things we need to make this successful.

I remember back in the mid-1990's, before I was in Congress, and you were here, maybe you can expand on this in a minute or two, just to remind Americans that there can be a loyal opposition. I remember when we were trying to remove Communists, when Ronald Reagan was trying to remove Communists from Central America, there were actually Members of this body that wrote Communist leader Ortega in Nicaragua and apologized for our support of the freedom fighters. These same people tell us that we cannot even debate this openly, so America can decide whether they want young American men and women killed in Bosnia?

Let us make no mistake of it, we have sat through the briefings on the Committee on National Security. Everybody that comes in says, ''Young Americans will die if they go to Bosnia and get involved in a civil war that has been raging for over 500 years.'' What have we kept asking? We have kept saying, ''What is the vital American interest?''

□ 1700

They have set up straw men and tried to knock them down, saying that if we did not get involved that somehow our credibility in NATO would be greatly diminished. That is a joke. The fact of the matter is, we are NATO. We have protected NATO countries for a generation from the threat of communism, and we will continue.

Mr. DORNAN. A generation and a half.

Mr. SCARBOROUGH. A generation and a half. We are NATO. So that is a straw man.

Then they talk about it expanding and starting World War III. I heard the Vice President make that statement. That is blatantly false. It will not expand. The testimony that we have heard in the Committee on National Security clearly shows that that will not happen.

I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Let me just say that I remember when the other side, when we were in Vietnam, and they were talking about the domino theory, they pooh-poohed that. Of course, now the same people who are doing that are saying, oh, my gosh, this may be a world war. The fact of the matter is, this war is not going to spread unless everybody decides that they want to let it spread.

Mr. SCARBOROUGH. Is it not ironic that the very same people during the Vietnam war that were protesting in the streets and on campuses across this country were saying, we cannot be the world's policeman. These are the same people, 30 years later, who are saying, let us sacrifice young Americans because it will make us feel good about ourselves.

The fact of the matter is, there is no vital American interest. The Secretary of Defense admitted as much, and it was in Time magazine, that there is not a vital American interest. But what is disturbing to me is, now we are seeing people saying, well, maybe, since we are beyond the cold war, maybe we do not need a vital American interest.

I hear that we have a volunteer army. You notice that is what they are saying. It is a volunteer army, they signed up for this, so we can send them off. It does not matter whether there is a vital American interest, and we spend all of this money on the military, so let us use our military. That is obscene.

Mr. BURTON of Indiana. Mr. Speaker, it is.

Mr. SCARBOROUGH. That is why I thank the gentleman from California and the gentleman from Indiana for talking about the harsh realities of war.

Does it mean that Americans are gun-shy and that we do not believe that any American troops should ever be sent into harm's way? No. But is it asking too much to say, let there be a vital American interest so when the President of the United States picks up the phone and calls a parent and says, your son was just blown apart in Bosnia, but he did it for a good reason. He did it because, and that is where they start to fade out. Because, maybe the NATO people will feel better because we have sacrificed, had human sacrifices in Bosnia.

I do not want to trivialize this point, but it is so central to this argument, we have to define what a vital American interest is.

We have head the Secretary of Defense, we have heard the Secretary of State, we have heard General Shalikashvili, we have heard a lot of good military men and women come before our Committee on National Security, and all have failed to state that vital American interest. I do not fault them; I fault the Commander in Chief.

Mr. DORNAN. Let my good colleague from Florida pause for a moment while I show the gentleman from Indiana [Mr. BURTON] and the gentleman from Florida [Mr. SCARBOROUGH] another photograph, and a series of photographs starting on the cover of Paris Match magazine that you are not going to forget. I guarantee you that you will be bringing this up at town hall meetings.

First of all, I hand to Mr. BURTON a picture from a war that has great personal significance for me that started in Sarajevo, Bosnia and Herzegovina, on June 28, 1914, when a Bosnian Serb murdered Archduke Ferdinand and his wife, Carlotta, the heir to the throne of the Austro-Hungarian empire, and changed Europe for this whole century and began the bloodiest war in its time, 11 million killed, the flower of European youth, and it set us up for World War II where 55 to 60 million died, and it set up Stalin and Lenin and communism where 100 million more died, including China.

Mr. BURTON of Indiana. And your dad was there.

Mr. DORNAN. I do not have but one studio photograph of my father from World War I.

A gentleman called me from North Carolina last fall and said, ''I bought for 100 bucks in a garage sale a bunch of postcards from World War I.'' He asked my staff, ''Does the Congressman have a father who was a lieutenant in World War I?'' Yes. I called him back. Send me the photograph.

He sends it, and it is a photograph of my dad with about 15 French children and another young captain. My dad had suffered poison gas, mustard gas twice, shrapnel in his face under his eye, three-wound chevrons turned into Purple Hearts in a ceremony that I witnessed in the Seventh Armory in New York.

If my dad were still alive, he went to his reward in 1975 at 83 years of age, he would be saying to me, in the last 4 years of the bloodiest century in all of history, ''We are going back to the hills around Sarajevo where this killing started?''

Now I want to show you both something. I am going to read the text while DAN looks at this and then he gives it to you. I have been on the French Embassy for months to get photographs of the two French pilots in a double seat Mirage 2000 that were shot down while I am at Aviano greeting our pilots back on August 30.

They said, ''Uh-oh, we have lost an airplane.'' My heart starts pounding. Is this guy going to be as lucky as young Captain Scott O'Grady? Is he coming down on our side of the line like a British Harrier pilot 2 years earlier? Is he going to come down into Serb hands?

Then they come in. I was talking to my wife on the phone. You cannot talk on the phone, but it is a French airplane. We take a two-seater. Then we hear there were good shoots. I am supposed to greet the squadron commander. He bends around in the air, goes back to the tanker and goes back to cover him.

On the evening news here you saw their two good parachutes come down. That was August 30. Fifty-two days later, an indicted war criminal indicted at The Hague in the Netherlands by an international war crimes tribunal, Radovan Karadvic, says, ''Oh, the two French pilots were kidnapped from the hospital. What were they doing in a hospital 52 days after? They had good parachutes.''

I am about to show you their pictures the day of capture.

The French embassy calls me about Frederique Chiffot, C-H-I-F-F-O-T. I misspelled it when I said it on the floor last. The other one is Souvignet, Jose, J-O-S-E. Let me spell his name, S-O-U-V-I-G-N-E-T. These two pilots are in captivity here. One of them looks like he has a sprained ankle, no cuts on

their faces. The French Foreign Minister thinks that they have been murdered, beaten to death.

When Karadzic says they were kidnapped he says, maybe by Moslems; Moslems would not do that, not with the support we are giving them; and he said, or by some band of a rogue brigands for a hostage reward. There has been no asking for money.

Look at these pictures. Look at this man's face. The lieutenant, probably the back-seater; well, not necessarily, maybe the captain was the back-seat radar intercept officer. Turn the page. Look at how, like our pilots first captured in Vietnam, he is making this mean grimace into the camera like, I am resisting and I am okay. They are mature men. They are in their mid 30's, you can tell.

Why at Dayton, at Wright Patterson, did not somebody say to Milosevic, by the way, all of this is predicated upon the return of these two French allied pilots who are our friends and comrades in arms? The whole deal is off, and here we are on day 82, 30 days after they announced they were kidnapped from a hospital that they should not have been in, and that could be two Americans in a heartbeat.

Mr. BURTON of Indiana. BOB, it is probably going to be more than two. We are going to have 25,000 there, plus support troops, in that 2½-mile-wide corridor, and they will be able to attack at any point along that corridor, at any time, day or night, with mortars, land mines, or they can use a terrorist attack with a truck bomb. I am telling you, you are probably going to see, and I hope I am wrong, but you are probably going to see a lot more Americans than two or three.

Mr. DORNAN. Look at the faces of the Serb fighters there. How old do you think they are?

Mr. BURTON of Indiana. They are probably in their 20's and 30's.

Mr. DORNAN. And some in their 40's. Are they tough-looking, warrior-class people?

Mr. BURTON of Indiana. Oh, of course.

Mr. DORNAN. Have you ever seen tougher looking guys in your life?

Mr. SCARBOROUGH. I saw a 60-year-old gentleman in Sarajevo, a Serb, with an assault rifle on the evening news saying, I will kill anybody that comes in here to protect my family. We are getting involved in a three-way civil war that we cannot begin to fathom, the emotions and the hatred. It is just like Mogadishu that you talked about before.

We are going even beyond the original U.N. charter where we were only supposed to get involved when the sovereign state was attacked. Why are we putting Americans in the middle of a three-way civil war with what you talked about, war-hardened criminals, for the most part, that will kill Americans as soon as look at them?

Mr. BURTON of Indiana. Let me just say something here.

Mr. Speaker, this administration has a history of blunders in foreign policy decisions. Haiti, we are now finding out, is costing us hundreds of millions of dollars, and all hell is breaking loose down there. There are a lot of political killings that have been instigated in part by Aristide's own rhetoric. He is now saying he may not leave power, and he is using almost $2 million of American taxpayers' money to lobby Congress for more money.

We have Mogadishu and Somalia and the tragedies that occurred there, and now we are going to do the same thing or worse in Bosnia? It makes no sense.

This administration needs to get a foreign policy compass. They need to get some direction in their foreign policy, get some experts up there that know what they are doing and know what they are getting us into.

Mr. DORNAN. But where was Clinton this morning? Speaking to the British Parliament, instead of over here counseling with us and figuring out how we can contribute to this.

Now, let me bounce off of both of you my notes from Clinton's remarks on Monday night.

First of all, he did take you on with that first question of yours and me. Because I put 50 questions to him in the CONGRESSIONAL RECORD just yesterday and put in the Cap Weinberger-Bob Dornan principles, the 10 things that you must satisfy before you put men, and now, thanks to Les Aspin, women, in harm's way.

He said, this is Central Europe. It is vital to our national interests. So he used the word. He said so.

This House, by a vote of 243 to 171 says no, and it shows you that if there is ever a constitutional power that does not involve the purse, the President can send people anywhere in this world.

Wilson asked for a declaration of war. So did Roosevelt. But Harry Truman got into Korea and did not know how to get out and it cost him his Presidency.

LBJ, thanks to Kennedy, got into Vietnam, did not know how to extract himself, threw his hands up on March 31, 1968, and said, I am out of here. I will serve out and try and conduct the war. He did not do anything except keep a bombing pause on for all of 1968 that he made even more severe to try and throw the election to Humphrey and destroyed his Presidency.

Listen to what Clinton says. They, that is you, Mr. SCARBOROUGH, Mr. BURTON, and me, and a majority of this House and Senate, they argue America can now step back. As young people would say, excuse me. Step back? We have almost 500 men in Macedonia. We have air power, sea power. We lost that French airplane and lucked out with our American air crew. We threw 90 percent of the strikes that cost those two Frenchmen 82 days of freedom. Please, God, that they are still alive and being moved from village to village.

He says, we are going to end the suffering. How much money are we pouring into that area with airlift and sealift? You men should walk through the hospital at Zagreb at the airport. You should look at the U.N. facilities and the U.N. personnel there who are all overpaid, and every nickel they get is tax-free, all the bureaucrats.

Mr. BURTON of Indiana. Let me just say, he said he is going to end the suffering and we are going to be there 1 year. In 1 year we are going to be in and out, we are going to end the suffering, and this is a civil war, civil strife that has been going on, as you said, for 500 years or more. I am telling you, you are not going to change these people's attitudes, take away their homes and give them to somebody else, solve all of these problems in a year and make this country whole. It is just not going to happen.

Mr. SCARBOROUGH. To expand on that briefly, getting back to the testimony we heard from the Committee on National Security, and I am sure you were there. When a retired U.N. general from Canada talked to us about the folly that you were just talking about, about us believing that we can send in one division in 1 year and bring peace to Bosnia for the 21st century, he said that he was responsible for surveying the crimes against humanity, being a monitor for what the Serbs did.

One morning he was on the roadside and had to go out and look at a slaughter. The Serbs had slaughtered Moslem children, they had slaughtered women, had slaughtered elderly people. As he was looking at, surveying the scene, a Serb came up to him and he said, well, it serves them right. And the U.N. general turned and said, it serves them right for what? And the Serb responded, it serves them right for what they did to us in 1473.

Mr. BURTON of Indiana. In 1473.

Mr. SCARBOROUGH. And then the general was silent for a moment, and he looked at the committee. A smile went across his face, and he said, and you Americans believe that you can send in one division for 1 year and make a difference? You are kidding yourselves. You had better stay out.

That comes from a man who had been there a lot longer than anybody in the administration and who understands it a lot better than anybody serving in this administration.

□ 1715

Mr. BURTON of Indiana. Let me just say one thing, there is an old statement, ''Those that don't profit from history are destined to make the same mistakes over and over and over again.'' This administration in its foreign policy decisions has not looked at history. They do not have the underpinning, the background necessary to be making these decisions. Yet they are going right ahead, hell-bent for leather, making these decisions, putting our young people in harm's way.

Mr. SCARBOROUGH. The irony is, I know this is sort of the electrified

third realm, we do not want to get into it because he is our President, our Commander in Chief. I will just talk about the administration generally.

The irony is that the people that are sitting in this administration now are the same people 20 years ago, 30 years ago protesting the Vietnam war. Not only have they not learned from European history, they have not learned the lessons of Vietnam that they taught the country: that unless the American people are solidly behind a military action, and unless there is an immediate vital interest, we do not get involved in other people's civil wars.

I thought that is what the Vietnam protests were about. I thought that is what the President and many others in good conscience protested about during the Vietnam war, that this was not our war, that there was not a direct American interest, that America had to leave that civil war to Vietnam.

If they wanted to protest that 25, 30 years ago, I am not going to second-guess them or challenge them. That was their right. But why are these same people 30 yeas ago who were telling us that we cannot be policemen of the world and get involved in other people's conflicts, why are these same people, now that they are in charge 30 years later, asking us to do the same exact thing?

Mr. DORNAN. Try just 26 years ago, this very week. Clinton himself, ditching class at Oxford, left for Oslo, Stockholm, Helsinki, Leningrad, 2½ days in Moscow, in Prague, on a tour to help secure victory for Hanoi. It had nothing to do with peace or ending the war in some sort of neutrality respecting the DMZ at the 17th parallel. It was to secure a victory for Hanoi.

Here is an article in the current Insight magazine, the one that has NEWT on the cover. It says, ''McNamara met the enemy and it turned out to be him.'' On Bosnia, ''There is a chilling McNamara-like rhetoric'' coming from administration people. ''Perry's assertion,'' Secretary of defense Perry, ''is the same guff that McNamara tossed off during Vietnam.''

It says, ''Only industrial strength arrogance can account for Robert Strange McNamara's visit to Hanoi on Veterans Day. The former defense secretary at least is unchanging in the lack of sensibility that characterized his Pentagon tenure during the Vietnam War.''

This is the man, McNamara, that said that we cannot use college men in the Vietnam struggle; they are our future. Clinton told his draft board, ''I'm too educated to go.''

Now we have, just as you pointed out, JOE, the very same people making sure Clinton does not make any reference to Vietnam in his speeches about suffering, I am looking at my notes again from Monday night, he says 250,000 people have been killed. In Cambodia it was 2 million, 8 times that.

He says 2 million are on the road. They are alive. Because the road in the South China Sea meant sharks, pirates, and the death of 750,000 people, 68,000 who worked with us executed. And always the one order, the one order from Ho Chi Minh that they pursued even after he died in September 1969 was kill Americans.

Are they thinking that when Haitians that we talked about on the docks were jumping up and down and saying, ''We're going to give you Somalia,'' at the end of October, referring to the man who was killed on the 6th, Matt Rearson, they had a dud land at the feet, 5 feet away from a two-star General Garrison. He told me about it himself. The 18 Rangers and helicopter pilots and Delta commandos like Randy Shugart and Gary Gordon, they are yelling about this on the docks of Haiti, 10, 12 days later, and turned around the Norton Sound.

Do you not think that these people in Sarajevo who have constant TV, CNN, probably watch some of our C–SPAN debates, are not aware that the key to get Clinton to bug out is Clinton's next words? ''We must expect casualties,'' he said.

Of all people, who is he to say that?

Mr. BURTON of Indiana. Let me just say on the front page of the New York Times this week they quoted a gentleman from Sarajevo who lives, one of the 60,000 Bosnian Serbs that live around Sarajevo, and he said, ''What you're going to see is what you saw in Somalia when you saw that American dragged through the streets dead.''

Another lady who lives in one of those suburbs said, ''I'll kill myself and my kids before I'll let them take over my home and my property here.'' And those people are going to be coming back. I am telling you, when people say that they will even kill themselves and their kids, what do you think they are going to do to somebody else who tries to take their property?

Mr. SCARBOROUGH. If the gentleman will yield, once again drawing comparisons between Bosnia and Vietnam, I remember after the war was over listening to the words of the generals for North Vietnam. They said ''We knew we could not win the war in the jungles of Vietnam, but we knew we would win this war on the streets and the college campuses of America.''

Mr. DORNAN. In the Halls of the Congress.

Mr. SCARBOROUGH. ''That is why we kept fighting.'' The same thing is going to happen now. That is why the Weinberger doctrine, which the gentlemen from California [Mr. DORNAN] also worked on, that is why one of the key components was support from the American people. We have to have a campaign that Americans support. It is the President's responsibility to step forward and explain what the vital American interest is.

Let me just say this. I will tell you this. A lot of people will say, ''Well, why are you all talking about Bosnia in such strident terms,'' and I will tell you, this is my feeling. We have to do it now. It is our responsibility. Because once those young men and women get in Bosnia, at that point I shut my mouth, I follow the Commander in Chief. I will not do what Members of this Congress did in the 1960's and play politics with the lives of American troops.

So now is the time that we have to voice our opposition to this, because once the President makes that move, and I can only speak for myself, at that point I believe we as a country fall in line behind the Commander in Chief if he chooses to do that. But until that time comes, I think we need to point out that this is the most misguided foreign policy decision not only that this administration has made but any administration in this country has made since Vietnam. We have to do all we can to draw the line in the sand and tell the President, do not send young Americans.

I already have men and women from my district over there. I have NAS Pensacola, Eglin Air Force Base, Hobart Field. I have got a lot of other bases.

These are not just the military. It is not abstract terms. We are talking about men and women and the children of people I know, and also my own peers who have children that go to school with my 7-year-old boy in Pensacola, FL, talking about how their father is going to be going to Bosnia. We are talking about killing real people.

Mr. BURTON of Indiana. Human beings. Real people. The gentleman has said it very well. I do not think anybody could have said it better.

The fact of the matter is that I think everybody in this Chamber, once our troops are on the ground, are going to say, ''Hey, we didn't want them there. They shouldn't be there, but they're there and we're going to support our American young men and women who are over there to do a job.''

But the fact of the matter is, I will be supporting our troops, but I certainly will not be supporting this President and this policy that he has adopted because I think it is going to get a lot of them killed.

Mr. SCARBOROUGH. What frightens me is this: The fact of the matter is that this has been a very emotional decision by this administration and it has been a decision based, I believe, on emotion.

Because I watch TV. I talked about my 7-year-old boy. I saw on ABC News several months back a young 7-year-old Muslim boy was blown off his bicycle, and the boy was screaming and crying, and it looked just like my son. He said, ''Please don't cut off my leg. Don't cut off my leg.'' And the ABC reporter said ''Well, the 7-year-old boy's leg was not cut off but he did die 3 hours later.''

That hit me, and I said I know what the President has to be saying at times. We have got to do something. We have got to stop the killing. That is what my immediate response is, and that is what a lot of Americans think.

But then you step back and you think through this process, and you are not run totally by emotion, and you say, ''Wait a second, it won't be young Bosnians that we are going to be seeing killed and TV 2 months from now, 3 months from now, if we go over there. It is going to be young Americans.''

We better make sure that it is a cause worth dying for, to make sure we do not repeat the same mistakes we made in Somalia, where we made an emotional decision to go over there. Then Americans were slaughtered, drug through the streets. Americans then made an emotional decision to bring them back. Let us not make that mistake again. Let us not base it on emotion. Let us base it on sound foreign policy.

Mr. BURTON of Indiana. Let me just say one thing about Somalia. When President Bush sent our troops over there initially, it was to feed the hungry masses, and those people welcomed us with open arms and treated our troops very well. It was not until President Clinton made the decision to get into nation-building, which is what he is leading us into in Bosnia, that we started losing troops and ended up having to pull out of there and leaving that dictator Aideed back in power.

Mr. SCARBOROUGH. This is what is so frightening. I have heard testimony again before the Committee on National Security and I actually had somebody with a straight face tell me, from the administration, that we needed to go into Bosnia to, quote, reknit the fabric of the Bosnian society, close quote.

That, my friend, is extremely frightening. It is extremely naive, and it is going to be young Americans' blood that will be spilled because of that naive view of geopolitical realities.

Mr. DORNAN. Mr. Speaker, some of the members of the dynamic freshman class of the gentleman from Florida [Mr. SCARBOROUGH] have joined us.

I want to put one set of figures into the RECORD and make one comment, because Clinton at least heeded the warnings of this Congress not to put our men and women under the United Nations. I would ask people to please save their Reader's Digest. I will put this in the RECORD following our remarks, Dale Van Atta's article commissioned by Reader's Digest on ''The Folly of U.N. Peacekeeping.'' It begins thusly.

''Sonja's Kon-Tiki Cafe is a notorious Serbian watering hole 6 miles north of Sarajevo. While Serb soldiers perpetrated atrocities in all the Bosnian villages, local residents reported that U.N. peacekeepers,'' and it hurts me to read these names, ''from France, Ukraine, Canada, and New Zealand regularly visited Sonja's, drinking and eating with these very same soldiers'' committing the atrocities ''and sharing their women.''

However, the women of Sonja's Kon-Tiki Club were actually prisoners of the Serbs. These are Muslim and Croatian women.

''As one soldier, Borislav Herak, would later confess, he visited Sonja's several times a week, raping many of the 70 females present and killing two of them'' because he felt like it.

Then I go down to Haiti and I see white U.N. vehicles, this wonderful dream that grew out of the League of Nations in my father's war, see white U.N. vehicles lined up at the houses of prostitution in Haiti, and wondered why the United Nations is so disrespected. Well, here is what we are doing, and these figures come from the U.N. peacekeeping ops office up in New York.

At this time, when Clinton says we are going to pull back, we have 2,267 people in Haiti.

I did not know we had 30 in the western Sahara. The gentleman from Indiana [Mr. BURTON] is the African expert. I did not know that. The part of Africa that Morocco has taken over. In Macedonia we have 494. When I was there it was 530.

We already have 3 in Bosnia, an advance team is arriving as we speak in Tuzla, where that rocket hit on August 28 when I was up in Zagreb, could not believe the imagery on the news that night. We have 361 already in Croatia. I do not know if that includes all the hospital people.

We have four in ex-Soviet Georgia. What kind of a Christmas are they going to have? We have 15 still on the Iraqi-Kuwaiti border, and 11 in Jerusalem. Grand total, 3,185.

And not spending Christmas with their families will be 17,000 support troops all around Bosnia that are there now, air power, sea power, airlift, sea lift, hospitals, intelligence, more than they know how to use, and Clinton has the gall to say we are pulling back and not helping, and we are going to close out this century with American kids dead in the tinderbox of the Balkans?

Let me share some time, and thank you for staying, DAN. I really appreciate it. My wife is calling me all day long, why are you discussing all these mundane things, when for the first time in American history a leader is saying not ''They will be home by Christmas'' but saying ''I think we can have them all in place by Christmas.'' The opposite of MacArthur, of Truman. I have never heard of such a thing in my life.

Here is the way I want to allocate some time. Mr. Speaker, how much time do I have left on my hour?

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The gentleman has 13 minutes.

Mr. DORNAN. Then let me share this, and let me cut it just a bit, then STEVE CHABOT of Ohio, I will give you 4 minutes, STEVE, because CYNTHIA MCKINNEY missed her opportunity, and I want all of her people in Georgia waiting for her special order to know she is still here and going to talk about the problem of gerrymandering in Georgia. But, STEVE, I will give you 4 minutes, MARK NEUMANN 4 minutes, SAM BROWNBACK 2 minutes, MARK SANFORD of South Carolina 2 minutes, and JACK METCALF 4 minutes, and that ought to do it. Then on to CYNTHIA.

I yield to the gentleman from Ohio [Mr. CHABOT].

□ 1730

Mr. CHABOT. I thank the gentleman for yielding. I thank the gentleman for using the French pronunciation of my name, which I do not hear very often. Thank you very much.

I have been listening to the arguments and points made by my colleagues here. I think they made some very good, some very persuasive arguments.

I would just like to reiterate some of the things they have made and make some new ones myself.

First, I think it is important for us to always remember that these people in that very, very dangerous area of the world have been fighting with each other for centuries now, for hundreds of years. They have been battling each other, and, unfortunately, our President is now talking about and pushing forward with a plan which will put young Americans, both men and women, on the ground in Bosnia right in the middle of that bloody mess. I am very concerned that, rather than fighting and shooting at each other, in the very near future they are going to be shooting at Americans, and I hope and I pray that I am wrong. But I am very concerned that many, many Americans are going to come back to the shores of this country in body bags.

There are many other dangers besides the snipers and rogue Serbs or rogue folks on either side lobbing mortars, mortar shells, artillery shells into our U.S. troops. There are 6 million mines in Bosnia. Many of those mines, nobody has a clue as to where they are at. People can be out on a routine patrol just walking down the street and could very easily set off a mine, could be mangled and mutilated or killed, and I am very concerned we are going to lost a lot of people to those very lethal instruments. That is the 6 million estimated mines there are throughout the Bosnian area.

In addition, I think we really have to recognize that, whereas the Serbs have certainly been the most aggressive and have performed the most atrocious acts and have killed the most innocent people, that none of the parties really have clean hands in this incident. The Moslems, the Bosnian Moslems, and the Croats have also allegedly committed a number of atrocities themselves. All three parties have done some very awful things in the past couple of years in that very, very dangerous part of the world. Certainly, the Serbs have been the worst.

In addition, the President is talking about our troops will be out in an estimated 1-year period of time. Again, go back to the point that these people have been fighting for hundreds of years now. How anyone can predict

that our troops will have solved the problems over there, kept the peace and then pulled out in a year's period of time, I think that there is no way in the world that is going to happen. If our troops are pulled out, it is very likely that in a very short period of time the atrocities will start again, the fighting will start, and we are going to have the same type of chaos and death that we have over there now. So the 1-year period of time, I think, is a period of time that has been grabbed out of the air, and some would argue that it has to do with the fact that there is an election a year down the road. Who knows why the President picked 1 year.

But I do not think there is any way we are going to be able to go over there and then suddenly peace is going to break out in that very dangerous part of the world after we have been there for a 1-year period of time.

This is in Europe's backyard. It is very, very difficult for anybody to make the argument that this is in the vital interests of the United States. We have an interest to the extent that I think we think it was a good idea for the President to get the parties together. I think it is appropriate for us to play a role in getting people to talk about peace. I think we can play a role in supporting the Europeans through our air power, which we are able to project without great loss of life to American citizens. But I do not think that a legitimate argument can be made that it is necessary for U.S. troops to be at risk on the ground, and it does not take very long for anybody to pick out a couple of examples of the type of things which could very well happen in the very near future in that very dangerous part of the world.

Look what happened in Lebanon. You know, it was something as unsophisticated as a truck filled with explosives to blow up a building and kill over 200 United States Marines in Beirut, Lebanon. In Somalia we went in with the best of intentions to feed people, and then mission creep set in. The goal got expanded. We were trying to build democracies over there. We got in the middle of the warlords. Our helicopters got shot down. American lives were lost, and the bodies of young Americans were dragged through the streets of Mogadishu.

What we are trying to do here is to prevent the President from making a very, very tragic mistake. He certainly has not convinced me that this is in the vital interests of the United States to put United States troops on the ground in Bosnia. From the calls that I am receiving in my office every day, he certainly has not convinced the people of Cincinnati, the people that I represent, that this is the right action. The calls are overwhelmingly coming in that we should not put United States troops on the ground in Bosnia.

I have talked to many, many of my colleagues here on both sides of the aisle, both Democrats and Republicans, and the calls are coming in from people all over this country, ''Don't do it. Don't put United States troops on the ground in Bosnia.''

The President apparently is determined to move ahead with this venture. I think he is making a terrible mistake. I wish he would listen to Congress, and I wish he would listen to the American people and, please, prevent this tragedy from happening. We do not need to lose American lives in Bosnia. I beg the President to reconsider this effort that he seems to be determined to make. I think it is a very tragic event. I hope I am wrong. I hope and pray that my concerns are unfounded and things will go well.

But I am very, very concerned that I am right, and if that happens, we are going to have many, many Americans who lose their lives in that very dangerous part of the world.

Mr. DORNAN. I thank the gentleman for his excellent remarks. I yield to the gentleman from Washington [Mr. METCALF].

Mr. METCALF. I thank the gentleman for yielding.

I just want to start out by saying this is under no circumstances a partisan issue. It makes no difference whatsoever and would not ever make a difference to me whether the President was Republican or Democrat on this kind of an issue.

I listened really carefully to President Clinton's' speech, and I re-read the speech word for word just so I was certain what he said. The vital United States interests the President laid out in his speech were broad, universal interests and would apply to any trouble spot in the world. This is not satisfactory.

I have said since I ran for Congress that I would support committing American troops only if vital, specific U.S. interests were involved, and the interests that he gave were not.

Militarily, U.S. troops are not needed. Our own Chairman of the Joint Chiefs of Staff stated that Europe can handle the military aspect themselves. European powers have direct interest in Bosnia, and they should step up to the plate on this. Britain and France have done so and will be part of the operation as it is planned.

You know, it is interesting, Germany had not pledged troops until today. I guess Germany remembers World War II, when they occupied that area for several years during World War II. They understand the problems there of an occupying nation, and it just seems to me that maybe their reason for not joining until today is that they understood better than we do some of the problems that are involved.

The President promised that the troops in Haiti would be home in a year. Remember? It has now been 16 months, and the troops are still there. Why should we believe that Bosnia is different?

One of the things that the President did say was he said he would provide a clear mission statement, a specific operational plan, what are the objectives, how will these troops accomplish the objectives, and what is the exit strategy. Thus far, and he said he would present that, and I assume that that is still coming. I am not being critical at all. We just do not have it yet. We certainly need it before we can make the judgment as to whether or not troops should be sent.

Also we do not have the money to engage this operation. That is another very critical factor. We fight and work very hard to cut $2 million here or $12 million there from the budget. The estimate of the cost of this is $2.1 billion at the present time. Judging from all previous estimates that I have seen, you should multiply it at least by 2, so we are talking about, I believe, close to a $4 billion cost. Remember, this is money that we do not have. This is money that will have to be borrowed if we move into Bosnia.

The idea of balancing the budget is absolutely critical, and there are circumstances certainly where we would go ahead and even if we had to borrow the money, but only if we are certain of what is going to happen, what is the vital U.S. interest that is involved, what is the plan to actually achieve the kind of peace we are looking for and set up the conditions by which we can exit.

Those are the points that I see, and we will try to have an open mind and watch what the President comes up with for these things.

As of now, from what I have seen, my vote would be an absolute ''no.'' I certainly hope and will do everything I can to see that we do get a vote on this in the House of Representatives.

I think the Senate should also vote on whether or not to authorize troops, ground troops in Bosnia.

Mr. DORNAN. I say to the gentleman from Washington [Mr. METCALF], I want to recommend a book to you on Mogadishu. On the cover is the picture of Durand's helicopter crew, the ones that were killed, Ray Frank, three full combat tours in Vietnam, big, handsome, blond David Cleveland, William, his mother called him David, the men called him William, like his father. He was one of the door gunners, and Tommy Fields, another door gunner. It is just called ''Mogadishu.'' It tells a story of a tragedy in the Clinton administration that he just put behind him.

Let me ask you something, I say to the gentleman from Washington [Mr. METCALF], there is a report from my district office today. The calls dropped to 100 for the first time. It is usually 200. Not a single person calling my district office, oh, they will call now, detractors and stuff. We are going to ignore their calls, and I have every right to be as tough as I want on this because I am the one who went to Mogadishu less than 10 days after the last man was killed there, to photograph this whole area. They are saying 100 calls a day in my office without one saying ''Go; we should go.''

How are they in your office from the great Pacific Northwest?

Mr. METCALF. Our calls are running more than 30 to 1 against sending troops to Bosnia, and there comes a time certainly that you should listen to the American people.

Mr. DORNAN. I yield to the gentleman from South Carolina [Mr. SANFORD].

Mr. SANFORD. I do not know how much more actually can be added between my colleague, the gentleman from Florida [Mr. SCARBOROUGH], my colleague, the gentleman from California [Mr. DORNAN], and the gentleman from Indiana [Mr. BURTON], go down the list, and therefore I mean you have touched on this idea of 200 American men, best-case scenario, dying. You have touched on the idea of spending $1.5 billion. You have touched on the idea we do not have a clearly defined exit strategy. You touched on the idea of 37,000 American boys being directly involved.

Mr. DORNAN. I have run out of time. We did not give you gentlemen enough heads-up over here.

The documents referred to are as follows:

[From the Reader's Digest, October 1995]

THE FOLLY OF U.N. PEACEKEEPING

(By Dale Van Atta)

Sonja's Kon-Tiki cafe is a notorious Serbian watering hole six miles north of Sarajevo. While Serb soldiers perpetrated atrocities in nearby Bosnian villages, local residents reported that U.N. peacekeepers from France, Ukraine, Canada and New Zealand regularly visited Sonja's, drinking and eating with these very same soldiers—and sharing their women.

The women of Sonja's, however, were actually prisoners of the Serb soldiers. As one soldier, Borislav Herak, would later confess, he visited Sonja's several times a week, raping some of the 70 females present and killing two of them.

U.N. soldiers patronized Sonja's even after a Sarajevo newspaper reported where the women were coming from. Asked about this, a U.N. spokesman excused the incident by saying no one was assigned to read the newspaper.

The U.N. soldiers who frequented Sonja's also neglected to check out the neighborhood. Less than 200 feet away, a concentration camp held Bosnian Muslims in inhuman conditions. Of 800 inmates processed, 250 disappeared and are presumed dead.

Tragically, Sonja's Kon-Tiki illustrates much of what has plagued U.N. peacekeeping operations: incompetent commanders, undisciplined soldiers, alliances with aggressors, failure to prevent atrocities and at times even contributing to the horror. And the level of waste, fraud and abuse is overwhelming.

Until recently, the U.N. rarely intervened in conflicts. When it did, as in Cyprus during the 1960s and '70s, it had its share of success. But as the Cold War ended, the U.N. became the world's policeman, dedicated to nation building as well as peacekeeping. By the end of 1991, the U.N. was conducting 11 peacekeeping operations at an annual cost of $480 million. In three years, the numbers rose to 18 operations and $3.3 billion—with U.S. taxpayers paying 31.7 percent of the bill.

Have the results justified the steep cost? Consider the U.N.'s top four peacekeeping missions:

BOSNIA

In June 1991, Croatia declared its independence from Yugoslavia and was recognized by the U.N. The Serbian-dominated Yugoslav army invaded Croatia, ostensibly to protect its Serbian minority. After the Serbs agreed to a cease-fire, the U.N. sent in a 14,000-member U.N. Protection Force (UNPROFOR) to build a new nation. (The mission has since mushroomed to more than 40,000 personnel, becoming the most extensive and expensive peacekeeping operation ever.)

After neighboring Bosnia declared its independence in March 1992, the Serbs launched a savage campaign of ''ethnic cleansing'' against the Muslims and Croats who made up 61 percent of the country's population. Rapidly the Serbs gained control of two-thirds of Bosnia, which they still hold.

Bosnian Serbs swept into Muslim and Croat villages and engaged in Europe's worst atrocities since the Nazi Holocaust. Serbian thugs raped at least 20,000 women and girls. In barbed-wire camps, men, women and children were tortured and starved to death. Girls as young as six were raped repeatedly while parents and siblings were forced to watch. In one case, three Muslim girls were chained to a fence, raped by Serb soldiers for three days, then drenched with gasoline and set on fire.

While this was happening, the UNPROFOR troops stood by and did nothing to help. Designated military ''observers'' counted artillery shells—and the dead.

Meanwhile, evidence began to accumulate that there was a serious corruption problem. Accounting procedures were so loose that the U.S. overpaid $1.8 million on a $21.8 million fuel contract. Kenyan peacekeepers stole 25,000 gallons of fuel worth $100,000 and sold it to the Serbs.

Corruption charges were routinely dismissed as unimportant by U.N. officials. Sylvana Foa, then spokesperson for the U.N. Human Rights Commission in Geneva, said it was no surprise that ''out of 14,000 pimply 18-year-olds, a bunch of them should get up to hanky-panky'' like black-market dealings and going to brothels.

When reports persisted, the U.N. finally investigated. In November 1993 a special commission confirmed that some terrible but ''limited'' misdeeds had occurred. Four Kenyan and 19 Ukrainian solders were dismissed from the U.N. force.

The commission found no wrong-doing at Sonja's Kon-Tiki, but its report, locked up at U.N. headquarters and never publicly released, is woefully incomplete. The Sonja's Kon-Tiki incidents were not fully investigated, for example, because the Serbs didn't allow U.N. investigators to visit the site, and the soldiers' daily logbooks had been destroyed.

Meanwhile, Russian troop commanders have collaborated with the Serb aggressors. According to U.N. personnel at the scene, Russian battalion commander Col. Viktor Loginov and senior officer Col. Aleksandr Khromchenkov frequented lavish feasts hosted by a Serbian warlord known as ''Arkan,'' widely regarded as one of the worst perpetrators of atrocities. It was also common knowledge that Russian officers directed U.N. tankers to unload gas at Arkan's barracks. During one cease-fire, when Serbian matériel was locked in a U.N. storage area, a Russian apparently gave the keys to the Serbs, who removed 51 tanks.

Eventually, Khromchenkov was repatriated. Loginov, after finishing his tour of duty, joined Arkan's Serbian forces.

Problems remained, however, under the leadership of another Russian commander, Maj. Gen. Aleksandr Perelyakin. Belgian troops had been blocking the movement of Serb troops across a bridge in northeastern Croatia, as required by U.N. Security Council resolutions. Perelyakin ordered the Belgians to stand aside. Reluctantly they did so, permitting one of the largest movements of Serbian troops and equipment into the region since the 1991 cease-fire.

According to internal U.N. reports, the U.N. spent eight months quietly trying to pressure Moscow to pull Perelyakin back, but the Russians refused. The U.N. finally dismissed him last April.

CAMBODIA

In 1991, the United States, China and the Soviet Union helped broker a peace treaty among three Cambodian guerrilla factions and the Vietnamese-installed Cambodian government, ending 21 years of civil war. To ease the transition to Cambodia's first democratic government, the U.N. created the U.N. Transitional Authority in Cambodia (UNTAC). In less than two years, about 20,000 U.N. peacekeepers and other personnel were dispatched at a cost of $1.9 billion.

Some of the Cambodian ''peacekeepers'' proved to be unwelcome guests—especially a Bulgarian battalion dubbed the ''Vulgarians.'' In northwest Cambodia, three Bulgarian soldiers were killed for ''meddling'' with local girls. One Bulgarian was treated for 17 different cases of VD. The troops' frequent carousing once sparked a mortar-rifle battle with Cambodian soldiers at a brothel.

The Bulgarians were not the sole miscreants in Cambodia, as internal U.N. audits later showed. Requests from Phnom Penh included 6500 flak jackets—and 300,000 condoms. In the year after the U.N. peacekeepers arrived, the number of prostitutes in Phnom Penh more than tripled.

U.N. mission chief Yasushi Akashi waved off Cambodian complaints with a remark that ''18-year-old hot-blooded soldiers'' had the right to enjoy themselves, drink a few beers and chase ''young beautiful beings.'' He did post an order: ''Please do not park your U.N. vans near the nightclubs'' (i.e., whorehouses). At least 150 U.N. peacekeepers contracted AIDS in Cambodia; 5000 of the troops came down with VD.

Meanwhile, more than 1000 generators were ordered, at least 330 of which, worth nearly $3.2 million, were never used for the mission. When U.N. personnel started spending the $234.5 million budgeted for ''premises and accommodation,'' rental costs became so inflated that natives could barely afford to live in their own country. Some $80 million was spent buying vehicles, including hundreds of surplus motorcycles and minibuses. When 100 12-seater minibuses were needed, 850 were purchased—an ''administrative error,'' UNTAC explained, that cost $8.3 million.

Despite the excesses, the U.N. points with pride to the free election that UNTAC sponsored in May 1993. Ninety percent of Cambodia's 4.7 million eligible voters defied death threats from guerrilla groups and went to the polls.

Unfortunately, the election results have been subverted by the continued rule of the Cambodian People's Party—the Vietnamese-installed Communist government, which lost at the ballot box. In addition, the Khmer Rouge—the guerrilla group that butchered more than a million countrymen in the 1970s—have refused to disarm and demobilize. So it was predictable that they would repeatedly break the ceasefire and keep up their killing. The U.N. has spent nearly $2 billion, but there is no peace in Cambodia.

SOMALIA

When civil war broke out in this African nation, the resulting anarchy threatened 4.5 million Somalis—over half the population—with severe malnutrition and related diseases. U.N. Secretary General Boutros

Boutros Ghali, the first African (and Arab) to hold the position, argued eloquently for a U.N. peacekeeping mission to ensure safe delivery of food and emergency supplies. The U.N. Operation in Somalia (UNOSOM) was deployed to Mogadishu, the capital, in September 1992. It was quickly pinned down at the airport by Somali militiamen and was unable to complete its mission.

A U.S. task force deployed in December secured the Mogadishu area, getting supplies to the hungry and ill. After the Americans left, the U.N. took over in May 1993 with UNOSOM II. The $2-million-a-day operation turned the former U.S. embassy complex into an 80-acre walled city boasting air-conditioned housing and a golf course. When U.N. officials ventured out of the compound, their ''taxis'' were helicopters that cost $500,000 a week.

The published commercial rate for Mogadishu-U.S. phone calls was $4.91 a minute, but the ''special U.N. discount rate'' was $8.41. Unauthorized personal calls totaled more than $2 million, but the U.N. simply picked up the tab and never asked the callers to pay.

Meanwhile, the peacekeeping effort disintegrated, particularly as warlord Mohammed Aidid harassed UNOSOM II troops. As the civil war continued, Somalis starved. But U.N. peacekeepers—on a food budget of $56 million a year—dined on fruit from South America, beef from Australia from frozen fish from New Zealand and the Netherlands.

Thousands of yards of barbed wire arrived with no barbs; hundreds of light fixtures to illuminate the streets abutting the compound had no sockets for light bulbs. What procurement didn't waste, pilferage often took care of. Peacekeeping vehicles disappeared with regularity, and Egyptian U.N. troops were suspected of large scale black-marketing of minibuses.

These losses, however, were eclipsed in a single night by an enterprising thief who broke into a U.N. office in Mogadishu and made off with $3.9 million in cash. The office door was easy pickings: its lock could be jimmied with a credit card. The money, stored in the bottom drawer of a filing cabinet, had been easily visible to dozens of U.N. employees.

While the case has not been solved, one administrator was dismissed and two others were disciplined. Last summer, UNOSOM II itself was shut down, leaving Somalia to the same clan warfare that existed when U.N. troops were first deployed two years before.

RWANDA

Since achieving independence in 1962, Rwanda has erupted in violence between the majority Hutu tribe and minority Tutsis. The U.N. had a peacekeeping mission in that nation, but it fled as the Hutus launched a new bloodbath in April 1994.

Only 270 U.N. troops stayed behind, not enough to prevent the butchery of at least 14 local Red Cross workers left exposed by the peacekeepers' swift flight. The U.N. Security Council dawdled as the dead piled up, and a daily horror of shooting, stabbings and machete hackings. The Hutus were finally driven out by a Tutsi rebel army in late summer 1994.

Seven U.N. agencies and more than 100 international relief agencies rushed back. With a budget of some $200 million, the U.N. tried unsuccessfully to provide security over Hutu refugee camps in Rwanda and aid to camps in neighboring Zaire.

The relief effort was soon corrupted when the U.N. let the very murderers who'd massacred a half million people take over the camps. Rather than seeking their arrest and prosecution, the U.N. made deals with the Hutu thugs, who parlayed U.N. food, drugs and other supplies into millions of dollars on the black market.

Earlier this year the U.N. began to pull out of the camps. On April 22 at the Kibeho camp in Rwanda, the Tutsi-led military opened fire on Hutu crowds. Some 2000 Hutus were massacred.

Where was the U.N.? Overwhelmed by the presence of nearly 2000 Tutsi soldiers, the 200 U.N. peacekeepers did nothing. A U.N. spokesman told Reader's Digest, meekly, that the U.N. was on the scene after the slaughter for cleanup and body burial.

With peacekeeping operations now costing over $3 billion a year, reform is long overdue. Financial accountability can be established only by limiting control by the Secretariat, which routinely withholds information about peacekeeping operations until the last minute—too late for the U.N.'s budgetary committee to exercise oversight.

In December 1993, for example, when the budget committee was given one day to approve a $600-million budget that would extend peacekeeping efforts into 1994, U.S. representative Michael Michalski lodged an official protest: ''If U.S. government employees approved a budget for a similar amount with as little information as has been provided to the committee, they would likely be thrown in jail.''

More fundamentally, the U.N. needs to reexamine its whole peacekeeping approach, for the experiment in nation building has been bloody and full of failure. Lofty ideas to bring peace everywhere in the world have run aground on reality: member states with competing interests in warring territories, the impossibility of lightly armed troops keeping at bay belligerent enemies, and the folly of moving into places without setting achievable goals.

''It has been a fundamental error to put U.N. peacekeepers in place where there is no peace to keep,'' says Sen. Sam Nunn (D., Ga.), ranking minority member of the Senate Armed Services Committee. ''We've seen very vividly that the U.N. is not equipped, organized or financed to intervene and fight wars.''

[From the Paris Match, Oct. 5, 1995]

OUR PILOTS ARE PRISONERS OF THE SERBS

(Translated by David Skelly)

Two tiny points in an incandescent sky. These images have been holding us in cruel suspense for nearly a month. The two points are two French officers, a captain pilot and a lieutenant navigator, shot down on August 30 in their Mirage 2000-K2, almost directly above Pale, the capital of the Bosnian Serbs, during the first NATO raid. Three exfiltration missions according to the CSAR (combat, search and rescue procedure), which had succeeded in rescuing Captain O'Grady, failed. The Serbs have confirmed that they are holding two men alive, but no one, not even the Red Cross envoys has actually seen them. These photos reached us from Pale. Here are the faces of the two prisoners whom France has been anxiously waiting to see. The first scenes of their captivity.

Peasants turned the lieutenant over to the 'special forces commandos'.

Being helped to walk by two Serbs from their special forces, Lieutenant Jose Souvignet seems to be suffering from a leg wound. Peasants turned the two airmen over to the ''specijali,'' who have been hiding them from the whole world ever since.

The captain, Frederique Chiffot, snarls at his guards.

Contrary to what happened with the American pilot, ours were brought down in broad daylight, above a mountain in an area with a high density of Serbian soldiers. Militiamen in the city of Pale were able to be there when they came down, and so it was impossible for the Frenchmen to escape. As soon as they hit ground they were captured and stripped of their warning, location, and survival equipment. Since these unique photos were taken, probably very shortly after their capture (in the foreground, a militiaman is still holding their helmets), they have probably been moved from their place of captivity, making it very difficult to exfiltrate them.

According to rare Serbian information, it was thought that only Lieutenant Jose Souvignet had a leg wound. But here, Captain Frederique Chiffot, grimacing at the camera, also seems to be supported by members of the militia.

Three attempts already: NATO is doing everything possible to free them.

From September 5th to the 8th, three times over, NATO commandos have flown off in search of the two Frenchmen. These very complicated missions make use of airplanes and helicopters which have taken off from different bases, from Italian territory or the aircraft carrier ''Theodore Roosevelt.'' On board this ship, the Admiral Smith's general staff is coordinating, second by second, the delicate precision engineering of this warriors' ballet. The first attempt was completely American, but the weather was not on our side. The second and third attempts were French and American. Only the latter enabled the commandos to set down on a meadow near Pale. In vain. They had to withdraw under fire from the Serbs before having found the prisoners. When they were taken back up in the helicopter, two had been wounded.

In the control room of the ''Theodore Roosevelt'' operations are being followed in real time. It was in an identical Mirage 2000 that the two pilots were brought down. Photos of the debris from the crash were widely disseminated in the press by the Serbs.

□ 1745

CHINA'S TOP DISSIDENT CHARGED 20 MONTHS AFTER DISAPPEARANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, I rise to call attention to the House of Representatives and indeed further attention of our country to a recent event that happened in China. Last week, the Chinese Government formally charged Wei Jingsheng with trying to overthrow the Government of China. This is a source of very serious concern to all of us who care about human rights in China.

As you may recall, Mr. Speaker, Wei Jingsheng is China's foremost democracy advocate. He has been called the Sakharov of China. Many years ago, over 15 or 16 years ago, he was arrested by the Chinese Government for his pro-Democracy Wall activities.

Early on he spoke out for democracy, the need for democracy in China. He had been a soldier and an electrician and was sentenced to 15 years in prison. He served most of that sentence, and about 6 months ago, the Chinese released him when they were trying to put on a good face in order to attract the Olympics to China. You may recall that campaign.

Six months later, he was quickly rearrested after speaking openly for democracy and human rights, granting interviews to foreign reporters, meeting, indeed, with our own Secretary of State, Assistant Secretary of State for Human Rights, John Shattuck, and writing essays for overseas publications, including the New York Times.

He was taken into custody on April 1, 1994, and has not been seen or heard from since. His family has not been allowed to see him, and requests from foreign governments and international rights groups for information on his case have gone unanswered.

After repeated inquires by his family, the Public Security Bureau acknowledged in April that Wei was under a form of house arrest. Since then the Chinese officials have merely referred to him as a criminal and have said that, without elaborating, he was under investigation. Now the Chinese Government has acted. They have officially charged him with a capital offense, trying to overthrow the Government.

This is, of course, ridiculous. However, the charge is of such seriousness and the nature of the Chinese judicial system of such concern that I call this to our attention. Trials in China are usually swift, in secret, and behind closed doors. The verdict is usually predetermined and severe. Attempting to overthrow the Government, as Wei Jingsheng is mistakenly charged with, is considered a political crime which can be punished by death.

Many of our colleagues in this body and in the Senate, indeed parliamentarians throughout the world, nominated Wei Jingsheng earlier this year for the Nobel prize. We were proud to do so.

I am calling this to the attention of the House of Representatives because I hope that we will have a resolution out of this body condemning the charges against Wei Jingsheng and calling for his immediate and unconditional release and demanding that if indeed he does go to trial, that foreign media and diplomatic observers be allowed to attend.

I mentioned that Wei Jingsheng had met with Assistant Secretary of State John Shattuck in April, and since then he has been, as I say, detained, and now charged. This is very serious for the United States, because our Government has said that we will not use certain methods to improve human rights in China, we would not use economic sanctions, but we would do other things, and right now this administration has not spoken out strongly enough against the charging of Wei.

I recently wrote to the Vice President, Vice President Gore, asking him for a strong statement from the Clinton administration. Only strong public expressions of concern and interest at our highest levels will be read by the Chinese leadership as a true indicator of American policy regarding Wei and other democracy advocates. If we do not raise the issue of Wei's charges, it could be read as tacit consent by the United States of whatever fate China has chosen for Wei Jingsheng.

The public intervention of the Clinton administration is most important in establishing United States policy regarding the treatment of Wei Jingsheng, clearly and unequivocally. The need for public and strong statement at the highest levels, I repeat, of the Clinton administration is critical given China's foreign ministry statement last week that the United States stop its confrontation with China at the U.N. Commission at Human Rights in Geneva. Such a statement, coupled with Wei's charge, is a challenge to the United States we must answer.

Mr. Speaker, I am very hopeful that the Clinton administration will indeed speak out. They were very, very strong in sending a message to the Chinese about Harry Wu. I commend them for their actions. That was responsible for Harry Wu's release. I hope they will do the same thing in the case of Wei Jingsheng and look forward to working with them and the Members of this body to free Wei Jingsheng.

INJUSTICE IN REDISTRICTING

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Georgia [Ms. MCKINNEY] is recognized for 60 minutes as the designee of the minority leader.

Ms. MCKINNEY. Mr. Speaker, I feel compelled to at least make a statement about what we have heard over the last hour. I would just like to say that George Bush proclaimed a New World Order, but Bill Clinton is making one.

Bosnia is not about war, it is about peace. In the ethnically diverse community of Dayton, OH, three warring ethnic groups came together, sat down at a table, and made peace. I really do not understand how people can advocate pouring billions of dollars into a defense establishment to make war, and at the same time they can deny sick kids Medicaid, they can raise taxes on the working poor, but they are not willing to make peace. I do not understand that.

Also, I would just like to say a few words about an announcement that I heard about today, about the retirement of one of our leaders, the gentlewoman from Colorado [Mrs. SCHROEDER]. I would just like to say that she is a trailblazer, a role model for all of us, and a real leader. Her leadership in the 105th Congress is sorely going to be missed. But because of her leadership I do not know how many Congresses before, she has made a way for me and other women who now serve in Congress, and her outspokenness on issues affecting families and children and women and men alike, really, has been really a beacon I guess, for all of us.

Ms. PELOSI. Mr. Speaker, if the gentlewoman would yield, I thank her for the opportunity to join in paying tribute to our colleague, PAT SCHROEDER. It cannot be said better than you have done commending Representative SCHROEDER for her leadership. It is a sad day for us in the House of Representatives on the day that she announced she would not be seeking reelection.

Whether they know it or not, women across America, and, as you say, indeed men too, owe PAT SCHROEDER a great debt of gratitude. Through her leadership on issues relating to families and children, she has changed the public policy in that regard. It is our most important issue in fact that we deal with here, the issue of children.

But on this day in this House of Representatives, when on the one hand we are talking about the possibility of sending our young people to keep the peace in Bosnia, and at the same time we are talking about human rights throughout the world and talking about family and children, there is a person who served us here with great leadership, an articulate spokesperson for children, for human rights, for peace, and, at the same time, a strong, strong voice on the Committee on National Security, now called I think the Committee on National Security. So her expertise and her voice was heard across the spectrum of issues in our budget priorities. She has led us well. I hope she will continue to outside of Congress. I know she has plenty of wonderful options open to her, but, nonetheless, as happy as we are for her on her decision, it is a sad day.

I speak for myself and my constituents when I say that her presence in this Congress for this country will be sorely missed.

Ms. MCKINNEY. Mr. Speaker, I do want to say one thing. I would like for Congresswoman SCHROEDER to come to this floor and tell the story, because I know she can tell it much better than I would ever be able to tell it, but she came to this Congress at a time when you just did not have women serving on the Committee on National Security and women serving in this Congress. She tells the story of how the chairman had she and the gentleman from California, RON DELLUMS, share a single chair. Those are the kinds of stories that this leader had to endure in order to make sure that I could get a full seat in the U.S. Congress. Her story is a wonderful story that needs to be told, and her leadership has benefited us all.

Ms. BROWN of Florida. If the gentlewoman will yield, I would just like to associate myself with those remarks about our leader. She has certainly been a role model for the women in Congress. Her leadership not only will be missed, but it is going to make our work extremely hard, because she has been just a Trojan for women's issues, for children's issues, and more national security issues. So this is truly a sad day for all of us.

Ms. MCKINNEY. It certainly is.

Mr. Speaker, changing our focus a little bit, I would like to ask a question, and the question is, what happens to a jogger, someone who strategizes, maps out a fitness routine, and the regime that is mapped out is done so that a target heart rate can be reached; and, unbeknownst, to our jogger, without any knowledge at all of our jogger, the wrong target heart rate has been given. Then the folks who gave the wrong heart rate allow the jogger to go out and jog. What happens? The jogger could die.

The issue that I am about to talk about is a real issue of life and death, political life and political death. In my opinion, we have a few southerners who have conspired to orchestrate the political death of blacks, Latinos, and women. I have a transcript of a Florida hearing that just took place.

Ms. BROWN of Florida. It was a response to a pretrial hearing on Monday, October 19.

Ms. MCKINNEY. It reads, ''At the time the Degrande court drew the districting lines for the State of Florida, it engaged in a good faith effort to adopt a politically neutral redistricting plan that would enhance the voting opportunities for African-American and Hispanic voters. The Degrande court closely followed the dictates of the Voting Rights Act and traditional redistricting principles throughout this process. This court must now reexamine the redistricting lines drawn by plan 308 and decide whether the contours of District 3 are unconstitutional in light of Shaw versus Reno and Miller.''

What this means is that in Florida the legislature did not draw the current congressional lines, the court did it, and when the court drew the lines, the court was operating in good faith, trying to do things that were beneficial to all of the people of the State of Florida. Now, because of what happened in North Carolina and what happened in Georgia, all of that is subject to change.

Joining us is the gentlewoman from Florida [Mrs. MEEK]. But let me give you just a brief history.

First of all, the Florida legislature could not pass a plan, so the courts had to intervene so that we could have elections in Florida. Now, there are many reasons why the Florida legislature could not pass a plan, but basically it was politics, politics, and more politics.

□ 1800

Everyone that was in charge of redistricting was running for Congress.

It is hard to take the politics out of politics.

Ms. BROWN of Florida. You cannot take the politics out of politics.

However, the courts drew the plan for Florida, and, basically, we are now at the stage where there was a ruling last Monday in that the courts ruled, with a dissent, that the Third Congressional District was racial gerrymandering but still could be constitutional, and we will go to a hearing or a trial early next year to determine based on Shaw versus Reno and the case of Georiga.

Ms. MCKINNEY. I have a question to ask the gentlewoman, before she gets into her remarks, and it is my understanding that her district, the district that she represents, is 50 percent black and 50 percent white.

Ms. BROWN of Florida. Yes.

Ms. MCKINNEY. How can race be the predominant factor in a 50–50 district?

Ms. BROWN of Florida. Well, it is not quite 50–50. It is 50.1 or 2.

Ms. MCKINNEY. 50.1. So that makes it race-predominant.

Ms. BROWN of Florida. Well, the fact is my district is one of the most integrated districts in Florida, if not in the country.

Ms. MCKINNEY. If not in the country.

Ms. BROWN of Florida. If not in the country. So race was a factor, but just one of many factors.

In fact, I am very proud of the Third Congressional District of Florida. Many of the people I represent were disenfranchised before my election. If we go back and just look at the way the voter participates in these districts, for example when we come out of an area and we are getting 80 percent of the vote, black and white, what does that tell my colleagues? That tells me that there is balance in my district. I have one of the most Democratic districts in the State of Florida.

Ms. MCKINNEY. But the gentlewoman's district was challenged.

Ms. BROWN of Florida. Challenged, that is correct, and we are headed to court.

Ms. MCKINNEY. I am sure that this is costing the taxpayers of Florida an inordinate amount of money.

Ms. BROWN of Florida. And time, and also the frustration on the people of the Third Congressional District. Often my constituents come to me and say what are they trying to do to our district? Why is it that the voters from the Third Congressional District and other districts in Florida have to wrestle with the question of whether or not we are going to have our district?

Ms. MCKINNEY. Well, Mr. Speaker, we have been joined by the gentlewoman from Florida [Mrs. MEEK] who served illustriously in the Florida legislature and probably knows more——

Ms. BROWN of Florida. If I may ask the gentlewoman to yield just for a moment to let me say one thing about the gentlewoman from Florida [Mrs. MEEK].

Ms. MCKINNEY. Certainly.

Ms. BROWN of Florida. Mrs. MEEK served in the Florida House, but when she was elected some 13 years ago to the Florida Senate, it was the first time in over 100 years that we elected a black to the Florida Senate, and she was the first black female ever elected to the Senate. So we do not have a long history in Florida of inclusion.

And, in fact, before our election in 1992, it was the first time in over 100 years, I am sorry, 120 years, that an African-American came to this Congress to represent Florida, even though Florida's population, as far as minorities is concerned, is over 40 percent. Good-old-boy politics has controlled how the districts have been drawn throughout Florida.

I do not know about any other place, but I can tell my colleagues about the history of Florida, and I know the gentlewoman from Georgia wants to yield to Mrs. MEEK.

Mrs. MEEK of Florida. Mr. Speaker, I want to thank my colleagues and compliment and commend them for having called this special order to talk to the country about some of the things that have happened in reapportionment.

I am reminded of a saying that the more things change, the more they remain the same. The gentlewoman from Georgia [Ms. MCKINNEY] has been on the forefront of this, and so has the gentlewoman from Florida [Ms. BROWN] but I want to say to them that it is just amazing and also ironic that after all of these years we are still fighting for the same thing that many had to fight for years ago.

I need to say to my two colleagues that their efforts will be rewarded, as well as all the rest of us. We must raise the consciousness level of the country as to what is happening in the reapportionment and apportionment fight. As everyone knows, every 10 years the census is taken, and then comes the reappointment process.

I am reminded of the struggle that I have undertaken in this for 10 or more years, and I am reminded of what the poet, Robert Frost, once wrote about; these woods are lovely, dark and deep, and I am tempted to sleep; but I have promises to keep, promises to keep, and miles to go before I sleep.

That is what has happened to my colleagues here. They know this has been a fight from the very beginning. I can recall when I went to the Florida legislature in 1979. There were only two blacks in the Florida legislature, and they were certainly not treated, Ms. MCKINNEY, the way we are treated today. They were treated as blacks, and they pretty much were isolated from the other people there.

When I went, in 1979, I was able to participate in the reapportionment of the Florida legislature, and because of that we were able to bring on Ms. BROWN and all of my other colleagues who came after me.

Ms. MCKINNEY. If the gentlewoman would allow me to reclaim my time for a moment. The tool that the gentlewoman used was the Voting Rights Act.

Mrs. MEEK of Florida. Yes, I did, and it was under attack even then. The most amazing thing is that we were able to bring Ms. BROWN and five other people there in the House but we were unable to get a congressional seat. We had the numbers then. There were

enough African-American inhabitants in the population of Florida, but my colleagues would be surprised to know that every congressperson from this body, from Florida, had either a paid consultant or someone there to be sure that their influence could be felt in the reapportionment process.

Ms. MCKINNEY. So, actually, what the gentlewoman is saying is that the Members of Congress and the legislators were picking their voters before the voters had a chance to pick their representatives.

Mrs. MEEK of Florida. Absolutely. My colleagues would be surprised at how they utilized the black populace, in that they really fought hard to get the African-Americans, particularly the Democrats, because what they wanted to do was to be sure they had enough African-Americans in their district, in their congressional district, to be sure that they came back to Congress. Because, naturally, it was sort of traditional and fully accepted during that time that if an individual were black, they were Democrat and they would vote for a white Congressman who represented their district.

I want to give my colleagues another example of what happened, and I am surprised that they are looking at the gentlewoman from Florida's district and talking about gerrymandering, because hers certainly is not nearly as gerrrymandered as the district that sent me to the Florida Senate. When I came from the house, I was on the reapportionment committee and I could see what was happening to us in the Florida house. I lived in Liberty City. My representative in the Florida Senate lived across Biscayne Bay, a body of water, all the way over on Miami Beach. He represented 103,000 African-Americans. Yes, he was our representative in the senate.

It shows my colleagues that this gerrymandering, that I am a living example of what happens. So I insisted that that seat be removed from over on that side and we be given the representation that we so direly deserved and needed, and that is how I got to the Florida Senate, by doing what the gentlewoman from Georgia and the gentlewoman from Florida are doing now, fighting for the representation that I knew that we needed to have.

Ms. MCKINNEY. Congresswoman, there is an article here that I have from the Florida Times Union of November 24 where a noted political scientist from the University of Georgia is quoted as saying if a white Congressman has a 10-percent or 20-percent minority constituency, they might not have a person who votes 100 percent of the time with the black agenda but they will get those votes from him some of the time. So, apparently, representation some of the time is Ok.

Mrs. MEEK of Florida. It was OK because what they were doing was using us as mayonnaise on the sandwich to be sure that they got a chance to come back to Congress instead of utilizing us and using us to represent us.

I really feel very emotional about this situation, and to see now that my young sisters have picked up this battle and they are running hard and winning it, it just gives me such pleasure to see when the gentlewoman from Georgia and the gentlewoman from Florida stand up and talk about this.

We did not have the technology available that my colleagues have now. I had to draw my maps with a piece of crayon to try to quickly show, because we were not allowed on the computers at that time, and the computers were just coming in, and they had these maps already drawn. But I think with the two of my colleagues, their maps and their legal representation, they have it all.

Ms. MCKINNEY. We have everything except the Supreme Court.

Mrs. MEEK of Florida. Everything but the Supreme Court, that is right.

And what Mrs. Bethune would say, when she saw the kind of fight that the gentlewoman from Georgia and the gentlewoman from Florida have put up, she would say what hath God wrought. So God has wrought that these two sisters here would keep up this fight, which we have had all these years, and to stand here tonight and to see how the two of my colleagues are pushing forward to be sure that we do not get misrepresented again, and that the people that we represent will have representation in Congress and in the statehouses and all over this country.

I have been in several legal fights for reapportionment, and even though I am a little beyond the age that these young women are, I expect to continue to do so. But it is good to be here in the Congress and to know that, Ms. MCKINNEY, there are people in this country who know that the gentlewoman from Georgia and the gentlewoman from Florida and the rest of us have served notably here in the Congress, and it was not because of the color of our skin but the content of our character.

Ms. MCKINNEY. Oh, you are wonderful.

We also know that this cold wind that has blown across the South did not start in Georgia and it did not stop in Florida. Actually, I think it probably started in North Carolina. And we have the subject of the North Carolina redistricting fight on the floor with us.

And we also know that it swept through Texas, and we have the gentlewoman from Dallas with us; and we hope that Alabama will be spared, but we have the gentleman from Alabama with us, and I will yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. I thank the gentlewoman for yielding, and I thank and applaud the gentlewoman from Georgia and the gentlewoman from Florida for organizing this special order this evening so that we can highlight the issue of voting and the issue of democracy in this country, really.

I came in when my colleagues were all paying tribute to our colleague, the gentlewoman from Colorado, PAT SCHROEDER, who has indicated that she is not planning to run again after serving out this term, and I want to join with them first in paying a special tribute to her and join in expressing the sentiments that others have expressed, that she will be missed very much by those of us who have admired her and followed her lead on many issues.

Second, I want to say that tomorrow, in Durham, NC, there is an opening of a traveling exhibition which is called ''The long road up the hill. African-Americans in Congress.'' I was on the phone before I came over here talking to a newspaper reporter in Raleigh-Durham about that exhibit, and I pulled out the press release that had been issued about that exhibit. It catalogs the history of African-Americans in the Congress of the United States, and I thought it might be helpful to take a minute or two, if the gentlewoman would allow me, to put this in a historical context.

Ms. MCKINNEY. I certainly will.

Mr. WATT of North Carolina. The gentlewoman says this hurricane started in North Carolina in 1993 or 1992. It really started in the South more than 100 years ago.

☐ 1815

And I think we really need to keep that in perspective. So, if I could, let me talk a little bit about the historical context that we are dealing with.

Between 1870 and 1897, after the 13th, 14th, and 15th amendments had freed the slaves and granted them citizenship and the right to vote, Southern States actually elected 22 black men to Congress. And this is not a sexist thing. It just happened that all of them were men at that time. Some had been slaves; other had been born free. All of them, ironically, during that period from 1870 to 1897, were members of the Republican Party, which was the party at that time that most black people associated themselves with.

In 1870, a black minister was tapped to fill Confederate President Jefferson Davis' unexpired Senate term. Hiram Revels of Mississippi became the first American of African descent to serve in the Senate. That same year, Joseph Rainey was sworn into office in the House of Representatives; Jefferson Long of Georgia was sworn into the House 1 month later. Rainey went on to serve five terms, often speaking in favor of civil rights legislation, outlawing racial discrimination in juries, schools, public accommodations and transportation.

Many of the early African-American Congressmen introduced bills calling for education and land ownership for blacks and removal of what was called cotton taxes. Most of those bills died in committee because their sponsors often lacked the support of their white colleagues. That might sound familiar to some of us in this day and time.

During the chaotic Reconstruction years, defeated white politicians disputed the elections of blacks to Congress 21 times. So, this is not a new

phenomenon that we are dealing with. Congressmen whose elections were challenged often were not sworn in until a House committee had reviewed the evidence and found in their favor. Several black lawmakers were not seated for many months. Some were not sworn in until a short time before the end of their terms. Two duly elected Congressmen who were elected, black Congresspeople, never, ever got to serve.

Finally, a story that I can relate to, by the time we got to the late 1800's, there was only one black African-American left in the Congress of the United States. He was a gentleman from North Carolina. His name was George H. White, and he was the last former slave to serve in Congress. He took the oath of office in March 1897, and after an election in 1898, in which the evidence indicated that even in precincts where there were only 200 or 300 people registered, in some cases 700 or 800 people voted and he was voted out of office. He took to the floor of the House of Representatives in 1901 and made a historic speech in which he professed to be speaking on behalf of the outraged, heartbroken, bruised and bleeding, but God-fearing people. He went on to predict that some day, some day, black representatives would rise up and come again to this House of Representatives. That was in 1901.

His prophesy did not become a reality that we would have another black Representative in Congress until 28 years later. Mr. Speaker, 28 years later.

Ms. MCKINNEY. But how many years from North Carolina did it take?

Mr. WATT of North Carolina. That was the next point I wanted to make. It was not until the gentlewoman from North Carolina EVA CLAYTON, my colleague, and I were elected in 1992, 91 years later, that an African-American was elected to Congress from the State of North Carolina.

So, the point I am making, and I will yield back to you all to carry this on, is this is not a new phenomenon. We have been fighting this battle since years and years and years ago, and we fought it in the face of literacy tests, where people were required to read and interpret documents before they were allowed to vote; grandfather clauses, which prohibited people from voting unless their grandfathers had voted, keeping freed slaves from casting ballots; poll taxes which kept poor people, blacks and whites alike, from voting; lynchings, which were flourishing throughout the South, and now in that historical context, the Supreme Court would ask us to be color-blind as a Nation and go back to a situation where we are absent minority representation in Congress.

Ms. BROWN of Florida. Will the gentleman yield just for 1 minute?

I have my horror story that I want to put in. Florida's horror story. At the time Josiah Wells was the first Member of Congress from Florida. He was elected to the House of Representatives in 1879 from Gainesville, FL. I represent Gainesville, FL, which is in the Third Congressional District. Josiah Wells' election was challenged and he lost his seat after only 2 months in office. However, by that time he had already been reelected to a new term. But listen, believe it or not, his next victorious election was challenged after the ballots were burned in the courthouse fire, ending the first congressional career of Florida's first black Representative. It took Florida 120 years to elect another African-American.

Mr. Speaker, I submit the following for the RECORD.

Next week, the Supreme Court will hear arguments in yet another round of reapportionment cases; it has an opportunity to end the mischief started in 1993 when it announced its decision in Shaw versus Reno. In the Shaw case, the Court ruled that white voters can state a claim under the equal protection clause of the 14th amendment if they allege that a district is so irregular or bizarrely shaped that it could only be understood as a racial gerrymander. Last term, in reviewing a Shaw-type attack on the congressional redistricting plan in Georgia, the Court went a step further. It ruled that where race is the predominate factor in redistricting that has resulted in the substantial disregard of traditional redistricting principles, then a district is presumed to be unconstitutional.

When Shaw was first handed down, a number of civil rights groups and political observers felt that the decision would have minimal impact. But the Shaw decision has taken on a life of its own. Cases attacking congressional districts as alleged racial gerrymanders are pending in Florida, Texas, North Carolina, Louisiana, State legislatures and local governments.

Of course, it troubles me a great deal that the end result of all these cases may return us to the pre-voting rights days when the Halls of Congress were reserved for white males. In those days, congressional districts drawn to protect white incumbents, no matter how bizarre or irregular they looked, and regardless of the all-white racial composition, the districts were viewed as politics. Eliminating districts where minority voters comprise a bare majority of the voters will return us to the days of segregation when Congress resembled an all-white club.

As troubling as all this is, I am equally concerned that the Supreme Court has refused to look at facts. The Court has consistently overlooked that in each of the States where the challenged majority minority districts were drawn, racially polarized voting patterns existed. What this means is that before the majority minority districts were drawn, a factual basis existed that minority voters were politically cohesive, that is, they supported minority candidates, and whites usually voted as a bloc to defeat the minority voters' preferred candidate. This is important because not only is the creation of majority minority districts necessary to overcome the effects of the white bloc vote, but the Supreme Court itself has consistently recognized in decisions spanning the last 20 years that such racial bloc voting has been the principal cause of minority vote dilution.

What is especially troubling about this is that the Court seems to have accepted racial bloc voting as a fact of political life, but chooses to ignore the reality of its impact. Thus, in the Georgia case, the Court said that the deliberate creation of majority minority districts may increase the very patterns of racial bloc voting that majority minority districts are said to counteract. In fact, the developing evidence that the opposite may be true, that creation of majority minority districts may be reducing, not increasing, bloc voting.

Consider, for example, the majority minority congressional district in Mississippi created in the 1980's. The district was barely majority black and in 1986, Congressman Mike Espy was elected. In his first election, Espy generated only 21 percent of the white vote. In Espy's reelection bid in 1988 and 1990, nearly half of the white voters in the district voted for him. Other members of the Congressional Black Caucus have reported similar increases in white support after their initial reelection. We attribute this increase in crossover voting in two circumstances: First, our decision to represent all our voters regardless of race; and second, a reduction in white fear and harmful stereotyping that may have predated our initial election.

The creation of minority opportunity districts comprised of a majority black voting age population does not entrench racial bloc voting. Although, there is a need to study the evidence that is available on this point, what evidence there is suggests that the creation of majority-minority districts promotes a political system in which race does not matter as much as it did before.

Along with a number of African-Americans, I was elected to Congress in 1992 in a district that was one of the most integrated in my State. My district is roughly 50 percent black and 50 percent white in voting population. Does that sound segregated or gerrymandered? All of my constituents are important to me, whether they are black or white. That would be true whether my district was 50 percent black or 99 percent black. My district is one of the most Democratic districts in the State of Florida. Many of my voters had been disenfranchised.

Redistricting since the 1990 census has marked tremendous gains for women and minorities. 1992, the year I was elected to Congress, was very historic for Florida. For the first time in over 120 years, an African-American was elected to Congress from Florida. At the same time I was elected to represent the Third Congressional District, my colleague's Representative CARRIE MEEK and Representative ALCEE HASTINGS, were also elected to represent Florida in Congress. Sixteen new African-American Members, most from the South, were seated in the House of Representatives and one African-American Senator, CAROL MOSELY-BRAUN was seated, expanding the number of Congressional Black Caucus Members to 40, the largest ever. There are now 57 women, 19 Hispanics, 8 Asians, and 1 American-Indian. This is the highest number of minorities to ever serve in the history of the U.S. Congress. Despite these gains, less than 2 percent of the elected officials in this country are black. We still need the Voting Rights Act, we still have a long way to go. I, and others, would not have the privilege of serving in Washington if it were not for the courage and sacrifice of those great leaders who led the way before us.

Let me tell you a little bit about a great leader, Josiah Wells, who was Florida's first Member of Congress. Josiah Wells was first elected to the House of Representatives in 1879, from Gainesville, FL, which is in the Third Congressional District. Josiah Wells' election was challenged and he lost his seat after only 2 months in office. However, by that time, he had already been reelected to a new term. Believe it or not, his next victorious election was challenged after ballots were burned in a courthouse fire. And thus ended the congressional career of Florida's first Black representative.

Once Reconstruction began, 21 black Congressmen were elected from the South between 1870 to 1901. However, after 1901, when Jim Crow tightened his grip, no black person was elected to Congress from the South for over 70 years. It is more timely than ever, to study what happed to black representation during Reconstruction. This period may seem like ancient history, but what happened then seems to be happening all over again.

The court would do well to consider these facts, rather than assuming the worst about the body politic and African-American Members of Congress. Integrated districts like mine are good for minority voters because they provide for electoral opportunities where none previously existed. They are also for democracy in the sense that they help to break down racial isolation and polarization.

When a minority group like African-Americans, who were denied a representative in the Florida delegation for 120 years before my election in 1992, are able to elect their candidate to Congress, it makes our Government more legitimate because it is more inclusive and less prone to bias. I cannot understand why the Supreme Court would want it any other way, yet their decisions up to now are leading us precisely down that path. Because I have faith in the system and in the rule of law, I remain hopeful that the Court see these truths to be self-evident.

Mr. WATT of North Carolina. The point is that there were funny things going on in that time, and there are funny things going on now; all designed to assure that the minority community does not have representation in this body.

White I do not want to dwell on the historical context, I do think it is important to get it into a historical context so that people understand that this is not something that we come to complain about just because it is happening in 1990. This has been going on for well over a hundred years, and for us, it has been going on in this country ever since we came to these shores.

Ms. MCKINNEY. I think the gentleman's point about the historical context in which this whole drama that is not being played out must be viewed is very important. To reiterate, 21 times blacks had their elections challenged, blacks in Congress had their elections challenged. Right now, we are looking at challenges that have been filed or are planning to be filed in Virginia, North Carolina, South Carolina legislative districts, Georgia, Florida, Louisiana, Texas, Mississippi, New York, and Illinois. You are absolutely right, that this is not anything new.

Mr. WATT of North Carolina. If the gentlewoman would yield just for 1 more minute, because I am going to have to leave and I do want to put this in a slightly different context also, in addition to the historical context, because the Supreme Court has suggested that all of the sudden we should wave a magic wand and will that the Nation and its voters be color-blind and this problem will be solved.

Often, in talking about this and getting people to understand how ridiculous that notion is, I make reference to what has recently transpired in South Africa where they had a very small white minority controlling that country for years and years and years. Then they had a miraculous historic transition to a real Democratic government.

The question I ask is, ''Do you think that the United States of America would have been satisfied if the black majority in South Africa had come forward with a proposed democracy that said we are going to be color-blind; we are not going to take race into account at all; we are not going to assure the white minority in South Africa representation in this new Democratic government?'' Do you think that the United States of America would have stood still for that kind of thinking?

My answer, obviously, is no, because it would have been ridiculous to think that all of those years of history could have just been wiped out and we could have created a color-blind society, a color-blind democracy in South Africa. It could not happen.

If the white minority in South Africa was going to have any chance of having a fair shot at representation and having its views reflected in that democracy, the only way it was going to happen was to set up a system that allowed them to have representation.

Yet, if we take that scenario and we reverse the roles, our Supreme Court essentially is suggesting that exactly what we would have rejected in South Africa is what we should be doing in our democracy here in the United States.

It is outrageous. It makes no sense in terms of fairness. It makes no sense in terms of the political and historical realities of the situation.

So, I applaud the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON and the gentlewoman from Georgia, Ms. MCKINNEY and the gentlewoman from Florida, Ms. BROWN. I applaud all of these gentlewomen for doing this this evening, and bringing this issue back into focus. Especially, since on Tuesday of this coming week, the Supreme Court is, again, hearing oral arguments in the North Carolina case and in the Texas case.

Our Nation and our people need to be focused on this issue and why it is important to have every segment of our society represented if we are to have an effective democracy in this country.

Ms. BROWN of Florida. Will the gentleman yield just for one moment before he leaves? Can the gentleman from North Carolina shed some light on what the Supreme Court will be reviewing as far as Shaw versus Reno?

Mr. WATT of North Carolina. I think there is a real substantial question about what they will be reviewing. They set up a series of criteria in the original Shaw versus Reno decision. Many of those criteria were not upon even mentioned when the Supreme Court decided the Georgia case. They seemed to change the criteria.

So, the North Carolina case has been tried under criteria that we do not know whether are applicable criteria any more or not. I am hoping that they will evaluate the case on the criteria that they set up in the North Carolina case. But even if they do not, if they evaluate it on the criteria that they set in the Georgia case, that race cannot be the predominant factor, I still am confident that even on that standard, the districts can and should be upheld both in North Carolina and in Texas.

□ 1830

Ms. MCKINNEY. The gentleman, with respect to his South Africa comments, raises an interesting question that I am glad you answered.

We have with us a gentleman from Alabama, who is a strong fighter, always has been a strong fighter, and now he comes to the floor of this House to make sure that what happens in this whole redistricting arena is not something that catches people off guard. We want to make sure that folks are not asleep while this quiet counterrevolution takes place.

Mr. HILLIARD. Mr. Speaker, I was very interested in the historical analysis that both Members gave dealing with the State of Florida as well as North Carolina. We also have a history in Alabama. I am the first African American to represent African Americans or anyone else in the State of Alabama in 117 years.

I, too, come, being the fourth from the State, the fourth African American. But let me tell you about the second and the third. They never served. They were elected, but they never served, because their elections were a challenged, and that is a tragedy. But it is all reflective of what our country has undergone during our short history.

Unfortunately, there are those in the majority that believe in democracy but do not believe in diversity. They will use such terms as equality, such terms as colorblind society to justify why there are not nor should not be African-Americans in Congress or in the State houses or in city halls anywhere in this country.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, what is colorblind? Does that mean we are invisible?

Mr. HILLIARD. I would think in the context that it is used by those who are against diversity, against African-Americans participating in the democratic process in this country, it means invisible, yes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the gentleman.

Mr. HILLIARD. Mr. Speaker, that means that you do not participate.

The point I was making is a very simple point. Throughout history, those persons who have been in the majority always seek ways and vehicles to protect their majority status in every respect, if you look at any country.

Ms. MCKINNEY. Mr. Speaker, protecting majority status, there is nothing wrong with that. Our presence in this body does not threaten the majority status.

Mr. HILLIARD. Well, it does not threaten it from the standpoint, from your standpoint. That is because I am sure you believe in diversification. You believe in participation by everyone. But protection of the majority status to those persons that I have come in contact with and, as I say, I am from the South, means that everything has to be the way of the majority, which means they do not appreciate diversity. And they are not interested in districts if the districts produce African-American Representatives, or any minority Representatives.

Ms. MCKINNEY. Mr. Speaker, I have a 10-year-old son. My son accompanies me on the floor of this House. Now, if my presence here threatens the majority status, how do I explain that to my son when he clearly looks around and says: ''Well, mama, there ain't enough of you. There ain't very many women in this body. There ain't very many African-Americans in this body.'' So what is threatened by my presence in this body?

Mr. HILLIARD. Mr. Speaker, it is the same type of threat that is pervasive throughout our society. Even if we look at affirmative action policies, which is very much akin to this issue and to this argument. Set-asides, 5 percent. It is a threat because it is not 100 percent. They want 100 percent. So they are against affirmative action. They are against set-asides. And we are only talking about 5 out of 100 percent. But that is 5 percent that is too much, because they cannot have it also. That is the type of threat that is in our society. It has been here.

Ms. MCKINNEY. So those who have 96 percent are not satisfied unless there is 100 percent?

Mr. HILLIARD. Absolutely. Unfortunately, this is also the philosophy of the highest court in our land and the Supreme Court. And it does not allow for diversity in anything.

I am going to yield, because my colleague from Texas has been here patiently, and she has some things to say.

Ms. EDDIE BERNICE JOHNSON of Texas. Let me express my appreciation for the sponorship of this hour. I will not dwell on the history of Texas because we all know it. But I want to dwell on the present.

We have encouraged our children and our grandchildren that this democracy is worth dying for. We have said that this is our country, and we are going to fight for this country, that this is the greatest country in the world. But they do not understand that, when you follow the rules, get education and training, that the opportunities are different for you.

Mr. HILLIARD. And limited.

Ms. EDDIE BERNICE JOHNSON of Texas. I believe strongly that I have represented the district that I was elected in as well or better than any previous elected official. I have answered mail. I have never referred to my constituents as ''you people.'' I have been responsive. I have not just sent form letters. I have researched the issues. And I try very hard to come before them to listen. I have learned a lot by listening.

Ms. MCKINNEY. Mr. Speaker, my colleague has given representation all of the time whereas before it was representation some of the time.

Ms. EDDIE BERNICE JOHNSON of Texas. Yes, the representation from my area and for me meant seeing my elected official once every couple of years at some of the churches or buying a ticket or a table to a church or the NAACP banquet. That was my representation.

Ms. BROWN of Florida. You mean your representation was not showing up once a year at the festival?

Ms. EDDIE BERNICE JOHNSON of Texas. I can guarantee you, they showed up every other year and at the churches.

Ms. BROWN of Florida. I think representation, one of the things that the research will have shown is that, when African-Americans are elected, they represent all of the people. When we fight for school lunch programs, I want every last one of our kids to eat all over the country, really.

Ms. EDDIE BERNICE JOHNSON of Texas. When I look out for corporate opportunities, for research and development, rarely are those large businesses owned by people that look like me. But I believe strongly that, when we have a strong business community and lots of research to look out for the future, that it is good for all of us. But all of us then must have some opportunity in it.

We will fight the wars. We will help to do things. But when we are treated as invisibles or unwanteds, then it does not encourage my children or my grandchildren to go to college, to go to training, to be well equipped, because they see parents are having a struggle after they have done it. They do not know whether there will be an opportunity.

There is no understanding in my community why the district that I represent is being attacked. Because, you see, it is less than 50 percent African-American, and we have districts in Texas that are 88 and 90 percent Anglo, but they are constitutional. I do not understand that. Are they unconstitutional because it happens to be a few more that the incumbents allowed me to put in a district, because our efforts in Texas were to preserve the incumbents?

Ms. MCKINNEY. The gentlewoman from Texas, from Dallas, as well as the gentlewoman from Houston have both endured constitutional challenges to their districts where the lower court found that their districts were unconstitutional.

Ms. EDDIE BERNICE JOHNSON of Texas. The second time around.

Ms. MCKINNEY. Mr. Speaker, the district in Dallas was found unconstitutional, and the district in Houston, more than ably represented by Congresswoman SHEILA JACKSON-LEE, was also found unconstitutional.

Ms. BROWN of Florida. Mr. Speaker, I forgot to say that 20 years ago Barbara Jordan represented this district, and that is really frightening because we are talking about regression here. This is the district that was held by Barbara Jordan, one of the first females elected to Congress.

Ms. MCKINNEY. Barbara Jordan's historic district has now been found unconstitutional.

Ms. JACKSON-LEE. Mr. Speaker, I thank the gentlewoman from Georgia because we have spent many hours discussing our families and our sons. How important it is for us to give encouragement to young people, as my colleague from Texas has already mentioned. I listened passionately, as others were speaking passionately. I might remind us, as this comes somewhat to a close, of the words that the gentleman from North Carolina [Mr. WATT] offered about the last African-American preceding this era who served here in the House and who had to leave not of his own accord in 1901. I think it is important because, as the American people are watching, they are looking at two gentlewomen from Florida, and the gentleman from Alabama, and the gentleman from North Carolina, and all of us look alike. And they might wonder what is this issue.

It is an issue of democracy. It is an issue that would be as attractive and should be to our Hispanic brothers and sisters, our white brothers and sisters, our Asian brothers and sisters, because it is a question of disenfranchising people. And on December 5, 1995, we will again be in the U.S. Supreme Court challenging some of the districts in Texas and North Carolina.

Might I say something that I take great offense at, in fact I am appalled, and I might simply give just a very small, small summary of that case. The petitioners in the Richards versus Vera case, the Texas case in particular, came to sue that whole redistricting plan. They sued the whole State of Texas. They said the whole plan was wrong. But when it came down to a final solution, the only districts that they held unconstitutional were the 29th, Hispanic district, the 30th in Dallas, and, of course, the 18th, all of which were very much diverse, mine being under 50 percent African-American. But the court said that these districts were like racial apartheid.

I take great issue to describe democratically drawn districts that allow people to select a person of their choosing as an ugly term compared to South Africa of racial Apartheid. To the American people, that is not true. It is something that you should not accept. It is simply the adding of diversity.

Ms. MCKINNEY. Mr. Speaker, I would like to point out what the gentlewoman has referred to. The entire map of Texas was challenged, and they picked over this district. Talking about the lower court, the three judge panel found this district here, which is 91 percent white, constitutional. They did not find anything wrong with that district. They had to leap all the way to Barbara Jordan's district and say: Now, no, we do not want people like Barbara Jordan in Congress, so her district is unconstitutional; but this district right here withstands constitutional scrutiny.

Ms. JACKSON-LEE. Until the Voting Rights Act was in place, the Hon. Barbara Jordan would not have been in the U.S. Congress to represent all of the people and all Americans.

Ms. MCKINNEY. The gentlewoman is absolutely right.

I would like to conclude by saying that I know that there are people who understand this issue, who are not asleep during the counterrevolution and who truly appreciate that there is something wrong when a district like the Sixth District of Texas can be found constitutional, and the districts that we all represent can be found unconstitutional or can be challenged as to whether or not they are constitutional.

□ 1845

I received a letter dated November 9 from Richard Hamilton from Fleetwood, PA, and he says, ''I'm a white northern conservative Republican. You have gained my respect through this speech. I wish there was some way I could help you with your problem. To lose someone like yourself through this redistricting is a tragedy for your district.''

This comes from the pen of a conservative, a staunch pro-gun, pro-life, small-government, low-taxes conservative:

> Government needs people like yourself. Your voting record, I'm sure, would be directly opposite to my views. No matter. This is a democracy. Even though I may not agree with some of your views, I respect them. Having heard you, I would be compelled to vote for you. You are qualified in every sense. I would be honored to have you represent me in Congress. Sounds crazy; doesn't it?

Mr. Speaker, it does not sound crazy at all. Mr. Hamilton gets it.

Ms. JACKSON-LEE. Mr. Speaker, if the gentlewoman will yield for just a moment, we say the word ''democracy.'' And I applaud her for that letter because that is a commonsense American, and that is why I think this evening is important, so that individuals understand that we are not trying to grab something that does not belong to us or grab something for our personal selves. What will happen is your constituents, those who you represent at this point, will be denied the opportunity to select someone of their choosing, and that person can be of any array of individuals, but they have the opportunity now, more than they have ever had before in history, to do so, but this body is also a republic.

Some people always hear the word ''Republican'' because it is in the majority right now. A republic means that you have a representative body and that we are all not alike. Before the Voter Rights Act of 1965 they were all alike, and in fact until women got the right to vote, they were all alike, and it is since these laws have created opportunities we have seen women coming to the U.S. Congress, and we have seen minorities, and particularly African-Americans, Hispanics, and we have Asians coming into this body; that is a republic. That is what we are saying to the American people.

Why would the Constitution be selected to undermine the rights of citizens to select someone of their choosing?

Ms. MCKINNEY. The Supreme Court has taken the bold step of declaring the district that I represent unconstitutional. I do not lose. The people of America lose. And if each one of us is taken out of this body, what kind of republic, what kind of democracy, can America claim?

Is it that the Congressman from Alabama wants to say some concluding words?

Mr. HILLIARD. I just want to add that it is important that we preserve American democracy, and in order to preserve democracy we must make sure that all persons in this country are represented, that all persons participate, and there is no other way of doing it.

Thus through district representation it is what our forefathers would have fought for if we had had districts at that time, but because of the fact things were so small, there were so few Americans, there was not a need for it.

But things have changed. Our Constitution has changed, and it has changed because it wanted to make sure that protections that were not granted before to those persons who were absent are now granted.

So we need to, along without our forefathers, make sure that everything is constitutional and everyone has an opportunity to participate.

Ms. MCKINNEY. I have a piece of legislation which has been introduced, House Resolution 2545, which proposes a solution to this problem. It gets us to color blindness, it gets us to republican representative democracy, it gets us to the kind of participation that we all want and value in this country.

In the next special order we will talk about some solutions to this problem that do not rely on single-Member districts which have been the tool that the Voting Rights Act allowed us that are now under attack because they have been so successful.

Ms. BROWN of Florida. In closing, next week, when the Supreme Court will hear the arguments in another reapportionment case, let me say that I have faith in the system, and I do believe that the Supreme Court can clear up what they have started in 1993 in Shaw versus Reno and acknowledge what really drives districts. It is not race; it is politics. It is politics, my colleagues. It is politics.

Ms. MCKINNEY. I would just like to say in conclusion thank you to all of the Members of this body who have come to me personally and, I am sure, have come to each of the other Members who are on this floor right now to express their concern about what is happening in redistricting, and how valuable our participation is and how valuable the notion of diversity is to having policies produced that are meaningful to the broad spectrum of the American electorate.

MONTGOMERY BUS BOYCOTT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. HILLIARD] is recognized for 5 minutes.

Mr. HILLIARD. Mr. Speaker, this Friday marks the 40th anniversary of the Montgomery bus boycott and the creation of the Montgomery Improvement Association. This Friday marks the start of an American journey. In my home State of Alabama, 40 years ago, African-Americans said they were sick and tired of being mistreated and humiliated; sick and tired of being kicked by the brutal feet of oppression; and sick and tired of being denied access to full American citizenship.

This was the most significant boycott of the civil rights movement. On December 1, 1955, when Mrs. Rosa Parks decided not to stand up and move to the rear of the bus, this was the day when African-Americans stood up to injustice and moved to the forefront of the struggle to outlaw discrimination, segregation and the notion of separate but equal.

For 13 months, African-Americans in Montgomery refused to ride the buses. They refused to accept an unjust system that demoralized and humiliated them.

The strength and spirit of these courageous citizens captured the consciousness of the entire world.

A lawsuit was subsequently filed challenging the constitutionality of bus segregation. The United States Supreme Court found that the Montgomery AL statutes regarding the segregation of passenger seating was in violation of the Constitution of the United States. On December 21, 1956, 13 months after the boycott began, African-Americans boarded Montgomery City Line buses free to sit where they pleased.

Mr. Speaker, I have introduced a resolution recognizing the Montgomery

bus boycott as the beginning of the American civil rights movement. It is proper and appropriate for the House of Representatives to commemorate this historical event and pay tribute to the courageous women and men who placed themselves in harm's way in the pursuit of justice, fairness, and equal treatment under the laws.

I urge my colleagues to support and cosponsor the resolution.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HEFNER (at the request of Mr. GEPHARDT), for today, on account of medical reasons.

Mr. COSTELLO (at the request of Mr. GEPHARDT), for today after 8 p.m. and Thursday, November 30, 1995, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend his remarks and include extraneous material:)

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. ABERCROMBIE, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. DURBIN, for 5 minutes, today.

Ms. PELOSI, for 5 minutes, today.

Mr. SCHUMER, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mrs. LOWEY, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mrs. FOWLER) to revise and extend his remarks and include extraneous material:)

Mr. KIM, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today and on November 30.

Mr. KINGSTON, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mrs. NORTON, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. ACKERMAN.

Mr. HAMILTON in three instances.

Mr. KLECZKA.

(The following Members (at the request of Mrs. FOWLER) and to include extraneous matter:)

Mr. WELDON of Pennsylvania.

Mr. SCARBOROUGH.

(The following Members (at the request of Mr. HILLIARD) and to include extraneous matter:)

Mr. SOLOMON.

Mr. FLANAGAN.

Mr. BORSKI.

Mr. REED.

Mrs. FOWLER.

Mrs. MINK of Hawaii.

Mr. RANGEL.

Mr. DIXON.

Mr. CONDIT.

Mrs. MORELLA.

Mr. MORAN.

Mr. COX of California.

Mrs. MEEK of Florida.

Mr. BARCIA.

ADJOURNMENT

Mr. HILLIARD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Thursday, November 30, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1720. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred when food was provided to all participants of Task Force 130, U.S. Army South [USARSO] and charge against Developing Countries Combined Exercise Program [DCCEP] funds, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1721. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act totaling $45,488 in the fiscal year 1989 Operation and Maintenance, Air Force appropriation, which occurred in the 3d Tactical Fighter Wing at Clark Air Base in the Republic of the Philippines, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1722. A letter from the Under Secretary of Defense, transmitting a report of four related violations of the Anti-Deficiency Act, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1723. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–150, ''Budget Support Temporary Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1724. A letter from the Chairman, Federal Election Commission, transmitting a correction to the proposed regulations governing communications disclaimer requirements (11 C.F.R. sections 110.11), pursuant to 2 U.S.C. 438(d); to the Committee on House Oversight.

1725. A letter from the Chief of Staff, The White House, transmitting certification that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug Free Workplace Plan are themselves subject to a program of individual random drug testing, pursuant to section 624 of Public Law 104–52; jointly, to the Committee on Appropriations and Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. QUILLEN: Committee on Rules. House Resolution 284. Resolution providing for consideration of the bill (H.R. 1788) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes (Rept. 104–370). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUNNING of Kentucky (for himself, Mr. HASTERT, Mr. ARCHER, Mr. JACOBS, Mr. SAM JOHNSON, Mr. COLLINS of Georgia, Mr. PORTMAN, Mr. ENGLISH of Pennsylvania, Mr. CHRISTENSEN, Mr. LAUGHLIN, Mr. CRANE, Mr. THOMAS, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. HOUGHTON, Mr. HERGER, Mr. MCCRERY, Mr. HANCOCK, Mr. CAMP, Mr. RAMSTAD, Mr. ZIMMER, Mr. NUSSLE, Ms. DUNN of Washington, Mr. ENSIGN, Mr. MCCOLLUM, Mr. MCINTOSH, Mr. KNOLLENBERG, Mr. GOSS, Mrs. SMITH of Washington, Mr. MCDADE, Mr. EMERSON, Mr. FRELINGHUYSEN, Mr. BUNN of Oregon, Mr. CHABOT, Mr. KOLBE, Mr. BALLENGER, Mr. BACHUS, Mr. SOLOMON, Mr. CUNNINGHAM, Mr. LATOURETTE, Mr. METCALF, Mr. CALVERT, Mr. FUNDERBURK, Mr. LEWIS of Kentucky, Mr. BURTON of Indiana, Mr. GUNDERSON, Mr. BLUTE, Mr. MYERS of Indiana, Mr. GALLEGLY, Mr. HEINEMAN, Mr. COBLE, Mr. FOLEY, Mr. BARTLETT of Maryland, Mrs. FOWLER, Mr. HANSEN, Mr. SAXTON, Mr. BOEHNER, Mr. FIELDS of Texas, Mr. STEARNS, Mr. BEREUTER, Mr. BARTON of Texas, Mr. BLILEY, Mr. HAYWORTH, Mr. COOLEY, Mr. BASS, Mrs. KELLY, Mr. LARGENT, Mr. INGLIS of South Carolina, Mr. EWING, Mr. LUCAS, Mr. SCHAEFER, Mr. TORKILDSEN, Mr. MILLER of Florida, Mr. FOX, Mr. BOEHLERT, Mr. CLINGER, Mr. GREENWOOD, Mr. NETHERCUTT, Mr. STUMP, Mr. JONES, Mr. FRISA, Mrs. MORELLA, Mr. NORWOOD, Mr. TALENT, Mr. WELDON of Pennsylvania, Mr. EHRLICH, Mr. ROYCE, Mr. SALMON, Mrs. VUCANOVICH, Mr. SMITH of New Jersey, Mr. DORNAN, Mr. HOSTETTLER, Mr. BUYER, Mr. ROBERTS, Mr. SHAYS, Mr. UPTON, and Mr. CLEMENT):

H.R. 2684. A bill to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the Social Security earnings limit for individuals who have attained retirement age, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMAS (for himself and Mr. BILIRAKIS):

H.R. 2685. A bill to repeal the Medicare and Medicaid coverage data bank; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself, Mr. SHAYS, Mr. BRYANT of Texas, Mr. TRAFICANT, Mr. SAWYER, Mr. BROWN of Ohio, and Ms. KAPTUR):

H.R. 2686. A bill to provide for additional lobbying reform measures; to the Committee on the Judiciary.

By Mr. MCCOLLUM (for himself, Mr. SCHUMER, Mr. COBLE, Mr. HEINEMAN, Mr. BRYANT of Tennessee, and Ms. LOFGREN):

H.R. 2687. A bill to amend the anti-car theft provisions of title 49, United States Code to increase the utility of motor vehicle title information to State and Federal law enforcement officials and for other purposes; to the Committee on the Judiciary.

By Mrs. MORELLA (for herself, Mr. FRAZER, Mr. LEWIS of Georgia and Mr. LIPINSKI):

H.R. 2688. A bill to amend chapter 87 of title 5, United States Code, to provide that the reduction in additional optional life insurance for Federal retirees shall not apply if the beneficiary is permanently disabled; to the Committee on Government Reform and Oversight.

By Mr. POSHARD:

H.R. 2689. A bill to designate the U.S. Courthouse located at 301 West Main Street in Benton, IL, as the ''James L. Foreman United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. STEARNS:

H.R. 2690. A bill to establish limitation with respect to the disclosure and use of genetic information, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Government Reform and Oversight, and Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELAZQUEZ:

H.R. 2691. A bill to amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances; to the Committee on Commerce.

By Mr. CANADY:

H. Con. Res. 116. Concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1060; considered and agreed to.

By Mr. HILLIARD:

H. Res. 285. Resolution to recognize and celebrate the 40th anniversary of the Montgomery bus boycott; to the Committee on Government Reform and Oversight.

By Ms. WOOLSEY (for herself, Mrs. LOWEY, Mr. HINCHEY, Mr. LIPINSKI, Ms. LOFGREN, Mr. MILLER of California, Ms. NORTON, Mr. SHAYS, Mr. VENTO, and Mr. WYDEN):

H. Res. 286. Resolution to limit the access of lobbyists to the Hall of the House; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

178. By the SPEAKER: Memorial of the House of Representatives of the State of Michigan, relative to establishing a sister-state relationship with the Province of Taiwan of the Republic of China; to the Committee on International Relations.

179. Also, memorial of the Legislature of the State of Alaska, relative to requesting the Congress to amend the Alaska National Interest Lands Conservation Act to clarify that the term ''public lands'' means only Federal land and water and that any extension of Federal jurisdiction onto adjacent land and water is expressly prohibited; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. TORRICELLI.
H.R. 104: Ms. DANNER.
H.R. 497: Mr. TATE, Mr. CONYERS, Mr. FRAZER, Mr. LAHOOD, Mr. TIAHRT, Ms. WOOLSEY, and Mr. METCALF.
H.R. 528: Mr. SAXTON, Mr. LUCAS, Mr. MYERS of Indiana, Mr. DOOLEY, Mr. TANNER, Mr. WISE, and Mr. VENTO.
H.R. 572: Mr. TORRICELLI.
H.R. 580: Mr. KINGSTON.
H.R. 852: Mr. PORTER.
H.R. 972: Mr. BAESLER.
H.R. 1073: Mrs. LINCOLN and Mr. GONZALEZ.
H.R. 1074: Mrs. LINCOLN and Mr. GONZALEZ.
H.R. 1152: Mr. COLEMAN.
H.R. 1202: Mr. LEACH, Mr. FILNER, Mr. ACKERMAN, Mr. OLVER, Mrs. MINK of Hawaii, Mr. WYDEN, and Mr. SMITH of New Jersey.
H.R. 1305: Mr. LIPINSKI, Mr. FALEOMAVAEGA, and Ms. MCKINNEY.
H.R. 1448: Mr. MCCOLLUM.
H.R. 1496: Mr. FILNER and Mr. DURBIN.
H.R. 1656: Mr. GONZALEZ, Mr. SCOTT, Mr. YATES, Ms. KAPTUR, Mrs. MEEK of Florida, Mr. LIPINSKI, and Mrs. MINK of Hawaii.
H.R. 1701: Mr. VENTO.
H.R. 1733: Mr. HOUGHTON, Mr. CAMP, and Mr. EHLERS.
H.R. 1818: Mr. MCCOLLUM.
H.R. 1834: Mr. LIGHTFOOT, Mr. OXLEY, and Mr. SPENCE.
H.R. 1876: Mr. COSTELLO.
H.R. 1883: Mr. KINGSTON.
H.R. 1893: Mr. DELLUMS.
H.R. 1968: Mrs. MORELLA.
H.R. 1985: Mr. MARTINI, Mr. MCCOLLUM, and Mr. FOX.
H.R. 2009: Mr. CALVERT.
H.R. 2144: Mr. BARCIA of Michigan.
H.R. 2205: Mr. POMEROY.
H.R. 2240: Mr. FRANKS of New Jersey.
H.R. 2264: Mr. BORSKI.
H.R. 2265: Mr. CLYBURN.
H.R. 2531: Mr. SAM JOHNSON, Mr. HORN, Mr. CRAPO, Mr. MARTINEZ, Mr. DORNAN, and Mr. FOLEY.
H.R. 2551: Mrs. MEEK of Florida, Mr. JACOBS, Mr. CRAMER, Mr. DELLUMS, Mr. GONZALEZ, Mr. SCOTT, Mr. MCDERMOTT, and Mr. BERMAN.
H.R. 2557: Mr. WELLER, Mr. JOHNSON of South Dakota, Mr. MINGE, Mrs. MEYERS of Kansas, Mr. NETHERCUTT, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. MANZULLO, Mr. ROBERTS, and Mr. TIAHRT.
H.R. 2566: Mr. DAVIS.
H.R. 2602: Mr. MICA, Mr. STEARNS, Mr. RIGGS, Mr. WELDON of Florida, Mr. FALEOMAVAEGA, and Mr. NEY.
H.R. 2622: Mr. DURBIN.
H.R. 2664: Mr. BALDACCI, Mr. MARTINEZ, Mr. BURTON of Indiana, Mr. KIM, Mr. EHRLICH, Mr. GILCHREST, Mr. YATES, Mr. BROWN of California, Mr. LUCAS, Mr. BARR, Mr. LATOURETTE, Mr. STOCKMAN, Mr. QUILLEN, Mr. TORKILDSEN, Mr. FRAZER, Mr. SKELTON, Mr. COX, Mr. PARKER, Mr. DEUTSCH, Mr. EVERETT, Mr. BARRETT of Nebraska, and Mr. CHRISTENSEN.
H.R. 2671: Mr. CRAMER, Ms. LOFGREN, Ms. MCKINNEY, Mrs. KENNELLY, Ms. MCCARTHY, Ms. FURSE, Mr. MCNULTY, Mr. DOYLE, Ms. WOOLSEY, and Mr. COBURN.
H. Con. Res. 50: Mr. BATEMAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

48. The SPEAKER presented a petition of the city council of the city of Compton, CA, relative to urging the President and the Congress of the United States to abandon strict partisanship and conduct serious negotiations on the Federal budget; to the Committee on the Budget.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1788

OFFERED BY: MR. CLEMENT

AMENDMENT NO. 2: Page 36, after line 21, insert the following new section:

SEC. 617. RAILROAD LOAN GUARANTEES.

(a) DECLARATION OF POLICY.—Section 101(a) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801(a)(4)) is amended to read as follows:

''(4) continuation of service on, or preservation of, light density lines that are necessary to continued employment and community well-being throughout the United States;''.

(b) MAXIMUM RATE OF INTEREST.—Section 511(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(f)) is amended by striking ''shall not exceed an annual percentage rate which the Secretary determines to be reasonable, taking into consideration the prevailing interest rates for similar obligations in the private market.'' and inserting in lieu thereof ''shall not exceed the annual percentage rate charged equivalent to the cost of money to the United States.''.

(c) MINIMUM REPAYMENT PERIOD AND PREPAYMENT PENALTIES.—Section 511(g)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g)(2)) is amended to read as follows:

''(2) payment of the obligation is required by its terms to be made not less than 15 years nor more than 25 years from the date of its execution, with no penalty imposed for prepayment after 5 years;''.

(d) DETERMINATION OF REPAYABILITY.—Section 511(g)(5) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g)(5) is amended to read as follows:

''(5) either the loan can reasonably be repaid by the applicant or the loan is collaterallized at no more than the current value of assets being financed under this section to provide protection to the United States;''.

H.R. 1788

OFFERED BY: MR. NADLER

AMENDMENT NO. 3: Page 11, after line 11, insert the following new section:

SEC. 209. TRACKAGE RIGHTS FOR FREIGHT TRANSPORTATION.

Section 24904 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''rail freight or'' in paragraph (6);

(B) by striking ''and'' at the end of paragraph (7);

(C) by striking the period at the end of paragraph (8) and inserting in lieu thereof ''; and''; and

(D) by adding at the end the following new paragraph:

''(9) consistent with safety and with priority for intercity and commuter rail passenger transportation, make agreements for rail freight transportation over rights-of-way and facilities acquired under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.) and the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.), notwithstanding any provision of law or contractual provision restricting the ability of Amtrak to enter into such an agreement.''; and

(2) in subsection (c)(1) and (3), by inserting ''or (9)'' after ''subsection (a)(6)''.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, WEDNESDAY, NOVEMBER 29, 1995 No. 189

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, made the following announcement and offered prayer:

The Senate of the United States is a family. We care for each other, rejoice with each other, and suffer with each other. This morning, I announce to you that the former Chaplain, Dr. Richard Halverson, died last night. No person in recent history has done more to enable the Senate to be a family of caring people who support and encourage each other than Dr. Halverson.

Let us pray: Blessed living Holy God, Sovereign of this Nation and this Senate, we thank You for the way that You enrich our lives by the gift of persons who care. We praise You for the life of Richard Halverson, for 14 years the Chaplain of this Senate. We praise You for his integrity rooted in his intimate relationship with You that radiated upon his face and was communicated by his countenance. We thank You for the profound way that he cared for all of us and established deep relationships. He introduced people to You and helped them to grow as persons.

We bless and praise You now, Lord, as You are here with comfort and encouragement for us. You are with his wife, Doris, his sons, Chris and Steve, and his daughter, Debbie. Put Your arms of love around them, giving them hope.

Lord, we thank You this morning for the assurance that this life is but a small part of the whole of eternity and that death is only a transition in the midst of living for a man like Richard Halverson.

And so we thank You for him and praise You for Your enrichment of our lives through him. Through Jesus Christ, our Lord, Who has defeated the power of death and reigns forever. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator DOLE, is recognized.

TRIBUTE TO THE REVEREND DR. RICHARD HALVERSON

Mr. DOLE. Mr. President, as the Chaplain mentioned in his opening prayer, the Senate today is mourning the passing of Dr. Richard Halverson.

As all Senators know, Dr. Halverson served as our Chaplain from 1981 until his retirement earlier this year.

Throughout his service as Chaplain, Dr. Halverson was a friend and counselor not only to Senators, but to the entire Senate family.

As many of my colleagues said upon Dr. Halverson's retirement, from Senate staffers to elevator operators to police force members to electricians, it would be impossible to tell how many lives Dr. Halverson touched here on Capitol Hill.

He came to the Senate after many years of service to churches in Missouri, California, and Maryland. He was recognized worldwide as a great humanitarian and traveled extensively through his leadership of World Vision, the Campus Crusade for Christ, Christian College Consortium, and the prayer breakfast movement.

Mr. President, perhaps our colleague, Senator NUNN, said it best earlier this year when he called Dr. Halverson ''our friend, our colleague, our mentor, our adviser and, most of all, our example.''

Later today, Senator DASCHLE and I will be submitting a resolution of condolence to be delivered to the Halverson family. It is my intent to include all Members of the Senate as cosponsors of this resolution.

At this time, I ask unanimous consent that the RECORD stay open for 15 days so that Senators may offer tributes to Dr. Halverson, and that these tributes be printed as a Senate document.

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

CELEBRATING THE LIFE OF DR. RICHARD HALVERSON

Mr. DASCHLE. Mr. President, the majority leader has just spoken for all of us. There is not a person in the Senate today who has not had the good fortune to benefit from the friendship of Dr. Halverson.

Someone once said that life has no blessing like that of a good friend. Dr. Halverson was a good friend to all of us. Rather than mourn his death, it is appropriate to celebrate his life, because, indeed, it was a celebration of joy, of blessing. It was a recognition that through his religious belief, emanating every morning as he came to this Chamber, we all felt a little stronger, we all felt a little better, we all felt perhaps a little wiser, we all felt a little more able to work with each other. His contribution to his country and to this body will last for a long, long time.

So today we celebrate his life. We send our condolences to his wife, Doris, and his family. We wish them the best. We recognize that in life comes achievement, and with his achievement, we all are the better.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Mr. DOMENICI. Parliamentary inquiry, is it appropriate that I speak for 2 minutes?

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

ONE OF MY BEST FRIENDS

Mr. DOMENICI. Mr. President, later on, pursuant to the wishes of our leader, I will have much more to say about Reverend Halverson. I considered him to be one of my best friends in the whole world, but more than that, he cared for a lot of people. He was a true Chaplain, not just up here, but in the Halls and byways and offices of this place with families, with people who work for the Senate from the lowest paid to the highest paid. He took care of them.

He was very, very sick, particularly the last 3 weeks. I talked to his wife, Doris, this morning, his son Steven. Chris, his other son, was not there. It is kind of wonderful to see their expressions, because they obviously believe and they are very, very confident he is very happy today and that he is in everlasting life. That is marvelous to see, because that is just the way he would want their faith to be.

So not only to that family, but to all his large family here and everywhere in this city, and other places that he served, I think I can join with all of them in saying very simply that we thank God Almighty for sending people like Dr. Halverson to us.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

A CONSTANT GOOD EXAMPLE—DR. RICHARD HALVERSON

Mr. CHAFEE. Mr. President, I think the words that we ''celebrate the life of Richard Halverson'' are appropriate. Richard Halverson, as has been pointed out, served as Chaplain here for 16 years.

As has been mentioned, he did not restrict his duties to just the opening prayer. He came to see us when we had difficulties. He was a constant mentor, as has previously been suggested, and a constant good example. He epitomized what leading the Christian life is all about.

So we have been blessed to have known him. His life is one we all should celebrate and try to emulate to the greatest extent possible. So to all of his family, we send our very best wishes at this extremely difficult time, and our deepest condolences.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho [Mr. KEMPTHORNE] is recognized.

OUR LIVES WERE ENRICHED BY DR. RICHARD HALVERSON

Mr. KEMPTHORNE. Mr. President, I join in the statements that have been made here this morning and say that our lives have been so enriched by Dr. Halverson. He was the U.S. Senate Chaplain, but he was a friend of the Senators of this institution.

In our roles, so often we need to have that camaraderie, that facilitator that can help us in finding that higher wisdom and the inner peace. Richard Halverson provided that to us. I know now that he has that inner peace, and we share, as has been stated in the blessings, having him as part of our lives here.

Our prayers are with him, as well as with Doris, Chris, and all of the family. We thank the Lord for providing him to us.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, briefly, I advise my colleagues that, as indicated, we will begin consideration of S. 1316, the Safe Drinking Water Act. It is also possible that during today's session the Senate will consider the VA–HUD appropriations conference report, if it is received from the House. I think it is fair to say that we will have rollcall votes. I understand that Senator CHAFEE will be indicating there are a number of amendments. Some will require rollcalls.

We hope to complete action on the Safe Drinking Water Act, if not late today, by some time late afternoon tomorrow. At that time, I hope to announce the schedule for the remainder of the week. It may be that there may be a pro forma session only on Friday, or, if possible, we could take up additional conference reports if received from the House.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

SAFE DRINKING WATER ACT AMENDMENTS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1316, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1316) to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act''), and for other purposes, which had been reported from the Committee on Environment and Public Works, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1316

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Safe Drinking Water Act Amendments of 1995''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references.
Sec. 2. Findings.
Sec. 3. State revolving loan funds.
Sec. 4. Selection of contaminants; schedule.
Sec. 5. Risk assessment, management, and communication.
Sec. 6. Standard-setting; review of standards.
Sec. 7. Arsenic.
Sec. 8. Radon.
Sec. 9. Sulfate.
Sec. 10. Filtration and disinfection.
Sec. 11. Effective date for regulations.
Sec. 12. Technology and treatment techniques; technology centers.
Sec. 13. Variances and exemptions.
Sec. 14. Small systems; technical assistance.
Sec. 15. Capacity development; finance centers.
Sec. 16. Operator and laboratory certification.
Sec. 17. Source water quality protection partnerships.
Sec. 18. State primacy; State funding.
Sec. 19. Monitoring and information gathering.
Sec. 20. Public notification.
Sec. 21. Enforcement; judicial review.
Sec. 22. Federal agencies.
Sec. 23. Research.
Sec. 24. Definitions.
Sec. 25. Ground water protection.
Sec. 26. Lead plumbing and pipes; return flows.
Sec. 27. Bottled water.
Sec. 28. Assessing environmental priorities, costs, and benefits.
Sec. 29. Other amendments.

(c) REFERENCES TO TITLE XIV OF THE PUBLIC HEALTH SERVICE ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act'') (42 U.S.C. 300f et seq.).

SEC. 2. FINDINGS.

Congress finds that—

(1) safe drinking water is essential to the protection of public health;

(2) because the requirements of title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act'') (42 U.S.C. 300f et seq.) now exceed the financial and technical capacity of some public water systems, especially many small public water systems, the Federal Government needs to provide assistance to communities to help the communities meet Federal drinking water requirements;

(3) the Federal Government commits to take steps to foster and maintain a genuine partnership with the States in the administration and implementation of the Safe Drinking Water Act;

(4) States play a central role in the implementation of safe drinking water programs, and States need increased financial resources and appropriate flexibility to ensure the prompt and effective development and implementation of drinking water programs;

(5) the existing process for the assessment and regulation of additional drinking water contaminants needs to be revised and improved to ensure that there is a sound scientific basis for drinking water regulations

and that the standards established address the health risks posed by contaminants;

(6) procedures for assessing the health effects of contaminants and establishing drinking water standards should be revised to provide greater opportunity for public education and participation;

(7) in setting priorities with respect to the health risks from drinking water to be addressed and in selecting the appropriate level of regulation for contaminants in drinking water, risk assessment and benefit-cost analysis are important and useful tools for improving the efficiency and effectiveness of drinking water regulations to protect human health;

(8) more effective protection of public health requires—

(A) a Federal commitment to set priorities that will allow scarce Federal, State, and local resources to be targeted toward the drinking water problems of greatest public health concern; and

(B) maximizing the value of the different and complementary strengths and responsibilities of the Federal and State governments in those States that have primary enforcement responsibility for the Safe Drinking Water Act; and

(9) compliance with the requirements of the Safe Drinking Water Act continues to be a concern at public water systems experiencing technical and financial limitations, and Federal, State, and local governments need more resources and more effective authority to attain the objectives of the Safe Drinking Water Act.

SEC. 3. STATE REVOLVING LOAN FUNDS.

The title (42 U.S.C. 300f et seq.) is amended by adding at the end the following:

"PART G—STATE REVOLVING LOAN FUNDS

"GENERAL AUTHORITY

"SEC. 1471. (a) CAPITALIZATION GRANT AGREEMENTS.—The Administrator shall offer to enter into an agreement with each State to make capitalization grants to the State pursuant to section 1472 (referred to in this part as 'capitalization grants') to establish a drinking water treatment State revolving loan fund (referred to in this part as a 'State loan fund').

"(b) REQUIREMENTS OF AGREEMENTS.—An agreement entered into pursuant to this section shall establish, to the satisfaction of the Administrator, that—

"(1) the State has established a State loan fund that complies with the requirements of this part;

"(2) the State loan fund will be administered by an instrumentality of the State that has the powers and authorities that are required to operate the State loan fund in accordance with this part;

"(3) the State will deposit the capitalization grants into the State loan fund;

"(4) the State will deposit all loan repayments received, and interest earned on the amounts deposited into the State loan fund under this part, into the State loan fund;

"(5) the State will deposit into the State loan fund an amount equal to at least 20 percent of the total amount of each payment to be made to the State on or before the date on which the payment is made to the State, except as provided in subsection (c)(4);

"(6) the State will use funds in the State loan fund in accordance with an intended use plan prepared pursuant to section 1474(b);

"(7) the State and loan recipients that receive funds that the State makes available from the State loan fund will use accounting procedures that conform to generally accepted accounting principles, auditing procedures that conform to chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act of 1984'), and such fiscal procedures as the Administrator may prescribe; and

"(8) the State has adopted policies and procedures to ensure that loan recipients are reasonably likely to be able to repay a loan.

"(c) ADMINISTRATION OF STATE LOAN FUNDS.—

"(1) IN GENERAL.—The authority to establish assistance priorities for financial assistance provided with amounts deposited into the State loan fund shall reside in the State agency that has primary responsibility for the administration of the State program under section 1413, after consultation with other appropriate State agencies (as determined by the State).

"(2) FINANCIAL ADMINISTRATION.—A State may combine the financial administration of the State loan fund pursuant to this part with the financial administration of a State water pollution control revolving fund established by the State pursuant to title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.), or other State revolving funds providing financing for similar purposes, if the Administrator determines that the grants to be provided to the State under this part, and the loan repayments and interest deposited into the State loan fund pursuant to this part, will be separately accounted for and used solely for the purposes of and in compliance with the requirements of this part.

"(3) TRANSFER OF FUNDS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, a Governor of a State may—

"(i) reserve up to 50 percent of a capitalization grant made pursuant to section 1472 and add the funds reserved to any funds provided to the State pursuant to section 601 of the Federal Water Pollution Control Act (33 U.S.C. 1381); and

"(ii) reserve in any year a dollar amount up to the dollar amount that may be reserved under clause (i) for that year from capitalization grants made pursuant to section 601 of such Act (33 U.S.C. 1381) and add the reserved funds to any funds provided to the State pursuant to section 1472.

"(B) STATE MATCH.—Funds reserved pursuant to this paragraph shall not be considered to be a State match of a capitalization grant required pursuant to this title or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

"(4) EXTENDED PERIOD.—Notwithstanding subsection (b)(5), a State shall not be required to deposit a State matching amount into the fund prior to the date on which each payment is made for payments from funds appropriated for fiscal years 1994, 1995, and 1996, if the matching amounts for the payments are deposited into the State fund prior to September 30, 1998.

"CAPITALIZATION GRANTS

"SEC. 1472. (a) GENERAL AUTHORITY.—The Administrator may make grants to capitalize State loan funds to a State that has entered into an agreement pursuant to section 1471.

"(b) FORMULA FOR ALLOTMENT OF FUNDS.—

"(1) IN GENERAL.—Subject to subsection (c) and paragraph (2), funds made available to carry out this part shall be allotted to States that have entered into an agreement pursuant to section 1471 in accordance with—

"(A) for each of fiscal years 1995 through 1997, a formula that is the same as the formula used to distribute public water system supervision grant funds under section 1443 in fiscal year 1995, except that the minimum proportionate share established in the formula shall be 1 percent of available funds and the formula shall be adjusted to include a minimum proportionate share for the State of Wyoming; and

"(B) for fiscal year 1998 and each subsequent fiscal year, a formula that allocates to each State the proportional share of the State needs identified in the most recent survey conducted pursuant to section 1475(c), except that the minimum proportionate share provided to each State shall be the same as the minimum proportionate share provided under subparagraph (A).

"(2) OTHER JURISDICTIONS.—The formula established pursuant to paragraph (1) shall reserve 0.5 percent of the amounts made available to carry out this part for a fiscal year for providing direct grants to the jurisdictions, other than Indian Tribes, referred to in subsection (f).

"(c) RESERVATION OF FUNDS FOR INDIAN TRIBES.—

"(1) IN GENERAL.—For each fiscal year, prior to the allotment of funds made available to carry out this part, the Administrator shall reserve 1.5 percent of the funds for providing financial assistance to Indian Tribes pursuant to subsection (f).

"(2) USE OF FUNDS.—Funds reserved pursuant to paragraph (1) shall be used to address the most significant threats to public health associated with public water systems that serve Indian Tribes, as determined by the Administrator in consultation with the Director of the Indian Health Service *and Indian Tribes*.

"(3) NEEDS ASSESSMENT.—The Administrator, in consultation with the Director of the Indian Health Service *and Indian Tribes*, shall, in accordance with a schedule that is consistent with the needs surveys conducted pursuant to section 1475(c), prepare surveys and assess the needs of drinking water treatment facilities to serve Indian Tribes, including an evaluation of the public water systems that pose the most significant threats to public health.

"(d) TECHNICAL ASSISTANCE FOR SMALL SYSTEMS.—

"(1) DEFINITIONS.—In this subsection:

"(A) SMALL SYSTEM.—The term 'small system' means a public water system that serves a population of 10,000 or fewer.

"(B) TECHNICAL ASSISTANCE.—The term 'technical assistance' means assistance provided by a State to a small system, including assistance to potential loan recipients and assistance for planning and design, development and implementation of a source water quality protection partnership program, alternative supplies of drinking water, restructuring or consolidation of a small system, and treatment to comply with a national primary drinking water regulation.

"(2) RESERVATION OF FUNDS.—To provide technical assistance pursuant to this subsection, each State may reserve from capitalization grants received in any year an amount that does not exceed the greater of—

"(A) an amount equal to 2 percent of the amount of the capitalization grants received by the State pursuant to this section; or

"(B) $300,000.

"(e) ALLOTMENT PERIOD.—

"(1) PERIOD OF AVAILABILITY FOR FINANCIAL ASSISTANCE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the sums allotted to a State pursuant to subsection (b) for a fiscal year shall be available to the State for obligation during the fiscal year for which the sums are authorized and during the following fiscal year.

"(B) FUNDS MADE AVAILABLE FOR FISCAL YEARS 1995 AND 1996.—The sums allotted to a State pursuant to subsection (b) from funds that are made available by appropriations for each of fiscal years 1995 and 1996 shall be available to the State for obligation during each of fiscal years 1995 through 1998.

"(2) REALLOTMENT OF UNOBLIGATED FUNDS.—Prior to obligating new allotments

made available to the State pursuant to subsection (b), each State shall obligate funds accumulated before a date that is 1 year prior to the date of the obligation of a new allotment from loan repayments and interest earned on amounts deposited into a State loan fund. The amount of any allotment that is not obligated by a State by the last day of the period of availability established by paragraph (1) shall be immediately reallotted by the Administrator on the basis of the same ratio as is applicable to sums allotted under subsection (b), except that the Administrator may reserve and allocate 10 percent of the remaining amount for financial assistance to Indian Tribes in addition to the amount allotted under subsection (c). None of the funds reallotted by the Administrator shall be reallotted to any State that has not obligated all sums allotted to the State pursuant to this section during the period in which the sums were available for obligation.

''(3) ALLOTMENT OF WITHHELD FUNDS.—All funds withheld by the Administrator pursuant to subsection (g) and section 1442(e)(3) shall be allotted by the Administrator on the basis of the same ratio as is applicable to funds allotted under subsection (b). None of the funds allotted by the Administrator pursuant to this paragraph shall be allotted to a State unless the State has met the requirements of section 1418(a).

''(f) DIRECT GRANTS.—

''(1) IN GENERAL.—The Administrator is authorized to make grants for the improvement of public water systems of Indian Tribes, the District of Columbia, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and Guam and, if funds are appropriated to carry out this part for fiscal year 1995, the Republic of Palau.

''(2) ALASKA NATIVE VILLAGES.—In the case of a grant for a project under this subsection in an Alaska Native village, the Administrator is also authorized to make grants to the State of Alaska for the benefit of Native villages. An amount not to exceed 4 percent of the grant amount may be used by the State of Alaska for project management.

''(g) NEW SYSTEM CAPACITY.—Beginning in fiscal year 1999, the Administrator shall withhold the percentage prescribed in the following sentence of each capitalization grant made pursuant to this section to a State unless the State has met the requirements of section 1418(a). The percentage withheld shall be 5 percent for fiscal year 1999, 10 percent for fiscal year 2000, and 15 percent for each subsequent fiscal year.

''ELIGIBLE ASSISTANCE

''SEC. 1473. (a) IN GENERAL.—The amounts deposited into a State loan fund, including any amounts equal to the amounts of loan repayments and interest earned on the amounts deposited, may be used by the State to carry out projects that are consistent with this section.

''(b) PROJECTS ELIGIBLE FOR ASSISTANCE.—

''(1) IN GENERAL.—The amounts deposited into a State loan fund shall be used only for providing financial assistance for capital expenditures and associated costs (but excluding the cost of land acquisition unless the cost is incurred to acquire land for the construction of a treatment facility or for a consolidation project) for—

''(A) a project that will facilitate compliance with national primary drinking water regulations promulgated pursuant to section 1412;

''(B) a project that will facilitate the consolidation of public water systems or the use of an alternative source of water supply;

''(C) a project that will upgrade a drinking water treatment system; and

''(D) the development of a public water system to replace private drinking water supplies if the private water supplies pose a significant threat to human health.

''(2) OPERATOR TRAINING.—Associated costs eligible for assistance under this part include the costs of training and certifying the persons who will operate facilities that receive assistance pursuant to paragraph (1).

''(3) LIMITATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no assistance under this part shall be provided to a public water system that—

''(i) does not have the technical, managerial, and financial capability to ensure compliance with the requirements of this title; and

''(ii) has a history of—

''(I) past violations of any maximum contaminant level or treatment technique established by a regulation or a variance; or

''(II) significant noncompliance with monitoring requirements or any other requirement of a national primary drinking water regulation or variance.

''(B) RESTRUCTURING.—A public water system described in subparagraph (A) may receive assistance under this part if—

''(i) the owner or operator of the system agrees to undertake feasible and appropriate changes in operations (including ownership, management, accounting, rates, maintenance, consolidation, alternative water supply, or other procedures) if the State determines that such measures are necessary to ensure that the system has the technical, managerial, and financial capability to comply with the requirements of this title over the long term; and

''(ii) the use of the assistance will ensure compliance.

''(c) ELIGIBLE PUBLIC WATER SYSTEMS.—A State loan fund, *or the Administrator in the case of direct grants under section 1472(f)*, may provide financial assistance only to community water systems, publicly owned water systems (other than systems owned by Federal agencies), and nonprofit noncommunity water systems.

''(d) TYPES OF ASSISTANCE.—Except as otherwise limited by State law, the amounts deposited into a State loan fund under this section may be used only—

''(1) to make loans, on the condition that—

''(A) the interest rate for each loan is less than or equal to the market interest rate, including an interest free loan;

''(B) principal and interest payments on each loan will commence not later than 1 year after completion of the project for which the loan was made, and each loan will be fully amortized not later than 20 years after the completion of the project, except that in the case of a disadvantaged community (as defined in subsection (e)(1)), a State may provide an extended term for a loan, if the extended term—

''(i) terminates not later than the date that is 30 years after the date of project completion; and

''(ii) does not exceed the expected design life of the project;

''(C) the recipient of each loan will establish a dedicated source of revenue for the repayment of the loan; and

''(D) the State loan fund will be credited with all payments of principal and interest on each loan;

''(2) to buy or refinance the debt obligation of a municipality or an intermunicipal or interstate agency within the State at an interest rate that is less than or equal to the market interest rate in any case in which a debt obligation is incurred after October 14, 1993, or to refinance a debt obligation for a project constructed to comply with a regulation established pursuant to an amendment to this title made by the Safe Drinking Water Act Amendments of 1986 (Public Law 99–339; 100 Stat. 642);

''(3) to guarantee, or purchase insurance for, a local obligation (all of the proceeds of which finance a project eligible for assistance under subsection (b)) if the guarantee or purchase would improve credit market access or reduce the interest rate applicable to the obligation;

''(4) as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State if the proceeds of the sale of the bonds will be deposited into the State loan fund;

''(5) as a source of revenue or security for the payment of interest on a local obligation (all of the proceeds of which finance a project eligible for assistance under subsection (b)); and

''(6) to earn interest on the amounts deposited into the State loan fund.

''(e) ASSISTANCE FOR DISADVANTAGED COMMUNITIES.—

''(1) DEFINITION OF DISADVANTAGED COMMUNITY.—In this subsection, the term 'disadvantaged community' means the service area of a public water system that meets affordability criteria established after public review and comment by the State in which the public water system is located. The Administrator may publish information to assist States in establishing affordability criteria.

''(2) LOAN SUBSIDY.—Notwithstanding subsection (d), in any case in which the State makes a loan pursuant to subsection (d) to a disadvantaged community or to a community that the State expects to become a disadvantaged community as the result of a proposed project, the State may provide additional subsidization (including forgiveness of principal).

''(3) TOTAL AMOUNT OF SUBSIDIES.—For each fiscal year, the total amount of loan subsidies made by a State pursuant to paragraph (2) may not exceed 30 percent of the amount of the capitalization grant received by the State for the year.

''(f) SOURCE WATER QUALITY PROTECTION AND CAPACITY DEVELOPMENT.—

''(1) IN GENERAL.—Notwithstanding subsection (b)(1), a State may—

''(A) provide assistance, only in the form of a loan, to—

''(i) any public water system described in subsection (c) to acquire land or a conservation easement *from a willing seller or grantor*, if the purpose of the acquisition is to protect the source water of the system from contamination; or

''(ii) any community water system described in subsection (c) to provide funding in accordance with section 1419(d)(1)(C)(i);

''(B) provide assistance, including technical and financial assistance, to any public water system as part of a capacity development strategy developed and implemented in accordance with section 1418(c); and

''(C) make expenditures from the capitalization grant of the State for fiscal years 1996 and 1997 to delineate and assess source water protection areas in accordance with section 1419, except that funds set aside for such expenditure shall be obligated within 4 fiscal years.

''(2) LIMITATION.—For each fiscal year, the total amount of assistance provided and expenditures made by a State under this subsection may not exceed [10] *15* percent of the amount of the capitalization grant received by the State for that [year.] *year and may not exceed 10 percent of that amount for any one of the following activities:*

''(A) To acquire land or conservation easements pursuant to paragraph (1)(A)(i).

''(B) To provide funding to implement recommendations of source water quality protection partnerships pursuant to paragraph (1)(A)(ii).

''(C) To provide assistance through a capacity development strategy pursuant to paragraph (1)(B).

''(D) To make expenditures to delineate or assess source water protection areas pursuant to paragraph (1)(C).

''STATE LOAN FUND ADMINISTRATION

''SEC. 1474. (a) ADMINISTRATION, TECHNICAL ASSISTANCE, AND MANAGEMENT.—

''(1) ADMINISTRATION.—Each State that has a State loan fund is authorized to expend from the annual capitalization grant of the State a reasonable amount, not to exceed 4 percent of the capitalization grant made to the State, for the costs of the administration of the State loan fund.

''(2) STATE PROGRAM MANAGEMENT ASSISTANCE.—

''(A) IN GENERAL.—Each State that has a loan fund is authorized to expend from the annual capitalization grant of the State an amount, determined pursuant to this paragraph, to carry out the public water system supervision program under section 1443(a) and to—

''(i) administer, or provide technical assistance through, source water quality protection programs, including a partnership program under section 1419; and

''(ii) develop and implement a capacity development strategy under section 1418(c) in the State.

''(B) LIMITATION.—Amounts expended by a State pursuant to this paragraph for any fiscal year may not exceed an amount that is equal to the amount of the grant funds available to the State for that fiscal year under section 1443(a).

''(C) STATE FUNDS.—For any fiscal year, funds may not be expended pursuant to this paragraph unless the Administrator determines that the amount of State funds made available to carry out the public water system supervision program under section 1443(a) for the fiscal year is not less than the amount of State funds made available to carry out the program for fiscal year 1993.

''(b) INTENDED USE PLANS.—

''(1) IN GENERAL.—After providing for public review and comment, each State that has entered into a capitalization agreement pursuant to this part shall annually prepare a plan that identifies the intended uses of the amounts available to the State loan fund of the State.

''(2) CONTENTS.—An intended use plan shall include—

''(A) a list of the projects to be assisted in the first fiscal year that begins after the date of the plan, including a description of the project, the expected terms of financial assistance, and the size of the community served;

''(B) the criteria and methods established for the distribution of funds; and

''(C) a description of the financial status of the State loan fund and the short-term and long-term goals of the State loan fund.

''(3) USE OF FUNDS.—

''(A) IN GENERAL.—An intended use plan shall provide, to the maximum extent practicable, that priority for the use of funds be given to projects that—

''(i) address the most serious risk to human health;

''(ii) are necessary to ensure compliance with the requirements of this title (including requirements for filtration); and

''(iii) assist systems most in need on a per household basis according to State affordability criteria.

''(B) LIST OF PROJECTS.—Each State shall, after notice and opportunity for public comment, publish and periodically update a list of projects in the State that are eligible for assistance under this part, including the priority assigned to each project and, to the extent known, the expected funding schedule for each project.

''STATE LOAN FUND MANAGEMENT

''SEC. 1475. (a) IN GENERAL.—Not later than 1 year after the date of enactment of this part, and annually thereafter, the Administrator shall conduct such reviews and audits as the Administrator considers appropriate, or require each State to have the reviews and audits independently conducted, in accordance with the single audit requirements of chapter 75 of title 31, United States Code.

''(b) STATE REPORTS.—Not later than 2 years after the date of enactment of this part, and every 2 years thereafter, each State that administers a State loan fund shall publish and submit to the Administrator a report on the activities of the State under this part, including the findings of the most recent audit of the State loan fund.

''(c) DRINKING WATER NEEDS SURVEY AND ASSESSMENT.—Not later than 1 year after the date of enactment of this part, and every 4 years thereafter, the Administrator shall submit to Congress a survey and assessment of the needs for facilities in each State eligible for assistance under this part. The survey and assessment conducted pursuant to this subsection shall—

''(1) identify, by State, the needs for projects or facilities owned or controlled by community water systems eligible for assistance under this part on the date of the assessment (other than refinancing for a project pursuant to section 1473(d)(2));

''(2) estimate the needs for eligible facilities over the 20-year period following the date of the assessment;

''(3) identify, by size category, the population served by public water systems with needs identified pursuant to paragraph (1); and

''(4) include such other information as the Administrator determines to be appropriate.

''(d) EVALUATION.—The Administrator shall conduct an evaluation of the effectiveness of the State loan funds through fiscal year 1999. The evaluation shall be submitted to Congress at the same time as the President submits to Congress, pursuant to section 1108 of title 31, United States Code, an appropriations request for fiscal year 2001 relating to the budget of the Environmental Protection Agency.

''ENFORCEMENT

''SEC. 1476. The failure or inability of any public water system to receive funds under this part or any other loan or grant program, or any delay in obtaining the funds, shall not alter the obligation of the system to comply in a timely manner with all applicable drinking water standards and requirements of this title.

''REGULATIONS AND GUIDANCE

''SEC. 1477. The Administrator shall publish such guidance and promulgate such regulations as are necessary to carry out this part, including guidance and regulations to ensure that—

''(1) each State commits and expends funds from the State loan fund in accordance with the requirements of this part and applicable Federal and State laws; and

''(2) the States and eligible public water systems that receive funds under this part use accounting procedures that conform to generally accepted accounting principles, auditing procedures that conform to chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act of 1984'), and such fiscal procedures as the Administrator may prescribe.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 1478. (a) GENERAL AUTHORIZATION.—There are authorized to be appropriated to the Environmental Protection Agency to carry out this part $600,000,000 for fiscal year 1994 and $1,000,000,000 for each of fiscal years 1995 through 2003.

''(b) HEALTH EFFECTS RESEARCH.—From funds appropriated pursuant to this section for each fiscal year, the Administrator shall reserve $10,000,000 for health effects research on drinking water contaminants authorized by section 1442. In allocating funds made available under this subsection, the Administrator shall give priority to research concerning the health effects of cryptosporidium, disinfection byproducts, and arsenic, and the implementation of a research plan for subpopulations at greater risk of adverse effects pursuant to section 1442(l).

''(c) MONITORING FOR UNREGULATED CONTAMINANTS.—From funds appropriated pursuant to this section for each fiscal year beginning with fiscal year 1997, the Administrator shall reserve $2,000,000 to pay the costs of monitoring for unregulated contaminants under section 1445(a)(2)(D).

''(d) SMALL SYSTEM TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—Subject to paragraph (2), from funds appropriated pursuant to this section for each fiscal year for which the appropriation made pursuant to subsection (a) exceeds $800,000,000, the Administrator shall reserve to carry out section 1442(g) an amount that is equal to any amount by which the amount made available to carry out section 1442(g) is less than the amount referred to in the third sentence of section 1442(g).

''(2) MAXIMUM AMOUNT.—For each fiscal year, the amount reserved under paragraph (1) shall be not greater than an amount equal to the lesser of—

''(A) 2 percent of the funds appropriated pursuant to this section for the fiscal year; or

''(B) $10,000,000.''.

SEC. 4. SELECTION OF CONTAMINANTS; SCHEDULE.

(a) STANDARDS.—Section 1412(b) (42 U.S.C. 300g–1(b)) is amended by striking ''(b)(1)'' and all that follows through the end of paragraph (3) and inserting the following:

''(b) STANDARDS.—

''(1) IDENTIFICATION OF CONTAMINANTS FOR LISTING.—

''(A) GENERAL AUTHORITY.—The Administrator shall publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for each contaminant (other than a contaminant referred to in paragraph (2) for which a national primary drinking water regulation has been promulgated as of the date of enactment of the Safe Drinking Water Act Amendments of 1995) if the Administrator determines, based on adequate data and appropriate peer-reviewed scientific information and an assessment of health risks, conducted in accordance with sound and objective scientific practices, that—

''(i) the contaminant may have an adverse effect on the health of persons; and

''(ii) the contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern.

''(B) SELECTION AND LISTING OF CONTAMINANTS FOR CONSIDERATION.—

''(i) IN GENERAL.—Not later than July 1, [1996] *1997*, the Administrator (after consultation with the Secretary of Health and Human Services) shall publish and periodically, but not less often than every 5 years,

update a list of contaminants that are known or anticipated to occur in drinking water provided by public water systems and that may warrant regulation under this title.

''(ii) RESEARCH AND STUDY PLAN.—At such time as a list is published under clause (i), the Administrator shall describe available and needed information and research with respect to—

''(I) the health effects of the contaminants;

''(II) the occurrence of the contaminants in drinking water; and

''(III) treatment techniques and other means that may be feasible to control the contaminants.

''(iii) COMMENT.—The Administrator shall seek comment on each list and any research plan that is published from officials of State and local governments, operators of public water systems, the scientific community, and the general public.

''(C) DETERMINATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), not later than July 1, 2001, and every 5 years thereafter, the Administrator shall take one of the following actions for not fewer than 5 contaminants:

''(I) Publish a determination that information available to the Administrator does not warrant the issuance of a national primary drinking water regulation.

''(II) Publish a determination that a national primary drinking water regulation is warranted based on information available to the Administrator, and proceed to propose a maximum contaminant level goal and national primary drinking water regulation not later than 2 years after the date of publication of the determination.

''(III) Propose a maximum contaminant level goal and national primary drinking water regulation.

''(ii) INSUFFICIENT INFORMATION.—If the Administrator determines that available information is insufficient to make a determination for a contaminant under clause (i), the Administrator may publish a determination to continue to study the contaminant. Not later than 5 years after the Administrator determines that further study is necessary for a contaminant pursuant to this clause, the Administrator shall make a determination under clause (i).

''(iii) ASSESSMENT.—The determinations under clause (i) shall be based on an assessment of—

''(I) the available scientific knowledge that is consistent with the requirements of paragraph (3)(A) and useful in determining the nature and extent of adverse effects on the health of persons that may occur due to the presence of the contaminant in drinking water;

''(II) information on the occurrence of the contaminant in drinking water; and

''(III) the treatment technologies, treatment techniques, or other means that may be feasible in reducing the contaminant in drinking water provided by public water systems.

''(iv) PRIORITIES.—In making determinations under this subparagraph, the Administrator shall give priority to those contaminants not currently regulated that are associated with the most serious adverse health effects and that present the greatest potential risk to the health of persons due to the presence of the contaminant in drinking water provided by public water systems.

''(v) REVIEW.—Each document setting forth the determination for a contaminant under clause (i) shall be available for public comment [before] *at such time as* the determination is published.

''(vi) JUDICIAL REVIEW.—Determinations made by the Administrator pursuant to clause (i)(I) shall be considered final agency actions for the purposes of section 1448. No determination under clause (i)(I) shall be set aside by a court pursuant to a review authorized under that section [or other law,] unless the court finds that the determination is arbitrary and capricious.

''(D) URGENT THREATS TO PUBLIC HEALTH.—The Administrator may promulgate an interim national primary drinking water regulation for a contaminant without listing the contaminant under subparagraph (B) or publishing a determination for the contaminant under subparagraph (C) to address an urgent threat to public health as determined by the Administrator after consultation with and written response to any comments provided by the Secretary of Health and Human Services, acting through the director of the Centers for Disease Control and Prevention or the director of the National Institutes of Health. A determination for any contaminant in accordance with subparagraph (C) subject to an interim regulation under this subparagraph shall be issued not later than 3 years after the date on which the regulation is promulgated and the regulation shall be repromulgated, or revised if appropriate, not later than 5 years after that date.

''(E) MONITORING DATA AND OTHER INFORMATION.—The Administrator may require, in accordance with section 1445(a)(2), the submission of monitoring data and other information necessary for the development of studies, research plans, or national primary drinking water regulations.

''(2) SCHEDULES AND DEADLINES.—

''(A) IN GENERAL.—In the case of the contaminants listed in the Advance Notice of Proposed Rulemaking published in volume 47, Federal Register, page 9352, and in volume 48, Federal Register, page 45502, the Administrator shall publish maximum contaminant level goals and promulgate national primary drinking water regulations—

''(i) not later than 1 year after June 19, 1986, for not fewer than 9 of the listed contaminants;

''(ii) not later than 2 years after June 19, 1986, for not fewer than 40 of the listed contaminants; and

''(iii) not later than 3 years after June 19, 1986, for the remainder of the listed contaminants.

''(B) SUBSTITUTION OF CONTAMINANTS.—If the Administrator identifies a drinking water contaminant the regulation of which, in the judgment of the Administrator, is more likely to be protective of public health (taking into account the schedule for regulation under subparagraph (A)) than a contaminant referred to in subparagraph (A), the Administrator may publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for the identified contaminant in lieu of regulating the contaminant referred to in subparagraph (A). Substitutions may be made for not more than 7 contaminants referred to in subparagraph (A). Regulation of a contaminant identified under this subparagraph shall be in accordance with the schedule applicable to the contaminant for which the substitution is made.

''(C) DISINFECTANTS AND DISINFECTION BYPRODUCTS.—

''(i) INFORMATION COLLECTION RULE.—

''(I) IN GENERAL.—Not later than December 31, 1995, the Administrator shall, after notice and opportunity for public comment, promulgate an information collection rule to obtain information that will facilitate further revisions to the national primary drinking water regulation for disinfectants and disinfection byproducts, including information on microbial contaminants such as cryptosporidium.

''(II) EXTENSION.—The Administrator may extend the deadline under subclause (I) for up to 180 days if the Administrator determines that progress toward approval of an appropriate analytical method to screen for cryptosporidium is sufficiently advanced and approval is likely to be completed within the additional time period.

''(ii) ADDITIONAL DEADLINES.—The time intervals between promulgation of a final information collection rule, an Interim Enhanced Surface Water Treatment Rule, a Final Enhanced Surface Water Treatment Rule, a Stage I Disinfectants and Disinfection Byproducts Rule, and a Stage II Disinfectants and Disinfection Byproducts Rule shall be in accordance with the schedule published in volume 59, Federal Register, page 6361 (February 10, 1994), in table III.13 of the proposed Information Collection Rule. If a delay occurs with respect to the promulgation of any rule in the timetable established by this subparagraph, all subsequent rules shall be completed as expeditiously as practicable subject to agreement by all the parties to the negotiated rulemaking, but no later than a revised date that reflects the interval or intervals for the rules in the timetable.

''(D) PRIOR REQUIREMENTS.—The requirements of subparagraphs (C) and (D) of section 1412(b)(3) (as in effect before the amendment made by section 4(a) of the Safe Drinking Water Act Amendments of 1995), and any obligation to promulgate regulations pursuant to such subparagraphs not promulgated as of the date of enactment of the Safe Drinking Water Act Amendments of 1995, are superseded by this paragraph and paragraph (1).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1412(a)(3) (42 U.S.C. 300g–1(a)(3)) is amended by striking ''paragraph (1), (2), or (3) of subsection (b)'' each place it appears and inserting ''paragraph (1) or (2) of subsection (b)''.

(2) Section 1415(d) (42 U.S.C. 300g–4(d)) is amended by striking ''section 1412(b)(3)'' and inserting ''section 1412(b)(7)(A)''.

SEC. 5. RISK ASSESSMENT, MANAGEMENT, AND COMMUNICATION.

Section 1412(b) (42 U.S.C. 300g–1(b)) (as amended by section 4) is further amended by inserting after paragraph (2) the following:

''(3) RISK ASSESSMENT, MANAGEMENT AND COMMUNICATION.—

''(A) USE OF SCIENCE IN DECISIONMAKING.—In carrying out this title, the Administrator shall use—

''(i) the best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices; and

''(ii) data collected by accepted methods or best available methods (if the reliability of the method and the nature of the decision justifies use of the data).

''(B) PUBLIC INFORMATION.—In carrying out this section, the Administrator shall ensure that the presentation of information on public health effects is comprehensive, informative and understandable. The Administrator shall, in a document made available to the public in support of a regulation promulgated under this section, specify, to the extent practicable—

''(i) each population addressed by any estimate of public health effects;

''(ii) the expected risk or central estimate of risk for the specific populations;

''(iii) each appropriate upper-bound or lower-bound estimate of risk;

''(iv) each uncertainty identified in the process of the assessment of public health effects and research that would assist in resolving the uncertainty; and

''(v) peer-reviewed studies known to the Administrator that support, are directly relevant to, or fail to support any estimate of public health effects and the methodology

used to reconcile inconsistencies in the scientific data.

''(C) HEALTH RISK REDUCTION AND COST ANALYSIS.—

''(i) MAXIMUM CONTAMINANT LEVELS.—Not later than 90 days prior to proposing any national primary drinking water regulation that includes a maximum contaminant level, the Administrator shall, with respect to a maximum contaminant level that would be considered in accordance with paragraph (4) in a proposed regulation and each alternative maximum contaminant level that would be considered in a proposed regulation pursuant to paragraph (5) or (6)(A), publish, seek public comment on, and use for the purposes of paragraphs (4), (5), and (6) an analysis of—

''(I) the health risk reduction benefits (including non-quantifiable health benefits identified and described by the Administrator, except that such benefits shall not be used by the Administrator for purposes of determining whether a maximum contaminant level is or is not justified unless there is a factual basis in the rulemaking record to conclude that such benefits are likely to occur) expected as the result of treatment to comply with each level;

''(II) the health risk reduction benefits (including non-quantifiable health benefits identified and described by the Administrator, except that such benefits shall not be used by the Administrator for purposes of determining whether a maximum contaminant level is or is not justified unless there is a factual basis in the rulemaking record to conclude that such benefits are likely to occur) expected from reductions in co-occurring contaminants that may be attributed solely to compliance with the maximum contaminant level, excluding benefits resulting from compliance with other proposed or promulgated regulations;

''(III) the costs (including non-quantifiable costs identified and described by the Administrator, except that such costs shall not be used by the Administrator for purposes of determining whether a maximum contaminant level is or is not justified unless there is a factual basis in the rulemaking record to conclude that such costs are likely to occur) expected solely as a result of compliance with the maximum contaminant level, including monitoring, treatment, and other costs and excluding costs resulting from compliance with other proposed or promulgated regulations;

''(IV) the incremental costs and benefits associated with each alternative maximum contaminant level considered;

''(V) the effects of the contaminant on the general population and on groups within the general population such as infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations that are identified as likely to be at greater risk of adverse health effects due to exposure to contaminants in drinking water than the general population;

''(VI) any increased health risk that may occur as the result of compliance, including risks associated with co-occurring contaminants; and

''(VII) other relevant factors, including the quality and extent of the information, the uncertainties in the analysis supporting subclauses (I) through (VI), and factors with respect to the degree and nature of the risk.

''(ii) TREATMENT TECHNIQUES.—Not later than 90 days prior to proposing a national primary drinking water regulation that includes a treatment technique in accordance with paragraph (7)(A), the Administrator shall publish and seek public comment on an analysis of the health risk reduction benefits and costs likely to be experienced as the result of compliance with the treatment technique and alternative treatment techniques that would be considered in a proposed regulation, taking into account, as appropriate, the factors described in clause (i).

''(iii) APPROACHES TO MEASURE AND VALUE BENEFITS.—The Administrator may identify valid approaches for the measurement and valuation of benefits under this subparagraph, including approaches to identify consumer willingness to pay for reductions in health risks from drinking water contaminants.

''(iv) FORM OF NOTICE.—Whenever a national primary drinking water regulation is expected to result in compliance costs greater than $75,000,000 per year, the Administrator shall provide the notice required by clause (i) or (ii) through an advanced notice of proposed rulemaking.

''(v) AUTHORIZATION.—There are authorized to be appropriated to the Administrator, acting through the Office of Ground Water and Drinking Water, to conduct studies, assessments, and analyses in support of regulations or the development of methods, $35,000,000 for each of fiscal years 1996 through 2003.''.

SEC. 6. STANDARD-SETTING; REVIEW OF STANDARDS.

(a) IN GENERAL.—Section 1412(b) (42 U.S.C. 300g–1(b)) is amended—

(1) in paragraph (4)—

(A) by striking ''(4) Each'' and inserting the following:

''(4) GOALS AND STANDARDS.—

''(A) MAXIMUM CONTAMINANT LEVEL GOALS.—Each'';

(B) in subparagraph (A) (as so designated), by inserting after the first sentence the following: ''The maximum contaminant level goal for contaminants that are known or likely to cause cancer in humans may be set at a level other than zero, if the Administrator determines, based on the best available, peer-reviewed science, that there is a threshold level below which there is unlikely to be any increase in cancer risk and the Administrator sets the maximum contaminant level goal at that level with an adequate margin of safety.'';

(C) in the last sentence—

(i) by striking ''Each national'' and inserting the following:

''(B) MAXIMUM CONTAMINANT LEVELS.— Except as provided in paragraphs (5) and (6), each national''; and

(ii) by striking ''maximum level'' and inserting ''maximum contaminant level''; and

(D) by adding at the end the following:

''(C) DETERMINATION.—At the time the Administrator proposes a national primary drinking water regulation under this paragraph, the Administrator shall publish a determination as to whether the benefits of the maximum contaminant level justify, or do not justify, the costs based on the analysis conducted under paragraph (3)(C).'';

(2) by striking ''(5) For the'' and inserting the following:

''(D) DEFINITION OF FEASIBLE.—For the'';

(3) in the second sentence of paragraph (4)(D) (as so designated), by striking ''paragraph (4)'' and inserting ''this paragraph'';

(4) by striking ''(6) Each national'' and inserting the following:

''(E) FEASIBLE TECHNOLOGIES.—Each national'';

(5) in paragraph (4)(E) (as so designated), by striking ''this paragraph'' and inserting ''this subsection''; and

(6) by inserting after paragraph (4) (as so amended) the following:

''(5) ADDITIONAL HEALTH RISK CONSIDERATIONS.—

''(A) IN GENERAL.—Notwithstanding paragraph (4), the Administrator may establish a maximum contaminant level for a contaminant at a level other than the feasible level, if the technology, treatment techniques, and other means used to determine the feasible level would result in an increase in the health risk from drinking water by—

''(i) increasing the concentration of other contaminants in drinking water; or

''(ii) interfering with the efficacy of drinking water treatment techniques or processes that are used to comply with other national primary drinking water regulations.

''(B) ESTABLISHMENT OF LEVEL.—If the Administrator establishes a maximum contaminant level or levels or requires the use of treatment techniques for any contaminant or contaminants pursuant to the authority of this paragraph—

''(i) the level or levels or treatment techniques shall minimize the overall risk of adverse health effects by balancing the risk from the contaminant and the risk from other contaminants the concentrations of which may be affected by the use of a treatment technique or process that would be employed to attain the maximum contaminant level or levels; and

''(ii) the combination of technology, treatment techniques, or other means required to meet the level or levels shall not be more stringent than is feasible (as defined in paragraph (4)(D)).

''(6) ADDITIONAL HEALTH RISK REDUCTION AND COST CONSIDERATIONS.—

''(A) IN GENERAL.—Notwithstanding paragraph (4), if the Administrator determines based on an analysis conducted under paragraph (3)(C) that the benefits of a maximum contaminant level promulgated in accordance with paragraph (4) would not justify the costs of complying with the level, the Administrator may, after notice and opportunity for public comment, promulgate a maximum contaminant level for the contaminant that maximizes health risk reduction benefits at a cost that is justified by the benefits.

''(B) EXCEPTION.—The Administrator shall not use the authority of this paragraph to promulgate a maximum contaminant level for a contaminant, if the benefits of compliance with a national primary drinking water regulation for the contaminant that would be promulgated in accordance with paragraph (4) experienced by—

''(i) persons served by large public water systems; and

''(ii) persons served by such other systems as are unlikely, based on information provided by the States, to receive a variance under section 1415(e);

would justify the costs to the systems of complying with the regulation. This subparagraph shall not apply if the contaminant is found almost exclusively in small systems (as defined in section 1415(e)).

''(C) DISINFECTANTS AND DISINFECTION BYPRODUCTS.—The Administrator may not use the authority of this paragraph to establish a maximum contaminant level in a Stage I or Stage II national primary drinking water regulation for contaminants that are disinfectants or disinfection byproducts (as described in paragraph (2)), or to establish a maximum contaminant level or treatment technique requirement for the control of cryptosporidium. The authority of this paragraph may be used to establish regulations for the use of disinfection by systems relying on ground water sources as required by paragraph (8).

''(D) JUDICIAL REVIEW.—A determination by the Administrator that the benefits of a maximum contaminant level or treatment requirement justify or do not justify the costs of complying with the level shall be reviewed by the court pursuant to section 1448 only as part of a review of a final national primary drinking water regulation that has

been promulgated based on the determination and shall not be set aside by the court under that section, unless the court finds that the determination is arbitrary and capricious.''.

(b) DISINFECTANTS AND DISINFECTION BYPRODUCTS.—The Administrator of the Environmental Protection Agency may use the authority of section 1412(b)(5) of the Public Health Service Act (as amended by subsection (a)) to promulgate the Stage I rulemaking for disinfectants and disinfection byproducts as proposed in volume 59, Federal Register, page 38668 (July 29, 1994). Unless new information warrants a modification of the proposal as provided for in the ''Disinfection and Disinfection Byproducts Negotiated Rulemaking Committee Agreement'', nothing in such section shall be construed to require the Administrator to modify the provisions of the rulemaking as proposed.

(c) REVIEW OF STANDARDS.—Section 1412(b) (42 U.S.C. 300g–1(b)) is amended by striking paragraph (9) and inserting the following:

''(9) REVIEW AND REVISION.—The Administrator shall, not less often than every 6 years, review and revise, as appropriate, each national primary drinking water regulation promulgated under this title. Any revision of a national primary drinking water regulation shall be promulgated in accordance with this section, except that each revision shall maintain or provide for greater protection of the health of persons.''.

SEC. 7. ARSENIC.

Section 1412(b) (42 U.S.C. 300g–1(b)) is amended by adding at the end the following:

''(12) ARSENIC.—

''(A) SCHEDULE AND STANDARD.—Notwithstanding paragraph (2), the Administrator shall promulgate a national primary drinking water regulation for arsenic in accordance with the schedule established by this paragraph and pursuant to this subsection.

''(B) RESEARCH PLAN.—Not later than 180 days after the date of enactment of this paragraph, the Administrator shall develop a comprehensive plan for research in support of drinking water rulemaking to reduce the uncertainty in assessing health risks associated with exposure to low levels of arsenic. The Administrator shall consult with the Science Advisory Board established by section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), other Federal agencies, and interested public and private entities.

''(C) RESEARCH PROJECTS.—The Administrator shall carry out the research plan, taking care to avoid duplication of other research in progress. The Administrator may enter into cooperative research agreements with other Federal agencies, State and local governments, and other interested public and private entities to carry out the research plan.

''(D) ASSESSMENT.—Not later than 3½ years after the date of enactment of this paragraph, the Administrator shall review the progress of the research to determine whether the health risks associated with exposure to low levels of arsenic are sufficiently well understood to proceed with a national primary drinking water regulation. The Administrator shall consult with the Science Advisory Board, other Federal agencies, and other interested public and private entities as part of the review.

''(E) PROPOSED REGULATION.—The Administrator shall propose a national primary drinking water regulation for arsenic not later than January 1, 2000.

''(F) FINAL REGULATION.—Not later than January 1, 2001, after notice and opportunity for public comment, the Administrator shall promulgate a national primary drinking water regulation for arsenic.''.

SEC. 8. RADON.

Section 1412(b) (42 U.S.C. 300g–1(b)) (as amended by section 7) is further amended by adding at the end the following:

''(13) RADON IN DRINKING WATER.—

''(A) REGULATION.—Notwithstanding paragraph (2), not later than 180 days after the date of enactment of this paragraph, the Administrator shall promulgate a national primary drinking water regulation for radon.

''(B) MAXIMUM CONTAMINANT LEVEL.—Notwithstanding any other provision of law, the regulation shall provide for a maximum contaminant level for radon of 3,000 picocuries per liter.

''(C) REVISION.—

''(i) IN GENERAL.—Subject to clause (ii), a revision to the regulation promulgated under subparagraph (A) may be made pursuant to this subsection. *The revision may include a maximum contaminant level less stringent than 3,000 picocuries per liter as provided in paragraphs (4) and (9) or a maximum contaminant level more stringent than 3,000 picocuries per liter as provided in clause (ii).*

''(ii) MAXIMUM CONTAMINANT LEVEL.—

''(I) CRITERIA FOR REVISION.—The Administrator shall not revise the maximum contaminant level for radon to a more stringent level than the level established under subparagraph (B) unless—

''(aa) the revision is made to reflect consideration of risks from the ingestion of radon in drinking water and episodic uses of drinking water;

''(bb) the revision is supported by peer-reviewed scientific studies conducted in accordance with sound and objective scientific practices; and

''(cc) based on the studies, the National Academy of Sciences and the Science Advisory Board, established by section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), consider a revision of the maximum contaminant level to be appropriate.

''(II) AMOUNT OF REVISION.—If the Administrator determines to revise the maximum contaminant level for radon in accordance with subclause (I), the maximum contaminant level shall be revised to a level that is no more stringent than is necessary to reduce risks to human health from radon in drinking water to a level that is equivalent to risks to human health from radon in outdoor air based on the national average concentration of radon in outdoor air.''.

SEC. 9. SULFATE.

Section 1412(b) (42 U.S.C. 300g–1(b)) (as amended by section 8) is further amended by adding at the end the following:

''(14) SULFATE.—

''(A) IN GENERAL.—In the absence of scientific evidence suggesting new or more serious health effects than are suggested by the evidence available on the date of enactment of this paragraph, for the purposes of promulgation of a national primary drinking water regulation for sulfate, notwithstanding the requirements of paragraphs (4) and (7), the Administrator shall specify in the regulation—

''(i) a requirement for best technology or other means under this subsection; and

''(ii) requirements for public notification and options for the provision of alternative water supplies to populations at risk as an alternative means of complying with the regulation.

''(B) SCHEDULE.—Notwithstanding paragraph (2), the regulation referred to in subparagraph (A) shall be promulgated not later than 2 years after the date of enactment of this paragraph.

''(C) AUTHORITY.—Paragraph (6) shall apply to the national primary drinking water regulation for sulfate first promulgated after the date of enactment of this paragraph only if the Administrator reproposes the national primary drinking water regulation for sulfate after that date based on evidence suggesting new or more serious health effects as described in subparagraph (A).

''(D) EFFECT ON OTHER LAWS.—

''(i) FEDERAL LAWS.—Notwithstanding part C, section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), subtitle C or D of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.), or section 107 or 121(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607 and 9621(d)), no national primary drinking water regulation for sulfate shall be—

''(I) used as a standard for determining compliance with any provision of any law other than this subsection;

''(II) used as a standard for determining appropriate cleanup levels or whether cleanup should be undertaken with respect to any facility or site;

''(III) considered to be an applicable or relevant and appropriate requirement for any such cleanup; or

''(IV) used for the purpose of defining injury to a natural resource;

unless the Administrator, by rule and after notice and opportunity for public comment, determines that the regulation is appropriate for a use described in subclause (I), (II), (III), or (IV).

''(ii) STATE LAWS.—This subparagraph shall not affect any requirement of State law, including the applicability of any State standard similar to the regulation published under this paragraph as a standard for any cleanup action, compliance action, or natural resource damage action taken pursuant to such a law.''.

SEC. 10. FILTRATION AND DISINFECTION.

(a) FILTRATION TECHNOLOGY FOR SMALL SYSTEMS.—Section 1412(b)(7)(C) (42 U.S.C. 300g–1(b)(7)(C)) is amended by adding at the end the following:

''(v) FILTRATION TECHNOLOGY FOR SMALL SYSTEMS.—At the same time as the Administrator proposes an Interim Enhanced Surface Water Treatment Rule pursuant to paragraph (2)(C)(ii), the Administrator shall propose a regulation that describes treatment techniques that meet the requirements for filtration pursuant to this subparagraph and are feasible for community water systems serving a population of 3,300 or fewer and noncommunity water systems.''.

(b) GROUND WATER DISINFECTION.—The first sentence of section 1412(b)(8) (42 U.S.C. 300g–1(b)(8)) is amended—

(1) by striking ''Not later than 36 months after the enactment of the Safe Drinking Water Act Amendments of 1986, the Administrator shall propose and promulgate'' and inserting [''At the time that] *At any time after the end of the 3-year period that begins on the date of enactment of the Safe Drinking Water Act Amendments of 1995 but not later than the date on which* the Administrator promulgates a Stage II rulemaking for disinfectants and disinfection byproducts (as described in paragraph (2)), the Administrator shall also promulgate''; and

(2) by striking the period at the end and inserting the following: '', including surface water systems and, as necessary, ground water systems. After consultation with the States, the Administrator shall (as part of the regulations) promulgate criteria that the Administrator, or a State that has primary enforcement responsibility under section 1413, shall apply to determine whether disinfection shall be required as a treatment technique for any public water system served by ground water.''.

SEC. 11. EFFECTIVE DATE FOR REGULATIONS.

Section 1412(b) (42 U.S.C. 300g–1(b)) is amended by striking paragraph (10) and inserting the following:

''(10) EFFECTIVE DATE.—A national primary drinking water regulation promulgated under this section shall take effect on the date that is 3 years after the date on which the regulation is promulgated unless the Administrator determines that an earlier date is practicable, except that the Administrator, or a State in the case of an individual system, may allow up to 2 additional years to comply with a maximum contaminant level or treatment technique if the Administrator or State determines that additional time is necessary for capital improvements.''.

SEC. 12. TECHNOLOGY AND TREATMENT TECHNIQUES; TECHNOLOGY CENTERS.

(a) SYSTEM TREATMENT TECHNOLOGIES.—Section 1412(b) (42 U.S.C. 300g–1(b)) (as amended by section 9) is further amended by adding at the end the following:

''(15) SYSTEM TREATMENT TECHNOLOGIES.—

''(A) GUIDANCE OR REGULATIONS.—

''(i) IN GENERAL.—At the same time as the Administrator promulgates a national primary drinking *water* regulation pursuant to this section, the Administrator shall issue guidance or regulations describing all treatment technologies for the contaminant that is the subject of the regulation that are feasible with the use of best technology, treatment techniques, or other means that the Administrator finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available taking cost into consideration for public water systems serving—

''(I) a population of 10,000 or fewer but more than 3,300;

''(II) a population of 3,300 or fewer but more than 500; and

''(III) a population of 500 or fewer but more than 25.

''(ii) CONTENTS.—The guidance or regulations shall identify the effectiveness of the technology, the cost of the technology, and other factors related to the use of the technology, including requirements for the quality of source water to ensure adequate protection of human health, considering removal efficiencies of the technology, and installation and operation and maintenance requirements for the technology.

''(iii) LIMITATION.—The Administrator shall not issue guidance or regulations for a technology under this paragraph unless the technology adequately protects human health, considering the expected useful life of the technology and the source waters available to systems for which the technology is considered to be feasible.

''(B) REGULATIONS AND GUIDANCE.—Not later than 2 years after the date of enactment of this paragraph and after consultation with the States, the Administrator shall issue guidance or regulations under subparagraph (A) for each national primary drinking water regulation promulgated prior to the date of enactment of this paragraph for which a variance may be granted under section 1415(e). The Administrator may, at any time after a national primary drinking water regulation has been promulgated, issue guidance or regulations describing additional or new or innovative treatment technologies that meet the requirements of subparagraph (A) for public water systems described in subparagraph (A)(i) that are subject to the regulation.

''(C) NO SPECIFIED TECHNOLOGY.—A description under subparagraph (A) of the best technology or other means available shall not be considered to require or authorize that the specified technology or other means be used for the purpose of meeting the requirements of any national primary drinking water regulation.''.

(b) TECHNOLOGIES AND TREATMENT TECHNIQUES FOR SMALL SYSTEMS.—Section 1412(b)(4)(E) (as amended by section 6(a)) is further amended by adding at the end the following: ''The Administrator shall include in the list any technology, treatment technique, or other means that is feasible for small public water systems serving—

''(i) a population of 10,000 or fewer but more than 3,300;

''(ii) a population of 3,300 or fewer but more than 500; and

''(iii) a population of 500 or fewer but more than 25;

and that achieves compliance with the maximum contaminant level, including packaged or modular systems and point-of-entry treatment units that are controlled by the public water system to ensure proper operation and maintenance and compliance with the maximum contaminant level and equipped with mechanical warnings to ensure that customers are automatically notified of operational problems.''.

(c) AVAILABILITY OF INFORMATION ON SMALL SYSTEM TECHNOLOGIES.—Section 1445 (42 U.S.C. 300j–4) is amended by adding at the end the following:

''(g) AVAILABILITY OF INFORMATION ON SMALL SYSTEM TECHNOLOGIES.—For purposes of paragraphs (4)(E) and (15) of section 1412(b), the Administrator may request information on the characteristics of commercially available treatment systems and technologies, including the effectiveness and performance of the systems and technologies under various operating conditions. The Administrator may specify the form, content, and date by which information shall be submitted by manufacturers, States, and other interested persons for the purpose of considering the systems and technologies in the development of regulations or guidance under paragraph (4)(E) or (15) of section 1412(b).''.

(d) SMALL WATER SYSTEMS TECHNOLOGY CENTERS.—Section 1442 (42 U.S.C. 300j–1) is amended by adding at the end the following:

''(h) SMALL PUBLIC WATER SYSTEMS TECHNOLOGY ASSISTANCE CENTERS.—

''(1) GRANT PROGRAM.—The Administrator is authorized to make grants to institutions of higher learning to establish and operate not fewer than 5 small public water system technology assistance centers in the United States.

''(2) RESPONSIBILITIES OF THE CENTERS.—The responsibilities of the small public water system technology assistance centers established under this subsection shall include the conduct of research, training, and technical assistance relating to the information, performance, and technical needs of small public water systems or public water systems that serve Indian Tribes.

''(3) APPLICATIONS.—Any institution of higher learning interested in receiving a grant under this subsection shall submit to the Administrator an application in such form and containing such information as the Administrator may require by regulation.

''(4) SELECTION CRITERIA.—The Administrator shall select recipients of grants under this subsection on the basis of the following criteria:

''(A) The small public water system technology assistance center shall be located in a State that is representative of the needs of the region in which the State is located for addressing the drinking water needs of rural small communities or Indian Tribes.

''(B) The grant recipient shall be located in a region that has experienced problems with rural water supplies.

''(C) There is available to the grant recipient for carrying out this subsection demonstrated expertise in water resources research, technical assistance, and training.

''(D) The grant recipient shall have the capability to provide leadership in making national and regional contributions to the solution of both long-range and intermediate-range rural water system technology management problems.

''(E) The grant recipient shall have a demonstrated interdisciplinary capability with expertise in small public water system technology management and research.

''(F) The grant recipient shall have a demonstrated capability to disseminate the results of small public water system technology research and training programs through an interdisciplinary continuing education program.

''(G) The projects that the grant recipient proposes to carry out under the grant are necessary and appropriate.

''(H) The grant recipient has regional support beyond the host institution.

''(I) The grant recipient shall include the participation of water resources research institutes established under section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303).

''(5) ALASKA.—For purposes of this subsection, the State of Alaska shall be considered to be a region.

''(6) CONSORTIA OF STATES.—At least 2 of the grants under this subsection shall be made to consortia of States with low population densities. In this paragraph, the term 'consortium of States with low population densities' means a consortium of States, each State of which has an average population density of less than 12.3 persons per square mile, based on data for 1993 from the Bureau of the Census.

''(7) ADDITIONAL CONSIDERATIONS.—At least one center established under this subsection shall focus primarily on the development and evaluation of new technologies and new combinations of existing technologies that are likely to provide more reliable or lower cost options for providing safe drinking water. This center shall be located in a geographic region of the country with a high density of small systems, at a university with an established record of developing and piloting small treatment technologies in cooperation with industry, States, communities, and water system associations.

''(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this subsection $10,000,000 for each of fiscal years 1995 through 2003.''.

SEC. 13. VARIANCES AND EXEMPTIONS.

(a) TECHNOLOGY AND TREATMENT TECHNIQUES FOR SYSTEMS ISSUED VARIANCES.—The second sentence of section 1415(a)(1)(A) (42 U.S.C. 300g–4(a)(1)(A)) is amended—

(1) by striking ''only be issued to a system after the system's application of'' and inserting ''be issued to a system on condition that the system install''; and

(2) by inserting before the period at the end the following: '', and based upon an evaluation satisfactory to the State that indicates that alternative sources of water are not reasonably available to the system''.

(b) EXEMPTIONS.—Section 1416 (42 U.S.C. 300g–5) is amended—

(1) in subsection (a)(1)—

(A) by inserting after ''(which may include economic factors'' the following: '', including qualification of the public water system as a system serving a disadvantaged community pursuant to section 1473(e)(1)''; and

(B) by inserting after ''treatment technique requirement,'' the following: ''or to implement measures to develop an alternative source of water supply,'';

(2) in subsection (b)(1)(A)—

(A) by striking ''(including increments of progress)'' and inserting ''(including increments of progress or measures to develop an alternative source of water supply)''; and

(B) by striking ''requirement and treatment'' and inserting ''requirement or treatment''; and

(3) in subsection (b)(2)—

(A) by striking ''(except as provided in subparagraph (B))'' in subparagraph (A) and all that follows through ''3 years after the date of the issuance of the exemption if'' in subparagraph (B) and inserting the following: ''not later than 3 years after the otherwise applicable compliance date established in section 1412(b)(10).

''(B) No exemption shall be granted unless'';

(B) in subparagraph (B)(i), by striking ''within the period of such exemption'' and inserting ''prior to the date established pursuant to section 1412(b)(10)'';

(C) in subparagraph (B)(ii), by inserting after ''such financial assistance'' the following: ''or assistance pursuant to part G, or any other Federal or State program is reasonably likely to be available within the period of the exemption'';

(D) in subparagraph (C)—

(i) by striking ''500 service connections'' and inserting ''a population of 3,300''; and

(ii) by inserting '', but not to exceed a total of 6 years,'' after ''for one or more additional 2-year periods''; and

(E) by adding at the end the following:

''(D) LIMITATION.—A public water system may not receive an exemption under this section if the system was granted a variance under section 1415(e).''.

SEC. 14. SMALL SYSTEMS; TECHNICAL ASSISTANCE.

(a) SMALL SYSTEM VARIANCES.—Section 1415 (42 U.S.C. 300g–4) is amended by adding at the end the following:

''(e) SMALL SYSTEM VARIANCES.—

''(1) IN GENERAL.—The Administrator (or a State with primary enforcement responsibility for public water systems under section 1413) may grant to a public water system serving a population of 10,000 or fewer (referred to in this subsection as a 'small system') a variance under this subsection for compliance with a requirement specifying a maximum contaminant level or treatment technique contained in a national primary drinking water regulation, if the variance meets each requirement of this subsection.

''(2) AVAILABILITY OF VARIANCES.—A small system may receive a variance under this subsection if the system installs, operates, and maintains, in accordance with guidance or regulations issued by the Administrator, treatment technology that is feasible for small systems as determined by the Administrator pursuant to section 1412(b)(15).

''(3) CONDITIONS FOR GRANTING VARIANCES.—A variance under this subsection shall be available only to a system—

''(A) that cannot afford to comply, in accordance with affordability criteria established by the Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413), with a national primary drinking water regulation, including compliance through—

''(i) treatment;

''(ii) alternative source of water supply; or

''(iii) restructuring or consolidation (unless the Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) makes a written determination that restructuring or consolidation is not feasible or appropriate based on other specified public policy considerations); and

''(B) for which the Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) determines that the terms of the variance ensure adequate protection of human health, considering the quality of the source water for the system and the removal efficiencies and expected useful life of the treatment technology required by the variance.

''(4) APPLICATIONS.—An application for a variance for a national primary drinking water regulation under this subsection shall be submitted to the Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) not later than the date that is the later of—

''(A) 3 years after the date of enactment of this subsection; or

''(B) 1 year after the compliance date of the national primary drinking water regulation as established under section 1412(b)(10) for which a variance is requested.

''(5) VARIANCE REVIEW AND DECISION.—

''(A) TIMETABLE.—The Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) shall grant or deny a variance not later than 1 year after the date of receipt of the application.

''(B) PENALTY MORATORIUM.—Each public water system that submits a timely application for a variance under this subsection shall not be subject to a penalty in an enforcement action under section 1414 for a violation of a maximum contaminant level or treatment technique in the national primary drinking water regulation with respect to which the variance application was submitted prior to the date of a decision to grant or deny the variance.

''(6) COMPLIANCE SCHEDULES.—

''(A) VARIANCES.—A variance granted under this subsection shall require compliance with the conditions of the variance not later than 3 years after the date on which the variance is granted, except that the Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) may allow up to 2 additional years to comply with a treatment technique, secure an alternative source of water, or restructure if the Administrator (or the State) determines that additional time is necessary for capital improvements, or to allow for financial assistance provided pursuant to part G or any other Federal or State program.

''(B) DENIED APPLICATIONS.—If the Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) denies a variance application under this subsection, the public water system shall come into compliance with the requirements of the national primary drinking water regulation for which the variance was requested not later than 4 years after the date on which the national primary drinking water regulation was promulgated.

''(7) DURATION OF VARIANCES.—

''(A) IN GENERAL.—The Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) shall review each variance granted under this subsection not less often than every 5 years after the compliance date established in the variance to determine whether the system remains eligible for the variance and is conforming to each condition of the variance.

''(B) REVOCATION OF VARIANCES.—The Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) shall revoke a variance in effect under this subsection if the Administrator (or the State) determines that—

''(i) the system is no longer eligible for a variance;

''(ii) the system has failed to comply with any term or condition of the variance, other than a reporting or monitoring requirement, unless the failure is caused by circumstances outside the control of the system; or

''(iii) the terms of the variance do not ensure adequate protection of human health, considering the quality of source water available to the system and the removal efficiencies and expected useful life of the treatment technology required by the variance.

''(8) INELIGIBILITY FOR VARIANCES.—A variance shall not be available under this subsection for—

''(A) any maximum contaminant level or treatment technique for a contaminant with respect to which a national primary drinking water regulation was promulgated prior to January 1, 1986; or

''(B) a national primary drinking water regulation for a microbial contaminant (including a bacterium, virus, or other organism) or an indicator or treatment technique for a microbial contaminant.

''(9) REGULATIONS AND GUIDANCE.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection and in consultation with the States, the Administrator shall promulgate regulations for variances to be granted under this subsection. The regulations shall, at a minimum, specify—

''(i) procedures to be used by the Administrator or a State to grant or deny variances, including requirements for notifying the Administrator and consumers of the public water system applying for a variance and requirements for a public hearing on the variance before the variance is granted;

''(ii) requirements for the installation and proper operation of treatment technology that is feasible (pursuant to section 1412(b)(15)) for small systems and the financial and technical capability to operate the treatment system, including operator training and certification;

''(iii) eligibility criteria for a variance for each national primary drinking water regulation, including requirements for the quality of the source water (pursuant to section 1412(b)(15)(A)); and

''(iv) information requirements for variance applications.

''(B) AFFORDABILITY CRITERIA.—Not later than 18 months after the date of enactment of the Safe Drinking Water Act Amendments of 1995, the Administrator, in consultation with the States and the Rural Utilities Service of the Department of Agriculture, shall publish information to assist the States in developing affordability criteria. The affordability criteria shall be reviewed by the States not less often than every 5 years to determine if changes are needed to the criteria.

''(10) REVIEW BY THE ADMINISTRATOR.—

''(A) IN GENERAL.—The Administrator shall periodically review the program of each State that has primary enforcement responsibility for public water systems under section 1413 with respect to variances to determine whether the variances granted by the State comply with the requirements of this subsection. With respect to affordability, the determination of the Administrator shall be limited to whether the variances granted by the State comply with the affordability criteria developed by the State.

''(B) NOTICE AND PUBLICATION.—If the Administrator determines that variances granted by a State are not in compliance with affordability criteria developed by the State and the requirements of this subsection, the Administrator shall notify the State in writing of the deficiencies and make public the determination.

''(C) OBJECTIONS TO VARIANCES.—

''(i) BY THE ADMINISTRATOR.—The Administrator may review and object to any variance proposed to be granted by a State, if

the objection is communicated to the State not later than 90 days after the State proposes to grant the variance. If the Administrator objects to the granting of a variance, the Administrator shall notify the State in writing of each basis for the objection and propose a modification to the variance to resolve the concerns of the Administrator. The State shall make the recommended modification or respond in writing to each objection. If the State issues the variance without resolving the concerns of the Administrator, the Administrator may overturn the State decision to grant the variance if the Administrator determines that the State decision does not comply with this subsection.

''(ii) PETITION BY CONSUMERS.—Not later than 30 days after a State with primary enforcement responsibility for public water systems under section 1413 proposes to grant a variance for a public water system, any person served by the system may petition the Administrator to object to the granting of a variance. The Administrator shall respond to the petition not later than 60 days after the receipt of the petition. The State shall not grant the variance during the 60-day period. The petition shall be based on comments made by the petitioner during public review of the variance by the State.''.

(b) TECHNICAL ASSISTANCE.—Section 1442(g) (42 U.S.C. 300j–1(g)) is amended—

(1) in the second sentence, by inserting ''and multi-State regional technical assistance'' after '''circuit-rider'''; and

(2) by striking the third sentence and inserting the following: ''The Administrator shall ensure that funds made available for technical assistance pursuant to this subsection are allocated among the States equally. Each nonprofit organization receiving assistance under this subsection shall consult with the State in which the assistance is to be expended or otherwise made available before using the assistance to undertake activities to carry out this subsection. There are authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 1992 through 2003.''.

SEC. 15. CAPACITY DEVELOPMENT; FINANCE CENTERS.

Part B (42 U.S.C. 300g et seq.) is amended by adding at the end the following:

''CAPACITY DEVELOPMENT

''SEC. 1418. (a) STATE AUTHORITY FOR NEW SYSTEMS.—Each State shall obtain the legal authority or other means to ensure that all new community water systems and new nontransient, noncommunity water systems commencing operation after October 1, 1998, demonstrate technical, managerial, and financial capacity with respect to each national primary drinking water regulation in effect, or likely to be in effect, on the date of commencement of operations.

''(b) SYSTEMS IN SIGNIFICANT NONCOMPLIANCE.—

''(1) LIST.—Beginning not later than 1 year after the date of enactment of this section, each State shall prepare, periodically update, and submit to the Administrator a list of community water systems and nontransient, noncommunity water systems that have a history of significant noncompliance with this title (as defined in guidelines issued prior to the date of enactment of this section or any revisions of the guidelines that have been made in consultation with the States) and, to the extent practicable, the reasons for noncompliance.

''(2) REPORT.—Not later than 5 years after the date of enactment of this section and as part of the capacity development strategy of the State, each State shall report to the Administrator on the success of enforcement mechanisms and initial capacity development efforts in assisting the public water systems listed under paragraph (1) to improve technical, managerial, and financial capacity.

''(c) CAPACITY DEVELOPMENT STRATEGY.—

''(1) IN GENERAL.—Not later than 4 years after the date of enactment of this section, each State shall develop and implement a strategy to assist public water systems in acquiring and maintaining technical, managerial, and financial capacity.

''(2) CONTENT.—In preparing the capacity development strategy, the State shall consider, solicit public comment on, and include as appropriate—

''(A) the methods or criteria that the State will use to identify and prioritize the public water systems most in need of improving technical, managerial, and financial capacity;

''(B) a description of the institutional, regulatory, financial, tax, or legal factors at the Federal, State, or local level that encourage or impair capacity development;

''(C) a description of how the State will use the authorities and resources of this title or other means to—

''(i) assist public water systems in complying with national primary drinking water regulations;

''(ii) encourage the development of partnerships between public water systems to enhance the technical, managerial, and financial capacity of the systems; and

''(iii) assist public water systems in the training and certification of operators;

''(D) a description of how the State will establish a baseline and measure improvements in capacity with respect to national primary drinking water regulations and State drinking water law; and

''(E) an identification of the persons that have an interest in and are involved in the development and implementation of the capacity development strategy (including all appropriate agencies of Federal, State, and local governments, private and nonprofit public water systems, and public water system customers).

''(3) REPORT.—Not later than 2 years after the date on which a State first adopts a capacity development strategy under this subsection, and every 3 years thereafter, the head of the State agency that has primary responsibility to carry out this title in the State shall submit to the Governor a report that shall also be available to the public on the efficacy of the strategy and progress made toward improving the technical, managerial, and financial capacity of public water systems in the State.

''(d) FEDERAL ASSISTANCE.—

''(1) IN GENERAL.—The Administrator shall support the States in developing capacity development strategies.

''(2) INFORMATIONAL ASSISTANCE.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator shall—

''(i) conduct a review of State capacity development efforts in existence on the date of enactment of this section and publish information to assist States and public water systems in capacity development efforts; and

''(ii) initiate a partnership with States, public water systems, and the public to develop information for States on recommended operator certification requirements.

''(B) PUBLICATION OF INFORMATION.—The Administrator shall publish the information developed through the partnership under subparagraph (A)(ii) not later than 18 months after the date of enactment of this section.

''(3) VARIANCES AND EXEMPTIONS.—Based on information obtained under subsection (c)(2)(B), the Administrator shall, as appropriate, modify regulations concerning variances and exemptions for small public water systems to ensure flexibility in the use of the variances and exemptions. Nothing in this paragraph shall be interpreted, construed, or applied to affect or alter the requirements of section 1415 or 1416.

''(4) PROMULGATION OF DRINKING WATER REGULATIONS.—In promulgating a national primary drinking water regulation, the Administrator shall include an analysis of the likely effect of compliance with the regulation on the technical, financial, and managerial capacity of public water systems.

''(5) GUIDANCE FOR NEW SYSTEMS.—Not later than 2 years after the date of enactment of this section, the Administrator shall publish guidance developed in consultation with the States describing legal authorities and other means to ensure that all new community water systems and new nontransient, noncommunity water systems demonstrate technical, managerial, and financial capacity with respect to national primary drinking water regulations.

''(e) ENVIRONMENTAL FINANCE CENTERS.—

''(1) IN GENERAL.—The Administrator shall support the network of university-based Environmental Finance Centers in providing training and technical assistance to State and local officials in developing capacity of public water systems.

''(2) NATIONAL CAPACITY DEVELOPMENT CLEARINGHOUSE.—Within the Environmental Finance Center network in existence on the date of enactment of this section, the Administrator shall establish a national public water systems capacity development clearinghouse to receive, coordinate, and disseminate research and reports on projects funded under this title and from other sources with respect to developing, improving, and maintaining technical, financial, and managerial capacity at public water systems to Federal and State agencies, universities, water suppliers, and other interested persons.

''(3) CAPACITY DEVELOPMENT TECHNIQUES.—

''(A) IN GENERAL.—The Environmental Finance Centers shall develop and test managerial, financial, and institutional techniques—

''(i) to ensure that new public water systems have the technical, managerial, and financial capacity before commencing operation;

''(ii) to identify public water systems in need of capacity development; and

''(iii) to bring public water systems with a history of significant noncompliance with national primary drinking water regulations into compliance.

''(B) TECHNIQUES.—The techniques may include capacity assessment methodologies, manual and computer-based public water system rate models and capital planning models, public water system consolidation procedures, and regionalization models.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (e) $2,500,000 for each of fiscal years 1995 through 2003.''.

SEC. 16. OPERATOR AND LABORATORY CERTIFICATION.

Section 1442 (42 U.S.C. 300j–1) is amended by inserting after subsection (d) the following:

''(e) CERTIFICATION OF OPERATORS AND LABORATORIES.—

''(1) REQUIREMENT.—Beginning 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1995—

''(A) no assistance may be provided to a public water system under part G unless the system has entered into an enforceable commitment with the State providing that any person who operates the system will be trained and certified according to requirements established by the Administrator or

the State (in the case of a State with primary enforcement responsibility under section 1413) not later than the date of completion of the capital project for which the assistance is provided; and

''(B) a public water system that has received assistance under part G may be operated only by a person who has been trained and certified according to requirements established by the Administrator or the State (in the case of a State with primary enforcement responsibility under section 1413).

''(2) GUIDELINES.—Not later than 18 months after the date of enactment of the Safe Drinking Water Act Amendments of 1995 and after consultation with the States, the Administrator shall publish information to assist States in carrying out paragraph (1). In the case of a State with primary enforcement responsibility under section 1413 *or any other State that has established a training program that is consistent with the guidance issued under this paragraph*, the authority to prescribe the appropriate level of training for certification for all systems shall be solely the responsibility of the State. The guidance issued under this paragraph shall also include information to assist States in certifying laboratories engaged in testing for the purpose of compliance with sections 1445 and 1401(1).

''(3) NONCOMPLIANCE.—If a public water system in a State is not operated in accordance with paragraph (1), the Administrator is authorized to withhold from funds that would otherwise be allocated to the State under section 1472 or require the repayment of an amount equal to the amount of any assistance under part G provided to the public water system.''.

SEC. 17. SOURCE WATER QUALITY PROTECTION PARTNERSHIPS.

Part B (42 U.S.C. 300g et seq.) (as amended by section 15) is further amended by adding at the end the following:

''SOURCE WATER QUALITY PROTECTION PARTNERSHIP PROGRAM

''SEC. 1419. (a) SOURCE WATER AREA DELINEATIONS.—Except as provided in subsection (c), not later than 5 years after the date of enactment of this section, and after an opportunity for public comment, each State shall—

''(1) delineate (directly or through delegation) the source water protection areas for community water systems in the State using hydrogeologic information considered to be reasonably available and appropriate by the State; and

''(2) conduct, to the extent practicable, vulnerability assessments in source water areas determined to be a priority by the State, including, to the extent practicable, identification of risks in source water protection areas to drinking water.

''(b) ALTERNATIVE DELINEATIONS AND VULNERABILITY ASSESSMENTS.—For the purposes of satisfying the requirements of subsection (a), a State may use delineations and vulnerability assessments conducted for—

''(1) ground water sources under a State wellhead protection program developed pursuant to section 1428;

''(2) surface or ground water sources under a State pesticide management plan developed pursuant to the Pesticide and Ground Water State Management Plan Regulation (subparts I and J of part 152 of title 40, Code of Federal Regulations), promulgated under section 3(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(d)); or

''(3) surface water sources under a State watershed initiative or to satisfy the watershed criterion for determining if filtration is required under the Surface Water Treatment Rule (section 141.70 of title 40, Code of Federal Regulations).

''(c) FUNDING.—To carry out the delineations and assessments described in subsection (a), a State may use funds made available for that purpose pursuant to section 1473(f). If funds available under that section are insufficient to meet the minimum requirements of subsection (a), the State shall establish a priority-based schedule for the delineations and assessments within available resources.

''(d) PETITION PROGRAM.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT.—A State may establish a program under which an owner or operator of a community water system in the State, or a municipal or local government or political subdivision of a government in the State, may submit a source water quality protection partnership petition to the State requesting that the State assist in the local development of a voluntary, incentive-based partnership, among the owner, operator, or government and other persons likely to be affected by the recommendations of the partnership, to—

''(i) reduce the presence in drinking water of contaminants that may be addressed by a petition by considering the origins of the contaminants, including to the maximum extent practicable the specific activities that affect the drinking water supply of a community;

''(ii) obtain financial or technical assistance necessary to facilitate establishment of a partnership, or to develop and implement recommendations of a partnership for the protection of source water to assist in the provision of drinking water that complies with national primary drinking water regulations with respect to contaminants addressed by a petition; and

''(iii) develop recommendations regarding voluntary and incentive-based strategies for the long-term protection of the source water of community water systems.

''(B) STATE DETERMINATION.—Not later than 1 year after the date of enactment of this section, each State shall provide public notice and solicit public comment on the question of whether to develop a source water quality protection partnership petition program in the State, and publicly announce the determination of the State thereafter. If so requested by any public water system or local governmental entity, prior to making the determination, the State shall hold at least one public hearing to assess the level of interest in the State for development and implementation of a State source water quality partnership petition program.

''(C) FUNDING.—Each State may—

''(i) use funds set aside pursuant to section 1473(f) by the State to carry out a program described in subparagraph (A), including assistance to voluntary local partnerships for the development and implementation of partnership recommendations for the protection of [source water,] *source water such as* source water quality assessment, contingency plans, and demonstration projects for partners within a source water area delineated under subsection (a); and

''(ii) provide assistance in response to a petition submitted under this subsection using funds referred to in subsections (e)(2)(B) and (g).

''(2) OBJECTIVES.—The objectives of a petition submitted under this subsection shall be to—

''(A) facilitate the local development of voluntary, incentive-based partnerships among owners and operators of community water systems, governments, and other persons in source water areas; and

''(B) obtain assistance from the State in directing or redirecting resources under Federal or State water quality programs to implement the recommendations of the partnerships to address the origins of drinking water contaminants that may be addressed by a petition (including to the maximum extent practicable the specific activities) that affect the drinking water supply of a community.

''(3) CONTAMINANTS ADDRESSED BY A PETITION.—A petition submitted to a State under this section may address only those contaminants—

''(A) that are pathogenic organisms for which a national primary drinking water regulation has been established or is required under section 1412(b)(2)(C); or

''(B) for which a national primary drinking water regulation has been promulgated or proposed and—

''(i) that are detected in the community water system for which the petition is submitted at levels above the maximum contaminant level; or

''(ii) that are detected by adequate monitoring methods at levels that are not reliably and consistently below the maximum contaminant level.

''(4) CONTENTS.—A petition submitted under this subsection shall, at a minimum—

''(A) include a delineation of the source water area in the State that is the subject of the petition;

''(B) identify, to the maximum extent practicable, the origins of the drinking water contaminants that may be addressed by a petition (including to the maximum extent practicable the specific activities contributing to the presence of the contaminants) in the source water area delineated under subparagraph (A);

''(C) identify any deficiencies in information that will impair the development of recommendations by the voluntary local partnership to address drinking water contaminants that may be addressed by a petition;

''(D) specify the efforts made to establish the voluntary local partnership and obtain the participation of—

''(i) the municipal or local government or other political subdivision of the State with jurisdiction over the source water area delineated under subparagraph (A); and

''(ii) each person in the source water area delineated under subparagraph (A)—

''(I) who is likely to be affected by recommendations of the voluntary local partnership; and

''(II) whose participation is essential to the success of the partnership;

''(E) outline how the voluntary local partnership has or will, during development and implementation of recommendations of the voluntary local partnership, identify, recognize and take into account any voluntary or other activities already being undertaken by persons in the source water area delineated under subparagraph (A) under Federal or State law to reduce the likelihood that contaminants will occur in drinking water at levels of public health concern; and

''(F) specify the technical, financial, or other assistance that the voluntary local partnership requests of the State to develop the partnership or to implement recommendations of the partnership.

''(e) APPROVAL OR DISAPPROVAL OF PETITIONS.—

''(1) IN GENERAL.—After providing notice and an opportunity for public comment on a petition submitted under subsection (d), the State shall approve or disapprove the petition, in whole or in part, not later than 120 days after the date of submission of the petition.

''(2) APPROVAL.—The State may approve a petition if the petition meets the requirements established under subsection (d). The noticeofapprovalshall,ataminimum, include—

''(A) an identification of technical, financial, or other assistance that the State will provide to assist in addressing the drinking water contaminants that may be addressed by a petition based on—

''(i) the relative priority of the public health concern identified in the petition with respect to the other water quality needs identified by the State;

''(ii) any necessary coordination that the State will perform of the program established under this section with programs implemented or planned by other States under this section; and

''(iii) funds available (including funds available from a State revolving loan fund established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) or part G and the appropriate distribution of the funds to assist in implementing the recommendations of the partnership;

''(B) a description of technical or financial assistance pursuant to Federal and State programs that is available to assist in implementing recommendations of the partnership in the petition, including—

''(i) any program established under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

''(ii) the program established under section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b);

''(iii) the agricultural water quality protection program established under chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.);

''(iv) the sole source aquifer protection program established under section 1427;

''(v) the community wellhead protection program established under section 1428;

''(vi) any pesticide or ground water management plan; [and]

''(vii) any voluntary agricultural resource management plan or voluntary whole farm or whole ranch management plan developed and implemented under a process established by the Secretary of Agriculture; and

[''(vii)] *''(viii)* any abandoned well closure program; and

''(C) a description of activities that will be undertaken to coordinate Federal and State programs to respond to the petition.

''(3) DISAPPROVAL.—If the State disapproves a petition submitted under subsection (d), the State shall notify the entity submitting the petition in writing of the reasons for disapproval. A petition may be resubmitted at any time if—

''(A) new information becomes available;

''(B) conditions affecting the source water that is the subject of the petition change; or

''(C) modifications are made in the type of assistance being requested.

''(f) ELIGIBILITY FOR WATER QUALITY PROTECTION ASSISTANCE.—A sole source aquifer plan developed under section 1427, a wellhead protection plan developed under section 1428, and a source water quality protection measure assisted in response to a petition submitted under subsection (d) shall be eligible for assistance under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including assistance provided under section 319 and title VI of such Act (33 U.S.C. 1329 and 1381 et seq.), if the project, measure, or practice would be eligible for assistance under such Act. In the case of funds made available under such section 319 to assist a source water quality protection measure in response to a petition submitted under subsection (d), the funds may be used only for a measure that addresses nonpoint source pollution.

''(g) GRANTS TO SUPPORT STATE PROGRAMS.—

''(1) IN GENERAL.—The Administrator may make a grant to each State that establishes a program under this section that is approved under paragraph (2). The amount of each grant shall not exceed 50 percent of the cost of administering the program for the year in which the grant is available.

''(2) APPROVAL.—In order to receive grant assistance under this subsection, a State shall submit to the Administrator for approval a plan for a source water quality protection partnership program that is consistent with the guidance published under paragraph (3). The Administrator shall approve the plan if the plan is consistent with the guidance published under paragraph (3).

''(3) GUIDANCE.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator, *in consultation with the States,* shall publish guidance to assist—

''(i) States in the development of a source water quality protection partnership program; and

''(ii) municipal or local governments or political subdivisions of the governments and community water systems in the development of source water quality protection partnerships and in the assessment of source water quality.

''(B) CONTENTS OF THE GUIDANCE.—The guidance shall, at a minimum—

''(i) recommend procedures for the approval or disapproval by a State of a petition submitted under subsection (d);

''(ii) recommend procedures for the submission of petitions developed under subsection (d);

''(iii) recommend criteria for the [delineation] *assessment* of source water areas within a State;

''(iv) describe technical or financial assistance pursuant to Federal and State programs that is available to address the contamination of sources of drinking water and to develop and respond to petitions submitted under subsection (d); and

''(v) specify actions taken by the Administrator to ensure the coordination of the programs referred to in clause (iv) with the goals and objectives of this title to the maximum extent practicable.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for fiscal years 1995 through 2003. Each State with a plan for a program approved under paragraph (2) shall receive an equitable portion of the funds available for any fiscal year.

''(h) STATUTORY CONSTRUCTION.—Nothing in this section—

''(1)(A) creates or conveys new authority to a State, political subdivision of a State, or community water system for any new regulatory measure; or

''(B) limits any [existing] authority of a State, political subdivision, or community water system; or

''(2) precludes a community water system, municipal or local government, or political subdivision of a government from locally developing and carrying out a voluntary, incentive-based, source water quality protection partnership to address the origins of drinking water contaminants of public health concern.''.

SEC. 18. STATE PRIMACY; STATE FUNDING.

(a) STATE PRIMARY ENFORCEMENT RESPONSIBILITY.—Section 1413 (42 U.S.C. 300g–2) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) has adopted drinking water regulations that are no less stringent than the national primary drinking water regulations promulgated by the Administrator under section 1412 not later than 2 years after the date on which the regulations are promulgated by the Administrator;''; and

(2) by adding at the end the following:

''(c) INTERIM PRIMARY ENFORCEMENT AUTHORITY.—A State that has primary enforcement authority under this section with respect to each existing national primary drinking water regulation shall be considered to have primary enforcement authority with respect to each new or revised national primary drinking water regulation during the period beginning on the effective date of a regulation adopted and submitted by the State with respect to the new or revised national primary drinking water regulation in accordance with subsection (b)(1) and ending at such time as the Administrator makes a determination under subsection (b)(2) with respect to the regulation.''.

(b) PUBLIC WATER SYSTEM SUPERVISION PROGRAM.—Section 1443(a) (42 U.S.C. 300j–2(a)) is amended—

(1) in paragraph (3)—

(A) by striking ''(3) A grant'' and inserting the following:

''(3) AMOUNT OF GRANT.—

''(A) IN GENERAL.—A grant''; and

(B) by adding at the end the following:

''(B) DETERMINATION OF COSTS.—To determine the costs of a grant recipient pursuant to this paragraph, the Administrator shall, in cooperation with the States and not later than 180 days after the date of enactment of this subparagraph, establish a resource model for the public water system supervision program and review and revise the model as necessary.

''(C) STATE COST ADJUSTMENTS.—The Administrator shall revise cost estimates used in the resource model for any particular State to reflect costs more likely to be experienced in that State, if—

''(i) the State requests the modification; and

''(ii) the revised estimates ensure full and effective administration of the public water system supervision program in the State and the revised estimates do not overstate the resources needed to administer the program.'';

(2) in paragraph (7), by adding at the end a period and the following:

''For the purpose of making grants under paragraph (1), there are authorized to be appropriated such sums as are necessary for each of fiscal years 1992 and 1993 and $100,000,000 for each of fiscal years 1994 through 2003.''; and

(3) by adding at the end the following:

''(8) RESERVATION OF FUNDS BY THE ADMINISTRATOR.—If the Administrator assumes the primary enforcement responsibility of a State public water system supervision program, the Administrator may reserve from funds made available pursuant to this subsection, an amount equal to the amount that would otherwise have been provided to the State pursuant to this subsection. The Administrator shall use the funds reserved pursuant to this paragraph to ensure the full and effective administration of a public water system supervision program in the State.

''(9) STATE LOAN FUNDS.—

''(A) RESERVATION OF FUNDS.—For any fiscal year for which the amount made available to the Administrator by appropriations to carry out this subsection is less than the amount that the Administrator determines is necessary to supplement funds made available pursuant to paragraph (8) to ensure the full and effective administration of a public water system supervision program in a State (based on the resource model developed under paragraph (3)(B)), the Administrator may reserve from the funds made available to the State under section 1472 an amount that is equal to the amount of the shortfall.

''(B) DUTY OF ADMINISTRATOR.—If the Administrator reserves funds from the allocation of a State under subparagraph (A), the Administrator shall carry out in the State—

''(i) each of the activities that would be required of the State if the State had primary enforcement authority under section 1413; and

''(ii) each of the activities required of the State by this title, other than part C, but not made a condition of the authority.''.

SEC. 19. MONITORING AND INFORMATION GATHERING.

(a) REGULATED CONTAMINANTS.—

(1) REVIEW OF EXISTING REQUIREMENTS.—Section 1445(a)(1) (42 U.S.C. 300j–4(a)(1)) is amended—

(A) by designating the first and second sentences as subparagraphs (A) and (B), respectively; and

(B) by adding at the end the following:

''(C) REVIEW.—The Administrator shall not later than 2 years after the date of enactment of this subparagraph, after consultation with public health experts, representatives of the general public, and officials of State and local governments, review the monitoring requirements for not fewer than 12 contaminants identified by the Administrator, and promulgate any necessary modifications.''.

(2) ALTERNATIVE MONITORING PROGRAMS.—Section 1445(a)(1) (42 U.S.C. 300j–4(a)(1)) (as amended by paragraph (1)(B)) is further amended by adding at the end the following:

''(D) STATE-ESTABLISHED REQUIREMENTS.—

''(i) IN GENERAL.—Each State with primary enforcement responsibility under section 1413 may, by rule, establish alternative monitoring requirements for any national primary drinking water regulation, other than a regulation applicable to a microbial contaminant (or an indicator of a microbial contaminant). The alternative monitoring requirements established by a State under this clause may not take effect for any national primary drinking water regulation until after completion of at least 1 full cycle of monitoring in the State satisfying the requirements of paragraphs (1) and (2) of section 1413(a). The alternative monitoring requirements may be applicable to public water systems or classes of public water systems identified by the State, in lieu of the monitoring requirements that would otherwise be applicable under the regulation, if the alternative monitoring requirements—

''(I) are based on use of the best available science conducted in accordance with sound and objective scientific practices and data collected by accepted methods;

''(II) are based on the potential for the contaminant to occur in the source water based on use patterns and other relevant characteristics of the contaminant or the systems subject to the requirements;

''(III) in the case of a public water system or class of public water systems in which a contaminant has been detected at quantifiable levels that are not reliably and consistently below the maximum contaminant level, include monitoring frequencies that are not less frequent than the frequencies required in the national primary drinking water regulation for the contaminant for a period of 5 years after the detection; and

''(IV) in the case of each contaminant formed in the distribution system, are not applicable to public water systems for which treatment is necessary to comply with the national primary drinking water regulation.

''(ii) COMPLIANCE AND ENFORCEMENT.—The alternative monitoring requirements established by the State shall be adequate to ensure compliance with, and enforcement of, each national primary drinking water regulation. The State may review and update the alternative monitoring requirements as necessary.

''(iii) APPLICATION OF SECTION 1413.—

''(I) IN GENERAL.—Each State establishing alternative monitoring requirements under this subparagraph shall submit the rule to the Administrator as provided in section 1413(b)(1). Any requirements for a State to provide information supporting a submission shall be defined only in consultation with the States, and shall address only such information as is necessary to make a decision to approve or disapprove an alternative monitoring rule in accordance with the following sentence. The Administrator shall approve an alternative monitoring rule submitted under this clause for the purposes of section 1413, unless the Administrator determines in writing that the State rule for alternative monitoring does not ensure compliance with, and enforcement of, the national primary drinking water regulation for the contaminant or contaminants to which the rule applies.

''(II) EXCEPTIONS.—The requirements of section 1413(a)(1) that a rule be no less stringent than the national primary drinking water regulation for the contaminant or contaminants to which the rule applies shall not apply to the decision of the Administrator to approve or disapprove a rule submitted under this clause. Notwithstanding the requirements of section 1413(b)(2), the Administrator shall approve or disapprove a rule submitted under this clause within 180 days of submission. In the absence of a determination to disapprove a rule made by the Administrator within 180 days, the rule shall be deemed to be approved under section 1413(b)(2).

''(III) ADDITIONAL CONSIDERATIONS.—A State shall be considered to have primary enforcement authority with regard to an alternative monitoring rule, and the rule shall be effective, on a date (determined by the State) any time on or after submission of the rule, consistent with section 1413(c). A decision by the Administrator to disapprove an alternative monitoring rule under section 1413 or to withdraw the authority of the State to carry out the rule under clause (iv) may not be the basis for withdrawing primary enforcement responsibility for a national primary drinking water regulation or regulations from the State under section 1413.

''(iv) OVERSIGHT BY THE ADMINISTRATOR.—The Administrator shall review, not less often than every 5 years, any alternative monitoring requirements established by a State under clause (i) to determine whether the requirements are adequate to ensure compliance with, and enforcement of, national primary drinking water regulations. If the Administrator determines that the alternative monitoring requirements of a State are inadequate with respect to a contaminant, and after providing the State with an opportunity to respond to the determination of the Administrator and to correct any inadequacies, the Administrator may withdraw the authority of the State to carry out the alternative monitoring requirements with respect to the contaminant. If the Administrator withdraws the authority, the monitoring requirements contained in the national primary drinking water regulation for the contaminant shall apply to public water systems in the State.

''(v) NONPRIMACY STATES.—The Governor of any State that does not have primary enforcement responsibility under section 1413 on the date of enactment of this clause may submit to the Administrator a request that the Administrator modify the monitoring requirements established by the Administrator and applicable to public water systems in that State. After consultation with the Governor, the Administrator shall modify the requirements for public water systems in that State if the request of the Governor is in accordance with each of the requirements of this subparagraph that apply to alternative monitoring requirements established by States that have primary enforcement responsibility. A decision by the Administrator to approve a request under this clause shall be for a period of 3 years and may subsequently be extended for periods of 5 years.

''(vi) GUIDANCE.—The Administrator shall issue guidance in consultation with the States that States may use to develop State-established requirements pursuant to this subparagraph and subparagraph (E). The guidance shall identify options for alternative monitoring designs that meet the criteria identified in clause (i) and the requirements of clause (ii).''.

(3) SMALL SYSTEM MONITORING.—Section 1445(a)(1) (42 U.S.C. 300j–4(a)(1)) (as amended by paragraph (2)) is further amended by adding at the end the following:

''(E) SMALL SYSTEM MONITORING.—The Administrator or a State that has primary enforcement responsibility under section 1413 may modify the monitoring requirements for any contaminant, other than a microbial contaminant or an indicator of a microbial contaminant, a contaminant regulated on the basis of an acute health effect, or a contaminant formed in the treatment process or in the distribution system, to provide that any public water system that serves a population of 10,000 or fewer shall not be required to conduct additional quarterly monitoring during any 3-year period for a specific contaminant if monitoring conducted at the beginning of the period for the contaminant fails to detect the presence of the contaminant in the water supplied by the public water system, and the Administrator or the State determines that the contaminant is unlikely to be detected by further monitoring in the period.''.

(b) UNREGULATED CONTAMINANTS.—Section 1445(a) (42 U.S.C. 300j–4(a)) is amended by striking paragraphs (2) through (8) and inserting the following:

''(2) MONITORING PROGRAM FOR UNREGULATED CONTAMINANTS.—

''(A) ESTABLISHMENT.—The Administrator shall promulgate regulations establishing the criteria for a monitoring program for unregulated contaminants. The regulations shall require monitoring of drinking water supplied by public water systems and shall vary the frequency and schedule for monitoring requirements for systems based on the number of persons served by the system, the source of supply, and the contaminants likely to be found.

''(B) MONITORING PROGRAM FOR CERTAIN UNREGULATED CONTAMINANTS.—

''(i) INITIAL LIST.—Not later than 3 years after the date of enactment of the Safe Drinking Water Amendments of 1995 and every 5 years thereafter, the Administrator shall issue a list pursuant to subparagraph (A) of not more than 20 unregulated contaminants to be monitored by public water systems and to be included in the national drinking water occurrence data base maintained pursuant to paragraph (3).

''(ii) GOVERNORS' PETITION.—The Administrator shall include among the list of contaminants for which monitoring is required under this paragraph each contaminant recommended in a petition signed by the Governor of each of 7 or more States, unless the Administrator determines that the action would prevent the listing of other contaminants of a higher public health concern.

''(C) MONITORING BY LARGE SYSTEMS.—A public water system that serves a population of more than 10,000 shall conduct monitoring

for all contaminants listed under subparagraph (B).

''(D) MONITORING PLAN FOR SMALL AND MEDIUM SYSTEMS.—

''(i) IN GENERAL.—Based on the regulations promulgated by the Administrator, each State shall develop a representative monitoring plan to assess the occurrence of unregulated contaminants in public water systems that serve a population of 10,000 or fewer. The plan shall require monitoring for systems representative of different sizes, types, and geographic locations in the State.

''(ii) GRANTS FOR SMALL SYSTEM COSTS.—From funds reserved under section 1478(c), the Administrator shall pay the reasonable cost of such testing and laboratory analysis as are necessary to carry out monitoring under the plan.

''(E) MONITORING RESULTS.—Each public water system that conducts monitoring of unregulated contaminants pursuant to this paragraph shall provide the results of the monitoring to the primary enforcement authority for the system.

''(F) WAIVER OF MONITORING REQUIREMENT.—The Administrator shall waive the requirement for monitoring for a contaminant under this paragraph in a State, if the State demonstrates that the criteria for listing the contaminant do not apply in that State.

''(G) ANALYTICAL METHODS.—The State may use screening methods approved by the Administrator under subsection (h) in lieu of monitoring for particular contaminants under this paragraph.

''(H) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $10,000,000 for each of fiscal years 1995 through 2003.''.

(c) NATIONAL DRINKING WATER OCCURRENCE DATABASE.—Section 1445(a) (42 U.S.C. 300j–4(a)) (as amended by subsection (b)) is further amended by adding at the end the following:

''(3) NATIONAL DRINKING WATER OCCURRENCE DATABASE.—

''(A) IN GENERAL.—Not later than 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1995, the Administrator shall assemble and maintain a national drinking water occurrence data base, using information on the occurrence of both regulated and unregulated contaminants in public water systems obtained under paragraph (2) and reliable information from other public and private sources.

''(B) USE.—The data shall be used by the Administrator in making determinations under section 1412(b)(1) with respect to the occurrence of a contaminant in drinking water at a level of public health concern.

''(C) PUBLIC RECOMMENDATIONS.—The Administrator shall periodically solicit recommendations from the appropriate officials of the National Academy of Sciences and the States, and any person may submit recommendations to the Administrator, with respect to contaminants that should be included in the national drinking water occurrence data base, including recommendations with respect to additional unregulated contaminants that should be listed under paragraph (2). Any recommendation submitted under this clause shall be accompanied by reasonable documentation that—

''(i) the contaminant occurs or is likely to occur in drinking water; and

''(ii) the contaminant poses a risk to public health.

''(D) PUBLIC AVAILABILITY.—The information from the data base shall be available to the public in readily accessible form.

''(E) REGULATED CONTAMINANTS.—With respect to each contaminant for which a national primary drinking water regulation has been established, the data base shall include information on the detection of the contaminant at a quantifiable level in public water systems (including detection of the contaminant at levels not constituting a violation of the maximum contaminant level for the contaminant).

''(F) UNREGULATED CONTAMINANTS.—With respect to contaminants for which a national primary drinking water regulation has not been established, the data base shall include—

''(i) monitoring information collected by public water systems that serve a population of more than 10,000, as required by the Administrator under paragraph (2);

''(ii) monitoring information collected by the States from a representative sampling of public water systems that serve a population of 10,000 or fewer; and

''(iii) other reliable and appropriate monitoring information on the occurrence of the contaminants in public water systems that is available to the Administrator.''.

(d) INFORMATION.—

(1) MONITORING AND TESTING AUTHORITY.—Subparagraph (A) of section 1445(a)(1) (42 U.S.C. 300j–4(a)(1)) (as designated by subsection (a)(1)(A)) is amended—

(A) by inserting ''by accepted methods'' after ''conduct such monitoring''; and

(B) by striking ''such information as the Administrator may reasonably require'' and all that follows through the period at the end and inserting the following: ''such information as the Administrator may reasonably require—

''(i) to assist the Administrator in establishing regulations under this title or to assist the Administrator in determining, on a case-by-case basis, whether the person has acted or is acting in compliance with this title; and

''(ii) by regulation to assist the Administrator in determining compliance with national primary drinking water regulations promulgated under section 1412 or in administering any program of financial assistance under this title.

If the Administrator is requiring monitoring for purposes of testing new or alternative methods, the Administrator may require the use of other than accepted methods.''.

(2) SCREENING METHODS.—Section 1445 (42 U.S.C. 300j–4) (as amended by section 12(c)) is further amended by adding at the end the following:

''(h) SCREENING METHODS.—The Administrator shall review new analytical methods to screen for regulated contaminants and may approve such methods as are more accurate or cost-effective than established reference methods for use in compliance monitoring.''.

SEC. 20. PUBLIC NOTIFICATION.

Section 1414 (42 U.S.C. 300g–3) is amended by striking subsection (c) and inserting the following:

''(c) NOTICE TO PERSONS SERVED.—

''(1) IN GENERAL.—Each owner or operator of a public water system shall give notice to the persons served by the system—

''(A) of any failure on the part of the public water system to—

''(i) comply with an applicable maximum contaminant level or treatment technique requirement of, or a testing procedure prescribed by, a national primary drinking water regulation; or

''(ii) perform monitoring required by section 1445(a);

''(B) if the public water system is subject to a variance granted under section 1415(a)(1)(A), 1415(a)(2), or 1415(e) for an inability to meet a maximum contaminant level requirement or is subject to an exemption granted under section 1416, of—

''(i) the existence of the variance or exemption; and

''(ii) any failure to comply with the requirements of any schedule prescribed pursuant to the variance or exemption; and

''(C) of the concentration level of any unregulated contaminant for which the Administrator has required public notice pursuant to paragraph (2)(E).

''(2) FORM, MANNER, AND FREQUENCY OF NOTICE.—

''(A) IN GENERAL.—The Administrator shall, by regulation, and after consultation with the States, prescribe the manner, frequency, form, and content for giving notice under this subsection. The regulations shall—

''(i) provide for different frequencies of notice based on the differences between violations that are intermittent or infrequent and violations that are continuous or frequent; and

''(ii) take into account the seriousness of any potential adverse health effects that may be involved.

''(B) STATE REQUIREMENTS.—

''(i) IN GENERAL.—A State may, by rule, establish alternative notification requirements—

''(I) with respect to the form and content of notice given under and in a manner in accordance with subparagraph (C); and

''(II) with respect to the form and content of notice given under subparagraph (D).

''(ii) CONTENTS.—The alternative requirements shall provide the same type and amount of information as required pursuant to this subsection and regulations issued under subparagraph (A).

''(iii) RELATIONSHIP TO SECTION 1413.—Nothing in this subparagraph shall be construed or applied to modify the requirements of section 1413.

''(C) VIOLATIONS WITH POTENTIAL TO HAVE SERIOUS ADVERSE EFFECTS ON HUMAN HEALTH.—Regulations issued under subparagraph (A) shall specify notification procedures for each violation by a public water system that has the potential to have serious adverse effects on human health as a result of short-term exposure. Each notice of violation provided under this subparagraph shall—

''(i) be distributed as soon as practicable after the occurrence of the violation, but not later than 24 hours after the occurrence of the violation;

''(ii) provide a clear and readily understandable explanation of—

''(I) the violation;

''(II) the potential adverse effects on human health;

''(III) the steps that the public water system is taking to correct the violation; and

''(IV) the necessity of seeking alternative water supplies until the violation is corrected;

''(iii) be provided to the Administrator or the head of the State agency that has primary enforcement responsibility under section 1413 as soon as practicable, but not later than 24 hours after the occurrence of the violation; and

''(iv) as required by the State agency in general regulations of the State agency, or on a case-by-case basis after the consultation referred to in clause (iii), considering the health risks involved—

''(I) be provided to appropriate broadcast media;

''(II) be prominently published in a newspaper of general circulation serving the area not later than 1 day after distribution of a notice pursuant to clause (i) or the date of publication of the next issue of the newspaper; or

''(III) be provided by posting or door-to-door notification in lieu of notification by means of broadcast media or newspaper.

''(D) WRITTEN NOTICE.—

''(i) IN GENERAL.—Regulations issued under subparagraph (A) shall specify notification procedures for violations other than the violations covered by subparagraph (C). The procedures shall specify that a public water system shall provide written notice to each person served by the system by notice—

''(I) in the first bill (if any) prepared after the date of occurrence of the violation;

''(II) in an annual report issued not later than 1 year after the date of occurrence of the violation; or

''(III) by mail or direct delivery as soon as practicable, but not later than 1 year after the date of occurrence of the violation.

''(ii) FORM AND MANNER OF NOTICE.—The Administrator shall prescribe the form and manner of the notice to provide a clear and readily understandable explanation of—

''(I) the violation;

''(II) any potential adverse health effects; and

''(III) the steps that the system is taking to seek alternative water supplies, if any, until the violation is corrected.

''(E) UNREGULATED CONTAMINANTS.—The Administrator may require the owner or operator of a public water system to give notice to the persons served by the system of the concentration levels of an unregulated contaminant required to be monitored under section 1445(a).

''(3) REPORTS.—

''(A) ANNUAL REPORT BY STATE.—

''(i) IN GENERAL.—Not later than January 1, 1997, and annually thereafter, each State that has primary enforcement responsibility under section 1413 shall prepare, make readily available to the public, and submit to the Administrator an annual report on violations of national primary drinking water regulations by public water systems in the State, including violations with respect to—

''(I) maximum contaminant levels;

''(II) treatment requirements;

''(III) variances and exemptions; and

''(IV) monitoring requirements determined to be significant by the Administrator after consultation with the States.

''(ii) DISTRIBUTION.—The State shall publish and distribute summaries of the report and indicate where the full report is available for review.

''(B) ANNUAL REPORT BY ADMINISTRATOR.—Not later than July 1, 1997, and annually thereafter, the Administrator shall prepare and make available to the public an annual report summarizing and evaluating reports submitted by States pursuant to subparagraph (A) and notices submitted by public water systems serving Indian Tribes provided to the Administrator pursuant to subparagraph (C) or (D) of paragraph (2) and making recommendations concerning the resources needed to improve compliance with this title. The report shall include information about public water system compliance on Indian reservations and about enforcement activities undertaken and financial assistance provided by the Administrator on Indian reservations, and shall make specific recommendations concerning the resources needed to improve compliance with this title on Indian reservations.''.

SEC. 21. ENFORCEMENT; JUDICIAL REVIEW.

(a) IN GENERAL.—Section 1414 (42 U.S.C. 300g–3) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clause (i), by striking ''any national primary drinking water regulation in effect under section 1412'' and inserting ''any applicable requirement''; and

(II) by striking ''with such regulation or requirement'' and inserting ''with the requirement''; and

(ii) in subparagraph (B), by striking ''regulation or'' and inserting ''applicable''; and

(B) by striking paragraph (2) and inserting the following:

''(2) ENFORCEMENT IN NONPRIMACY STATES.—

''(A) IN GENERAL.—If, on the basis of information available to the Administrator, the Administrator finds, with respect to a period in which a State does not have primary enforcement responsibility for public water systems, that a public water system in the State—

''(i) for which a variance under section 1415 or an exemption under section 1416 is not in effect, does not comply with any applicable requirement; or

''(ii) for which a variance under section 1415 or an exemption under section 1416 is in effect, does not comply with any schedule or other requirement imposed pursuant to the variance or exemption;

the Administrator shall issue an order under subsection (g) requiring the public water system to comply with the requirement, or commence a civil action under subsection (b).

''(B) NOTICE.—If the Administrator takes any action pursuant to this paragraph, the Administrator shall notify an appropriate local elected official, if any, with jurisdiction over the public water system of the action prior to the time that the action is taken.'';

(2) in the first sentence of subsection (b), by striking ''a national primary drinking water regulation'' and inserting ''any applicable requirement'';

(3) in subsection (g)—

(A) in paragraph (1), by striking ''regulation, schedule, or other'' each place it appears and inserting ''applicable'';

(B) in paragraph (2)—

(i) in the first sentence—

(I) by striking ''effect until after notice and opportunity for public hearing and,'' and inserting ''effect,''; and

(II) by striking ''proposed order'' and inserting ''order''; and

(ii) in the second sentence, by striking ''proposed to be''; and

(C) in paragraph (3)—

(i) by striking subparagraph (B) and inserting the following:

''(B) EFFECT OF PENALTY AMOUNTS.—In a case in which a civil penalty sought by the Administrator under this paragraph does not exceed $5,000, the penalty shall be assessed by the Administrator after notice and opportunity for a public hearing (unless the person against whom the penalty is assessed requests a hearing on the record in accordance with section 554 of title 5, United States Code). In a case in which a civil penalty sought by the Administrator under this paragraph exceeds $5,000, but does not exceed $25,000, the penalty shall be assessed by the Administrator after notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code.''; and

(ii) in subparagraph (C), by striking ''paragraph exceeds $5,000'' and inserting ''subsection for a violation of an applicable requirement exceeds $25,000''; and

(4) by adding at the end the following:

''(h) CONSOLIDATION INCENTIVE.—

''(1) IN GENERAL.—An owner or operator of a public water system may submit to the State in which the system is located (if the State has primary enforcement responsibility under section 1413) or to the Administrator (if the State does not have primary enforcement responsibility) a plan (including specific measures and schedules) for—

''(A) the physical consolidation of the system with 1 or more other systems;

''(B) the consolidation of significant management and administrative functions of the system with 1 or more other systems; or

''(C) the transfer of ownership of the system that may reasonably be expected to improve drinking water quality.

''(2) CONSEQUENCES OF APPROVAL.—If the State or the Administrator approves a plan pursuant to paragraph (1), no enforcement action shall be taken pursuant to this part with respect to a specific violation identified in the approved plan prior to the date that is the earlier of the date on which consolidation is completed according to the plan or the date that is 2 years after the plan is approved.

''(i) DEFINITION OF APPLICABLE REQUIREMENT.—In this section, the term 'applicable requirement' means—

''(1) a requirement of section 1412, 1414, 1415, 1416, 1417, 1441, [1442, 1445, 1447, 1463, 1464, or 1471;] *or 1445;*

''(2) a regulation promulgated pursuant to a section referred to in paragraph (1);

''(3) a schedule or requirement imposed pursuant to a section referred to in paragraph (1); and

''(4) a requirement of, or permit issued under, an applicable State program for which the Administrator has made a determination that the requirements of section 1413 have been satisfied, or an applicable State program approved pursuant to this part.''.

(b) STATE AUTHORITY FOR ADMINISTRATIVE PENALTIES.—Section 1413(a) (42 U.S.C. 300g–2(a)) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following:

''(6) has adopted authority for administrative penalties (unless the constitution of the State prohibits the adoption of the authority) in a maximum amount—

''(A) in the case of a system serving a population of more than 10,000, that is not less than $1,000 per day per violation; and

''(B) in the case of any other system, that is adequate to ensure compliance (as determined by the State);

except that a State may establish a maximum limitation on the total amount of administrative penalties that may be imposed on a public water system per violation.''.

(c) JUDICIAL REVIEW.—Section 1448(a) (42 U.S.C. 300j–7(a)) is amended—

(1) in paragraph (2) of the first sentence, by inserting ''final'' after ''any other'';

(2) in the second sentence, by striking ''or issuance of the order'' and inserting ''or any other final Agency action''; and

(3) by adding at the end the following ''In any petition concerning the assessment of a civil penalty pursuant to section 1414(g)(3)(B), the petitioner shall simultaneously send a copy of the complaint by certified mail to the Administrator and the Attorney General. The court shall set aside [or] *and* remand the penalty order if the court finds that there is not substantial evidence in the record to support the finding of a violation or that the assessment of the penalty by the Administrator constitutes an abuse of discretion.''.

SEC. 22. FEDERAL AGENCIES.

(a) IN GENERAL.—Subsections (a) and (b) of section 1447 (42 U.S.C. 300j–6) are amended to read as follows:

''(a) COMPLIANCE.—

''(1) IN GENERAL.—Each Federal agency shall be subject to, and comply with, all Federal, State, interstate, and local substantive and procedural requirements, administrative authorities, and process and sanctions concerning the provision of safe drinking water

or underground injection in the same manner, and to the same extent, as any nongovernmental entity is subject to, and shall comply with, the requirements, authorities, and process and sanctions.

''(2) ADMINISTRATIVE ORDERS AND PENALTIES.—The Federal, State, interstate, and local substantive and procedural requirements, administrative authorities, and process and sanctions referred to in paragraph (1) include all administrative orders and all civil and administrative penalties or fines, regardless of whether the penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations.

''(3) LIMITED WAIVER OF SOVEREIGN IMMUNITY.—The United States expressly waives any immunity otherwise applicable to the United States with respect to any requirement, administrative authority, or process or sanction referred to in paragraph (2) (including any injunctive relief, administrative order, or civil or administrative penalty or fine referred to in paragraph (2), or reasonable service charge). The reasonable service charge referred to in the preceding sentence includes—

''(A) a fee or charge assessed in connection with the processing, issuance, renewal, or amendment of a permit, variance, or exemption, review of a plan, study, or other document, or inspection or monitoring of a facility; and

''(B) any other nondiscriminatory charge that is assessed in connection with a Federal, State, interstate, or local safe drinking water regulatory program.

''(4) CIVIL PENALTIES.—No agent, employee, or officer of the United States shall be personally liable for any civil penalty under this subsection with respect to any act or omission within the scope of the official duties of the agent, employee, or officer.

''(5) CRIMINAL SANCTIONS.—An agent, employee, or officer of the United States may be subject to a criminal sanction under a State, interstate, or local law concerning the provision of drinking water or underground injection. No department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to a sanction referred to in the preceding sentence.

''(b) WAIVER OF COMPLIANCE.—

''(1) IN GENERAL.—The President may waive compliance with subsection (a) by any department, agency, or instrumentality in the executive branch if the President determines waiving compliance with such subsection to be in the paramount interest of the United States.

''(2) WAIVERS DUE TO LACK OF APPROPRIATIONS.—No waiver described in paragraph (1) shall be granted due to the lack of an appropriation unless the President has specifically requested the appropriation as part of the budgetary process and Congress has failed to make available the requested appropriation.

''(3) PERIOD OF WAIVER.—A waiver under this subsection shall be for a period of not to exceed 1 year, but an additional waiver may be granted for a period of not to exceed 1 year on the termination of a waiver if the President reviews the waiver and makes a determination that it is in the paramount interest of the United States to grant an additional waiver.

''(4) REPORT.—Not later than January 31 of each year, the President shall report to Congress on each waiver granted pursuant to this subsection during the preceding calendar year, together with the reason for granting the waiver.''.

(b) ADMINISTRATIVE PENALTY ORDERS.—Section 1447 (42 U.S.C. 300j–6) is amended by adding at the end the following:

''(d) ADMINISTRATIVE PENALTY ORDERS.—

''(1) IN GENERAL.—If the Administrator finds that a Federal agency has violated an applicable requirement under this title, the Administrator may issue a penalty order assessing a penalty against the Federal agency.

''(2) PENALTIES.—The Administrator may, after notice to the agency, assess a civil penalty against the agency in an amount not to exceed $25,000 per day per violation.

''(3) PROCEDURE.—Before an administrative penalty order issued under this subsection becomes final, the Administrator shall provide the agency an opportunity to confer with the Administrator and shall provide the agency notice and an opportunity for a hearing on the record in accordance with chapters 5 and 7 of title 5, United States Code.

''(4) PUBLIC REVIEW.—

''(A) IN GENERAL.—Any interested person may obtain review of an administrative penalty order issued under this subsection. The review may be obtained in the United States District Court for the District of Columbia or in the United States District Court for the district in which the violation is alleged to have occurred by the filing of a complaint with the court within the 30-day period beginning on the date the penalty order becomes final. The person filing the complaint shall simultaneously send a copy of the complaint by certified mail to the Administrator and the Attorney General.

''(B) RECORD.—The Administrator shall promptly file in the court a certified copy of the record on which the order was issued.

''(C) STANDARD OF REVIEW.—The court shall not set aside or remand the order unless the court finds that there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or that the assessment of the penalty by the Administrator constitutes an abuse of discretion.

''(D) PROHIBITION ON ADDITIONAL PENALTIES.—The court may not impose an additional civil penalty for a violation that is subject to the order unless the court finds that the assessment constitutes an abuse of discretion by the Administrator.''.

(c) CITIZEN ENFORCEMENT.—The first sentence of section 1449(a) (42 U.S.C. 300j–8(a)) is amended—

(1) in paragraph (1), by striking '', or'' and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(3) for the collection of a penalty (and associated costs and interest) against any Federal agency that fails, by the date that is 1 year after the effective date of a final order to pay a penalty assessed by the Administrator under section 1447(d), to pay the penalty.''.

(d) WASHINGTON AQUEDUCT.—Section 1447 (42 U.S.C. 300j–6) (as amended by subsection (b)) is further amended by adding at the end the following:

''(e) WASHINGTON AQUEDUCT.—The Washington Aqueduct Authority, the Army Corps of Engineers, and the Secretary of the Army shall not pass the cost of any penalty assessed under this title on to any customer, user, or other purchaser of drinking water from the Washington Aqueduct system, including finished water from the Dalecarlia or McMillan treatment plant.''.

SEC. 23. RESEARCH.

Section 1442 (42 U.S.C. 300j–1) (as amended by section 12(d)) is further amended—

(1) by redesignating paragraph (3) of subsection (b) as paragraph (3) of subsection (d) and moving such paragraph to appear after paragraph (2) of subsection (d);

(2) by striking subsection (b) (as so amended);

(3) by redesignating subparagraph (B) of subsection (a)(2) as subsection (b) and moving such subsection to appear after subsection (a);

(4) in subsection (a)—

(A) by striking paragraph (2) (as so amended) and inserting the following:

''(2) INFORMATION AND RESEARCH FACILITIES.—In carrying out this title, the Administrator is authorized to—

''(A) collect and make available information pertaining to research, investigations, and demonstrations with respect to providing a dependably safe supply of drinking water, together with appropriate recommendations in connection with the information; and

''(B) make available research facilities of the Agency to appropriate public authorities, institutions, and individuals engaged in studies and research relating to this title.'';

(B) by striking paragraph (3);

(C) by redesignating paragraph (11) as paragraph (3) and moving such paragraph to appear before paragraph (4); and

(D) by adding at the end the following:

''(11) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out research authorized by this section $25,000,000 for each of fiscal years 1994 through 2003, of which $4,000,000 shall be available for each fiscal year for research on the health effects of arsenic in drinking water.'';

(5) in subsection (b) (as so amended)—

(A) by striking ''subparagraph'' each place it appears and inserting ''subsection''; and

(B) by adding at the end the following: ''There are authorized to be appropriated to carry out this subsection $8,000,000 for each of fiscal years 1995 through 2003.'';

(6) in the first sentence of subsection (c), by striking ''eighteen months after the date of enactment of this subsection'' and inserting ''2 years after the date of enactment of the Safe Drinking Water Act Amendments of 1995, and every 5 years thereafter'';

(7) in subsection (d) (as amended by paragraph (1))—

(A) in paragraph (1), by striking '', and'' at the end and inserting a semicolon;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon;

(C) in paragraph (3), by striking the period at the end and inserting ''; and'';

(D) by inserting after paragraph (3) the following:

''(4) develop and maintain a system for forecasting the supply of, and demand for, various professional occupational categories and other occupational categories needed for the protection and treatment of drinking water in each region of the United States.''; and

(E) by adding at the end the following: ''There are authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 1994 through 2003.''; and

(8) by adding at the end the following:

''(i) BIOLOGICAL MECHANISMS.—In carrying out this section, the Administrator shall conduct studies to—

''(1) understand the mechanisms by which chemical contaminants are absorbed, distributed, metabolized, and eliminated from the human body, so as to develop more accurate physiologically based models of the phenomena;

''(2) understand the effects of contaminants and the mechanisms by which the contaminants cause adverse effects (especially noncancer and infectious effects) and the variations in the effects among humans, especially subpopulations at greater risk of adverse effects, and between test animals and humans; and

''(3) develop new approaches to the study of complex mixtures, such as mixtures found in drinking water, especially to determine the prospects for synergistic or antagonistic

interactions that may affect the shape of the dose-response relationship of the individual chemicals and microbes, and to examine noncancer endpoints and infectious diseases, and susceptible individuals and subpopulations.

''(j) RESEARCH PRIORITIES.—To establish long-term priorities for research under this section, the Administrator shall develop, and periodically update, an integrated risk characterization strategy for drinking water quality. The strategy shall identify unmet needs, priorities for study, and needed improvements in the scientific basis for activities carried out under this title. The initial strategy shall be made available to the public not later than 3 years after the date of enactment of this subsection.

''(k) RESEARCH PLAN FOR HARMFUL SUBSTANCES IN DRINKING WATER.—

''(1) DEVELOPMENT OF PLAN.—The Administrator shall—

''(A) not later than 180 days after the date of enactment of this subsection, after consultation with the Secretary of Health and Human Services, the Secretary of Agriculture, and, *as appropriate,* the heads of other Federal agencies, develop a research plan to support the development and implementation of the most current version of the—

''(i) enhanced surface water treatment rule [(announced at 59 Fed. Reg. 6332 (February 10, 1994)] *59 Fed. Reg. 38832 (July 29, 1994)*);

''(ii) disinfectant and disinfection byproducts rule (Stage 2) [(announced at 59 Fed. Reg. 6332 (February 10, 1994)] *59 Fed. Reg. 38668 (July 29, 1994)*); and

''(iii) ground water disinfection rule (availability of draft summary announced at 57 Fed. Reg. 33960 (July 31, 1992)); and

''(B) carry out the research plan, after consultation and appropriate coordination with the Secretary of Agriculture and the heads of other Federal agencies.

''(2) CONTENTS OF PLAN.—

''(A) IN GENERAL.—The research plan shall include, at a minimum—

''(i) an identification and characterization of new disinfection byproducts associated with the use of different disinfectants;

''(ii) toxicological studies and, if warranted, epidemiological studies to determine what levels of exposure from disinfectants and disinfection byproducts, if any, may be associated with developmental and birth defects and other potential toxic end points;

''(iii) toxicological studies and, if warranted, epidemiological studies to quantify the carcinogenic potential from exposure to disinfection byproducts resulting from different disinfectants;

''(iv) the development of practical analytical methods for detecting and enumerating microbial contaminants, including giardia, cryptosporidium, and viruses;

''(v) the development of reliable, efficient, and economical methods to determine the viability of individual cryptosporidium oocysts;

''(vi) the development of dose-response curves for pathogens, including cryptosporidium and the Norwalk virus;

''(vii) the development of indicators that define treatment effectiveness for pathogens and disinfection byproducts; and

''(viii) bench, pilot, and full-scale studies and demonstration projects to evaluate optimized conventional treatment, ozone, granular activated carbon, and membrane technology for controlling pathogens (including cryptosporidium) and disinfection byproducts.

''(B) RISK DEFINITION STRATEGY.—The research plan shall include a strategy for determining the risks and estimated extent of disease resulting from pathogens, disinfectants, and disinfection byproducts in drinking water, and the costs and removal efficiencies associated with various control methods for pathogens, disinfectants, and disinfection byproducts.

''(3) IMPLEMENTATION OF PLAN.—In carrying out the research plan, the Administrator shall use the most cost-effective mechanisms available, including coordination of research with, and use of matching funds from, institutions and utilities.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $12,500,000 for each of fiscal years 1997 through 2003.

''(l) SUBPOPULATIONS AT GREATER RISK.—

''(1) RESEARCH PLAN.—The Administrator shall conduct a continuing program of peer-reviewed research to identify groups within the general population that may be at greater risk than the general population of adverse health effects from exposure to contaminants in drinking water. Not later than 1 year after the date of enactment of this subsection, the Administrator shall develop and implement a research plan to establish whether and to what degree infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations that can be identified and characterized are likely to experience elevated health risks, including risks of cancer, from contaminants in drinking water.

''(2) CONTENTS OF PLAN.—To the extent appropriate, the research shall be—

''(A) integrated into the health effects research plan carried out by the Administrator to support the regulation of specific contaminants under this Act; and

''(B) designed to identify—

''(i) the nature and extent of the elevated health risks, if any;

''(ii) the groups likely to experience the elevated health risks;

''(iii) biological mechanisms and other factors that may contribute to elevated health risks for groups within the general population;

''(iv) the degree of variability of the health risks to the groups from the health risks to the general population;

''(v) the threshold, if any, at which the elevated health risks for a specific contaminant occur; and

''(vi) the probability of the exposure to the contaminants by the identified group.

''(3) REPORT.—Not later than 4 years after the date of enactment of this subsection and periodically thereafter as new and significant information becomes available, the Administrator shall report to Congress on the results of the research.

''(4) USE OF RESEARCH.—In characterizing the health effects of drinking water contaminants under this Act, the Administrator shall consider all relevant factors, including the results of research under this subsection, the margin of safety for variability in the general population, and sound scientific practices (including the 1993 and 1994 reports of the National Academy of Sciences) regarding subpopulations at greater risk for adverse health effects.''.

SEC. 24. DEFINITIONS.

(a) IN GENERAL.—Section 1401 (42 U.S.C. 300f) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by inserting ''accepted methods for'' before ''quality control''; and

(B) by adding at the end the following:

''At any time after promulgation of a regulation referred to in this paragraph, the Administrator may add equally effective quality control and testing procedures by guidance published in the Federal Register. The procedures shall be treated as an alternative for public water systems to the quality control and testing procedures listed in the regulation.'';

(2) in paragraph (13)—

(A) by striking ''The'' and inserting ''(A) Except as provided in subparagraph (B), the''; and

(B) by adding at the end the following:

''(B) For purposes of part G, the term 'State' means each of the 50 States and the Commonwealth of Puerto Rico.'';

(3) in paragraph (14), by adding at the end the following: ''For purposes of part G, the term includes any Native village (as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c))).''; and

(4) by adding at the end the following:

[''(15) The] *(15) COMMUNITY WATER SYSTEM.—The* term 'community water system' means a public water system that—

''(A) serves at least 15 service connections used by year-round residents of the area served by the system; or

''(B) regularly serves at least 25 year-round residents.

[''(16) The] *(16) NONCOMMUNITY WATER SYSTEM.—The* term 'noncommunity water system' means a public water system that is not a community water system.''.

(b) PUBLIC WATER SYSTEM.—

(1) IN GENERAL.—Section 1401(4) (42 U.S.C. 300f(4)) is amended—

(A) in the first sentence, by striking ''piped water for human consumption'' and inserting ''water for human consumption through pipes or other constructed conveyances'';

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(C) by striking ''(4) The'' and inserting the following:

''(4) PUBLIC WATER SYSTEM.—

''(A) IN GENERAL.—The''; and

(D) by adding at the end the following:

''(B) CONNECTIONS.—

''(i) RESIDENTIAL USE.—

''(I) IN GENERAL.—A connection described in subclause (II) shall not be considered to be a connection for determining whether the system is a public water system under this title, if—

''(aa) the Administrator or the State (in the case of a State exercising primary enforcement responsibility for public water systems) determines that alternative water to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulation is provided for residential or similar uses for drinking and cooking; or

''(bb) the Administrator or the State (in the case of a State exercising primary enforcement responsibility for public water systems) determines that the water provided for residential or similar uses for drinking and cooking is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

''(II) CONNECTIONS.—A connection referred to in this subclause is a connection to a water system that conveys water by a means other than a pipe principally for 1 or more purposes other than residential use (which other purposes include irrigation, stock watering, industrial use, or municipal source water prior to treatment)—

''(aa) for a residential use (consisting of drinking, bathing, cooking, or other similar use); or

''(bb) to a facility for a use similar to a residential use.

''(ii) IRRIGATION DISTRICTS.—An irrigation district in existence prior to May 18, 1994, that provides primarily agricultural service through a piped water system with only incidental residential use shall not be considered to be a public water system if the system

and the residential users of the system comply with subclauses (I) and (II) of clause (i).''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect 1 year after the date of enactment of this Act.

SEC. 25. GROUND WATER PROTECTION.

(a) STATE GROUND WATER PROTECTION GRANTS.—Section 1443 (42 U.S.C. 300j–2) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) STATE GROUND WATER PROTECTION GRANTS.—

''(1) IN GENERAL.—The Administrator may make a grant to a State for the development and implementation of a State program to ensure the coordinated and comprehensive protection of ground water resources within the State.

''(2) GUIDANCE.—Not later than 1 year after the date of enactment of the Safe Drinking Water Act Amendments of 1995, and annually thereafter, the Administrator shall publish guidance that establishes procedures for application for State ground water protection program assistance and that identifies key elements of State ground water protection programs.

''(3) CONDITIONS OF GRANTS.—

''(A) IN GENERAL.—The Administrator shall award grants to States that submit an application that is approved by the Administrator. The Administrator shall determine the amount of a grant awarded pursuant to this paragraph on the basis of an assessment of the extent of ground water resources in the State and the likelihood that awarding the grant will result in sustained and reliable protection of ground water quality.

''(B) INNOVATIVE PROGRAM GRANTS.—The Administrator may also award a grant pursuant to this paragraph for innovative programs proposed by a State for the prevention of ground water contamination.

''(C) ALLOCATION OF FUNDS.—The Administrator shall, at a minimum, ensure that, for each fiscal year, not less than 1 percent of funds made available to the Administrator by appropriations to carry out this subsection are allocated to each State that submits an application that is approved by the Administrator pursuant to this subsection.

''(D) LIMITATION ON GRANTS.—No grant awarded by the Administrator may be used for a project to remediate ground water contamination.

''(4) COORDINATION WITH OTHER GRANT PROGRAMS.—The awarding of grants by the Administrator pursuant to this subsection shall be coordinated with the awarding of grants pursuant to section 319(i) of the Federal Water Pollution Control Act (33 U.S.C. 1329(i)) and the awarding of other Federal grant assistance that provides funding for programs related to ground water protection.

''(5) AMOUNT OF GRANTS.—The amount of a grant awarded pursuant to paragraph (1) shall not exceed 50 percent of the eligible costs of carrying out the ground water protection program that is the subject of the grant (as determined by the Administrator) for the 1-year period beginning on the date that the grant is awarded. The State shall pay a State share to cover the costs of the ground water protection program from State funds in an amount that is not less than 50 percent of the cost of conducting the program.

''(6) EVALUATIONS AND REPORTS.—Not later than 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1995, and every 3 years thereafter, the Administrator shall evaluate the State ground water protection programs that are the subject of grants awarded pursuant to this subsection and report to Congress on the status of ground water quality in the United States and the effectiveness of State programs for ground water protection.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $20,000,000 for each of fiscal years 1995 through 2003.''.

(b) CRITICAL AQUIFER PROTECTION.—Section 1427 (42 U.S.C. 300h–6) is amended—

(1) in subsection (b)(1), by striking ''not later than 24 months after the enactment of the Safe Drinking Water Act Amendments of 1986''; and

(2) in the first sentence of subsection (n), by adding at the end the following:

''1992–2003 ..... 20,000,000.''.

(c) WELLHEAD PROTECTION AREAS.—Section 1428(k) (42 U.S.C. 300h–7(k)) is amended by adding at the end the following:

''1992–2003 ..... 35,000,000.''.

(d) UNDERGROUND INJECTION CONTROL GRANT.—Section 1443(b)(5) (42 U.S.C. 300j–2(b)(5)) is amended by adding at the end the following:

''1992–2003 ..... 20,850,000.''.

(e) REPORT TO CONGRESS ON PRIVATE DRINKING WATER.—Section 1450 (42 U.S.C. 300j–9) is amended by striking subsection (h) and inserting the following:

''(h) REPORT TO CONGRESS ON PRIVATE DRINKING WATER.—The Administrator shall conduct a study to determine the extent and seriousness of contamination of private sources of drinking water that are not regulated under this title. Not later than 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1995, the Administrator shall submit to Congress a report that includes the findings of the study and recommendations by the Administrator concerning responses to any problems identified under the study. In designing and conducting the study, including consideration of research design, methodology, and conclusions and recommendations, the Administrator shall consult with experts outside the Agency, including scientists, hydrogeologists, well contractors and suppliers, and other individuals knowledgeable in ground water protection and remediation.''.

(f) NATIONAL CENTER FOR GROUND WATER RESEARCH.—The Administrator of the Environmental Protection Agency, acting through the Robert S. Kerr Environmental Research Laboratory, is authorized to reestablish a partnership between the Laboratory and the National Center for Ground Water Research, a university consortium, to conduct research, training, and technology transfer for ground water quality protection and restoration.

SEC. 26. LEAD PLUMBING AND PIPES; RETURN FLOWS.

(a) FITTINGS AND FIXTURES.—Section 1417 (42 U.S.C. 300g–6) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) PROHIBITIONS.—

''(A) IN GENERAL.—No person may use any pipe, any pipe or plumbing fitting or fixture, any solder, or any flux, after June 19, 1986, in the installation or repair of—

''(i) any public water system; or

''(ii) any plumbing in a residential or nonresidential facility providing water for human consumption,

that is not lead free (within the meaning of subsection (d)).

''(B) LEADED JOINTS.—Subparagraph (A) shall not apply to leaded joints necessary for the repair of cast iron pipes.'';

(B) in paragraph (2)(A), by inserting after ''Each'' the following: ''owner or operator of a''; and

(C) by adding at the end the following:

''(3) UNLAWFUL ACTS.—Effective 2 years after the date of enactment of this paragraph, it shall be unlawful—

''(A) for any person to introduce into commerce any pipe, or any pipe or plumbing fitting or fixture, that is not lead free, except for a pipe that is used in manufacturing or industrial processing;

''(B) for any person engaged in the business of selling plumbing supplies, except manufacturers, to sell solder or flux that is not lead free; or

''(C) for any person to introduce into commerce any solder or flux that is not lead free unless the solder or flux bears a prominent label stating that it is illegal to use the solder or flux in the installation or repair of any plumbing providing water for human consumption.'';

(2) in subsection (d)—

(A) in paragraph (1), by striking ''lead, and'' and inserting ''lead;'';

(B) in paragraph (2), by striking ''lead.'' and inserting ''lead; and''; and

(C) by adding at the end the following:

''(3) when used with respect to plumbing fittings and fixtures, refers to plumbing fittings and fixtures in compliance with standards established in accordance with subsection (e).''; and

(3) by adding at the end the following:

''(e) PLUMBING FITTINGS AND FIXTURES.—

''(1) IN GENERAL.—The Administrator shall provide accurate and timely technical information and assistance to qualified third-party certifiers in the development of voluntary standards and testing protocols for the leaching of lead from new plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion.

''(2) STANDARDS.—

''(A) IN GENERAL.—If a voluntary standard for the leaching of lead is not established by the date that is 1 year after the date of enactment of this subsection, the Administrator shall, not later than 2 years after the date of enactment of this subsection, promulgate regulations setting a health-effects-based performance standard establishing maximum leaching levels from new plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion. The standard shall become effective on the date that is 5 years after the date of promulgation of the standard.

''(B) ALTERNATIVE REQUIREMENT.—If regulations are required to be promulgated under subparagraph (A) and have not been promulgated by the date that is 5 years after the date of enactment of this subsection, no person may import, manufacture, process, or distribute in commerce a new plumbing fitting or fixture, intended by the manufacturer to dispense water for human ingestion, that contains more than 4 percent lead by dry weight.''.

(b) WATER RETURN FLOWS.—Section 3013 of Public Law 102–486 (42 U.S.C. 13551) is repealed.

(c) RECORDS AND INSPECTIONS.—Subparagraph (A) of section 1445(a)(1) (42 U.S.C. 300j–4(a)(1)) (as designated by section 19(a)(1)(A)) is amended by striking ''Every person'' and all that follows through ''is a grantee,'' and inserting ''Every person who is subject to any requirement of this title or who is a grantee''.

SEC. 27. BOTTLED WATER.

Section 410 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 349) is amended—

(1) by striking ''Whenever'' and inserting ''(a) Except as provided in subsection (b), whenever''; and

(2) by adding at the end the following:

''(b)(1) After the Administrator of the Environmental Protection Agency publishes a

proposed maximum contaminant level, but not later than 180 days after the Administrator of the Environmental Protection Agency publishes a final maximum contaminant level, for a contaminant under section 1412 of the Public Health Service Act (42 U.S.C. 300g–1), the Secretary, after public notice and comment, shall issue a regulation that establishes a quality level for the contaminant in bottled water or make a finding that a regulation is not necessary to protect the public health because the contaminant is contained in water in the public water systems (as defined under section 1401(4) of such Act (42 U.S.C. 300f(4)) and not in water used for bottled drinking water. *In the case of any contaminant for which a national primary drinking water regulation was promulgated before the date of enactment of the Safe Drinking Water Act Amendments of 1995, the Secretary shall issue the regulation or make the finding required by this paragraph not later than 1 year after that date.*

''(2) The regulation shall include any monitoring requirements that the Secretary determines to be appropriate for bottled water.

''(3) The regulation—

''(A) shall require that the quality level for the contaminant in bottled water be as stringent as the maximum contaminant level for the contaminant published by the Administrator of the Environmental Protection Agency; and

''(B) may require that the quality level be more stringent than the maximum contaminant level if necessary to provide ample public health protection under this Act.

''(4)(A) If the Secretary fails to establish a regulation within the 180-day period described in paragraph (1), the regulation with respect to the final maximum contaminant level published by the Administrator of the Environmental Protection Agency (as described in such paragraph) shall be considered, as of the date on which the Secretary is required to establish a regulation under paragraph (1), as the final regulation for the establishment of the quality level for a contaminant required under paragraph (1) for the purpose of establishing or amending a bottled water quality level standard with respect to the contaminant.

''(B) Not later than 30 days after the end of the 180-day period described in paragraph (1), the Secretary shall, with respect to a maximum contaminant level that is considered as a quality level under subparagraph (A), publish a notice in the Federal Register that sets forth the quality level and appropriate monitoring requirements required under paragraphs (1) and (2) and that provides that the quality level standard and requirements shall take effect on the date on which the final regulation of the maximum contaminant level takes effect.''.

SEC. 28. ASSESSING ENVIRONMENTAL PRIORITIES, COSTS, AND BENEFITS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) ADVERSE EFFECT ON HUMAN HEALTH.—The term ''adverse effect on human health'' includes any increase in the rate of death or serious illness, including disease, cancer, birth defects, reproductive dysfunction, developmental effects (including effects on the endocrine and nervous systems), and other impairments in bodily functions.

(3) RISK.—The term ''risk'' means the likelihood of an occurrence of an adverse effect on human health, the environment, or public welfare.

(4) SOURCE OF POLLUTION.—The term ''source of pollution'' means a category or class of facilities or activities that alter the chemical, physical, or biological character of the natural environment.

(b) FINDINGS.—Congress finds that—

(1) cost-benefit analysis and risk assessment are useful but imperfect tools that serve to enhance the information available in developing environmental regulations and programs;

(2) cost-benefit analysis and risk assessment can also serve as useful tools in setting priorities and evaluating the success of environmental protection programs;

(3) cost and risk are not the only factors that need to be considered in evaluating environmental programs, as other factors, including values and equity, must also be considered;

(4) cost-benefit analysis and risk assessment should be presented with a clear statement of the uncertainties in the analysis or assessment;

(5) current methods for valuing ecological resources and assessing intergenerational effects of sources of pollution need further development before integrated rankings of sources of pollution based on the factors referred to in paragraph (3) can be used with high levels of confidence;

(6) methods to assess and describe the risks of adverse human health effects, other than cancer, need further development before integrated rankings of sources of pollution based on the risk to human health can be used with high levels of confidence;

(7) periodic reports by the Administrator on the costs and benefits of regulations promulgated under Federal environmental laws, and other Federal actions with impacts on human health, the environment, or public welfare, will provide Congress and the general public with a better understanding of—

(A) national environmental priorities; and

(B) expenditures being made to achieve reductions in risk to human health, the environment, and public welfare; and

(8) periodic reports by the Administrator on the costs and benefits of environmental regulations will also—

(A) provide Congress and the general public with a better understanding of the strengths, weaknesses, and uncertainties of cost-benefit analysis and risk assessment and the research needed to reduce major uncertainties; and

(B) assist Congress and the general public in evaluating environmental protection regulations and programs, and other Federal actions with impacts on human health, the environment, or public welfare, to determine the extent to which the regulations, programs, and actions adequately and fairly protect affected segments of society.

(c) REPORT ON ENVIRONMENTAL PRIORITIES, COSTS, AND BENEFITS.—

(1) RANKING.—

(A) IN GENERAL.—The Administrator shall identify and, taking into account available data (to the extent practicable), rank sources of pollution with respect to the relative degree of risk of adverse effects on human health, the environment, and public welfare.

(B) METHOD OF RANKING.—In carrying out the rankings under subparagraph (A), the Administrator shall—

(i) rank the sources of pollution considering the extent and duration of the risk; and

(ii) take into account broad societal values, including the role of natural resources in sustaining economic activity into the future.

(2) EVALUATION OF REGULATORY AND OTHER COSTS.—In addition to carrying out the rankings under paragraph (1), the Administrator shall estimate the private and public costs associated with each source of pollution and the costs and benefits of complying with regulations designed to protect against risks associated with the sources of pollution.

(3) EVALUATION OF OTHER FEDERAL ACTIONS.—In addition to carrying out the requirements of paragraphs (1) and (2), the Administrator shall estimate the private and public costs and benefits associated with major Federal actions selected by the Administrator that have the most significant impact on human health or the environment, including direct development projects, grant and loan programs to support infrastructure construction and repair, and permits, licenses, and leases to use natural resources or to release pollution to the environment, and other similar actions.

(4) RISK REDUCTION OPPORTUNITIES.—In assessing risks, costs, and benefits as provided in paragraphs (1) and (2), the Administrator shall also identify reasonable opportunities to achieve significant risk reduction through modifications in environmental regulations and programs and other Federal actions with impacts on human health, the environment, or public welfare.

(5) UNCERTAINTIES.—In evaluating the risks referred to in paragraphs (1) and (2), the Administrator shall—

(A) identify the major uncertainties associated with the risks;

(B) explain the meaning of the uncertainties in terms of interpreting the ranking and evaluation; and

(C) determine—

(i) the type and nature of research that would likely reduce the uncertainties; and

(ii) the cost of conducting the research.

(6) CONSIDERATION OF BENEFITS.—In carrying out this section, the Administrator shall consider and, to the extent practicable, estimate the monetary value, and such other values as the Administrator determines to be appropriate, of the benefits associated with reducing risk to human health and the environment, including—

(A) avoiding premature mortality;

(B) avoiding cancer and noncancer diseases that reduce the quality of life;

(C) preserving biological diversity and the sustainability of ecological resources;

(D) maintaining an aesthetically pleasing environment;

(E) valuing services performed by ecosystems (such as flood mitigation, provision of food or material, or regulating the chemistry of the air or water) that, if lost or degraded, would have to be replaced by technology;

(F) avoiding other risks identified by the Administrator; and

(G) considering the benefits even if it is not possible to estimate the monetary value of the benefits in exact terms.

(7) REPORTS.—

(A) PRELIMINARY REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall report to Congress on the sources of pollution and other Federal actions that the Administrator will address, and the approaches and methodology the Administrator will use, in carrying out the rankings and evaluations under this section. The report shall also include an evaluation by the Administrator of the need for the development of methodologies to carry out the ranking.

(B) PERIODIC REPORT.—

(i) IN GENERAL.—On completion of the ranking and evaluations conducted by the Administrator under this section, but not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Administrator shall report the findings of the rankings and evaluations to Congress and make the report available to the general public.

(ii) EVALUATION OF RISKS.—Each periodic report prepared pursuant to this subparagraph shall, to the extent practicable, evaluate risk management decisions under Federal environmental laws, including title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act'') (42 U.S.C. 300f et seq.), that present inherent and unavoidable choices between competing risks, including risks of controlling microbial versus disinfection contaminants in drinking water. Each periodic report shall address the policy of the Administrator concerning the most appropriate methods of weighing and analyzing the risks, and shall incorporate information concerning—

(I) the severity and certainty of any adverse effect on human health, the environment, or public welfare;

(II) whether the effect is immediate or delayed;

(III) whether the burden associated with the adverse effect is borne disproportionately by a segment of the general population or spread evenly across the general population; and

(IV) whether a threatened adverse effect can be eliminated or remedied by the use of an alternative technology or a protection mechanism.

(d) IMPLEMENTATION.—In carrying out this section, the Administrator shall—

(1) consult with the appropriate officials of other Federal agencies and State and local governments, members of the academic community, representatives of regulated businesses and industry, representatives of citizen groups, and other knowledgeable individuals to develop, evaluate, and interpret scientific and economic information;

(2) make available to the general public the information on which rankings and evaluations under this section are based; and

(3) establish, not later than 2 years after the date of enactment of this Act, methods for determining costs and benefits of environmental regulations and other Federal actions, including the valuation of natural resources and intergenerational costs and benefits, by rule after notice and opportunity for public comment.

(e) REVIEW BY THE SCIENCE ADVISORY BOARD.—Before the Administrator submits a report prepared under this section to Congress, the Science Advisory Board, established by section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), shall conduct a technical review of the report in a public session.

SEC. 29. OTHER AMENDMENTS.

(a) CAPITAL IMPROVEMENTS FOR THE WASHINGTON AQUEDUCT.—

(1) AUTHORIZATIONS.—

(A) AUTHORIZATION OF MODERNIZATION.—Subject to approval in, and in such amounts as may be provided in appropriations Acts, the Chief of Engineers of the Army Corps of Engineers is authorized to modernize the Washington Aqueduct.

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Army Corps of Engineers borrowing authority in amounts sufficient to cover the full costs of modernizing the Washington Aqueduct. The borrowing authority shall be provided by the Secretary of the Treasury, under such terms and conditions as are established by the Secretary of the Treasury, after a series of contracts with each public water supply customer has been entered into under paragraph (2).

(2) CONTRACTS WITH PUBLIC WATER SUPPLY CUSTOMERS.—

(A) CONTRACTS TO REPAY CORPS DEBT.—To the extent provided in appropriations Acts, and in accordance with subparagraphs (B) and (C), the Chief of Engineers of the Army Corps of Engineers is authorized to enter into a series of contracts with each public water supply customer under which the customer commits to repay a pro-rata share of the principal and interest owed by the Army Corps of Engineers to the Secretary of the Treasury under paragraph (1). Under each of the contracts, the customer that enters into the contract shall commit to pay any additional amount necessary to fully offset the risk of default on the contract.

(B) OFFSETTING OF RISK OF DEFAULT.—Each contract under subparagraph (A) shall include such additional terms and conditions as the Secretary of the Treasury may require so that the value to the Government of the contracts is estimated to be equal to the obligational authority used by the Army Corps of Engineers for modernizing the Washington Aqueduct at the time that each series of contracts is entered into.

(C) OTHER CONDITIONS.—Each contract entered into under subparagraph (A) shall—

(i) provide that the public water supply customer pledges future income from fees assessed to operate and maintain the Washington Aqueduct;

(ii) provide the United States priority over all other creditors; and

(iii) include other conditions that the Secretary of the Treasury determines to be appropriate.

(3) BORROWING AUTHORITY.—Subject to an appropriation under paragraph (1)(B) and after entering into a series of contracts under paragraph (2), the Secretary, acting through the Chief of Engineers of the Army Corps of Engineers, shall seek borrowing authority from the Secretary of the Treasury under paragraph (1)(B).

(4) DEFINITIONS.—In this subsection:

(A) PUBLIC WATER SUPPLY CUSTOMER.—The term ''public water supply customer'' means the District of Columbia, the county of Arlington, Virginia, and the city of Falls Church, Virginia.

(B) VALUE TO THE GOVERNMENT.—The term ''value to the Government'' means the net present value of a contract under paragraph (2) calculated under the rules set forth in subparagraphs (A) and (B) of section 502(5) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(5)), excluding section 502(5)(B)(i) of such Act, as though the contracts provided for the repayment of direct loans to the public water supply customers.

(C) WASHINGTON AQUEDUCT.—The term ''Washington Aqueduct'' means the water supply system of treatment plants, raw water intakes, conduits, reservoirs, transmission mains, and pumping stations owned by the Federal Government located in the metropolitan Washington, District of Columbia, area.

(b) DRINKING WATER ADVISORY COUNCIL.—The second sentence of section 1446(a) (42 U.S.C. 300j–6(a)) is amended by inserting before the period at the end the following: '', of which two such members shall be associated with small, rural public water systems''.

(c) SHORT TITLE.—

(1) IN GENERAL.—The title (42 U.S.C. 1401 et seq.) is amended by inserting after the title heading the following:

''SHORT TITLE

''SEC. 1400. This title may be cited as the 'Safe Drinking Water Act'.''.

(2) CONFORMING AMENDMENT.—Section 1 of Public Law 93–523 (88 Stat. 1660) is amended by inserting ''of 1974'' after ''Water Act''.

(d) TECHNICAL AMENDMENTS TO SECTION HEADINGS.—

(1) The section heading and subsection designation of subsection (a) of section 1417 (42 U.S.C. 300g–6) are amended to read as follows:

''PROHIBITION ON USE OF LEAD PIPES, FITTINGS, SOLDER, AND FLUX

''SEC. 1417. (a)''.

(2) The section heading and subsection designation of subsection (a) of section 1426 (42 U.S.C. 300h–5) are amended to read as follows:

''REGULATION OF STATE PROGRAMS

''SEC. 1426. (a)''.

(3) The section heading and subsection designation of subsection (a) of section 1427 (42 U.S.C. 300h–6) are amended to read as follows:

''SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM

''SEC. 1427. (a)''.

(4) The section heading and subsection designation of subsection (a) of section 1428 (42 U.S.C. 300h–7) are amended to read as follows:

''STATE PROGRAMS TO ESTABLISH WELLHEAD PROTECTION AREAS

''SEC. 1428. (a)''.

(5) The section heading and subsection designation of subsection (a) of section 1432 (42 U.S.C. 300i–1) are amended to read as follows:

''TAMPERING WITH PUBLIC WATER SYSTEMS

''SEC. 1432. (a)''.

(6) The section heading and subsection designation of subsection (a) of section 1451 (42 U.S.C. 300j–11) are amended to read as follows:

''INDIAN TRIBES

''SEC. 1451. (a)''.

(7) The section heading and first word of section 1461 (42 U.S.C. 300j–21) are amended to read as follows:

''DEFINITIONS

''SEC. 1461. As''.

(8) The section heading and first word of section 1462 (42 U.S.C. 300j–22) are amended to read as follows:

''RECALL OF DRINKING WATER COOLERS WITH LEAD-LINED TANKS

''SEC. 1462. For''.

(9) The section heading and subsection designation of subsection (a) of section 1463 (42 U.S.C. 300j–23) are amended to read as follows:

''DRINKING WATER COOLERS CONTAINING LEAD

''SEC. 1463. (a)''.

(10) The section heading and subsection designation of subsection (a) of section 1464 (42 U.S.C. 300j–24) are amended to read as follows:

''LEAD CONTAMINATION IN SCHOOL DRINKING WATER

''SEC. 1464. (a)''.

(11) The section heading and subsection designation of subsection (a) of section 1465 (42 U.S.C. 300j–25) are amended to read as follows:

''FEDERAL ASSISTANCE FOR STATE PROGRAMS REGARDING LEAD CONTAMINATION IN SCHOOL DRINKING WATER

''SEC. 1465. (a)''.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, we now have before us the Safe Drinking Water Act amendments of 1995, which is S. 1316. I am pleased to join with my colleagues to bring this bill to reauthorize the Safe Drinking Water Act. This legislation has broad bipartisan support. It has been a high priority for the Environment and Public Works Committee and was reported by unanimous vote; Democrats and Republicans in the committee voted for it 16–0.

We all agree that reform of the Safe Drinking Water Act is necessary. Public health protection has been strengthened by the many new standards that have been issued over the past few years. Of all the ways of keeping our public healthy, it seems to me few are more important than having the water that they drink be safe. But the pace of standard setting and the costs of new treatment and monitoring requirements have been a strain for water suppliers, especially smaller communities.

This bill includes many provisions to ease that strain on the smaller communities. There is a new grant program for drinking water revolving loan funds, which President Clinton first recommended. The States are authorized to reduce monitoring costs by developing their own testing requirements, tailored to meet the conditions in their region. This is very important. The States have this authority in this legislation.

Under this bill, States may also grant variances to the small systems that cannot afford to comply with national standards. Now, we are not rolling back health protections that are now provided. No existing standard will be weakened. The bill includes many new initiatives that will keep the national program moving forward. In the SRF grants—the State revolving loan fund grants—there are new programs to prevent pollution of source waters which are used for drinking water supply. There is a program to develop technical capacity in small systems.

The bill pushes hard for more and better science, including a research program to determine whether some groups, like children, pregnant women, or people with particular illnesses, are more likely to experience adverse effects from drinking water contaminants.

Mr. President, before describing the major provisions of the bill, I want to thank our colleagues for the hard work they have put into this legislation.

Senator KEMPTHORNE chairs the subcommittee that has jurisdiction over the drinking water program. Senator KEMPTHORNE is the principal author of this reauthorization bill and has spent months going over every detail of the legislation. So Senator KEMPTHORNE deserves tremendous credit for what we are bringing before the Senate today. I wish to take this opportunity to thank him.

Senator REID, the ranking member of the subcommittee, has been a partner in that effort and always has been very constructive.

Senator BAUCUS, the ranking member of the full committee, blazed the trail for us last year with the safe drinking water bill that passed the Senate 95–3.

The committee was assisted in the development of this bill by the fine staff of the Office of Water at EPA, including the Assistant Administrator for Water, Bob Perciasepe, and Cynthia Dougherty, who heads the drinking water office.

We also thank the many State and local drinking water officials and the representatives of their organizations who worked long and hard on this bill. Their expertise has been very helpful.

Mr. President, if we ask what is the one thing we can do that would most improve the safety of drinking water in the United States, I believe most of us would answer: Give some help to the small drinking water systems. If you can believe it, there are 54,000. I will repeat that. There are 54,000 small public water systems in our country.

What is a small system? It is one that serves fewer than 3,300 people. Some serve as few as 100 or 125 people, and some even 25 people. Some of these drinking water systems are owned by homeowners associations or trailer parks. Some are operated by town governments.

A significant number of these very small systems do not have the technical or financial resources to consistently provide safe drinking water. They cannot keep up with the testing and the treatment and the maintenance that is necessary to provide safe water every day. These are systems where the operator has no training, the consumers pay no fees for the water sometimes, and where the supply and distribution systems simply do not get the attention that is needed to keep contaminants out of the water.

The bill we are bringing before the Senate addresses this is problem in several ways. First, it establishes a grant program to provide Federal assistance to build the treatment plants that are essential to the provision of safe drinking water. EPA estimates that capital expenditures needed nationwide to comply with current requirements of the Safe Drinking Water Act total approximately $8.6 billion, that is, if we brought all the systems up to snuff, and approximately 40 percent of these expenditures will be required of small systems. Many systems are not able to build the treatment facilities to comply with these regulations unless they get some help.

Other Federal statutes mandating investment in local utility services have provided grant assistance to go along with the mandates. In other words, when we mandated from the Federal Government for clean water bills, for example, the Congress, which has provided help, and, indeed, in that particular example, the building of sewage treatment facilities, Congress has appropriated over the years $65 billion to meet the secondary treatment requirements required by 1972 amendments to the Clean Water Act. We have not provided any sort of similar assistance under the Safe Drinking Water Act in the past.

In early 1993, President Clinton proposed creation of a State-revolving loan fund for those funds for drinking water capital investments modeled after the Clean Water Act loans. This bill authorizes $600 million in fiscal year 1994 and $1 billion per year through fiscal year 2003 for this new SRF Program. This authorization is sufficient to cover the capital investments in treatment needed to comply with Federal health standards.

Priority funding would go to projects to address the most serious public health problems and to communities most in need. Who will get the money? Those communities that most need the help as determined by the States—not by big brother in Washington, but by the States—and those projects that needed to address the most serious health problems.

In contrast to the SRF Program under the Clean Water Act, States may provide grants to systems. In other words, from this State-revolving loan fund in this bill, in safe drinking water the State can give grants to systems that cannot afford to repay.

As a second step to help small systems, the bill asks each State to adopt what is known as a capacity development strategy to help the small systems.

What is this all about? A strategy might include training for the operators of drinking water systems, or technical assistance to develop new and safer water supplies, or it might encourage consolidation or regional management to make better use of the resources. We are relying on the States to take the lead in designing capacity strategies for the small systems.

This is not some heavyhanded mandate from Washington to the States, but, instead, it is up to the States. We do not, from Washington, enforce the direction of operators who do not get training, for example. But we suggest it be done and we give assistance to do it.

We are looking to the States, to the Governors, and to the legislatures to take the big steps. Here is a chance to show that a major problem can be resolved by the States through cooperation and incentives rather than by command and control from Washington. The ultimate judgment on the success or failure of this bill will depend in large part on what the States do with this opportunity.

There are several other provisions to help small systems. States are authorized to grant variances to small systems that cannot afford to comply with national primary drinking water regulations. A portion of the SRF funds may be set aside for technical assistance, as I mentioned, to small systems, and the cost of training operators may be included in the SRF grants or loan.

States may reduce monitoring requirements. This is very important. The States do not have to meet a certain steady monitoring system. They can reduce those requirements for many contaminants for small systems that do not detect a contaminant in the first test of a quarterly series.

There are two other major provisions in this bill that I wish to describe briefly. The first relates to the criteria that EPA uses to select contaminants for

regulation. The second concerns considerations that go into establishing national health standards. Because EPA failed to take action to set national standards for contaminants that were of public health concern, the 1986 amendments listed 83 specific contaminants and required EPA to set standards for those by 1989.

The legislation—here was a big problem with that legislation we passed—directed EPA to set standards for an additional 25 contaminants every 3 years beginning in 1991.

This single provision—that is, adding 25 new contaminants every 3 years—has provoked more critical comment than virtually any other element that we have dealt with in all the environmental laws we have. Some of the 83 contaminants for which standards are required occur so infrequently that the costs of monitoring far outweigh any health benefits that could be realized.

The mandate that EPA set standards for an additional 25 contaminants every 3 years, regardless of the threat posed by those contaminants, was for many the quintessential example of an arbitrary Federal law imposing burdens on consumers and the taxpayers with no rational relationship to the public benefit that might be realized. This bill repeals the requirement that EPA regulate an additional 25 contaminants every 3 years. Instead, there is a selection process that gives EPA the discretion to identify contaminants that warrant regulation in the future.

How do you do this selection process? Every 5 years EPA publishes a list of high-priority contaminants that should receive additional study.

EPA may require monitoring at public water systems for up to 20 unregulated contaminants, to gather information on the occurrence of these contaminants in public systems.

Decisions made by EPA under the act are to be guided by new principles for sound science.

EPA is to set aside $10 million from the annual appropriations for SRF, for the State-revolving fund grants, to conduct health effects research on contaminants that are candidates for regulation. In other words, EPA gives a hand with all of this.

Every 5 years, EPA is to make regulatory decisions for at least 5 contaminants, announcing whether they warrant regulation or not.

Finally, let me turn to the issue of standard setting. This has been the most contentious issue in this reauthorization debate. I believe the committee has developed a sound compromise that deserves the support of all Senators.

Under current law, EPA establishes drinking water standards through a two-step process. First, the administrator identifies the maximum contaminant level goal reflecting a concentration of the contaminants in drinking water at which no adverse effects will occur.

Then, the administrator sets an enforceable standard as close to this absolutely safe goal as possible, as feasible. ''Feasible,'' what does that mean? That the level can be reached by large regional water systems applying best available technology.

In other words, what is the policy to meet these goals. We do not use what the little systems can do, but what the big systems can do. EPA takes into account the costs to identify the best available technology.

The treatment system must be affordable. What is affordable? Well, they use the standard that it costs less than $100 per household per year for the large systems.

Now, this approach is all right because 80 percent of the population—this is a very important statistic—80 percent of the population of the United States receives its drinking water from large systems. Safe water can be provided to this 80 percent at an affordable cost. They can afford the best available technology. Indeed, the compliance cost for large cities average not $100 per household, but $20 per household per year.

However, there is a problem with this system. There are three problems. First, the treatment technology affordable to the large systems may be unaffordable to the small system and would push the per household cost way up for these small systems.

Second, for some contaminants, this approach to standard setting can impose large costs while producing only small gains in public health. Although the treatment technology may be entirely affordable for the large systems, the incremental health benefits of addressing the relatively small health risk presented by some contaminants do not justify the aggregate cost. It is just not worth it for the small systems because the benefit you get is so small for the cost.

Third, the use of some treatment technologies may actually increase risk from some contaminants. For example, chlorine is used to kill pathogenic organisms, but that may result in increased cancer risk from disinfection byproducts. In other words, you take care of something and it causes a greater risk of something else.

Now, read literally, the existing statute requires EPA to overcontrol some contaminants to a degree that overall public health risks from drinking water would be greater using this new technology. The bill we bring to the Senate today includes several provisions to respond to these problems in standard setting.

The States may provide variances to small systems. If it is all right for the big system, not very expensive because you have so many households, the States can say to the small systems: No, you do not have to do that. We give you a variance. EPA may balance competing risks from several contaminants if the treatment technology to control one would increase the risk from the other, which I just previously mentioned.

EPA may set standards at a level less stringent than ''feasible'' if the costs of a standard reflecting best available technology are not justified. In other words, this is not somebody in EPA saying you have to reach this standard even though the costs are astronomical. Costs can be figured in. There is a cost-benefit factor involved here. The unique characteristics and risks of some contaminants, including arsenic, radon, or sulfate, are addressed with special standard-setting provisions. Although the bill includes new risk assessment and cost-benefit considerations to address unresolved problems, EPA may not use this authority to relax any existing standard unless new science indicates that a less stringent standard would be equally protective.

It appears we have secured broad bipartisan support for a series of reforms to this act, a law that has, indeed, been controversial. Achieving this reflects the contributions of many Senators, as I mentioned. Reaching this degree of consensus has generated much controversy, and the fact that we have this unanimity so far is quite an achievement.

So, again, I congratulate Senator KEMPTHORNE for his work. I know he joins me in extending appreciation to Senator REID, Senator BAUCUS, and all the others I previously mentioned.

We are ready to go, Mr. President. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, first of all, I want to inform the Senate that the manager of the bill, Senator BAUCUS, is temporarily away from the floor and will return shortly.

The bill before this body is, of course, the Safe Drinking Water Act Amendments of this year, 1995. This legislation, I believe, is Congress at its finest. What I mean by that is that this is a bill that is brought to this point by building consensus. It was not easy. It was difficult. But I think the people in the State of Rhode Island, the people in the State of Montana, the people in the State of Idaho are well served with the way their Senators handled this legislation.

Whether we like it or not, legislation is the art of compromise. Legislation is the art of consensus building, and that is what this legislation is all about. This bill is not everything that I like. It is not everything, I am sure, that my colleagues, the Senator from Idaho and the Senators from Montana and Rhode Island, think is a perfect bill. But it is a good bill. It is a tremendous improvement over anything we have been able to do before.

Where there has been rancor among the parties on other items before the Senate, and even in our committee, this bill has been negotiated for the better part of a year and as a result of the negotiations, we have come up with this fine piece of legislation. This is a bipartisan effort. The Senate will address the drinking water problems of

this country in this legislation and, as a result of this bill passing—and I have every belief it will pass—the people of this country will be well served by having the assurance that the water they are drinking is safe.

I recognize, as I have indicated, that not everyone is going to be totally happy with what is in this legislation. But it is a good, sound, reasonable, rational piece of reform legislation. This is truly reform legislation. I support the bill for lots of reasons, but let me mention just a few of them.

This bill, all Members of the U.S. Senate should realize, represents a balance. It is a balance that has been reached, and I think it has been done with great thought and consideration. There is no question that we must begin with the presumption that water in the United States is not necessarily safe if you drink it. There are increasing threats of contamination and pollution.

I can remember, as a young boy, we would drive once in a while down to the river, the Colorado River. My father told me something that was certainly true in those days, that if the water was running, it was safe, you could drink it, because as the water progressed it was cleansed as it proceeded through the rocks and the pebbles and the bushes—it was clean. That is not the case anymore. Things are put in water so that the mere fact that it is running no longer makes it safe. I cannot tell my children the same thing my father told me about having safe drinking water.

So there are increasing threats of contamination and pollution. That is what this legislation is all about. The bill provides for drinking water standards and the means by which drinking water systems can meet the standards. Again, I repeat, this legislation is to allow people, when they drink water in the United States, to feel they are drinking safe water, that the contaminants have been removed and there are procedures to make that water safe.

The bill incorporates sound science into the Administrator's decisionmaking and contaminant regulations. The bill establishes, importantly, as has been clearly explained by the chairman of the committee, a revolving loan fund to assist drinking water systems in complying with drinking water standards. In accordance with the Unfunded Mandates Act, which the Senator from Idaho worked so hard in accomplishing, it establishes money for States and drinking water systems to help comply with the act. I think we should all be very careful of amendments that come on the floor today, that we do not violate what we have worked so hard to accomplish in this legislation; that is, we are not going to force upon the States and local governments things that they do not have the money to comply with. I think that should be the watchword of the amendments that are offered here today. We truly meant what we said when we passed the unfunded mandates legislation very early this year.

Even technical assistance funds for the small drinking water systems are provided for in set-asides. Additionally, States and local authorities are given greater flexibility, as, again, was explained so well by the chairman of the committee. States and local authorities are given greater flexibility in the implementation and development of their capacity development strategies. The bill also equips the Environmental Protection Agency with greater flexibility in setting drinking water standards that were based on peer-reviewed science, with the benefits and risks associated with contaminants. The Environmental Protection Agency will be focusing its scarce resources on important health risks that are grounded in valid science rather than spending all their time, effort and money on matters that really did not allow for us to arrive at the conclusion it was necessarily better water to drink.

I also want to make a few observations about the Environmental Protection Agency. I believe this agency has served this country well. It has been maligned, but wrongfully so, in my estimation. I do not think we should be passing laws out of fear of antagonism to an agency. I think this agency has had a noble mission, one part of which is to make sure that we have safe drinking water. We all recognize that reform and change must occur, and that is what they are doing with this legislation. I emphasize to my colleagues, there are certain things the Administrator has already initiated, reforming the Environmental Protection Agency generally.

The Safe Drinking Water Act Amendments of this year should not be about agency procedures and management, nor should the Safe Drinking Water Act be about regulatory reform issues that have dominated so much of the debate this year. This bill is about drinking water, about the water that we drink, our children drink, and our children's children will drink. That is what we should be talking about during this debate on this legislation: Will water be safer as a result of this legislation passing? That is, the drinking water that we all partake of, will it be safer as a result of this legislation?

This bill, I think, should either protect the drinking water of the homes and communities of this Nation, or we should not be here. I believe the chairman of the full committee, the ranking member, the chairman of the subcommittee and the ranking member, feel very strongly that this is good legislation that will make the water we drink safer.

There are other reasons I support this legislation. There are many small systems in Nevada, hundreds of small systems in Nevada. These systems must also be such that the water that comes out of those systems is safe drinking water.

Five years ago, on November 16, the President, President Bush, signed a very important bill. It settled a 100-year water war between the States of California and Nevada. It preserved the wetlands that had been in existence for up to 10,000 years, some 80,000 acres that had been drawn down to less than 1,000 acres and were very toxic in nature. We resolved that and resolved the problems of two Indian tribes, two endangered species, some agricultural problems we had, and solved some water problems for the cities of Reno and Sparks.

I mention how complicated that was, but the most difficult problem we had in the entire legislation was not the things I mentioned. It was not endangered species. It was not the wetlands. It was not all the other things I talked about. It was in the Lake Tahoe basin, in California and Nevada—it was what we did about those little water companies. Some of them were so small, as the chairman of the committee mentioned, they served 25 people. In Lake Tahoe there were over 100 water companies. In some of them the systems were so bad they had to leave the water running all year or the lines would freeze up. This legislation will allow those small water systems to have the assurance there will be safe drinking water. We are not going to force them into doing anything.

Since that time, a number of those companies have merged. We do not have the myriad of problems we had before. But, even if we did, this legislation takes into consideration small water companies like are in the Tahoe basin. So this legislation really, I believe, addresses the problems of rural America.

We, in Congress, address the problems of big cities. We spend almost all of our time on big cities. The State of Nevada, surprisingly, is the most urban State in America. Mr. President, 90 percent of the people in Nevada live in the metropolitan areas of Reno and Las Vegas. Yet we are the seventh largest State of all the 50 States. We have 73 million acres. But most of the land is not where most of the people are. Those people outside Reno and Las Vegas need the assurance they are going to have safe drinking water. I was born and raised in Searchlight, NV. It is a very small place. It is getting bigger. If you take all the little communities around Searchlight, they have 1,000 people. We want to make sure the people of Searchlight have safe drinking water. This legislation does that. This legislation really takes care of rural America. It does not neglect rural America or urban America as we do many times.

Is this good legislation? I think it is important legislation. It is reasonable reform. It benefits the communities and ensures the health and safety of Americans. It is legislation that is—I repeat—compromise legislation. This is not just a catchy phrase. But this is reasonable reform, and it is true reform.

Mr. President, I extend my congratulations to the chairman of the full

committee, and ranking member, and also the chairman of the subcommittee that I have worked with. He has been very reasonable. We have not agreed on everything all year, but he has made every effort to reach out to the rest of the subcommittee to make sure that we have all the input that we feel is necessary.

I say this with the tremendous difficulty which we are having now with all the money things—the continuing resolution and extending the debt limit. I think people, especially in the other body, can take a real lesson from what this legislation is all about. I do not think there is anyone that I have come across that has had stronger principles in the legislative process than the Senator from Rhode Island, and certainly the Senator from Idaho, but they have had to compromise in this legislation.

I say to the people in the other body as we are grinding down trying to work things out in the last few weeks of this legislative session—everyone, Democrat and Republican alike—that they can look at this legislation and say there is hope for the money problems we have in this country, if they follow as an example what we have done here.

This is true reform, and I think it is legislation that is at its best. I am happy to have been a part in this bill arriving to the point where it is now. This is good legislation.

I ask the Members, both Democrats and Republicans, to support this legislation.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, I am pleased to stand here today in support of the Safe Drinking Water Act Amendments of 1995. I believe that this is a strong bill, that will improve public health, give States and local governments the authority and flexibility they need to target their scarce resources on high priority health risks, and lay the foundation for a safe and affordable drinking water supply into the 21st century.

Mr. President, this legislation is long overdue. Over the past year, I have heard from dozens of State and local officials, consumers, representatives from industry and even EPA. Their perspectives are different, but their message was a shared one: Virtually everyone agrees that the current law simply does not work. It does not target those contaminants most likely to be found in drinking water; it does not ensure that standards are set based on the best available, peer-reviewed science; and it does not provide States and local governments with the tools that they need to ensure that citizens have safe and affordable drinking water.

Jeffrey Wennberg, the mayor of Rutland, VT, said it best.

> There is no public health responsibility of greater concern to local elected officials than the provision of consistently safe, plentiful, and affordable drinking water. This is the only product or service that we provide that directly affects the health and well-being of every one of our constituents every day. Unfortunately, the Safe Drinking Water Act, as amended in 1986, has often confounded our efforts to meet this responsibility.

Federal policy makers agree. Former EPA Deputy Administrator Robert Sussman summed it up when he acknowledged that:

> Safe Drinking Water Act implementation has harmed the agency's credibility by becoming a potent symbol of the rigidity and costliness of Federal mandates on local governments and the overprotectiveness of the EPA standard setting process. Reforms should strive for maintaining environmental protection while achieving more flexibility in priority setting, lower compliance costs, and greater state and local involvement in decision making.

Many of the concerns raised by critics of the Safe Drinking Water Act are the direct result of unrealistic and in many cases overzealous mandates imposed by the 1986 amendments to the Safe Drinking Water Act. These amendments, although well-intentioned, went too far to one extreme—command and control regulation took the place of common sense. With the Federal Government at the helm, we imposed rule after rule on State and local governments, requiring them to spend literally billions of dollars to comply with burdensome Federal standards, often with little or no consideration of the true nature of the risk to public health, the cost of compliance, or the availability of less intrusive alternatives.

Yet, while we are asking States and local governments to devote scarce resources to safeguard against potentially remote risks, we are ignoring more immediate and real risks to public health and safety. In 1993, for example, a known disease-causing agent—cryptosporidium—contaminated the drinking water supply in Milwaukee, WI. Over 400,000 people became sick and 104 people died from the cryptosporidium outbreak. There have been other outbreaks of cryptosporidium contamination since then. Cryptosporidium was not regulated in 1993 and it still is not in 1995. Clearly, current law is not adequately protecting the public from true health threats. We need to do better. Americans should not get sick from their drinking water. It is time to change direction.

The bill we are here today to debate responds to the legitimate concerns that have been raised and provides important midterm corrections to a regulatory scheme mired in ill-focused, often unjustified and certainly costly mandates. It reflects months of negotiations with various stakeholders and the efforts of many of my colleagues, particularly Senator CHAFEE, the chairman of the Senate Environment and Public Works Committee, with whom it is a great pleasure for me to work, and I appreciated the comments he made in his opening statement this morning; Senator BAUCUS, the ranking member of the committee; Senator REID, the ranking member of the Senate Subcommittee on Drinking Water, Fisheries and Wildlife, of which I am the chairman. The partnership that HARRY REID and I have been able to forge I think suggests that there will be other successes which will come forward from that subcommittee, and I greatly appreciated his kind words this morning.

I also want to acknowledge Senator KERREY of Nebraska, who has been instrumental in the negotiations over drinking water reform. He was a catalyst toward a bipartisan effort here today. I appreciate the efforts of all of these individuals and the assistance over the past year.

In drafting this legislation, we were guided by three fundamental principles. First and most importantly, we wanted not only to preserve public health, but also to improve it. Second, we wanted to strengthen the partnership between the Federal Government and State and local officials who are primarily responsible for providing safe and affordable drinking water. And third, we would impose no unfunded mandates. The bill that is before the Senate today satisfies each of these principles.

Let me highlight a few of the key concepts of the legislation.

First, the legislation substantially strengthens current law to ensure that all Americans have safe and affordable drinking water. It revises the standard setting process so that the Administrator is no longer required arbitrarily to identify and regulate 25 new contaminants every 3 years. Instead, the Administrator is given the authority and flexibility to target her regulatory resources on those contaminants that are actually present, or likely to be present, in drinking water, and that, based upon the best available peer-reviewed science, are found to pose a real risk to public health. Once the Administrator has identified a contaminant of concern, the bill requires that she evaluate several regulatory options, taking into consideration both the benefits of each option and the real costs that will be borne by those responsible for complying with any new standards.

Our intent was simple. Drinking water standards should not be set just because they are technologically feasible as they are under current law; they must also be justifiable. If we are going to demand that our states, counties and towns spend billions of dollars to comply with new chlorine standards, for example, at the very least, we owe them the assurance that these are dollars well spent. We must be particularly sensitive to this when we apply, as we do in the Drinking Water Act, new standards to small communities that must already comply with and pay for numerous other Federal regulations. For example, one town in my home State of Idaho, McCall, with a

population of approximately 2,000, must invest in a new wastewater treatment plant, a new filtration system, and make improvements in its infrastructure to deliver drinking water. As one community leader told me, ''We've seen a 500-percent increase in our sewer rates, and we're struggling. If we have to go back and raise rates again, or float a bond, or whatever it takes to finance compliance with Federal requirements, we need to know that what we're being asked to do makes sense in terms of public health protection.'' As a former Mayor, I share his concerns.

By targeting scarce resources on regulating contaminants that truly threaten public health, and by tailoring drinking water standards to maximize the benefits of regulation for the cost, we increase the overall level of protection that we offer everyday users of drinking water.

The legislation also recognizes that in many cases, it is easier and more cost effective to prevent contaminants from getting into source water for a drinking water system, rather than to try to remove them by regulation after they are in the system. This bill encourages States to develop source water protection partnerships between community water systems and upstream stakeholders to anticipate and solve source water problems before they occur. These are voluntary, incentive-based partnerships. Our experience in my home State of Idaho has repeatedly demonstrated that these kinds of programs work, and work well. Locally-driven solutions that stakeholders themselves develop in a non-regulatory, nonadversarial setting will often achieve a far greater level of protection than otherwise through mandatory restrictions on land use or other regulations dictated by Federal agencies within the beltway. The bill's voluntary source water protection program provides another tool for States and local governments to improve public health, target local risks, and maximize resources.

The legislation also strengthens the existing partnership between the Federal Government and the States in implementing the Safe Drinking Water Act. It preserves the strong role for the Federal Government in developing drinking water standards, but for the first time gives States the flexibility to tailor Federal monitoring and other requirements to meet their specific needs. This is just good common sense. It makes no sense, for example, to require Idaho drinking water systems to spend thousands of dollars to monitor for a pesticide that may be used only on citrus crops.

The legislation also provides needed relief through a variance process to small, financially strapped systems. These systems, in certain circumstances, may use alternative, affordable treatment technologies that do not achieve full compliance with federal standards, provided that they achieve an overall level of improvement in their drinking water. These types of system specific adjustments are important because they allow States and local governments to target their scarce resources to achieve the greatest overall level of protection.

One of the most significant elements of this legislation is the commitment for the first time of Federal resources to assure that the nation's drinking water supply is safe. The legislation authorizes up to $1 billion annually for a State revolving loan fund, which the States then match with an additional 20 percent. These funds will be available to States and local drinking water systems to construct needed treatment facilities to comply with Federal standards. We recognize that many communities simply cannot advance the funds that are needed to respond to new regulations. The Federal loan fund gives them the initial boost that they need.

Importantly, the legislation also authorizes approximately $53 million for health effects research, including research on the health effects of cryptosporidium and disinfectants, and their potential effect on sensitive groups, like pregnant women, children, and those with serious illnesses. I believe that this research is essential to ensure that we continue to target our regulatory resources on true threats to public health, while making sure that we never let another cryptosporidium outbreak take us by surprise.

While flexibility, sound science, and reduced costs may be the watchwords of this legislation, it bears noting that the one term that you will not hear in connection with this bill is ''unfunded mandate.'' The 1986 Safe Drinking Water Act, by way of contrast, is the classic example of a Federal unfunded mandate that this Congress overwhelmingly rejected when we passed the Kempthorne-Glenn Unfunded Mandates Reform Act this year.

Using the 1986 law as a case study of an unfunded mandate, the Congressional Budget Office just last month issued a report which found that:

> State and local officials have voiced strong opposition in recent years to the growing number of Federal requirements. At the local level, environmental requirements are perceived to be particularly onerous, and the Safe Drinking Water Act is often cited as one of the most burdensome requirements.

The report concluded that the average cost of compliance with existing drinking standards is between $1.4 billion and $2.3 billion per year. It went on to note that compliance costs could increase substantially as a result of four proposed regulations that EPA is currently considering. In fact, compliance with just one of these proposed regulations alone—the so-called disinfectants and disinfection by-products rule—could cost drinking water systems as much as $2.6 billion dollars per year once it is fully implemented. Most systems cannot afford these kinds of costs, particularly since the CBO study makes it clear that it is extremely uncertain that these costs will reduce health risks.

Even without the Federal commitment of funds, there are in fact fewer mandates to fund than under current law.

The Congressional Budget Office has confirmed that this legislation does not impose unfunded mandates under the Unfunded Mandates Reform Act. In its analysis of this legislation, the CBO stated that the legislation's standard setting provisions, including the risk assessment and cost benefit language would ''lower the cost of compliance for local water systems.'' The CBO concluded that ''the bill would likely result in significant net savings to state and local governments.''

Make no mistake about it. This bill will work. It will improve public health and reduce our costs at the same time. Do not just take my word for it, though. Listen to those who are responsible for providing safe drinking water. They overwhelmingly support this legislation.

The National League of Cities has said that the legislation:

> will strengthen and revise the current law to assure that limited government resources are targeted on contaminants of public health concern that are actually found in the nation's drinking water supplies . . . The measure is creative and innovative in that for the first time it establishes a funding source to assist communities.

The American Water Works Association:

> believes that this legislation is a major step forward in the direction of better public health; safer drinking water; and more responsive government. The sensible reforms contained in this bill represent a common sense solution that supports both environmental protection and regulatory reform.

The Association of Metropolitan Water Agencies has praised the legislation, stating that it:

> opens the door on a new era of Federal lawmaking, where the Federal Government, States, and local government and the public entities responsible for implementing the law, can work together to solve problems that impact the entire Nation.

Even the EPA agrees. EPA Administrator Carol Browner recently appeared before the Senate Environment and Public Works Committee and testified that the agency is looking for a new drinking water law that ''will strengthen public health protection; provide improved regulatory flexibility; promote preventive efforts to keep the pollution and contamination out of our drinking water in the first place; and provide public funding to help communities upgrade their drinking water facilities.'' This legislation, in her words, provides a ''framework and is a step in the right direction'' to achieve these important goals.

In conclusion, Mr. President, we have taken an important step forward in improving the way in which we regulate drinking water. Does this legislation solve all the problems? Of course not. But it will bring common sense back into the standard setting process,

make it easier for states to comply with the most important requirements, streamline the bureaucracy, and reduce overall costs to most systems. And it will do all of this without jeopardizing public health. That is an achievement that we should all be extremely proud of.

I hope that you will join me and Senator CHAFEE, Senator BAUCUS, Senator REID, and Senator KERREY in taking this first step and support this legislation.

Mr. President, I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator LEVIN be added as a cosponsor of the bill.

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

Mr. BAUCUS. Mr. President, today, the Senate begins consideration of S. 1316, a bill to reauthorize and reform the Safe Drinking Water Act.

We all understand the need to reform the Safe Drinking Water Act. It contains a number of provisions that are too rigid and too costly.

At the same time, we must protect public health. After all, this is not some theoretical exercise. We are talking about the water that we and our children drink. Two quarts a day, every day of our lives.

To my mind, this bill strikes the right balance.

It will reduce regulatory burdens. Unnecessary regulations, redtape.

At the same time, it will not jeopardize public health. In fact, in several important ways, it will increase protection of public health.

Before turning to details, I would like to take a few minutes to put this legislation in perspective.

Mr. President, Americans expect to be able to turn on the tap, fill a glass, and drink the water—without getting sick. They expect safe drinking water in their homes and in their local communities.

They expect safe drinking water when they move to a new community. They expect safe drinking water when they travel.

When people from Conrad, MT visit Billings, Spokane, or Boston, or when people come to visit their nation's capital, they expect to be able to drink the water without getting sick or without the worrying about getting sick.

Ever since 1974, the Safe Drinking Water Act has guided Federal, State and local efforts to assure that the water Americans drink is clean and pure. In the last several years, however, there has been growing concern that some provisions of the act misdirect Federal resources.

There also has been concern that the act imposes regulatory burdens that local water systems simply cannot comply with, no matter how hard they try. More specifically, critics of the act point to several flaws:

Local officials who operate drinking water systems, especially small systems, are buried under a mountain of redtape. The operators of these systems are trying to provide a basic public service to their neighbors. The job is difficult enough without monitoring requirements that cannot be met.

There is another problem: Technology costs have skyrocketed. Again, this is particularly a burden on those who operate small systems in rural areas.

These small systems have what the economists call limited economies of scale. They cannot spread their costs across a large number of ratepayers. Nevertheless, in many cases, it costs them just as much to comply with the law as it costs large urban systems who do spread their costs.

On top of all of this, the standards-setting system in current law keeps rolling along, with 25 new contaminants regulated every 3 years, whether they are needed or not. And we have not provided federal funds to help communities meet their increased obligations.

Because of all these problems, it seems that the Safe Drinking Water Act has become the very symbol of concern about unfunded mandates.

But we have to get beyond symbolism, to solutions.

That is exactly what this bill does.

Senator CHAFEE, Senator KEMPTHORNE, Senator REID and I have been working closely, with Senators on both sides of the aisle, with the Administration, with the environmental community, and with State and local groups.

As a result of this work, the bill before us today, S. 1316, makes significant improvements in the law.

It creates a new State revolving loan fund for drinking water. It reforms the standards-setting process and the monitoring requirements. It lightens the burdens on small communities, while continuing to protect public health.

It also addresses risk. We have had a lot of debates about risk assessment this year.

Risk assessment is not a magic answer to all our problems. But it can be an important tool, applied to specific problems.

This bill does that, by applying risk-based concepts to contaminant selection and standard-setting.

Mr. President, our Chairman, Senator CHAFEE, has described the provisions of the bill ably and in detail.

I would simply like to emphasize three features of the bill that I consider particularly important.

First, the bill creates a new revolving loan fund. We all talk about unfunded mandates. With this bill, we put some money where our mouths are.

The biggest problem facing drinking water systems, especially small systems, is the lack of funding to build adequate treatment facilities. They simply cannot afford to comply with the current requirements of the act.

To address this, the bill establishes a State Revolving Loan Fund similar to the Clean Water Act revolving fund.

The money can be used by all States to help communities comply with drinking water standards, restructure their operations, or find alternative sources of water.

The fund is authorized at a level of $600 million in fiscal year 1994, and thereafter at $1 billion annually through fiscal year 2003.

Initially, grants for the drinking water State revolving funds will be distributed according to the formula currently used to allocate Federal grants to States for drinking water oversight programs.

Beginning in fiscal year 1998, funds will be distributed according to the results of an EPA survey of drinking water needs.

Another thing about the SRF. It provides flexibility. States can respond to their own needs. They can provide grants to disadvantaged communities. They can offset a program shortfall.

They can help local water systems develop customized monitoring programs and source water programs.

And they can shift funds between their clean water or drinking water revolving loan funds, in order to meet their most pressing problems.

So we provide both funding and flexibility.

A second important feature is the bill's reform of the regulatory program.

For example, one of the most troublesome requirements, in all of our environmental laws, is the requirement that EPA regulate 25 additional drinking water contaminants every 3 years, whether or not those contaminants really threaten public health.

As a result, EPA is required to issue regulations that may impose high costs for little public health benefit.

The bill replaces that requirement with a new provision requiring EPA to periodically review the need to regulate additional contaminants. That way, we can focus our limited resources on the most important problems.

The bill also reforms monitoring requirements, the standard setting process, and other elements of the law.

In each case, the objective is to focus our resources on the most important problems.

The third important feature is special help for small community water systems.

In the country as a whole, more than 85 percent of the drinking water systems in this country are small.

In my home state of Montana, 688 of the 694 community water systems serve less than 10,000 people, and there is not one system serving more than 100,000 people.

While small systems only serve about 10 percent of the people, they bear about 40 percent of the cost of the Safe Drinking Water Act.

The bill provides special help to small systems that cannot afford to

comply with the drinking water regulations and can benefit from technologies geared specifically to the needs of small systems.

Here is how it would work. Any system serving 10,000 people or fewer may request a variance to install special small system technology identified by EPA. What this means is that if a small system cannot afford to comply with current regulations through conventional treatment, the system can comply with the act by installing affordable small system technology.

Small systems that seek a variance will be protected from financial penalties while their application is being reviewed, and they would have 3 years to install the affordable technology.

States approve the variance, but only if the technology provides adequate water quality and public health protection.

So small systems are not forced to use big city treatment. But they must fully protect public health.

Another way that this bill provides help to small systems is through technical assistance. Many small systems just need some advice on how to meet some of the requirements of the law or operate equipment. For example, the Rapelje water system in Yellowstone County, MT was advised through the technical assistance program in our State to install a pressure relief valve in its system, an action that will save the system a considerable amount in repairs.

This bill recognizes the importance of the technical assistance program for small systems by increasing the authorization for the program and allowing the States to use up to 2 percent of their SRF money for small system technical assistance.

Mr. President, putting all this together, the bill provides funding, reforms regulations, and recognizes the special problems of small rural systems.

But in doing so, it does not relax existing standards or weaken provisions of the act that are necessary to protect public health.

In fact, in addition to allowing EPA, States, and local communities to target resources to the greatest threats, the bill improves the act's enforcement and compliance provisions.

And it improves the important provisions that require water system operators to alert people about drinking water problems in their communities, especially problems that create health threats.

In summary, Mr. President, this bill is good news indeed.

And not only because it improves the Safe Drinking Water Act.

There is another reason. This bill shows that we can get something done around here.

During this Congress, most debates about the environment have deteriorated into pitched partisan battles. Both sides have hardened.

As a result, we have missed several opportunities to enact reasonable, balanced reforms that reduce regulatory burdens while improving environmental protection.

The bill before us today is a refreshing exception. Republicans and Democrats have worked together, cooperatively. Sure, it has taken time. There have been painstaking negotiations. There has been compromise.

But look at the result. We have been able to develop a bill that will result in meaningful reforms.

A bill that will protect public health. And a bill that the public can, with confidence, support.

I want to thank Senators CHAFEE, KEMPTHORNE, and REID for the work they have done to get this bill where it is today—unanimously reported from the Environment and Public Works Committee with more than 30 cosponsors.

I also want to thank the Administration and others for their hard work and spirit of cooperation.

And I look forward to working with all of my colleagues to pass this bill through the Senate and enact it into law.

Mr. President, here we are passing a very complicated, very important bill which dramatically affects a lot of small communities, and certainly every American, and yet there are very few Senators on the floor. There does not seem to be a lot of interest by some Senators to be here on the floor for this bill. Why is that? Basically, Mr. President, it is because this legislation, in addressing a real need, is done the right way.

What do I mean by the right way? I mean not demagoging the issue. Senators on both sides of the aisle have worked very, very hard, particularly with interest groups around the country that were very interested in addressing drinking water problems in our Nation—small communities, large communities, Governors, mayors, environmental groups. And these groups, in trying to find a solution to the tradeoff between, on the one hand, protection—making sure our water is safe and, on the other hand, regulation, that is, not requiring too much regulation, trying to find the balance. We have done just that; we have found a balance.

They have worked very, very hard. They have rolled up their sleeves. They have worked together to get the job done. And we are here today basically ratifying, putting together, that mutual effort of a lot of compromise on the part of a lot of people. That is often what happens around here. Those who really work hard and get the job done are not praised as much as they should be.

In this case, it is all the various groups and people. It is also the chairman of the committee, Senator CHAFEE, the present occupant of the Chair, Senator KEMPTHORNE, who chairs the subcommittee, also Senator REID, the ranking member of the subcommittee, and many other Senators who worked very hard, and their staffs particularly worked very hard to get their job done.

Now, what is the problem? What is the problem that this legislation addresses? Essentially, Mr. President, the problem is this. Over the years, Americans have become more and more demanding, as they should, that their water is safe. In 1986, they became quite concerned that the EPA, the administration at that time, was not quite doing the job that should have been done to make sure that our water in our country was safe. So the 1986 amendments to the Safe Drinking Water Act were passed. They were well-intended. They were amendments which directed the Environmental Protection Agency and directed States to significantly increase their standards, impose many more monitoring requirements. There were many more contaminants of concern identified than the EPA was setting standards for.

Essentially, to help reassure Americans, because the job was not getting done, we passed the 1986 amendments. I think it is fair to say that the 1986 amendments that Congress passed went too far. They went too far in requiring the Environmental Protection Agency and the States to set too many standards, to regulate too much, to monitor too much and, basically, did not address the essential problem, that is, how to assure safer water at an affordable cost.

For example, one of the provisions in the 1986 amendments was essentially to say, ''OK, EPA, we want you to set standards for at least 83 different contaminants.'' Up to that point, I think there were about 22 contaminants regulated. ''We want you to set standards for a total of 83, and beyond that, we want you, EPA, to set standards for 25 additional contaminants every 3 years.'' That is stupid. It is nuts. There is no way in the world any agency could begin to do that much, with a tremendous additional burden on the Environmental Protection Agency.

In addition, Mr. President, what was another consequence? Another consequence was the dramatic disproportionate cost for smaller communities. Let us just think a minute. If the EPA tells a water system in a community to monitor certain contaminants, and to set certain standards, and to essentially apply certain technology, regardless of the size of the system, it is very clear that the large cities are able to spread those costs out among many, many more people, so the cost per household is much lower. But if the very same monitoring requirements, the very same standards, and the very same requirements are imposed on smaller communities, it is clear there is no way in the world that a smaller community is going to be able to meet those very same standards, those very same requirements, without imposing a tremendous cost on individual households in that small system.

That is particularly a problem, Mr. President, in my State of Montana. We

have about 698—I think that is the figure—community water systems. Of those, I think about 660—I hope my figures are right—are communities of under 10,000 people. We are a small-system State, which means that the 1986 amendments imposed tremendous disproportionate requirements on small communities.

These are communities that want safe water. Sure, they want clean water. They want to do their best to make sure the water in their communities is just as safe, if not safer, than in big cities. But, my gosh, they are required to monitor for contaminants that do not exist. I have to tell you, monitoring may not sound like much, but it is very, very expensive to monitor for an individual contaminant. You multiply that for additional contaminants that may not be there—the law requires you to monitor for them anyway, spend the money anyway. It does not make any sense. In addition, the technologies that have to be installed are that much more expensive.

Another big problem that the 1986 amendments created is a problem that you heard many times from many people: unfunded mandates. That is Uncle Sam saying, ''OK, community, you do this, you are going to take these requirements, but we are not going to give you the money for it.'' It just was not fair.

As the occupant of the chair knows, this Congress, quite correctly, over the months earlier this year passed legislation to prohibit unfunded mandates. If my memory serves me correctly, one of the chief proponents of that legislation is the Senator from Idaho, and I commend him for it.

This bill tries to address that problem by setting up a State revolving loan fund. It is $600 million the first year, and then it gets to $1 billion. It basically says, ''OK, States, we are going to change some of the requirements we passed in 1986. In addition to that, we are going to provide funds in the State revolving loan funds so systems can pay for some of the costs to install these technologies.''

We are also saying to the States, ''Boy, you have lots of flexibility. You can pass money between the Safe Drinking Water Act revolving loan fund and the clean water revolving loan fund. You also can set up a technical assistance program to help smaller communities, even a grant program for smaller communities.'' There is a lot of flexibility here, as it should be.

I will not take too much more time. Let me say, this is an example where Government is working. Government does not always work—we all know that—but sometimes Government does work. Here is a situation where Government can work. It may not be perfect. There are probably some areas where this legislation could be improved upon on the margin, but mainly, it is a very good, solid effort to find a commonsense, balanced solution to assure Americans that their water in their communities is safe and affordable.

That is what this bill does. It accomplishes this result, because a lot of very good people have worked very, very hard, and they have not demagogued it and gone to the media. They just rolled up their sleeves and got the job done.

I particularly commend the chairman of the committee, Senator CHAFEE. He has been the captain of the ship. He is at the helm. He set the tone, the mood and the approach to all this. We are here because he has done that.

I very much hope—and this is the point the Senator from Nevada made earlier—that we can take this as an example or a paradigm of how to deal with other problems around here. As the Senator from Nevada pointed out, we are now locked in budget negotiations, a pitched battle, Republicans and Democrats, the Congress and the White House.

Basically, Americans just want us to get the job done. They want us to compromise. They want us to balance the budget within 7 years, but do it fairly, do it evenhandedly, so all Americans are participating together as we get the job done together, just as we have done in this bill.

Mr. President, this bill is a basic, commonsense, balanced solution of compromises, give and take, on both sides. We are getting the job done. I very much hope that the White House, I hope that the Congress, and, to be totally candid about this, I particularly hope the other body, particularly the majority party of the other body, in good faith sits down in these budget negotiations and compromises to get the job done.

In summary, Mr. President, I want to particularly thank some Montanans who have worked very hard on this legislation over the years. The first that comes to mind is Dan Kyle. Dan Kyle sat down with me at the Heritage Inn in Great Falls, MT, I guess 6, 7, 8 years ago, talking about how horrendously expensive it is, inappropriately expensive, for small systems to meet the Federal requirements. That was a long time ago. Dan Kyle has labored in the vineyards. He has worked very, very hard—I believe he is head of the Montana Rural Water Association—along with Ray Wadsworth and the rest of the Montana crew, and Jim Melsted. I know these same people exist in other States. I only know those three in Montana, and they have been just terrific. I want to compliment them particularly for their hard work. They are pretty proud that finally we got the job done.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, first, I want to thank the distinguished ranking member of the committee, Senator BAUCUS, for his kind comments. I know that we all share the sentiments that we work together to get something done. We are very fortunate in this committee to have a heritage, if you will, of cooperation. It has extended way back to Jennings Randolph and then to Bob Stafford, to Senator PAT MOYNIHAN, and to the distinguished Senator from Montana himself when he was chairman of this committee. We have always tried to bring things out with bipartisan consensus, so we can move ahead. This legislation represents that.

I am very pleased to be chairman of this committee when we have this heritage that I mentioned, and I want to pledge to all that I will continue that effort to bring everybody together, listen to each side and then have something—we will not always be as successful as this, 16 to 0 in the committee, not a single dissenting vote from either side. That is what we want to use as a standard for the future.

When the distinguished ranking member was chairman of the committee and brought this bill to the floor a year ago, it passed 93 to 3. It is pretty hard to beat that. If we can emulate that today or tomorrow, I will be very, very happy.

COMMITTEE AMENDMENTS, EN BLOC

Mr. CHAFEE. Mr. President, I ask unanimous consent that the committee amendments be adopted, en bloc, and that the bill, as amended, by the committee amendments then be considered original text for the purpose of additional amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

So, the committee amendments, en bloc, were agreed to.

AMENDMENT NO. 3068

(Purpose: To authorize listing of point-of-use treatment devices as best available technology, modify loan authorities for the SRF program, clarify the definition of public water system, and for other purposes)

Mr. CHAFEE. Mr. President, I send a managers' amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself, Mr. KEMPTHORNE, Mr. BAUCUS, and Mr. REID, proposes an amendment numbered 3068.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 19, line 23, insert ''(or, in the case of privately-owned system, demonstrate that there is adequate security)'' after ''source of revenue''.

On page 20, line 24, insert ''and'' after ''fund;''.

On page 21, strike lines 1 through 4.

On page 21, line 5, strike ''(6)'' and insert ''(5)''.

On page 42, line 16, strike ''title'' and insert ''section, and, to the degree that an Agency action is based on science, in carrying out this title,''.

On page 69, line 24, strike ''level,'' and insert ''level or treatment technique,''.

On page 69, line 25, insert ''or point-of-use'' after ''point-of-entry''.

On page 70, line 1, strike ''controlled by the public water system'' and insert ''owned, controlled and maintained by the public water system or by a person under contract with the public water system''.

On page 70, line 6, strike ''problems.'' and insert ''problems. The Administrator shall not include in the list any point-of-use treatment technology, treatment technique, or other means to achieve compliance with a maximum contaminant level or treatment technique requirement for a microbial contaminant (or an indicator of a microbial contaminant). If the American National Standards Institute has issued product standards applicable to a specific type of point-of-entry or point-of-use treatment device, individual units of that type shall not be accepted for compliance with a maximum contaminant level or treatment technique requirement unless they are independently certified in accordance with such standards.''

Beginning on page 165, line 20, strike all through line page 166, line 2, and insert the following:

''(i) IN GENERAL.—For purposes of subparagraph (A), a connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection, if—

''(I) the water is used exclusively for purposes other than residential uses (consisting of drinking, bathing, and cooking, or other similar uses);''.

On page 166, line 3, strike ''(aa)'' and insert ''(II)''.

On page 166, line 15, strike ''(bb)'' and insert ''(III)''.

Beginning on page 167, line 5, strike all through page 167, line 19.

On page 168, line 1, strike ''and'' and insert ''or''.

On page 168, lines 2 and 3, strike ''(I) and (II)'' and insert ''(II) and (III)''.

On page 168, line 3, strike ''and'' and insert ''or''.

On page 168, strike lines 4 through 6 and insert the following:

''(C) TRANSITION PERIOD.—A water supplier that would be a public water system only as a result of modifications made to this paragraph by the Safe Drinking Water Act Amendments of 1995 shall not be considered a public water system for purposes of the Act until the date that is two years after the date of enactment of this subparagraph, if during such two-year period the water supplier complies with the monitoring requirements of the Surface Water Treatment Rule and no indicator of microbial contamination is exceeded during that period. If a water supplier does not serve 15 service connections (as defined in subparagraphs (A) and (B)) or 25 people at any time after the conclusion of the two-year period, the water supplier shall not be considered a public water system.''.

On page 178, line 21, strike ''180-day''.

On page 179, lines 6 and 7, strike ''180-day''.

On page 179, line 15, strike ''effect.'' and insert ''effect or 18 months after the notice is issued pursuant to this subparagraph, whichever is later.''.

On page 195, after line 20, insert the following:

''(e) PREVENTION AND CONTROL OF ZEBRA, MUSSEL INFESTATION OF LAKE CHAMPLAIN.—

''(1) FINDINGS.—Section 1002(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701(a)) is amended—

''(A) by striking ''and'' at the end of paragraph (3);

''(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

''(C) by adding at the end the following new paragraph:

''(5) the zebra mussel was discovered on Lake Champlain during 1993 and the opportunity exists to act quickly to establish zebra mussel controls before Lake Champlain is further infested and management costs escalate.''.

''(2) EX-OFFICIO MEMBERS OF AQUATIC NUISANCE SPECIES TASK FORCE.—Section 1201(c) of such Act (16 U.S.C. 4721(c)) is amended by inserting '', the Lake Champlain Basin Program,'' after ''Great Lakes Commission''.

''(3) AQUATIC NUISANCE SPECIES PROGRAM.—Subsections (b)(6) and (i)(1) of section 1202 of such Act (16 U.S.C. 4722) is amended by inserting '', Lake Champlain,'' after ''Great Lakes'' each place it appears.

''(4) AUTHORIZATION OF APPROPRIATIONS.—Section 1301(b) of such Act (16 U.S.C. 4741(b)) is amended—

''(A) in paragraph (3), by inserting '', and the Lake Champlain Research Consortium,'' after ''Laboratory''; and

''(B) in paragraph (4)(A)—

''(i) by inserting after ''(33 U.S.C. 1121 et seq.)'' the following: ''and grants to colleges for the benefit of agriculture and the mechanic arts referred to in the first section of the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 322) ''; and

''(ii) by inserting ''and the Lake Champlain basin'' after ''Great Lakes region''.

On page 195, after line 20, insert the following:

''(f) SOUTHWEST CENTER FOR ENVIRONMENTAL RESEARCH AND POLICY.—

''(1) ESTABLISHMENT OF CENTER.—The Administrator of the Environmental Protection Agency shall take such action as may be necessary to establish the Southwest Center for Environmental Research and Policy (hereinafter referred to as 'the Center').

''(2) MEMBERS OF THE CENTER.—The Center shall consist of a consortium of American and Mexican universities, including New Mexico State University; the University of Utah; the University of Texas at El Paso; San Diego State University; Arizona State University; and four educational institutions in Mexico.

''(3) FUNCTIONS.—Among its functions, the Center shall—

''(A) conduct research and development programs, projects and activities, including training and community service, on U.S.-Mexico border environmental issues, with particular emphasis on water quality and safe drinking water;

''(B) provide objective, independent assistance to the EPA and other Federal, State and local agencies involved in environmental policy, research, training and enforcement, including matters affecting water quality and safe drinking water throughout the southwest border region of the United States; and

''(C) help to coordinate and facilitate the improvement of environmental policies and programs between the United States and Mexico, including water quality and safe drinking water policies and programs.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator $10,000,000 for each of the fiscal years 1996 through 2003 to carry out the programs, projects and activities of the Center. Funds made available pursuant to this paragraph shall be distributed by the Administrator to the university members of the Center located in the United States.''.

On page 195, after line 20, insert the following:

''(g) ESTROGENIC SUBSTANCES SCREENING PROGRAM.—

''(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall develop a screening program, using appropriate validated test systems, to determine whether certain substances may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect as the Administrator may designate.

''(2) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this subsection, after obtaining review of the screening program described in paragraph (1) by the scientific advisory panel established under section 25(d) of the Act of June 25, 1947 (chapter 125), and the Science Advisory Board established by section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), the Administrator shall implement the program.

''(3) SUBSTANCES.—In carrying out the screening program described in paragraph (1), the Administrator shall provide for the testing of all active and inert ingredients used in products described in section 103(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603(e)), and may provide for the testing of any other substance if the Administrator determines that a widespread population may be exposed to the substance.

''(4) EXEMPTION.—Notwithstanding paragraph (3), the Administrator may, by regulation, exempt from the requirements of this subsection a biologic substance or other substance if the Administrator determines that the substance does not have any effect in humans similar to an effect produced by a naturally occurring estrogen.

''(5) COLLECTION OF INFORMATION.—

''(A) IN GENERAL.—The Administrator shall issue an order to a person that manufactures a substance for which testing is required under this subsection to conduct testing in accordance with the screening program described in paragraph (1), and submit information obtained from the testing to the Administrator, within a time period that the Administrator determines is sufficient for the generation of the information.

''(B) FAILURE TO SUBMIT INFORMATION.—

''(i) SUSPENSION.—If a person referred to in subparagraph (A) fails to submit the information required under such subparagraph within the time period established by the order, the Administrator shall issue a notice of intent to suspend the sale or distribution of the substance by the person. Any suspension proposed under this subparagraph shall become final at the end of the 30-day period beginning on the date that the person receives the notice of intent to suspend, unless during that period a person adversely affected by the notice requests a hearing or the Administrator determines that the person referred to in subparagraph (A) has complied fully with this paragraph.

''(ii) HEARING.—If a person requests a hearing under clause (i), the hearing shall be conducted in accordance with section 554 of title 5, United States Code. The only matter for resolution at the hearing shall be whether the person has failed to submit information required under this paragraph. A decision by the Administrator after completion of a hearing shall be considered to be a final agency action.

''(iii) TERMINATION OF SUSPENSIONS.—The Administrator shall terminate a suspension under this subparagraph issued with respect to a person if the Administrator determines that the person has complied with this paragraph.

''(6) AGENCY ACTION.—In the case of any substance that is found to have a potential adverse effect on humans as a result of testing and evaluation under this subsection, the Administrator shall take such action, including appropriate regulatory action by rule or by order under statutory authority

available to the Administrator, as is necessary to ensure the protection of public health.

''(7) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of this subsection, the Administrator shall prepare and submit to Congress a report containing—

''(A) the findings of the Administrator resulting from the screening program described in paragraph (1);

''(B) recommendations for further testing and research needed to evaluate the impact on human health of the substances tested under the screening program; and

''(C) recommendations for any further actions (including any action described in paragraph (6)) that the Administrator determines are appropriate based on the findings.''.

Mr. CHAFEE. Mr. President, let me briefly say what this is. The managers' amendment does the following: It clarifies the new definition for the term ''public water system.'' It strengthens standard setting for bottled water as recommended by the bottled water industry. It allows EPA to list more cost-effective, point-of-use treatment devices as best available technology; it includes Lake Champlain in the program to control the infestation of zebra mussels in the Great Lakes; it authorizes assistance to a university consortium called the Southwest Center for Environmental Research and Policy; it requires EPA to conduct a screening program for the estrogenic effects of pesticides, and it makes two changes to the loan provisions of the new SRF program, State revolving loan fund program. Overall, it clears seven issues that Senators have brought to our attention.

So, Mr. President, I urge adoption of the managers' amendment.

Mr. BAUCUS. Mr. President, these provisions under the managers' amendment are essentially technical and clarification amendments, which Senator CHAFEE, myself, Senator REID, and the occupant of the chair I know has also looked at. I think they are good improvements to the bill.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3068) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3069

(Purpose: To require additional research prior to the promulgation of a standard for sulfate)

Mr. CHAFEE. Mr. President, I send an additional managers' amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself, Mr. KEMPTHORNE, Mr. BAUCUS, and Mr. REID, proposes an amendment numbered 3069.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Beginning on page 61, line 11, strike all through page 62, line 16, and insert:

''(A) ADDITIONAL RESEARCH.—Prior to promulgating a national primary drinking water regulation for sulfate the Administrator and the Director of the Centers for Disease Control shall jointly conduct additional research to establish a reliable dose-response relationship for the adverse health effects that may result from exposure to sulfate in drinking water, including the health effects that may be experienced by groups within the general population (including infants and travelers) that are potentially at greater risk of adverse health effects as the result of such exposure. The research shall be conducted in consultation with interested States, shall be based on the best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices and shall be completed not later than 30 months after the date of enactment of this paragraph.

''(B) PROPOSED AND FINAL RULE.—Prior to promulgating a national primary drinking water regulation for sulfate and after consultation with interested States, the Administrator shall publish a notice of proposed rulemaking that shall supersede the proposal published in December, 1994. For purposes of the proposed and final rule, the Administrator may specify in the regulation requirements for public notification and options for the provision of alternative water supplies to populations at risk as a means of complying with the regulation in lieu of a best available treatment technology or other means. The Administrator shall, pursuant to the authorities of this subsection and after notice and opportunity of public comment, promulgate a final national primary drinking water regulation for sulfate not later than 48 months after the date of enactment of this paragraph.''.

Mr. CHAFEE. Mr. President, let me explain this amendment. What it does is it modifies the standard-setting provisions of the bill for one contaminant, sulfate.

What is sulfate? It is a naturally occurring substance that contaminates some groundwater used for drinking water, particularly in the Western States.

The 1986 amendments required EPA to issue a standard for sulfates. It is one of the 83 contaminants we previously discussed. But EPA has not completed the job yet. Part of the problem has been inadequate scientific information on the adverse health effects caused by sulfate. We know that adverse effects occur, but we do not know exactly what concentration levels must occur to cause the effects.

This amendment requires EPA and the Centers for Disease Control to collect more information before a standard is set. The amendment also delays the deadline for issuing a standard so that this research might be completed. Senators PRESSLER and DASCHLE from South Dakota and Senator GRAMS from Minnesota have expressed particular interest in resolving the scientific questions associated with sulfate, and we thank them for their interest and help in preparing this amendment.

Mr. BAUCUS. Mr. President, we have examined the amendment and think it is a good improvement. I urge its adoption.

Mr. PRESSLER. Mr. President, I rise today to commend Chairman CHAFEE, Subcommittee Chairman KEMPTHORNE, and Senator BAUCUS, as ranking member of this committee, for their hard work in drafting this bill. Certainly, we need a uniform system of Federal laws and regulations to maintain the public health and safety of our drinking water. These laws must be reasonable. They must make sense.

The bill before us, S. 1316, would go a long way to bring common sense to safe drinking water regulations. This is good news for small cities and rural communities. For example, S. 1316 would require the EPA to provide sound scientific background for future drinking water standards. In addition, this legislation would grant flexibility to small water systems that cannot always afford the expensive treatment technology to comply with Federal regulations.

S. 1316 represents a reasonable approach to drinking water regulation.

I am particularly pleased that my colleagues agreed to improve the original language in section 9, regarding the levels of sulfates allowed in drinking water supplies. This original provision would have required that communities provide bottled water as an alternative to water containing sulfate. This provision is similar to a proposed Environmental Protection Agency regulation that would require communities to limit sulfate in drinking water. However, there is no scientific study to prove that these low levels of sulfate in drinking water result in negative health affects.

As originally drafted, the bill would have affected roughly one-quarter of all the water systems in South Dakota—108 of the 483 water systems in the State. The South Dakota Department of Environment and Natural Resources [DENR], which opposed both section 9 and the EPA's proposed sulfate rule, has estimated that the costs of compliance for those affected water systems would have been 40 to 60 million. That was just the initial cost of compliance. Small, rural communities in South Dakota should not be forced to pay such a high price to enforce a regulation that has no valid scientific justification.

Let me put these figures in real terms we can all understand. The largest of the 108 affected South Dakota communities would have been Madison, with a population of 6,395 people. Currently, the average water bill for each household in Madison is $13.75 per month. According to the South Dakota DENR, if the original section 9 were enacted, the additional cost to each household would have been almost $14 per month. That would have meant an average monthly water bill of $27.75—a 101 percent increase. Remember, this figure is for the largest of the affected communities.

Let us take Big Stone City, SD, as another example. With a population of

670 people, Big Stone City has the median population of the 108 communities in South Dakota affected by the original sulfate proposal. Currently, the average monthly water bill per household in Big Stone City is $9.80. If the original section 9 were to become law, each household in that community would have seen its water bill rise about $12.00, for a total monthly bill of $21.80. That would be a dramatic 122 percent increase. Just imagine the impact this provision could have on communities even smaller than Big Stone City.

Mr. President, what would these communities have gotten in return for these shocking rate increases? Nothing. That is right. Nothing. For years, South Dakotans have been drinking water containing sulfate with no apparent adverse health effects.

In response to the concerns of my constituents, my colleagues on the committee agreed to suspend the current EPA rule. Instead, additional research conducted jointly by the Centers for Disease Control and the EPA would be required on the health affects of various dose levels of sulfate in drinking water on the broader population. The EPA then would propose a new regulatory standard for sulfate based on the findings of this study, and on the standards set forth by this bill.

I am convinced that this additional study will prove once and for all that the sulfate which occurs naturally in much of South Dakota's drinking water causes no harmful side affects. The revised sulfate provisions of section 9 also have received the endorsement of the South Dakota Department of Environment and Natural Resources, and the South Dakota Municipal League.

Mr. President, like all Americans, South Dakotans certainly want safe and healthy drinking water. But they also want Federal rules that are reasonable, understandable and flexible.

By passing this bill, we are finally taking much-needed steps to solve the problems associated with the current safe drinking water law. I am happy that I was able to work with the chairman to develop sensible language to reduce the impact of burdensome sulfate regulations on small cities and rural water systems in South Dakota and other States.

Again, I thank Chairman CHAFEE for his leadership and for accommodating the concerns of my constituents. I also want to thank my friend from Minnesota, Senator GRAMS, for working with me to ensure that we achieve a commonsense legislative solution on this matter.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3069) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. 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. MURKOWSKI. 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. MURKOWSKI. Mr. President, my staff has been working with the floor leaders on S. 1316, the Safe Drinking Water Act, relative to an amendment which has been discussed at some length. I am sure the chairman of the Environment and Public Works Committee will respond to the status of the amendment. But it would authorize the administrator of the Environmental Protection Agency to make grants. May I check with the floor leader relative to the status of my amendment authorizing the Administrator of the Environmental Protection Agency to make grants to Alaska to improve rural sanitation by paying the Federal share, 50 percent, of the cost of those improvements?

I would like to offer the amendment, if the leader has not offered it and speak very briefly on it.

Mr. CHAFEE. Mr. President, the Senator from Alaska had two amendments and both of those, it is my understanding, could be resolved and accepted. Frankly, we are in the midst of working that out now.

Why not go ahead and describe the amendment, and at the conclusion of the Senator's description maybe we can arrive at a position where the amendment could be accepted.

Mr. MURKOWSKI. I thank the Senator.

Mr. President, my amendment authorizes the Administrator of the Environmental Protection Agency to make grants to Alaska because of the unique rural sanitation conditions in my State. It would improve rural sanitation by assisting with the Federal share—50 percent—of the costs of specifically two items. One, the development and construction of water and wastewater systems, and second, the training, technical assistance, and educational programs relating to the operation and management of sanitation services.

The purpose of the amendment is to ensure future funds are provided to improve Alaska's rural sanitation conditions. Our delegation—Senator STEVENS, Representative YOUNG, and myself—have supported $15 million in the EPA's budget this year for rural sanitation, and Senator STEVENS on the Appropriations Committee has obtained appropriations in previous years. The problem we have is that the residents of rural Alaska simply do not have adequate drinking water or sanitation facilities. As a consequence, we have an abnormally high amount of sickness and disease, and on some occasions, conditions can be compared to some Third World countries, unfortunately.

It is estimated that about one-fourth of Alaska's 86,000 Native residents live without running water and use plastic buckets for toilets. These are commonly called ''honey buckets.'' As a consequence, Mr. President, we have had numerous cases of hepatitis A among villagers, in some instances causing death.

I have a chart here which depicts the level of existing wastewater services in rural Alaska communities, and as the Chair will note the area in dark blue indicates about 49 percent of the chart, which is the area of the population dependent on pit privies or honey buckets; 37 percent have flush toilets; 14 percent have a haul system where the honey bucket man comes once a week and hauls the sewage away.

In over half of the villages in Alaska, water is hauled to the home by hand from a washeteria, watering points, or from a creek or river. A washeteria is a centrally located community building with washing and drying machines, showers, and so forth. Often times, Mr. President, the trash can is used as a water storage tank. Water for drinking, hand washing, and doing dishes comes from this household trash can, and you can imagine the potential for disease as a consequence of that type of transmission. Existing water service levels in rural Alaska have improved, but they have a long way to go. Only 40 percent of rural Alaska has piped water to residents; 30 percent use a washeteria; 20 percent use a year round watering point; 7 percent have individual wells, and 3 percent have no system at all. One can imagine the residents of this city living without the convenience of running water or toilets that flush.

In conclusion, I will continue to work to provide safe drinking water to rural Alaska and along with my colleague, Senator STEVENS, we want to see the elimination of the honey bucket in rural Alaska. That is a goal. And as the country moves toward the 21st century, Alaska's rural residents should not have to live in these conditions, again often compared to Third World countries.

I wish to especially acknowledge Carol Spils of my staff who has been working with the Environment and Public Works Committee for a long time on this legislation.

I would ask that the amendment be considered at this time by the committee. If there are additional details to be worked out, I would be happy to pursue them currently or if the floor managers are satisfied with them, why, I would ask they be included in the package. I would send up the amendment and modification, if it is appropriate.

Mr. CHAFEE. Mr. President, as I understand the modification, it is to set a time limit on the authorization, am I correct, to the year 2003, and thus be in conformity with the rest of the legislation?

Mr. MURKOWSKI. The floor manager is correct. I thank my friend from Rhode Island.

Mr. CHAFEE. That would be fine. If we could make that modification, and if the Senator would submit that, then that would be accepted. Then we would proceed to accept his amendment.

AMENDMENT NO. 3070

(Purpose: To authorize the Administrator of the Environmental Protection Agency to make grants to the State of Alaska to improve sanitation in rural and Native villages)

Mr. MURKOWSKI. Then, Mr. President, I would send the modification to the desk and ask for its consideration at this time.

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] for himself, Mr. CHAFEE, Mr. KEMPTHORNE, Mr. BAUCUS, and Mr. REID, proposes an amendment numbered 3070:

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 195, after line 20, insert the following:

''(g) GRANT TO ALASKA TO IMPROVE SANITATION IN RURAL AND NATIVE VILLAGES.—

''(1) IN GENERAL.—The Administrator of the Environmental Protection Agency may make grants to the State of Alaska for the benefit of rural and Native villages in Alaska to pay the Federal share of the cost of—

''(A) the development and construction of water and wastewater systems to improve the health and sanitation conditions in the villages; and

''(B) training, technical assistance, and educational programs relating to the operation and management of sanitation services in rural and Native villages.

''(2) FEDERAL SHARE.—The Federal share of the cost of the activities described in paragraph (1) shall be 50 percent.

''(3) ADMINISTRATIVE EXPENSES.—The State of Alaska may use an amount not to exceed 4 percent of any grant made available under this subsection for administrative expenses necessary to carry out the activities described in paragraph (1).

''(4) CONSULTATION WITH THE STATE OF ALASKA.—The Administrator shall consult with the State of Alaska on a method of prioritizing the allocation of grants under paragraph (1) according to the needs of, and relative health and sanitation conditions in, each eligible village.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for each of the fiscal years 1996 through 2003 to carry out this subsection.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. CHAFEE. Mr. President, as I understand it, this sets the time limit of 2003?

Mr. MURKOWSKI. That is my understanding and my intent.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3070) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. Let me take this opportunity to thank my colleagues for their accommodation on this matter. It is very meaningful to Alaska. Rural Alaska will be extremely pleased to see this continued progress.

I also wish to again thank Carol Spils.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. 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. JOHNSTON. Mr. President, I want to alert my colleagues to a provision of this bill which we are negotiating which I think could be very pernicious and go well beyond anything that has to do with safe drinking water, would expand potentially the authority of EPA to evaluate and issue cost-benefit ratios which, in turn, could affect Federal actions, across the broad spectrum of Federal action.

I am referring to section 28, beginning on page 179 of the bill. Under this provision, the Administrator of the EPA can select major Federal actions, and we know that a major Federal action can be anything from drilling in ANWR, building a highway, having a timber sale, granting a loan—most anything. The Administrator of EPA would determine what he thinks would have a significant impact upon the environment and then would do a benefit-cost ratio on that major Federal action.

It tells him how to consider the benefits, and under section 6 on page 185, he is told to ''estimate the monetary value, and such other values as the Administrator determines to be appropriate, of the benefits associated with reducing risk'', for example, of ''(C) preserving biological diversity,'' ''(D) maintaining aesthetically pleasing environment,'' and other things with respect to regulating the chemistry of the air, so that, under this provision, the Administrator of the EPA has the specific authority to come up with a rating and a benefit-cost ratio to deal with, for example, a timber sale regarding the spotted owl.

So that the Administrator of the EPA, who is now not in the loop on determining a lot of these things, before you know it, there would be a benefit-cost ratio that would say this timber sale or this drilling in ANWR or the building of this highway or the granting of this loan has a benefit-cost ratio of only 50 percent and does not pass anybody's muster in terms of benefit-cost ratio.

There is no requirement of peer review. There is no requirement of making a rulemaking where the interested parties would be brought in. There is just simply a broad mandate to the Administrator of EPA to go look around at any place in the Federal Government where there is a major Federal action that may affect pollution—''pollution'' being broadly defined—in which the Administrator of EPA can then take into consideration everything from aesthetics to biodiversity. Mr. President, this could be a very, very bad provision.

The intent of the provision, of course, is good. The intent of the provision is to rank various sources of pollution, to look at the relative risks of different sources of pollution. Everyone agrees with that. But the grant of authority under section 28 under this bill is so broad that many Federal Departments will wake up one day and find out something that they had been working on for a long time, let us say the building of a highway, suddenly becomes not feasible because EPA has determined that it had a benefit-cost ratio of only 50 percent and, therefore, should not be built.

I suppose the determination that EPA made could be the basis of declaring a regulation or major Federal action to be arbitrary and capricious. It could affect major Federal actions all across the board including, presumably, the Department of Defense, Department of the Interior, Department of Energy. You name it, the Administrator of EPA could make that determination that it does not pass benefit-cost ratio.

Again, as the author of the original bill on risk assessment in the last Congress, I very strongly support the idea of relative risk and risk assessment, but I believe in an attempt to deal with this issue. This bill imperfectly does it, and I hope before this bill is finished that we can strike these provisions.

S. 343, the regulatory reform bill, deals with this issue, I believe, in a better way, because with respect to benefit-cost ratios, S. 343 provides for a rulemaking and peer review, a rulemaking in which all interested parties would be involved, a rulemaking in which the agency itself, which is putting out the regulation, would have the responsibility of running the rulemaking.

Under this, EPA does not have to peer review, does not have to give notice to interested parties. They can simply select around throughout the Federal establishment any Federal action which they wish to deal with and declare it to be not passing the cost-benefit analysis, because it fails to preserve biodiversity or fails to ''maintain an aesthetically pleasing environment.''

That is what it says, Mr. President. It may not be the intent. It may be correctable. I hope it is. But I believe section 28 ought to be stricken.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to thank the distinguished Senator from Louisiana for his thoughts on this. What we are doing now is seeking out and we are going to discuss this with the principal proponent of section 28. It is possible that we can do what the Senator from Louisiana suggests.

The Senator from Louisiana has some proposals that, in effect, deal with regulatory reform in section 5, as I understand it. My question is, would he be prepared to drop those provisions?

As I understand, he has another amendment that deals with section 5. What I would like to do is, frankly, get all references to regulatory reform out of this bill. We could discuss it now, or we could meet and have a quorum call. I know the Senator from Texas has comments on another subject. But I would like to discuss with the Senator from Louisiana what I previously suggested, namely dropping the section 5 proposals he has suggested.

Mr. JOHNSTON. Mr. President, the section 5 is a slightly different subject matter. I would certainly be very interested in talking to the Senator about that. I do believe section 28 ought to be dropped in its entirety. The problem is, if we do not drop it in its entirety, that will engender amendments to put in the reg reform S. 343 provisions, and that is going to engender a huge debate. It seems to me that that debate ought to be put off until another day and not be engrafted upon the Safe Drinking Water Act.

The risk assessment on section 5 does have to do with safe drinking water because it determines how you do risk assessment with respect to drinking water. Section 28 really does not deal with safe drinking water at all. That is why I think section 28 ought to be dealt with separately. We would be prepared to discuss section 5 at any time the Senator wishes to.

Mr. CHAFEE. Mr. President, what I suggest is that we have those discussions now. I know the Senator from Texas is ready to go. There is a gap here, and I do not know how long the Senator would like.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, whenever I can serve the good of the Senate by speaking on another subject so that the discussion can occur, I leap to the opportunity.

Mr. CHAFEE. I was going to suggest 20, 30 minutes.

Mr. GRAMM. I do not know that I will go that long, but I will suggest the absence of a quorum when I finish.

Mr. CHAFEE. That will be fine.

Mr. BAUCUS. Will the Senator yield for a unanimous-consent request?

Mr. GRAMM. Yes.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Carl Mazza, a fellow with Senator MOYNIHAN's office, be permitted to have floor privileges during consideration of this bill.

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

THE BUDGET NEGOTIATIONS

Mr. GRAMM. Mr. President, as we all know—in fact, as the whole country knows—intensive negotiations on the budget are underway in this very building, and working Americans have a big stake in the outcome of those negotiations.

While we do not know the final makeup of the compromise that would emerge from these negotiations, what I have heard is already alarming. I want to talk about the things that we are reading about in the paper, the apparent movement in the negotiations. I think it is important that if someone feels very strongly about a subject—and I feel very strongly about this subject—that we not surprise them by waiting until the last minute, when negotiations are finished and a final product has been produced, to suddenly spring it on people that are not going to support it.

So what I would like to do this afternoon is to talk very briefly about the emerging budget deal and then talk about four simple principles that I intend to establish in terms of my own vote. Obviously, I speak only on behalf of myself but I believe that, based upon the 1994 elections, the vast majority of Americans agree with the principles I will outline today. In fact, I think there is no doubt about the fact that the vast majority of Americans agree with the principles that I will set forth, and which will guide my vote on any final budget agreement.

I think the general parameters of a negotiation are pretty clear in terms of what we hear from the White House, from Mr. Panetta, and what we are beginning to hear from our own leadership. If you go back to the last continuing resolution, there was a little line in that resolution that, for the first time, opened the door to the possibility that we would change the parameters, the assumptions in our budget.

Let me explain why that is so important. It sounds kind of trivial to many people, what we assume about the health of the economy, interest rates, unemployment rates, and the number of people who qualify for Government programs. But let me explain how important those assumptions are. If you take the assumptions that the independent and nonpartisan Congressional Budget Office has established, which guide our budget, and you compare them to the assumptions contained in President Clinton's budgets, his assumptions about lower unemployment, higher growth, lower interest rates, and less spending from existing programs ultimately allows him to spend $1 trillion more, over the next 10 years, than our budget allows us to spend.

Now, I have one constituent who can comprehend what $1 billion is—Ross Perot, but I do not have any constituents that I know of, who knows what $1 trillion is, so let me try to define it. The trillion dollars that President Clinton wants to spend over the next 10 years would be equivalent to giving him the ability to write $15,000 worth of checks on the checking account of every American family, over that 10-year period. That is how much $1 trillion is.

I think it is clear that one path the negotiations could take, a path that I am very concerned about, would be to change our assumptions. This would be like a family assuming—when they sit down around the kitchen table at the end of the month, when they get out a pencil and a piece of paper and try to figure out how they are going to pay the rent or mortgage and how they are going to buy a new refrigerator before the old one goes, or how they are going to try to send the first child in the history of their family to college, when they are making tough, real-world decisions, when that we are not just making ends meet, but struggling for the American dream—assuming that there will be more money to spend than will actually be available.

I want to be very sure, Mr. President, that we do not make, in writing our new budget, an assumption that would be equivalent to a family saying, well, ''What if we won the lottery?'' or, ''What if we got a big promotion next year?'' or, ''What if some distant relative we do not know left us some money?'' We know American families do not do budgets that way because they have to live with the consequences of these decisions.

I am very concerned that we are on a path toward changing the underlying assumptions in the budget in such a way as to let President Clinton spend an additional $100 to $150 billion more each year over the next 7 years than we have set out in our budget. I am very concerned that, if we do this, we are giving up the first real opportunity we have had in 25 years to balance the Federal budget.

I want to let my colleagues know—and I know every person is trying to come up with the best solution to the impasse we have—but I want my colleagues to know that under no circumstances am I going to support any budget that allows President Clinton to spend money we do not have on programs we cannot afford.

If there was one promise that we made clear last year in the elections, it was that if the American people gave us a Republican majority in both Houses of Congress, we were going to balance the budget. I will have no part in backing away from that commitment.

The first principle I want to set out is a very simple one: I will not support a budget that spends one dime more than the dollar figures we set out in our balanced budget. We have written a budget and it was consistent with putting the Federal deficit in balance over

a 7-year period. Families and businesses have to do it every year. It is not cruel and unusual punishment to make the Government do it over a 7-year period. But we have written a budget that establishes the maximum amount we can spend each year for the next 7 years and still balance the budget. That amount, by the way, is $12 trillion. This is a 27-percent increase over what we spent in the last 7 years.

It seems to me that this is enough, especially when you stop and think about the fact that last Sunday, Americans sat down with the Sunday newspaper and with their scissors and cut 120 million coupons out of their Sunday newspapers, and then carried those coupons to the grocery store and went to all the hassles to turn in the coupons as they were paying their grocery bill just to save a few nickels, dimes, and quarters.

Have we lost our ability to be outraged about the fact that the Government does not make those sorts of decisions when we are now taking $1 out of every $4 earned by every family of four in America? In 1950 we were taking only $1 out of every $50.

I think, if we back away from our commitment to balance the Federal budget, we are betraying everything we promised in 1994, and I refuse to be a part of that.

The first principle is that I will not support a budget that spends one dime more than the dollar figures we set out in our budget. Especially since this is the maximum amount we can spend while still balancing the Federal budget.

The second principle is that I am not going to vote for a budget which provides tax cuts that are smaller than the tax cuts set out in the Balanced Budget Act. I want to remind my colleagues that we are talking about letting working families keep an amount that equals roughly 2 percent of the total amount of Federal spending.

We promised in the election a $500 tax credit per child. That means beginning in January every family in America with two children would get to keep $1,000 more of what they earn to invest in their own children, their own family, their own future.

We have a fairly tight lid on it. The money is only going to working moderate, middle, and upper middle-income families. I know many of our Democratic colleagues are outraged that, if you do not pay taxes, you do not get a tax cut. I am not outraged about this. I think it is time to start operating Government in a way that tries to help those people who pull the wagon instead of solely being focused on the people who are riding in the wagon and, quite frankly, are being kept in the wagon by programs that deny them the ability to get out and become part of the American experience.

So I am not going to negotiate away a very modest tax cut which we committed to, which we set out in terms of absolute dollars at $245 billion over a 7-year period, roughly 2 percent of the level of spending of the Government, 70 percent of which goes to families, that begins to allow people to save more of what they earn, to invest more in their own children, and that has some modest incentives for economic growth.

Now, what is negotiable? First of all, I think we should be ready to sit down with the President anywhere, at any time, and under any circumstance, to negotiate how we spend the $12 trillion that is consistent with balancing the Federal budget. I think we ought to be totally willing to sit down with President Clinton and negotiate on each of those 7 years, how that $12 trillion is spent while still balancing the Federal budget.

I want to draw a clear line of distinction between negotiating about how to spend the amount of money that is consistent with balancing the budget and negotiating about how we might change the budget itself to allow more spending that we can not afford and that clearly would deny us the ability, for the first time in a quarter of a century, to balance the Federal budget.

I also believe we should be willing to sit down and hear the President out as to what the makeup of the tax cut should be. I do not believe we should compromise further on the size of the tax cut. I offered the original amendment in the Senate which would have cut Government spending further than our budget in order to adopt the Contract With America tax cut as it was adopted in the House. That amendment was rejected. We have already compromised in coming down from the original Contract With America.

As my dear friend, DICK ARMEY, said about compromising on the tax cut, he ''already gave at the Senate.'' and I agree with this sentiment.

It is clear that there is a movement in the negotiations toward going back and assuming that things will be better in the future than we believed they would be 3 weeks ago, because in some sense many Members of Congress and the White House believe if they could just assume away part of the deficit problem, that they could jointly achieve their objectives, that we could claim we have balanced the budget, that the President could spend more money, and that perhaps happiness might be found on both ends of Pennsylvania Avenue.

Mr. President, I am not going to support that effort. I think that would be a tragic mistake. How can we conclude that the economy is going to be brighter in the future, if at the same time we prevent economic growth by giving smaller tax cuts, by having the Government spend more money, and by having larger deficits?

We would be assuming a rosy scenario and doing things that deny the ability of that scenario to ever come true. I am not going to support that effort.

Let me set down this fourth principle. Any changes that we make in what are called economic assumptions or technical assumptions—what we think interest rates will be 6 years from now, how fast we think money is going to be spent out of a program—that every penny resulting from those changes and assumptions ought to go to deficit reduction. By applying it to deficit reduction we can guarantee that it will be there if, in fact, things do not turn out to be as rosy as we would like them to be.

We would be doing what prudent families do. That is, budget on the assumption that you are not going to win the lottery, budget on the assumption that you are not going to get the big promotion. And if you do get the promotion, if Aunt Sally does give you money, then you are in a very sound position to decide what to do with it. I believe if we conclude, as we say in the language art that is contained in the continuing resolution, if the Congressional Budget Office, in consultation with the White House and outside groups, concludes that there may be a brighter future than we thought 3 weeks ago when we debated this issue, then every dollar of savings ought to go to balance the budget in this century.

Only in Washington do we have a debate about whether to balance the budget in 7 years or 10 years or even whether to do it at all. I have never, ever, in any of the States that I have traveled in the last few years heard, nor, has anybody come up to me and said ''Senator GRAMM, I think balancing the budget is a great idea. Why not do it later than you plan?'' I have never had anybody say that to me. But almost every day—and as many of my colleagues know, I am meeting a lot of people all over the country—almost every day somebody comes up and says, ''Why are you waiting 7 years? Why don't we do it sooner? Why don't we do it now?''

So, I think it is prudent policy that, if we conclude that the economy is going to have a brighter future—basically because we conclude it is going to have a brighter future based on wishful thinking—then let us apply every dollar of savings that comes from these assumptions to deficit reduction. And if, in fact, it the economy does turn out to have a brighter future, the maybe we will balance the budget within this century. But if it does not, if the original assumptions, the original conservative assumptions, were right, then we will balance the budget in 7 years as we promised.

I hear, every day, our colleagues talking about expanding the ability of the President to spend. A member of the leadership recently, while on television, suggested that maybe we could bring the tax cut down from $240 to $195 billion. I disagree. I think this is the time to stand on principle. We had an election. We have a mandate. It is not as if the American people were deceived. They knew what we promised to do. We wrote a contract. I know

many Members of the Senate say they did not sign the contract, but America signed the contract when they elected us and gave us a majority in both Houses of Congress.

I think these four principles I have outlined embody a reasonable and a flexible approach to living up to what we promised we would do and yet being willing to work with the President in saying: These are our priorities as to how we spend the $12 trillion that can be spent over the next 7 years while still balancing the Federal budget. What are yours? Government must learn to live within the constraint that, quite frankly, families face every month when they sit down around the kitchen table and get out that pencil and piece of paper. Families do not have the luxury of saying, ''Let us assume that something great is going to happen, let us spend additional money.'' They have to negotiate how they are going to spend the income they have available. We should be willing to negotiate with President Clinton on that basis. We should hear the President out in terms of his priorities, but we have a priority that was given as a mandate by the voters in 1994. That mandate and that priority is balance the Federal budget under reasonable and realistic assumptions.

Anybody can balance the budget if you let them make up the assumptions. Any family can live within its budget if they can make up their income. That is not the trick. The real challenge, however, that is faced every night by millions of families sitting around their kitchen tables—which, quite frankly, we do not face here in Washington, and have not faced for 25 years—is how do you do it based on the amount of money you are realistically going to be able to spend? Every day in America, families are making these tough decisions, and they are having to say no to the things they want. They are having to say no because we never say no. They are having to say no to their children because we will not say no to spending more and more money of their money.

I think the time has come for us to say no. I want to say no so families and businesses can say yes again. I want less Government, and more freedom. I want less Government, stronger families, more opportunity, and more freedom. I think the way we get there is to stand up for some very simple principles. We are committed to balancing the budget under realistic assumptions. We have set out what we can spend and still achieve our objective. We will spend no more.

We promised the working people of this country a very small, very modest, very targeted amount of tax relief. It in no way gets working Americans back to where they were 20 years ago, but it is a step in the right direction. It is something we promised and I am not going to back off from it. We can negotiate over how to spend the money, but not how much to spend. And, finally, if in fact we conclude that the assumptions of the budget should be updated, that we should assume a more optimistic future—and I think we can make one by balancing the budget—but if we makes these assumptions, then every penny of savings that comes from those new rosy assumptions should go to deficit reduction. None of it should be spent.

These are the principles I intend to fight for. They are principles I think embody what I fought for in the 1994 election when we elected a Republican majority. They were embodied in the Contract With America. And I think, quite frankly, if we want people to believe politicians mean anything when they say it, then there is one way to achieve this and that is to actually do what you said you would do. I believe that if we stick to these principles we would finally be living up to the commitments that we made. I, for one, intend to do it.

I wanted to go on record today as to what my position is, because I do not want anyone to feel that, while they were away negotiating with President Clinton, somehow it was not clear where I stood. And when this final deal is reached, I do not want anyone to be surprised, if it violates one of these very, simple and, I think, eminently reasonable, principles, if I do not vote for the deal—because I cannot vote for a budget that does not live up to the deal we made first with the American people in 1994.

I yield the floor.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent to proceed as in morning business.

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

THE BALANCED BUDGET

Mr. THOMAS. First, let me congratulate the Senator from Texas on his very strong endorsement of the balanced budget amendment, the thing that has really been, what will be, the capstone of what we have done all year here, that will really make fundamental changes in the direction the Government takes. I admire his strength standing for it.

Mr. President, I send a bill to the desk and ask it be referred appropriately.

The PRESIDING OFFICER. The bill will be received and referred to the appropriate committee.

Mr. THOMAS. I thank the Chair.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 1434 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANTORUM). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SAFE DRINKING WATER ACT AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. KEMPTHORNE. Mr. President, in returning to the Safe Drinking Water Act Amendments of 1995, I would like to address a few points.

There has been quite a bit of discussion about the idea of these unfunded Federal mandates that we have had for years. And in fact the Congressional Budget Office pointed out that probably one of the most burdensome, onerous Federal regulations that has been imposed upon local and State government has been the Safe Drinking Water Act Amendments of 1986. The unfunded mandates format for 1995 that was passed earlier this year and signed into law this year by the President's signature does not go into effect until January 1, 1996 and, therefore, this legislation before us today, Senate bill 1316, does not come in under the requirements of the Unfunded Mandate Reform Act of 1995.

As the sponsor of that act which was signed into law, I was determined and absolutely dedicated that we are going to stop unfunded Federal mandates around here and, therefore, as this bill has been developed over 9 months I continually stayed in touch with the Congressional Budget Office. And in fact, I then submitted Senate bill 1316 to the Congressional Budget Office and asked them to please go through this legislation as though the unfunded mandates format were currently law, used all the same criteria, and the tough examination of this legislation. They have done so.

Mr. President, I ask unanimous consent that the letter from the Congressional Budget Office be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 7, 1995.

Hon. JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1316, the Safe Drinking Water Act Amendments of 1995.

Enacting S. 1316 would affect both direct spending and receipts; therefore, pay-as-you-go procedures would apply.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1316.

2. Bill title: Safe Drinking Water Act Amendments of 1995.

3. Bill status: As ordered reported by the Senate Committee on Environment and Public Works on October 24, 1995.

4. Bill purpose: The bill would amend the Safe Drinking Water Act (SDWA) to authorize the Environmental Protection Agency (EPA) to make grants to states for capitalizing state revolving loan funds (SRFs). These SRFs would finance the construction of facilities for the treatment of drinking water. The bill would authorize appropriations of $1 billion annually over the 1996–2003 period for these capitalization grants. In addition, major provisions of the bill would:

Amend the procedures that EPA uses to identify contaminants for regulation under the SDWA;

Allow states to establish an alternative monitoring program for contaminants in drinking water;

Allow operators of small drinking water systems to obtain variances from drinking water standards under certain conditions;

Direct EPA to define treatment technologies that are feasible for small drinking water systems when the agency issues new contaminant regulations;

Require states to ensure that public water systems have the technical expertise and financial resources to implement the SDWA;

Establish a standard for the amount of radon in drinking water;

Authorize appropriations of $100 million annually for state public water system supervision programs (PWSS), $40 million annually for protecting underground drinking water sources, $35 million annually for protecting drinking water wellhead areas, and $35 million annually for assisting small drinking water systems; and

Authorize a loan for capital improvements to the Washington Aqueduct, which is operated by the U.S. Corps of Engineers to provide drinking water to the District of Columbia and parts of Northern Virginia.

5. Estimated cost to the Federal Government: Assuming appropriation of the entire amounts authorized for discretionary programs, enacting S. 1316 would lead to fiscal year 1996 funding for safe drinking water programs about $1.2 billion above the 1995 appropriation. CBO estimates that the bill would authorize appropriations totaling nearly $7 billion over the 1996–2000 period.

The authorization for most of EPA's safe drinking water activities expired in 1991, but the program has been continued through annual appropriations. In 1995 about $166 million was appropriated to EPA for safe drinking work and grants. In addition to this amount, $700 million was appropriated in 1995 and $599 million was appropriated in 1994 for EPA capitalizing grants to safe drinking water state revolving loan funds (SRFs). Spending of these SRF funds was made contingent upon enactment of legislation authorizing safe drinking water SRFs. Public Law 104–19 rescinded all but $225 million of the SRF appropriations.

Enacting S. 1316 would have a small effect on revenues from civil and criminal penalties and on resulting direct spending. Finally, enacting the bill could increase direct spending for the payments of judgments against the federal government resulting from claims made by states under SDWA; however, CBO cannot predict the number or amount of any such judgments that would result from enacting the bill. The estimated budgetary effects of S. 1316 are summarized in the following table.

[By fiscal years, in millions dollars]

	1995	1996	1997	1998	1999	2000
SPENDING SUBJECT TO APPROPRIATIONS						
Spending under current law:						
Budget authority	166	0	0	0	0	0
Estimated outlays	161	66	17	0	0	0
Proposed changes:						
Estimated authorization level	0	1,371	1,386	1,388	1,389	1,391
Estimated outlays	0	257	649	1,045	1,262	1,360
Spending under S. 1316:						
Estimated authorization level	166	1,371	1,386	1,388	1,389	1,391
Estimated outlays	161	323	666	1,045	1,262	1,360
ADDITIONAL REVENUES AND DIRECT SPENDING						
Revenues:						
Estimated revenues	.....	(1)	(1)	(1)	(1)	(1)
Direct spending:[2]						
Estimated budget authority	.....	.....	(1)	(1)	(1)	(1)
Estimated outlays	.....	.....	(1)	(1)	(1)	(1)

[1] Less than $500,000.

[2] The bill also could increase direct spending for judgments against the government, but CBO cannot estimate the amount of any judgment payments that might occur from enacting S. 1316.

The costs of this bill fall within budget function 300.

6. Basis of Estimate: Spending Subject to Appropriations.—For purposes of this estimate, CBO assumes that the bill will be enacted before 1996 appropriations for EPA are provided and that all funds authorized by S. 1316 will be appropriated for each year. Over the 1996–2003 period, the bill would authorize appropriations totalling $10.6 billion, including $8 billion for grants to safe drinking water state revolving loan funds.

In addition to the bill's specified authorization amounts, CBO has estimated that $60 million to $70 million a year would be necessary to pay for activities authorized by the bill without specific dollar authorizations. Estimated costs for these activities are based on information provided by EPA. Estimated outlays are based on historical spending patterns of ongoing EPA drinking water programs and its grant program for waste water treatment state revolving loan funds.

CBO estimates that enacting the bill would require about $55 million annually (at 1996 price levels) to pay for EPA's general oversight and administrative costs for the safe drinking water program. This amount would constitute an increase of about $15 million above EPA's current program costs, principally for administration of the new SRF program. We estimate that no funds would be required for grants to states for the source-water protection programs that would be established under section 17 of the bill because states are unlikely to implement the optional petition programs described in the bill. CBO also estimates a cost of at least $5 million annually over the 1996–2000 period for EPA to prepare the reports on environmental priorities, costs, and benefits that would be required by section 28 of the bill.

CBO believes that the proposed authority for modernizing the Washington Aqueduct should be treated as authority for providing a federal loan to the three localities that receive water from the aqueduct. In effect, the localities are borrowing money from the Treasury to pay for modernizing the aqueduct. Such a loan would be subject to credit reform provisions of the Budget Enforcement Act of 1990. We estimate that this authorization would have no net cost to the federal government because the bill would allow the Secretary of the Treasury to impose loan terms and conditions on the localities involved sufficient to offset any subsidy cost of the loan.

The Army Corps of Engineers estimates that the aqueduct modernization project would cost about $275 million in 1995 dollars and would take seven years to complete. Credit reform requires that the subsidy cost of any loan—estimated as a net present value—be recorded as an outlay in the year that the loan is disbursed. But since the bill would require that the three localities pay interest and any additional amounts necessary to offset the risk of default, the subsidy cost of this loan would be zero. Hence, we estimate that the proposed loan would have no effect on outlays.

Revenues and Direct Spending.—Enactment of this bill would increase governmental receipts from civil and criminal penalties, as well as direct spending from the Crime Victims Fund, but CBO expects that the amounts involved would be insignificant. Any additional amounts deposited into the Crime Victims Fund would be spent in the following year.

In addition, section 22 of the bill would explicitly waive any federal immunity from administrative orders or civil or administrative fines or penalties assessed under SDWA, and would clarify that federal facilities are subject to reasonable service charges assessed in connection with a federal or state program. This provision of SDWA may encourage states to seek to impose fines and penalties on the federal government under SDWA. If federal agencies contest these fines and penalties, it is possible that payments would have to be made from the government's Claims and Judgments Fund, if not otherwise provided from appropriated funds. The Claims and Judgments Fund is a permanent, open-ended appropriation, and any amounts paid from it would be considered direct spending. CBO cannot predict the number of the dollar amount of judgments against the government that could result from enactment of this bill. Further, we cannot determine whether those judgments would be paid from the Claims and Judgments Fund or from appropriated funds.

7. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. Enacting S. 1316 would increase governmental receipts from civil and criminal penalties, and the spending of such penalties; hence, pay-as-you-go provisions would apply. The following table summarizes CBO's estimate of the bill's pay-as-you-go effects.

[By fiscal year, in millions of dollars]

	1996	1997	1998
Change in outlays	0	0	0
Change in receipts	0	0	0

8. Estimated cost to State and local governments: S. 1316 would change the process for setting standards for drinking water contaminants, alter requirements for monitoring and treatment, and create state revolving loan funds to provide low-cost financing for public water systems.

The primary impact of the bill on state and local governments would be to reduce the likely costs of complying with future drinking water regulations. These future regulations would impose significant costs, primarily on local public water systems. The number of severity of these regulations is likely to be less under S. 1316. However, because these regulations are not yet in place, we cannot estimate the magnitude of any savings at this time.

For example, the bill would change the level at which future standards would be set for drinking water contaminants. By allowing EPA to consider the cost of compliance and the extent of the reduction in risks to health when establishing new standards, the bill would allow less stringent standards to be set in some circumstances and would therefore lower the cost of compliance for local water systems. Again, because these regulations are not yet in place, we cannot estimate the magnitude of any savings, although we expect that they would be significant.

The bill also would create some new responsibilities (mostly for states), but CBO expects that the cost of these new responsibilities would likely be far less than the potential savings realized from changing the current standard-setting process and altering current monitoring and treatment requirements. Furthermore, the bill extends the authorization of certain existing appropriations and authorizes the appropriation of additional federal funds to help state and local governments meet compliance costs. In total, the bill would authorize over $9.9 billion in funding for state and local governments over fiscal years 1996 to 2003 and would make available for spending about $225 million that was previously appropriated in fiscal years 1994 and 1995. Assuming the appropriation of these funds, CBO estimates that the bill would likely result in significant net savings to state and local governments.

CHANGES LIKELY TO REDUCE COMPLIANCE COSTS

Standard-setting

The bill would change the procedures for determining permissible levels of contaminants in drinking water in ways that would likely lower compliance costs for public water systems. First, it would rescind the requirement that the EPA Administrator issue rules for 25 drinking water contaminants every three years. No specific number of contaminants would have to be regulated. Although it is possible that with this change EPA would regulate more contaminants than current law dictates, CBO expects that the agency would regulate fewer contaminants than currently required.

Second, the bill would allow EPA to set the maximum contaminant level goal (MCLC) for contaminants known or likely to be carcinogens at a level other than zero in some circumstances. MCLGs are concentration levels below which there is thought to be no adverse effect on human health. Under current law, the maximum contaminant level (MCL) is an enforceable standard that is set as close to the MCLG as EPA determines is feasible. Current law requires MCLGs for known or likely carcinogens to be set at zero.

Third, the bill would give EPA the authority to set MCLs at a level other than the feasible level if using the feasible level would increase the health risks from other contaminants. If EPA uses this authority, it must set the MCL at a level that minimizes the overall health risk. Current law does not allow EPA to consider the effect of new regulations on the concentration of contaminants that are already regulated.

Fourth, the bill would require that EPA conduct a cost-benefit analysis for national primary drinking water regulations before they are proposed. The bill also would require EPA, when proposing a maximum contaminant level, to publish a determination as to whether the benefits of the proposed MCL justify the costs of complying with it. EPA would be given the discretionary authority to establish less stringent standards when it determines that the benefits of an MCL set at the feasible level would not justify the cost of compliance or when it determines that the contaminant occurs almost exclusively in small systems. If EPA uses this discretionary authority, it would have to set the MCL at a level that maximizes health risk reduction at a cost justified by the benefits. While current law requires EPA to perform cost/benefit analyses of new regulations, it does not give the agency the discretion to use those analyses as justification for changing the standards contained in new regulations. These last three changes in current law would give EPA greater discretion to set less stringent standards in future regulations. Any use of that discretion would lower the cost of compliance for public water systems.

Finally, the bill would establish an MCL for radon and would set specific requirements for regulations governing arsenic and sulfates in drinking water. The impact of these provisions on state and local government budgets is difficult to gauge, since EPA has not yet written final regulations for these contaminants. The bill would require the EPA Administrator to issue an MCL for radon of 3,000 picocuries per liter of water (pCi/Lwater). The impact of this change is difficult to assess because the MCL for radon under current law has not yet been determined. EPA has issued a draft MCL of 300 pCi/Lwater, and agency officials estimate that public drinking water systems serving 17 million people would be required to treat water for radon at that level. Under the higher MCL in the bill, systems serving fewer than 1 million people would have to treat for radon. Without a clear indication of the MCLs EPA would establish for other substances under current law, CBO has no sound basis for estimating the possible savings that would result from these provisions.

Monitoring

Section 19 would change monitoring requirements for local water systems in ways that probably would lower compliance costs. First, it would allow the EPA Administrator to waive monitoring requirements for states under certain conditions. Second, it would allow states with primary enforcement responsibility to establish alternative monitoring requirements for some national drinking water regulations. Alternative requirements could apply to all or just some public water systems in the state. Third, this section would give states with primary enforcement responsibility separate authority to establish alternate monitoring requirements specifically for small systems. Fourth, under ''representative monitoring plans'' developed by the states, small and medium water systems would probably monitor for unregulated contaminants less frequently than they would under current law. Finally, this section would direct the EPA Administration to pay the reasonable costs of testing and analysis that small systems incur by carrying out the representative monitoring plans.

Compliance period, exemptions, and variances

Section 11 would change the date that primary drinking water regulations become effective from eighteen months to three years after the date of promulgation, unless the EPA Administrator determines that an earlier date is practicable. This change would give water systems more time to install new equipment or take other steps necessary to come into compliance with the new regulation.

Section 13 would ease the conditions under which a state with primary enforcement responsibility may grant exemptions from primary drinking water regulations. Exemptions are currently given to water systems that, because of ''compelling factors,'' cannot comply with national drinking water regulations. These exemptions must be accompanied by a schedule that indicates when the system will come into compliance with the regulation. This section would specifically provide that a system serving a disadvantaged community may be eligible for an exemption.

Section 14 of the bill would set out conditions under which small systems could be granted variances from complying with primary drinking water regulations. Variances are currently given to water systems that, because of the quality of their raw water sources, cannot comply with regulations, even after applying the best technology or treatment technique. This section would broaden the qualifying criteria for small water systems, increasing the likelihood that they would be granted variances.

NEW REQUIREMENTS THAT WOULD INCREASE COSTS

Conditions of primary

Several sections of the bill would increase the responsibilities of states only if they choose to accept primary enforcement responsibility for national drinking water regulations. Every state except Wyoming currently has primary enforcement authority. Specifically, primacy states would have to set up new procedures to review applications for variances submitted by small systems and ensure that systems remain eligible for any variances granted. They would also have to establish requirements for the training and certification of operators of public water systems. Beginning in fiscal year 1997, they would have to prepare an annual report for EPA on violations of national primary drinking water regulations committed by their public water systems. Primacy states would also have to consider and act upon consolidation proposals from public water systems.

These new requirements would entail some costs for primacy states. Based on information from state drinking water officials, CBO believes that if all funds authorized are subsequently appropriated, states would probably receive enough money to pay for these additional requirements.

Procedures for small systems

Some provisions of this bill would require all states, whether or not they have accepted primary enforcement responsibility, to institute new procedures that would benefit some water systems. These requirements could impose significant additional costs on the states themselves. For example, section 19 of the bill would require each state to develop a ''representative monitoring plan'' to assess the occurrence of unregulated contaminants in small water systems. Under these plans, only a representative sample of small water systems in each state would be required to monitor for unregulated contaminants. Current law requires all systems to do such monitoring. While these plans could reduce the cost of monitoring for most small systems, they would require extra effort by the states. Based on information from a number of state drinking water officials, CBO believes that if all funds authorized are later appropriated, the states would probably receive enough funding to pay for any additional costs.

Section 15 of the bill would require each state to take certain actions to ensure that public water systems in the state develop the technical, managerial, and financial capacity to comply with drinking water regulations. States would have to prepare a ''capacity development strategy'' for small water systems as well as a list of systems that have not complied with drinking water regulations. In some circumstances, states would be allowed to spend money from their annual SRF capitalization grant to pay for developing and implementing their strategy.

Recordkeeping and notification

The bill includes other provisions that might lead to additional recordkeeping and reporting responsibilities for states and for public water systems. Section 4 would allow the Administrator of the Environmental Protection Agency to require states and localities to submit monitoring data and other information necessary for developing studies, work plans, or national primary drinking water regulations. This section could increase reporting costs for state and local governments, but on balance the bill would

likely result in a significant decrease in overall monitoring requirements and costs.

Section 20 of the bill would substitute more specific legislative requirements for current regulations governing how water systems notify customers of violations of national primary drinking water regulations. For example, this section would add a new requirement that community water systems notify customers of violations by mail. These requirements might result in increased costs for local governments.

Definition of public water system

Section 24 would change the definition of ''public water system'' to include systems that provide water for residential use through ''other constructed conveyances.'' This change would make drinking water regulations applicable to some irrigation districts that currently supply water to residential customers by means other than pipes. Districts would not fall under the new definition if alternative water is being provided for residential uses or if the water provided for residential uses is being treated by the provider, a pass-through entity, or the user. Those districts that fall under the new definition could face increased costs for treatment or for providing an alternative water supply.

CBO is still gathering information on the number of districts that would be affected by this change; however, we believe that because most of the water supplied by these districts is for agricultural uses, the amount of water that they would need to treat would be a small fraction of the water they supply. Furthermore, the bill would allow districts to make residential users of their water responsible for treatment or for obtaining an alternative water supply.

AUTHORIZATIONS OF APPROPRIATIONS

The bill would authorize the appropriation of over $9.9 billion for state and local governments over fiscal years 1996 to 2203. The largest authorization would be $8.0 billion for the creation of state revolving loan funds (SRFs). In addition, the bill would make available for spending $225 million that was appropriated for the revolving funds in fiscal years 1994 and 1995. If the authorized funds are appropriated, these SRFs would be a significant new source of low-cost infrastructure financing for many public water supply systems. The bill would give states the flexibility to transfer capitalization grant funds between the new safe drinking water SRFs and the SRFs established by the Clean Water Act for financing wastewater treatment facilities.

The bill would also extend the authorization for grants to the states for public water system supervision (PWSS) programs through fiscal year 2003 at $100 million per year and in some situations would allow states to supplement their PWSS grant by reserving an equal amount from their annual SRF capitalization grant. The PWSS programs implement the Safe Drinking Water Act at the state level through enforcement, staff training, data management, sanitary surveys, and certification of testing laboratories. The fiscal year 1995 appropriation for PWSS grants totaled $70 million. Both EPA and the Association of State Drinking Water Administrators have found this level of funding to be inadequate to meet the requirements of current law.

The bill would also allow the District of Columbia, Arlington County, Virginia, and Falls Church, Virginia to enter into agreements to pay the Army Corps of Engineers to modernize the Washington Aqueduct. The Corps estimates that the modernization would cost about $275 million in 1995 dollars and would take around seven years to complete. The terms of the agreements are subject to negotiation, but it is likely that payment of principal and interest would begin within two or three years and would be spread out over thirty years. The three localities would raise the necessary funds by increasing the water rates paid by their customers. The localities' respective shares of the costs would be roughly as follows: District of Columbia (75 percent), Arlington County (15 percent), and Falls Church (10 percent).

9. Estimate comparison: None.

10. Previous CBO estimate: None.

11. Estimate prepared by: Federal Cost Estimate: Kim Cawley and Stephanie Weiner. State and Local Government Cost Estimate: Pepper Santalucia.

12. Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

Mr. KEMPTHORNE. Mr. President, I can state, based on that letter from the Congressional Budget Office, that there are no new unfunded Federal mandates, and, in fact, as they pointed out, we will significantly reduce the cost to the local and State governments based on the legislation, S. 1316.

Again, I think it is important to note that while that act does not go into effect until January 1, we are complying with it today. And that is as it should be.

Another point I would like to make is the fact that I think our State and local officials have made it very clear that one of their most important responsibilities to their constituents is to assure their constituents that their drinking water is safe and it is affordable. Therefore, on many, many occasions during the course of the crafting of this legislation, a coalition representing the State and local governments, the different entities that provide the waters to different customers were part of the discussions. I ask unanimous consent to have printed in the RECORD a series of letters, letters from the National Governors' Association, the National Association of Counties, the National Conference of State Legislators, National League of Cities, U.S. Conference of Mayors, and a variety of other organizations, pointing out their strong support for this legislation.

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

NATIONAL GOVERNORS' ASSOCIATION, NATIONAL ASSOCIATION OF COUNTIES, NATIONAL CONFERENCE OF STATE LEGISLATURES, NATIONAL LEAGUE OF CITIES, U.S. CONFERENCE OF MAYORS,

November 9, 1995.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR KEMPTHORNE: As elected representatives of state and local government, we are writing to express our strong support for S. 1316, the Safe Drinking Water Act Amendments of 1995, as it was reported by the Committee on Environment and Public Works. We ask for your help in passing this legislation into law without extraneous or substantive amendments. As you know, EPA has indicated that the drinking water law is broken and that reform of the statute is a top priority. Collectively our organizations agree that reform of this program is of critical importance, and we have made such reform our highest collective priority for this year. In many respects, the current law is unfocused, arbitrary, and imposes unacceptable costs on our citizens without appreciable benefits. S. 1316 makes important improvements in the law and deserves your support.

As a bottom line, S. 1316 makes the drinking water program more effective in protecting public health. In her September 27 letter to Senator Baucus, EPA Administrator Browner outlined her views on what a new drinking water law should do. We believe S. 1316 satisfies those concerns. In particular, this bill:

Helps prevent contamination of drinking water supplies by creating the first framework for water suppliers to work in partnership with those whose activities affect water supplies.

Provides assistance to help build the financial, managerial, and technical capacity of drinking water systems.

Assures that drinking water standards address the highest risks by directing EPA to set priorities and to establish standards for contaminants that occur in drinking water.

Allows EPA to consider both costs and benefits in developing new drinking water regulations, as EPA has recommended.

Provides much needed funds to help communities improve drinking water facilities.

Finally, but not least important, the bill addresses the problems of many of our smaller communities by requiring EPA to identify appropriate health-protective technologies for small water systems.

The bill represents countless hours of negotiation and compromise among the various interests, including EPA. While no party gets all that they want from such a process, the final product is balanced and reasonable.

We are concerned about two amendments that may be offered on the floor. One would require all water systems to report on contaminants found in the water at levels that do not violate the federal standards. The bill as drafted and current law require reporting and public notification when a standard is breached. In addition, water systems will be required to report on monitoring for unregulated contaminants in order to provide EPA with data on occurrence. States already have authority to require additional reporting, and some do. We support those provisions. However, additional mandatory reporting would be burdensome and serve no good purpose, and we cannot support them.

A second amendment may be offered allowing EPA to avoid analysis and public comment requirements when EPA declares an urgent threat to public health. The bill as drafted, combined with provisions of existing law, allows EPA to react quickly to protect the public in the event of an urgent threat. The authorities for quick action include the emergency powers, urgent threat to public health, and public notification requirements of the current law and this bill. Faced with an urgent threat, the Administrator can—and must—act quickly to protect the public. Moreover, all Governors also have authority to take emergency action to protect public health. However, even the quickest action should not be blind with respect to good science, the costs and benefits of that action, or the effect of that action on other contaminants.

We have seen no evidence that the analysis required by S. 1316 would slow EPA's response to an urgent threat, while the chance of mistakes dramatically increases when action is taken in haste. The cost of such mistakes can be very high, and could include costs of over-reaction, under-reaction, addressing the wrong risk, or addressing a risk

in the wrong way. Those are the very mistakes that the analysis required by the bill is designed to avoid. The EPA should not take shortcuts even when quick action is needed, and the public and the regulated community should have the right to see EPA's analysis before standards are proposed.

We hope you understand how important this bill is to state and local governments and to the citizens we represent, and hope you will help move this bill to final passage.

Sincerely,

Governor FIFE SYMINGTON,
Chair, Committee on Natural Resources.
Governor GEORGE V. VOINOVICH,
Lead Governor on Federalism.
Governor E. BENJAMIN NELSON,
Vice Chair, Committee on Natural Resources.
DOUGLAS R. BOVIN,
President, National Association of Counties.

OFFICE OF THE MAYOR,
CITY OF CHICAGO,
November 2, 1995.

Hon. DIRK KEMPTHORNE,
Chairman, Senate Committee on Environment and Public Works, Subcommittee on Drinking Water, Fisheries, and Wildlife, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my support of your Safe Drinking Water Act reauthorization bill (S. 1316).

As you know, the City of Chicago like other local governments, is plagued by unfunded federal mandates, many of which stem from the Safe Drinking Water Act. Current law makes blanket assumptions about the threats and conditions facing municipalities and issues the same rules for every city regardless of its unique circumstances. As a result, Chicago has spent a significant amount of time and money to comply with mandates that do not reflect the concerns of its water system. These mandates are consuming resources that our budget will not allow us to spend unwisely, and our citizens should not be saddled with unnecessary increases in the price they pay for safe drinking water.

In an effort to conserve our scarce resources, I have been actively involved in the fight to reduce the burden of unfunded federal mandates on local governments. The standard setting process for safe drinking water is an issue that I strongly believe needs improvement. I am pleased to see that your bill addresses this issue by directing the EPA to set drinking water priorities and to set standards for contaminants that are present in our water. I also commend you for recognizing the need for a cost-benefit analysis in setting these drinking water standards.

Your bill will enable the City to use its resources more efficiently and will allow the Water Department to take more effective steps to guard against contamination that may pose a real risk to the citizens of Chicago. For these reasons, I thank you not only for your insight but also for your leadership on this important piece of legislation.

Sincerely,

RICHARD M. DALEY,
Mayor.

CALIFORNIA WATER SERVICE CO.,
San Jose, CA, October 20, 1995.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: As you may know, on October 12, a bipartisan group of Senators introduced S. 1316, the Safe Drinking Water Act Amendments of 1995. I urge you to lend your support to this important bill by signing on as cosponsor.

S. 1316 adds needed flexibility to the Safe Drinking Water Act (the Act) while preserving the Act's strong public health protections. It improves the method for choosing and setting drinking water standards; encourages states to prevent the formation of—and consolidate—nonviable water systems (which are responsible for the vast majority of water quality violations); places greater emphasis on source water protection; and directs EPA to place a priority on research into cryptosporidium and at risk subpopulations.

These reforms are badly needed. Without them, Californians face considerable incremental increases in their water bills over the next few years without concomitant increase in public health protections. For example, it would cost an estimated $500 million for San Francisco to build a filtration plant to treat one of the most pristine water supplies in the world. California consumers would pay between $3 and $4 billion in up front costs and about $600 million annually to comply with the proposed radon regulation if adopted unchanged. Yet merely by opening the window, they will be exposed to higher levels of radon.

Nationwide, water utilities have spent billions of dollars a year to ensure the safety of their customers' supply. Large expenditures life these were made even before passage of the Act in 1974 and will continue to be made with or without changes to it. However, with the outlook for retail water costs in California increasing, additional treatment costs should not be imposed on our customers unless they are necessary to enhance public health protections.

The California Water Service Company is the State's largest investor-owned water utility serving 1.5 million people in 38 communities around California. On their behalf, I appreciate your interest in this issue.

Sincerely,

DONALD L. HOUCK,
President.

ST. LOUIS COUNTY WATER CO.,
St. Louis, MO, October 24, 1995.

Attention: Tracy Henke.
Hon. KIT BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: Senator Kempthorne recently introduced The Safe Drinking Water Act Amendments of 1995, (S. 1316), which already has received bipartisan support from many of your colleagues. Last week Gurnie Gunter of the Kansas City Water Department provided testimony before the Senate Committee on Environment and Public Works in support of this legislation. I agree with Gurnie, as do most of the water utility people I know.

This legislation represents significant improvement over current law, would ensure increased protection of public health, and clearly represents the consensus reached only after long hours of deliberations. S. 1316 would target high risk contaminants, require the use of better scientific analysis, and target funds to much needed research. Furthermore, the bill would repeal unnecessary monitoring requirements and other wasteful SDWA provisions which drain funds from real public health protection.

The bill has been endorsed by associations representing state and local elected officials all across the country, and contains many provisions which the EPA has been advocating in a SDWA reauthorization.

For these reasons, I encourage you to cosponsor this important reauthorization bill. I would also like to make my staff available to your staff should clarification be needed in the technical areas of the bill.

I appreciate your attention to this matter, and look forward to hearing from you.

Sincerely,

A. M. TINKEY,
President.

OCTOBER 24, 1995.

Hon. DIRK KEMPTHORNE,
Chairman, Subcommittee on Drinking Water, Fisheries, and Wildlife, Environment and Public Works Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The undersigned agricultural and agribusiness organizations are pleased to comment on S. 1316, the Safe Drinking Water Act Amendments of 1995, and in particular Section 17, ''Source Water Quality Protection Partnerships.'' The petition program in Section 17, which Subcommittee Chairman Dirk Kempthorne took the lead in crafting, successfully builds on a similar provision authored in the last congress by Senators John Warner and Kent Conrad, and adopted by the Senate. We certainly appreciate your efforts to resolve agricultural concerns during development of the Section 17 language. If implemented as envisioned, this petition program contains the foundation for voluntary partnerships involving state and local governments and agriculture.

Importantly, the new petition program is *not* intended to create new bureaucracies, a mini-Clean Water Act, or a new layer of regulatory mandates imposed on farmers and other stakeholders. Section 17 avoids a heavy-handed, ''top down'' regulatory approach in which economic viability is ignored and farmers could become victims. Instead, States have the option of establishing a petition program. States may respond to petitions where appropriate by facilitating locally developed, voluntary partnerships through technical assistance and financial incentives available under existing water quality, farm bill and other programs, plus funds from the new drinking water SRF as provided for in S. 1316. The petition process is a common-sense, problem-solving approach which offers farmers and other stakeholders the opportunity to work with their local communities as partners. There are a growing number of success stories in which local communities and farmers are already working together in voluntary partnerships to resolve drinking water problems.

We look forward to working with members of the Committee and the Senate in ensuring that the petition process in S. 1316 maintains its voluntary and problem-solving objectives.

Sincerely,

Agricultural Retailers Association.
American Association of Nurserymen.
American Farm Bureau Federation.
American Feed Industry Association.
American Sheep Industry Association.
American Soybean Association.
Equipment Manufacturers Institute.
Farmland Industries, Inc.
National Association of Conservation Districts.
National Association of Wheat Growers.
National Association of State Departments of Agriculture.
National Cattlemen's Association.
National Cotton Council.
National Council of Farmer Cooperatives.

National Grange.
National Pork Producers Council.
National Potato Council.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, October 13, 1995.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR: The American Farm Bureau Federation would like to take this opportunity to thank you for your strong support of agriculture in developing the source water protection provisions in the Kempthorne/Chafee Safe Drinking Water Act reauthorization bill.

Farm Bureau supports the incorporation of a voluntary sources water provision in the Safe Drinking Water Act. Your petition program will establish these voluntary partnerships between state and local governments, helping agriculture create a positive approach for solve water quality problems. An important aspect of this program is that it does not create new regulations or bureaucracies. Rather it provides a means for a community or water supplier who is experiencing water quality trouble to solve the problem with the help of stakeholders using programs and resources that are currently available under existing laws. This is a very practical solution in addressing water quality needs.

We thank you and your staff again for your leadership and responsiveness in addressing this issue.

Sincerely,

RICHARD W. NEWPHER,
Executive Director,
Washington Office.

UNITED WATER DELAWARE,
Wilmington, DE, October 13, 1995.

Senator DIRK KEMPTHORNE,
Chairman, Senate Drinking Water, Fisheries, and Wildlife Subcommittee, Dirksen Building, Washington, DC.

HON. SENATOR KEMPTHORNE: As Manager of United Water Delaware, I am writing to support your proposed Safe Drinking Water Act Amendments of 1995. As purveyor of water to some 100,000 people in the Wilmington, DE area, the re-authorization of the Safe Drinking Water Act is very important to me and UWD's customers in Delaware and Pennsylvania.

I feel that this bill will renew the partnership between the water purveyors and the State; re-establish confidence in EPA; and help make safe, adequate water supplies available to all Americans.

Very truly yours,

ROBERT P. WALKER,
Manager.

OFFICE OF THE MAYOR,
Rutland, VT, October 23, 1995.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

SENATOR KEMPTHORNE: Thank you once again for your most successful efforts to craft a bipartisan set of amendments to the Safe Drinking Water Act. Thank you also for giving me, the NLC and NACO an opportunity to offer testimony last week.

A great many people have worked for years to strengthen the protection of public health through the Safe Drinking Water Act. As someone who is on the front line of this fight. I want you to know how deeply your leadership and legislative craftsmanship are appreciated. Put bluntly, in the current political climate, it could not have been without you.

I am now confident that this Congress will enact amendments that will protect both the taxpayer's wallets and the public health. Please share my sentiments with Meg and everyone on your staff who contributed to this remarkable effort.

Sincerely,

JEFF WENNBERG,
Mayor of Rutland.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,
Montgomery, AL, October 25, 1995.

Re: Senate bill 1316.

Hon. RICHARD SHELBY,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SHELBY. As you are aware, hearings were held on Senate Bill 1316, reauthorization of the Safe Drinking Water Act, on October 19, 1995.

Staff of the Department have reviewed this bill and previously provided input through the National Governor's Association and the Association of State Drinking Water Administrators noting our satisfaction with the language as presented. Lack of flexibility properly administer the Safe Drinking Water Program has caused water systems in Alabama to spend excessively on monitoring without an associated increase in public health protection. The passage of reauthorization will greatly benefit the water systems of Alabama and not only provide a safer quality of drinking water but a better environment for our citizens. I urge you to co-sponsor this bill and provide support for its passage.

Sincerely,

JAMES W. WARR,
Acting Director.

TULSA METROPOLITAN UTILITIES AUTHORITY,
Tulsa, OK, November 1, 1995.

Hon. JAMES M. INHOFE,
U.S. Senate,
Washington, DC.

DEAR SENATOR INHOFE: On behalf of the Tulsa Metropolitan Utility Authority, I am writing to thank you for your cosponsorship of S. 1316, the Safe Drinking Water Act Amendments of 1995. We feel that S. 1316 is a significant improvement over current law in that it increases the likelihood that contaminants of real concern to the public will be addressed. We feel S. 1316 will achieve this goal by doing the following:

Using solid science as a standard setting basis;

Authorizing adequate funding for health effects research;

Securing the publics right to know;

Establishing a reasonable compliance time frame;

Ensuring that drinking water standards address the highest priorities for risk reduction;

Setting up a framework and authorizing funds for source water protection partnerships.

By supporting this bill, we recognize you are focusing your attention as well as the state of Oklahoma's attention on public health protection. Water quality is important to us all; consequently, we feel that S. 1316 is a step in the right direction to achieving better drinking water. We ask that you continue your support of S. 1316 and the pursuit of other supporters for the improvement of drinking water. We truly believe S. 1316 will not only benefit the water quality of Tulsa and the State of Oklahoma, but it will also benefit the water quality of the entire country.

Thank you again for your support and continued pursuit of this matter.

Sincerely,

SANDRA ALEXANDER,
Chairman.

TULSA METROPOLITAN UTILITY AUTHORITY,
November 1, 1995.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: On behalf of the Tulsa Metropolitan Utility Authority, I am writing to ask for your support of S. 1316, the Safe Drinking Water Act Amendments of 1995. By supporting this bill, you would be focusing your attention as well as the state of Oklahoma's attention on public health protection. We here at the TMUA support S. 1316 and believe it represents a significant improvement over current law by increasing the likelihood that contaminants of real concern to the public will be addressed. We believe it would do this by achieving the following:

Ensuring that drinking water standards address the highest priorities for risk reduction;

Utilizing solid science as a basis for standard setting;

Authorizing adequate funding for health effects research;

Securing the publics right-to-know;

Establishing a reasonable compliance timeframe;

Setting up a framework and authorizing funds for source water protection partnerships.

Water quality is of utmost importance to us, and we feel that the current bill up for approval by the Senate meets the current water quality needs in an adequate manner. We would greatly appreciate your support on S. 1316 and hope you will continue to pursue what is best for Oklahoma.

Thank you for your consideration on this matter.

Sincerely,

SANDRA ALEXANDER,
Chairman.

ASSOCIATION OF METROPOLITAN WATER AGENCIES,
Washington, DC, November 15, 1995.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of the Association of Metropolitan Water Agencies (AMWA), I would like to urge you to support S. 1316, the Safe Drinking Water Act Amendments of 1995. The bill, which makes essential reforms to the nation's drinking water law, was developed through a bipartisan effort and has the backing of the major drinking water supply organizations as well as State and local governments.

S. 1316 improves the current statute in several meaningful ways. The bill establishes a rational approach to selecting contaminants for future regulation, greatly improves the scientific bases for establishing maximum contaminant levels, and modifies the existing mechanism for setting standards by providing EPA with the discretion to apply a benefit-cost justification under certain circumstances. In addition, the bill allows EPA to balance risks when considering the development of standards and applies this risk balancing authority to regulation of disinfectants, disinfection by-products and microbial contaminants. The risk trade-off authority is particularly important given the public health and cost implications of controlling contaminants whose treatment, by its very nature, may result in unintended increased public health risks.

AMWA also urges you to support passage of S. 1316 without significant amendments. The bill contains many compromises that continues the Act's focus on public health protection but also addresses many problems with the statute from a variety of perspectives. Amendments that shift this balance could serve to undermine the bill's support.

We urge you to support S. 1316.

Thank you for your consideration of this very important matter. If you need any additional information or have any questions, please do not hesitate to give me a call.

Sincerely,

DIANE VANDE HEI,
Executive Director.

CITIZENS UTILITIES,
Sun City, AZ, November 6, 1995.

Hon. JOHN KYL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KYL: I am writing on behalf of Citizens Utilities Company (''Citizens'') regarding proposed legislation, Senator Kempthorne recently introduced the Safe Drinking Water Act Amendments of 1995 (S. 1316) which already has received bipartisan support from many of your colleagues. Citizens strongly supports this reauthorization bill.

In the state of Arizona, Citizens provides water and wastewater utility services to approximately 105,000 customers in Maricopa, Mohave, and Santa Cruz Counties. We are the largest contiguous investor-owned water/wastewater utility company in the State of Arizona. Among our service areas are the world-renowned, master-planned retirement communities of Sun City, Sun City West, and Del Webb's newest project, Sun City Grand.

This legislation represents significant improvement over current law, would ensure increased protection of public health, and clearly represents the consensus reached only after long hours of deliberations. S. 1316 would target high risk contaminants, require the use of better scientific analysis, and target funds to much needed research. Furthermore, the bill would repeal unnecessary monitoring requirements and other wasteful SDWA provisions which drain funds from real public health protection.

The bill has been endorsed by associations representing state and local elected officials all across the country, and it contains many provisions which the EPA has been advocating in an SDWA reauthorization.

Thank you for your consideration of the foregoing information. I look forward to hearing from you regarding this important piece of legislation.

Very truly yours,

FRED L. KRIESS, Jr.,
General Manager.

ILLINOIS-AMERICAN WATER CO.,
Belleville, IL, October 18, 1995.

Hon. CAROL MOSELEY-BRAUN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MOSELEY-BRAUN: I am writing to urge you to cosponsor S. 1316, the Safe Drinking Water Act Amendments of 1995. The bipartisan bill was introduced by Senator Kempthorne with 23 cosponsors including Senator Dole (Majority Leader) and Senator Daschle (Minority Leader).

As the guardian of safe drinking water in Pekin, Peoria, Alton, East St. Louis, Belleville, Granite City and Cairo, Illinois-American Water Company believes S. 1316 is a major step forward in the direction of better public health; safer drinking water; and more responsive government. The reforms contained in this bill represent a common sense solution that supports both environmental protection and regulatory reform.

S. 1316 strengthens the scientific basis for establishing drinking water standards; targets regulatory resources towards greater public health risks and away from trivial risks; establishes a stable, forward-looking framework for addressing longer term drinking water issues; funds new mandates while reducing existing mandates that don't work; establishes a source water protection program; provides authorization for a drinking water state revolving fund; and provides for an improved federal-state partnership.

S. 1316 is supported by national organizations representing governors, mayors, other state and local elected officials, state drinking water regulators, and public water suppliers—virtually all those responsible for assuring the safety of America's drinking water.

It is important that we focus our resources on the overall interest of the public and not simply react to political rhetoric.

Thank you for your time and consideration. If we can provide additional information for you please contact us.

Sincerely,

RAY LEE, *President.*

BRIDGEPORT HYDRAULIC CO.,
Bridgeport, CT., October 13, 1995.

Hon. CHRISTOPHER J. DODD,
U.S. Senate, Senate Russell Office Building,
Washington, DC.

DEAR SENATOR DODD: We understand that on October 12, 1995, Senators Kempthorne and Chafee introduced S. 1316, ''The Safe Drinking Water Act Amendments of 1995.'' This bill has bi-partisan support from the leadership of both parties in the Senate and has been endorsed by members of the Safe Drinking Water Act Coalition, which represents state and local governments and public water suppliers.

S. 1316 makes substantial improvements in the current law, particularly how contaminants will be selected for regulation and requiring a cost benefit analysis for risk assessment. We believe when enacted, S. 1316 will help provide American consumers with safe, high-quality water at a reasonable price.

Since this bill will provide reasonable, risk reducing water regulations, we urge you to become one of its co-sponsors. Thanks for your consideration.

Sincerely,

LARRY L. BINGAMAN,
Vice President,
Corporate Relations and Secretary.

IDAHO RURAL WATER ASSOCIATION,
Lewiston, ID, March 13, 1995.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of over 187 rural and small communities in Idaho, we want to thank you for your commitment to pass a revised Safe Drinking Water Act (SDWA).

The federal Safe Drinking Water Act has proven to be one of the most expensive and most arbitrary federal mandates that has been placed on rural communities. All water systems small and large must follow the same ONE-SIZE-FITS-ALL federal requirements regardless of the history and/or previously tested quality of their water.

We urge you to pass the SDWA that corrects the over regulation of small and rural communities. No one is more concerned about ensuring public health protection than rural communities with water systems, but specific changes need to be made to make the law workable.

For a bill to benefit small and rural communities, the Safe Drinking Water Act should:

1. Provide small communities with increased technical assistance. This is what works in the field to help small systems with the mandates. Small systems have the most difficulty complying with the SDWA because of limited budgets and big system requirements. Through the thick and thin of the federal SDWA regulations, small and rural systems have relied on their state rural technical assistance program to help each other try to meet these ever increasing mandates. This program needs to be strengthened.

2. No more federal regulation requirements. The revised law should not include new requirements because EPA cannot even manage the existing requirements. Viability, or the way a system operates in order to meet standards, should not be subject to federal regulatory definition. Our state can manage its small systems. Rural consumers have to pay for all the good ideas that come out of Washington. Giving the federal bureaucracy authority over determining the criteria for management and operations of local municipal water systems will only increase burden on water operators and local elected officials.

3. Urgent-Monitoring relief. We estimate that 20 to 25 percent of Idaho's small communities did not utilize the 1993 Chafee Lautenberg monitoring relief and therefore will have to complete four samples of Phase II/V monitoring in 1995. Please extend this one-test relief provision.

4. The enclosed signatures were gathered during the Idaho Rural Water Association's annual meeting. The 54 names on the petition represent approximately 140,992 citizens of small rural communities in Idaho. They support the above mentioned three items. They also appreciate your effort to pass a revised SDWA that is fair and workable and provides them the opportunity to provide clean, safe, affordable drinking water to their citizens.

Sincerely,

KENNETH GORTSEMA, *President.*

Enclosure.

IDAHO RURAL WATER ASSOCIATION LETTER TO SENATOR KEMPTHORNE—SIGNERS

Roy Cook, Coeur o'Alene, vendor.

Robert Cuber, City of Jerome, (pop. 7,049), water superintendent.

Helen Smith, LOFD Lewiston, (pop. 6,000), board member.

Frank Groseclose, City of Juliaetta, (pop. 500), maintenance supervisor.

Jeanette Turner, Clarkia, (pop. 70), director/secretary.

Fred Turner, Clarkia, (pop. 70), maintenance.

Robert L. Luedke Jr., City of Gowesee, (pop. 800), city supervisor.

Jeanette Turner, Clarkia, (pop. 70), board member.

Fred Turner, Clarkia, (pop. 70), maintenance.

Jerry Lewis, Bonner County, (pop. 115), owner.

Roberto J. Lopez, Lapwai, (pop. 250), water maintenance.

Jim Richards, City of Pierce, (pop. 800), maintenance.

Andy Steut, City of Spiritlake, (pop. 1,500), maintenance.

Mark Kriner, Pocatello Idaho, (pop. 60,000), vice president Caribon Acres water.

Ted A. Swanson, Pocatello Idaho, (pop. 60,000), Swanson construction.

Nathan Marvin, City of Weiser, (pop. 4,800), public works superintendent.

Larry Kubick, Fernwood water district, (pop. 450), operator/maintenance/supervisor.

Steve Howerton, City of Kendrick, (pop. 350), maintenance/supervisor.

Kelly Frazier, City of Kooskia, (pop. 700), public works superintendent.

Alvena Gellinos, L.O. irrigation district, (pop. 3,800A.), Billing clerk.

——— ———, City of Lapivai, (pop. 1,000), city clerk.

Daeline Pfaff, Fort Hall (townsite), (pop. 150), board member.

Shelley Ponozzo, L.O.I.D. Lewiston, Id,, (pop. 6,000), accountant/office manager.

Irvin Hardy, Rupert Id., (pop. 5,200), water superintendent.
Bob Paffile, CDA, board member/vice president.
Robert Smith, New Meadows, (pop. 600), water superintendent.
Buzz Hardy, Rapid River water and sewer, (pop. 42), district president.
Paul Stokes, Solmon, Idaho, (pop. 3,000), water treatment.
Steve Kimberling, Orofino ID, (pop. 2,500), water maintenance.
Richard Whiting, City of Victor ID., (pop. 600), water superintendent.
Jim Condit, City of Spirit Lake, (pop. 1,500), water waste water.
Rhonda Wilcox, City of Harrison, (pop. 226), water maintenance.
Phil Tschida, City of Horseshoe Bend, (pop. 720), water maintenance superintendent.
Ed Miller, CSC water district Kellogg, (pop. 3,000), water operator.
Virgil W. Leedy, City of Weiser, (pop. 4,500), water superintendent.
Dan Waldo, Kingston water, (pop. 180), manager.
Todd Zimmermann, Avondale Irrigation District, (pop. 1,700), manager.
Joe Podrabsky, City of Lewiston, (pop. 5,500), water operator.
Ken Rawson, City of Lewiston, (pop. 5,500), water operator.
Mike Curtiss, City of Grangeville, (pop. 3,300), water superintendent.
John Shields, Kootenai county water district, (pop. 170), manager.
Dave Owsley, Dworshak N.F.H., engineer.
Ray Crawford, Winchester, (pop. 380), maintenance.
Rodney Cook, Juliaetta, (pop. 480), maintenance.
Jack Fuest, Culdesac, (pop. 420), maintenance.
Brian Ellison, Troy, (pop. 800), maintenance.
David C. Shears Sr., Cottonwood, (pop. 850), maintenance.
Dave Fuzzell, Cottonwood, (pop. 850), maintenance.
Robert Jones, Lewiston, (pop. 28,000), maintenance.
Renee McMillen, Lewiston, (pop. 28,000), water operator.
Bob Faling, Lewiston, (pop. 28,000), water maintenance.
Lonnie Woodbridge, Arco, (pop. 1,000), maintenance.
Dale W. Anderson, Harwood, (pop. 80), maintenance.
Eugene J. Pfoff, Fort Hall (townsite), maintenance).

Mr. KEMPTHORNE. I remember, Mr. President, on one occasion at a particular meeting somebody who was part of the Federal establishment saying, ''Well, if we do not have the Federal Government absolutely through regulation watch out for everything dealing with safe drinking water, who in the world will?'' It is because of that same Federal mentality—somehow somebody thinks only the Federal Government can be the guardian of the well-being of this country—I remind all of us we are the United States. We are not the Federal Government of America. There are 50 sovereign States that comprise this Union, and those Governors and those legislators and, within those States, those county commissioners and those mayors, they care about their people. If you had a situation in a community where there would be an outbreak of water contamination that would be life threatening, those elected officials would have a serious problem, not only the serious problem of immediately dealing with the life-threatening situation but they also probably would have a political problem because their constituents are not going to allow someone to somehow jeopardize the safety of that water which the children of that community are going to drink.

We have talked about cryptosporidium, the fact that it was not regulated in 1993 when there was an outbreak and 104 people died from that particular outbreak, and yet today cryptosporidium is still not regulated. We are going to change that, and this legislation allows us to improve, therefore, public safety and public health, and we are going to do it at less cost. We are going to provide flexibility to States and local communities, but we are going to then be able to target life-threatening contaminants such as cryptosporidium and go after those contaminants instead of contaminants that pose absolutely no health risk and yet require these communities to spend their finite dollars on expensive monitoring systems. If this is not in keeping with what this Congress is trying to do, I do know what is.

So I am pleased that we do have S. 1316 before us. I am pleased that in the Environment and Public Works Committee all 16 members of that committee, bipartisan, support this legislation, as well as the fact the leadership on both sides of the aisle, the majority leader and the Democratic leader, supports this legislation. We are currently working with some Senators who have proposals, amendments that they are suggesting would improve this particular legislation. We will work with them. I believe that we can resolve that. But again this is another significant step forward in our role as partners with State and local governments, working on behalf of the people of the United States of America.

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

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

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

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

ONE MARINE'S WILL TO SURVIVE

Mr. KEMPTHORNE. Mr. President, Lance Cpl. Zachary Mayo, from Osburn, ID, population 2,000, is a marine aboard the U.S.S. *America*. In the early morning hours of November 25, just a couple days ago, he was swept overboard from his assignment on the U.S.S. *America*. The Navy conducted 3 extensive days of searching, utilizing different ships and helicopters to locate Lance Cpl. Mayo. His mother and father had been notified that their son was missing at sea.

I just got off the phone with Mr. Stanley Mayo, the father, who received a call at 4 a.m. this morning that his son is OK. In fact, he spoke with his son. After 36 hours in the water, Zachary was picked up by a Pakistani fishing boat. He has been taken to Pakistan and is now in transit to the United States Embassy and will be returned shortly.

In speaking with his father and learning a little bit about what it must have been like to be swept over and spend 36 hours without a flotation device, he described the survival technique utilized by this tough marine of utilizing the clothing and tying knots in both the sleeves of the uniform jacket, as well as the pants, and creating an air chamber. I think this, again, shows the quality of the people that we have, and this is a testament to a young man's determination to survive—which he did, after 36 hours in I believe the Arabian Sea. Also, it demonstrates the faith of a family that never gave up hope, and all in the Silver Valley were determined that they would receive that good news.

Stanley Mayo told me moments ago that he went to bed last night with the prayer that in the morning he would hear from his son, and that prayer was answered. So I know that all of us rejoice in what will be an outstanding reunion. Stan Mayo said that he cannot remember when he ever had such news that brought him such joy, except perhaps when it was the birth of Zachary. So now to have the news that his son will be returned is something we can all rejoice in.

Again, this is a testament to the ability of our U.S. military personnel and their dedication to survival and carrying out their assignments. Again, I think it is something that we need to make note of. I say to the Mayo family, God bless all of them.

With that, I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

A TRIBUTE TO OUR ARMED SERVICES

Mr. COHEN. Mr. President, first let me congratulate my colleague for his very poignant recitation of what took place and join him in congratulating the men and women who serve in the armed services for the kind of dedication and creativity and ingenuity that is involved in preparing themselves for the ultimate conflict they must always be prepared for.

I think his recitation only adds greater credence and compliments the leadership being shown in the armed services and the kinds of people being

recruited day in and day out. The American people—not to mention this particular father—have a great deal to be proud of. So I commend him for his statement.

Mr. KEMPTHORNE. I thank the Senator.

SAFE DRINKING WATER ACT AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. COHEN. Mr. President, I want to commend Senator KEMPTHORNE along with Senators CHAFEE, REID, and others, for their efforts to bring to the floor this important safe drinking water legislation, which I was pleased to cosponsor. The changes that would be made by this bill—reducing unnecessary burdens and costs to communities and ratepayers while guaranteeing reliable drinking water—have been sought by cities and towns in my State for many years now.

The Safe Drinking Water Act is perceived at the local level to be one of the most expensive and onerous Federal environmental requirements that we have. Reform of drinking water regulations has been a top priority of local officials across the country as they expressed increasing frustration with unfunded Federal mandates. As a former mayor, I understand the difficulties local officials encounter when they are faced with an enormous number of requirements and little money to pay for them.

I was pleased to be an initial cosponsor of the Unfunded Mandates Reform Act of 1995 which was the first step taken by Congress to reduce the impact of unfunded mandates. That was enacted into law last March under the leadership of Senator KEMPTHORNE. It is going to make it much more difficult to enact new unfunded mandates.

The second step toward reducing the burden on communities is to directly address the unfunded mandates that currently exist on the books. The bill before us today represents a very thoughtful and prudent approach to this critical second step.

The purpose of the bill is to maintain a safe drinking water supply while reducing the cost to communities and ratepayers. We need to remind ourselves that while cutting costs is very important, it is also critical that we do not lose sight of the fundamental goal of providing citizens with clean drinking water. People expect the water coming out of the tap to be safe, and we must not do anything that would jeopardize public health.

It is a sorry comment indeed that you read in the local paper in this community that people need to boil their drinking water. Here we are in the Nation's Capital where people have to be alerted that the water they are drinking is not safe, that it contains harmful bacteria. Therefore, local residents are told to be sure to boil their water. That does not say very much for the state of affairs in this community, to say the least. But it is a warning, perhaps, to all of us that we cannot simply engage in looking at the costs without taking into account what the major and central goal has to be: protecting the health and welfare of our people.

This bill would amend the Safe Drinking Water Act to increase the role of risk assessment and cost-benefit analysis in standard setting. It would also provide waivers from various requirements for small drinking water systems, and would authorize a revolving loan fund to provide funding for drinking water infrastructure projects. This legislation goes a long way toward providing flexibility for States and municipalities to develop drinking water programs that make sense for particular communities instead of the current one-size-fits-all approach.

One of the most critical aspects of this legislation is its recognition of the unique problems expensive Safe Drinking Water Act requirements pose to small communities. A recent CBO study found that the Safe Drinking Water Act has resulted in fairly modest costs for a majority of the households in this country. Approximately 80 percent of the households are expected to incur costs of $20 annually. However, the CBO noted that ''the household served by small water systems are particularly likely to face high costs,'' some well in excess of $100 per year. Additionally, that study found that costs to ratepayers tend to be higher for surface water systems than for groundwater systems.

In Maine, the majority of households get their water from municipal systems, all but a handful of which serve fewer than 10,000 users, and most of which serve less than 4,000 users. Maine has a relatively high percentage of water systems that rely on surface water as their source. Because this water has historically been very clean, few towns had filtration facilities. As a result, Maine water systems now have spent over $150 million in the past few years to comply with the surface water treatment rule, which has been particularly hard for these small community systems.

One example of this would be Southport, ME. It is an island town of about 650 year-round residents, where the voters recently rejected—overwhelmingly, I should point out—a $300,000 plan to bring the town into compliance with the Safe Drinking Water Act. The town's 70-year-old system relies on surface water since there is little potable ground water on the island. Providing water that meets the law's standards would raise the annual water rates for seasonal residents from $136 to $306.

In Searsport, ME, the water district is currently proposing a 66-percent rate increase due to the need to convert from surface to ground water. As a result, the water costs of one Searsport company would increase by $48,000 a year. The company, understandably, is considering other water sources, although the implication for other users are going to be enormous if that company left the town system.

Finally, I would like to share just one more example of the need to reform the Safe Drinking Water Act. Among the many letters I have received from Mainers expressing concerning about the law's impact is a very thoughtful letter from Mrs. Audrey Stone of Bucksport. Mrs. Stone wrote:

> As I rely totally on my Social Security check and therefore am restricted to a fixed income, as are many other residents in this community, you can readily see that the impact of a water rate increase in excess of $200 per year poses grave threats to my ability to maintain my residence. Additionally, those residents who have another source of water supply may choose to shut off the water company at the street, returning to their own source of water and defeating the purpose of this previously enumerated act. Further, this leaves less ratepayers to absorb the cost of the mandated improvements.

Mr. President, I strongly believe we have to preserve public confidence in the safety of our drinking water, but current Federal laws seek to achieve the goal of clean drinking water in a very expensive and sometimes very wasteful manner.

This bill will maintain a safe drinking water supply and reduce unnecessary costs and burdens to communities and utilities that provide the water. By reducing unnecessary costs and providing additional Federal funding, communities will be better able to maintain reasonable rates and address other public works concerns and priorities such as law enforcement and education.

Mr. President, there was a former city official from Lewiston, ME, who said, as a result of the costs of water regulations to communities, ''We will have the cleanest water in the State and the dumbest kids.''

It was a provocative statement, but it certainly hit home because he indicated that he was faced with a Hobson's choice of either obeying Federal environmental mandates or spending money on educating the community's children. He could not do both.

I think this legislation will help solve that Hobson's choice and allow some flexibility to small communities so they may meet the goal of protecting our people while not forcing them to cut education and other high-priority items.

I urge my colleagues to support this important legislation. I yield the floor.

Mr. BURNS. Mr. President, I rise today to support final passage of Senate bill 1316, the Safe Drinking Water Act Amendments of 1995. I am proud to be an original cosponsor of this important bill.

Montana is an extremely rural State. In fact, we don't have a drinking water system that serves more than 100,000 people. Most of our water systems don't serve more than 10,000 people. Meeting the requirements under the

existing water laws has been difficult, at best, for many of these communities.

The bill we are considering today is a step in the right direction. It will give relief to communities and improve public health regulations by reducing burdensome and unnecessary regulations.

Over the next 8 years, this bill authorizes $1 billion annually in Federal grants. These grants go directly to the States where loans or grants can be made to local water systems. In addition, this bill contains a provision where a percentage of the funds can be allocated for disadvantaged communities. This bill also gives our Governors the flexibility to transfer funds between the clean water and drinking water State revolving loan funds.

The bill provides $15 million for technical assistance for small systems. This is a $5 million increase over existing levels. The technical assistance program often is the only contact systems have to meet the requirements under the Safe Drinking Water Act. In addition, S. 1316 allows the technical assistance funding to be used for the rural water wellhead-groundwater protection program. This has been one of the most successful programs in rural communities. And prevention is less expensive than remediation.

Included in the current law, is a mandate to promulgate standards for 25 additional contaminants every 3 years. S. 1316 repeals this mandate and sets a new mechanism to identify contaminants for future regulations.

The most expensive part of running a water system is the monitoring which must occur. S. 1316 moves the decision to the States regarding monitoring. This will allow local conditions to be considered. Systems serving up to 10,000 people can skip repeat testing for many contaminants that do not pose health risks if the first sample in a quarterly series does not detect the contaminant. This could reduce the monitoring by 75 percent in some communities.

Most importantly, this bill contains no new Federal mandates. S. 1316 does not contain any new Federal regulatory program. Montanans want the Federal Government out of their lives, and this bill not only does not add new regulations, it streamlines the requirements contained in the current bill.

There is no constituency for dirty water. However, the problem with the existing law is it is based on fines and penalties. The bill we will pass today takes us away from that mentality. It gives the States and communities the tools to provide folks with safe water. It is a bill based on providing communities with assistance, not penalties.

I am pleased to be an original cosponsor of this bill and I look forward to it being enacted into law.

Mr. LIEBERMAN. Mr. President, I am pleased to rise in support of the Safe Drinking Water Amendments Act of 1995. I want to commend Senators CHAFEE, KEMPTHORNE, BAUCUS, and REID for their excellent work in crafting a bipartisan bill.

This bipartisan effort is particularly important because environmental issues have been marked by such sharp and bitter controversy this Congress. Twenty-five years of bipartisan support for strong environmental protection have been placed in jeopardy. I hope that this bill will serve as a model for getting us back on track. The bill makes reasonable changes to the Safe Drinking Water Act but does not roll back protection of human health.

The No. 1 responsibility Congress has, and what people demand from us, is to protect the people we serve from harm. That means guarding our national security with a strong defense, and keeping our streets safe from crime. But that also means protecting people from drinking poisonous water, breathing dangerous air, and from eating contaminated food—in other words, protecting people from harms from which they cannot protect themselves. We can and should reform our laws to make them more cost-effective and to eliminate unnecessary requirements. But we should not waiver from our responsibility to protect people.

One of the major reasons that the current Safe Drinking Water Act needs adjustment is that many drinking water systems—mostly smaller systems—have difficulty complying with the law because of lack of funding and expertise. These systems also often lack trained operators. The legislation addresses these issues by authorizing a State revolving fund of $1 billion per year through 2003 to upgrade facilities to enable systems to come into compliance with the current standards, and by requiring that States receiving SRF money must have a system of operator certification and a training program.

The issue of the use of cost-benefit analysis in setting standards for protecting human health and the environment has been extremely controversial this Congress, particularly in the context of regulatory reform legislation. This bill demonstrates that the most effective way for Congress to consider the use of cost-benefit analysis is in the context of individual statutes. In the abstract, in the context of a broad regulatory reform bill covering every health, safety, and environmental law, cost-benefit analysis becomes highly contentious because we simply don't know the impact on all the laws we are affecting. But this legislation demonstrates that we can clearly reach agreement when we look at individual statutes.

This legislation allows the EPA Administrator discretion to utilize cost-benefit analysis to move away from technology-based standards in those circumstances where benefits do not justify costs. But there are logical limits restrictions on this authority that make sense in the context of the Safe Drinking Water Act. These restrictions include the following. First, the discretion is solely with the Administrator to use this authority. No court may compel the Administrator to use this authority. Second, the Administrator cannot use this discretion when the benefits justify the costs for large systems and variances from the standards are available for small systems. Third, the Administrator cannot use this authority to make any existing standard less stringent. In other words, there can be no rollback of human health protection. Fourth, the authority may not be used for rules relating to cryptosporidium and disinfectants or disinfectant byproducts. Fifth, there must be a full consideration of nonquantifiable benefits in any analysis of whether benefits justify costs. Sixth, the health effects on sensitive subpopulations must be considered in determining whether benefits justify costs. Seventh, judicial review of the Administrator's determination of whether benefits justify costs can only occur as part of the final rule and can only be considered by the court under the arbitrary and capricious standard.

Some concern has been expressed in the Litchfield County area of my State regarding levels of radon found in their drinking water, and the environmental community has raised concerns that the radon standard in the bill is not strong enough. Unfortunately, since 1992, Congress as part of the appropriations process has prevented EPA from issuing a radon standard. The EPA spending bill this year, which I opposed, again included this restriction. Those who have led this effort cite the fact that the EPA Science Advisory Board, in a report to Congress, raised serious concerns about EPA's approach to regulating radon.

This bill moves the process forward by establishing for the first time a Federal standard for radon at a level which the managers of the bill indicate finds support in the EPA Science Advisory Board report. Importantly, however, the bill contains a specific provision allowing the EPA Administrator to set a more stringent level for radon if certain conditions are met; in addition, States have the authority to set more stringent standards. I am confident that the EPA Administrator will take this authority very seriously, and I intend to follow up with the Agency on its use of this authority.

Finally, the provisions relating to source-water protection are, in my view, not strong enough. As we have found in Connecticut, protecting the sources of drinking water makes good common sense—it's pollution prevention that will save water systems and communities money. I hope these provisions can be strengthened in the House and conference.

Again, my congratulations to the managers.

Mr. BOND. Mr. President, today the Senate has the opportunity to demonstrate that the Federal Government is responsive to needs of the States and localities as they seek to provide quality drinking water to their citizens. It

is imperative that Congress move forward on a Safe Drinking Water Act [SDWA] that revises the standard setting process that bases drinking water standards on an analysis of costs and public health benefits, eliminates unnecessary monitoring requirements, and has regulations based on the occurrence of a given contaminant and existence of public health risks instead of an arbitrary and escalating schedule of contaminants.

Congress passed the Safe Drinking Water Act in 1974 following public concern over findings of harmful chemicals in drinking water supplies. The intentions were admirable, but today's SDWA is a law that is too rigid and fails to prioritize risks. The current law operates under the notion that EPA bureaucrats are better able than local public health officials to determine the public health needs of a local community. Because of this, contaminants like cryptosporidium that ought to be regulated go unregulated because water operators are too busy expending limited resources on testing for so many random and sometimes obscure substances. In addition, the law fails to acknowledge that today's drinking water systems are capable of efficiently delivering 40 million gallons of safe water to American homes every day.

The current SDWA is also an excellent example of a statute where litle or no science is required to regulate; there is no flexibility to set priorities based on risk to public health until 83 contaminants are regulated.

The 1986 amendments to the Safe Drinking Water Act required EPA to regulate a specific list of 83 contaminants, allowing the Agency seven substitutions. Regardless of the health risk associated with each of the contaminants listed in the statute, EPA was told to regulate 9 contaminants 1 year after enactment of the statute; 40 contaminants within 2 years of enactment; and the remainder 1 year later. Once EPA completes the list of 83, the statute goes on to require EPA to finalize regulations for 25 new contaminants every 3 years regardless of whether the contaminants occur in drinking water, or whether they are of public health concern.

Nowhere in the statute does it say that the Agency should have good science, or peer-reviewed science or that if there are contaminants in drinking water supplies of greater health concern than those on the list, that EPA should regulate them first.

EPA acknowledges that they have found it impossible to keep up with the statute's requirements and recognizes that the requirement has resulted in some pretty poorly drafted rules. In fact, in EPA's 1993 report to Congress, the Agency was quite frank about the statute's required deadlines and the quality of the data used. The Agency said in its report:

> To meet these deadlines, data collection and analysis have not always been as thorough as desired. Document drafting and management review had to occur simultaneously and documents have needed to be rewritten and rereviewed. Short review periods have resulted in oversights and the need to publish correction notices. Regulations covering multiple contaminants have often been lengthy and complex. Thus, the public had difficulty providing thoughtful comments and the Agency had limited resources for gathering and analyzing additional data in response to comments. In some cases, unrealistic deadlines have contributed to the Agency's difficulty in addressing the unique technical and economic capacity problems of very small systems.

The current drinking water law, in other words, has played a large role in creating the information vacuum that now exists on the regulation of cryptosporidium for instance.

One reason it has taken EPA so long to focus on cryptosporidium is the current law. Its rigidity and lack of flexibility have created a situation where even EPA's resources have gone to complying with a requirement to regulate an arbitrary list of 83 contaminants, most of which according to EPA occur in drinking water seldom and rarely at levels of public health concern, rather than concentrating efforts on priority contaminants. Even more wasteful is the significant amount of funds being spent by local communities monitoring for contaminants that do not occur in their particular source of water. Hundreds of millions of dollars a year are spent on monitoring for the contaminants regulated currently.

If we are not looking at what is occurring in the drinking water supply and we are not required to have adequate or even good science to regulate, it is not surprising that we wind up regulating contaminants that may not be of the highest concern—and those priority contaminants, such as cryptosporidium, go unregulated.

Local water suppliers, however, have recognized the need to move ahead without EPA regulations and have led the effort to develop a voluntary partnership with the States and EPA to enhance existing treatment processes to help safeguard drinking water from cryptosporidium in advance of the knowledge needed to develop an appropriate national regulation.

It is past time that the Federal Government get in step and develop reforms that allow for prioritization of standards based on risk to the human population.

It is past time to bring common sense to both laws and regulations.

I commend Senators KEMPTHORNE, REID, CHAFEE, and BAUCUS for working diligently to get this broad, bipartisan supported legislation to the floor. I will support this legislation because it goes a long way in improving the current law. It eliminates the arbitrary schedule of contaminants, provides much-needed assistance to small systems, requires good, peer-reviewed science, changes standard setting requirements, implements voluntary sourcewater protection initiatives, and many more things. It is imperative that these changes are made. However, I do have some concerns with the legislation and this is why I have not cosponsored the bill.

I believe we need to do more to ensure that those responsible for providing safe drinking water can adequately pursue the activities deemed most important in protecting public health with the resources available. We need to continue to address seriously the issues of risk assessment and cost-benefit analysis.

According to the National Academy of Public Administration, the NAPA report:

> The tools of risk analysis and economic analysis help clarify regulatory and priority-setting issues confronting EPA and Congress. The discipline of analyzing risks, costs, and benefits encourages a degree of consistency in approach to understanding problems and defining solutions. The tools can and do provide information that is important for decisionmakers to consider. Shelving any of these tools, as some advocate, would be foolish and counterproductive, an invitation to muddle through rather than to learn and think.

By setting risk based priorities we have the best opportunity to allocate, in the most cost-effective manner, the resources of the Government and private sector in protecting the public from contaminants in drinking water. We need to do all we can to provide greater protection to the public at less cost than the current system mandates.

Once again, the NAPA report urges that:

> Congress should ask the agency to explain its significant regulatory decisions in terms of reductions in risk, and in terms of other benefits and costs. The agency should support state and local efforts to engage the public in comparing environmental risks, report periodically to Congress on a national ranking of risks and risk-reduction opportunities, and use comparative risk analysis to help set program and budget priorities.

One of the reasons that I stress the issues of risk assessment and cost benefit as they relate to budget priorities is because that is the only way we are going to get the ''biggest bang for the buck.'' My colleagues on the committee have already heard my concerns regarding the authorization for appropriations in this bill. I was hoping that my concerns were going to be addressed, but I understand my colleagues on the other side of the aisle have objected. Therefore, I am compelled to share with everyone, once again, my views regarding this issue.

Every single one of us, Republican or Democrat, has a responsibility to balance the budget. We have seen over the last several weeks that our views might not be identical on how to achieve this objective, but the objective is the same—a balanced budget.

As authorizers, not just on this committee, but all committees, we must start to be more realistic in our funding expectations. Do not get me wrong, I know that as an authorizer I would probably authorize more than I know would be appropriated—so as not to tie

the hands of the appropriators and just in case the slim chance would exist that full funding could be achieved. However, authorized pie-in-the-sky numbers have contributed to our budget problems and in my opinion, when we know from the beginning that the proposed authorization for appropriation is not possible we are being unfair to all our constituents.

Reality is that discretionary spending is declining. The EPA budget was reduced this year. We have no choice but to try to do more with less. We must prioritize. As chairman of the relevant appropriations committee I would love to appropriate what everyone wants—point me to the money machine.

Since the funding does not exist—how can we continue to mislead and give the impression that things are possible when they are not. Unfortunately, there is a wide gap between the wish list in this bill and available resources.

Once again, I was hoping that this concern would be addressed, and am disappointed that it was not. I guess I will follow the direction that the distinguished committee chairman, Senator CHAFEE, provided during markup. The decisions will have to be made solely in appropriations.

I also need to address one final concern in relation to the proposed disinfection-disinfection byproducts rule. The provision in the bill, in my opinion, greatly discourages the use of chlorine in water treatment despite the many health benefits chlorine provides. The language exempts this rule from cost-benefit analysis, sound science and comparative risk assessment. Considering the proposed cost of this rule, I am concerned that this will be an unfunded mandate to the States and localities.

Once again, I thank Chairman CHAFEE, Senator BAUCUS, Senator KEMPTHORNE, and Senator REID for their leadership and diligence on this issue. I learned long ago that you do not always get what you want. Maybe next time.

Mr. HATFIELD. Mr. President, the bill now before the Senate represents the best of this body. This legislation has been a long time in the works, and the final product shows the high level of commitment to this important area of policy.

There are few things that touch more aspects of life in Oregon than water. From electricity, to fishing, forestry, and agriculture, no issue is more central to Oregon. And of course, the women, men, and children of my State, like all others, depend on a clean, healthy supply of water to drink.

I have always supported the Safe Drinking Water Act. I voted for the original provision in 1974 and for the 1986 amendments. I am proud to be an original cosponsor of the legislation introduced by a bipartisan group led by Senator KEMPTHORNE.

In 1993, I met with over 150 representatives of water systems in Oregon to discuss the approaching reauthorization of the Safe Drinking Water Act. I have also received hundreds of letters in the last year from system operators and local officials. These are truly committed public servants who care deeply about the health of those in their communities. Their input has greatly assisted me in navigating through this debate.

Mr. President, I believe water is our most vital resource. Water provides much of the clean electric power produced in the Northwest. Water is vital to Oregon's strong agricultural production. And where would our fisheries and forestry industries be without water? None of these is of more intimate importance to each of us than the water we consume. Our bodies cannot live without water.

Many inside the beltway call Oregon the land of liquid sunshine. They say we do not tan, we rust. Well, we know that is not always true. We have recently experienced the difficulties of a 6-year drought, which taught us that water should never be taken for granted.

Today Oregonians are confronting the damage that can come about due to too much rain. Heavy rains have hit the Pacific Northwest in the past several days causing significant problems, particularly in Yamhill and Tillamook Counties. Our Governor has declared a state of emergency in these counties.

I ask unanimous consent that an article from today's Oregonian newspaper be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HATFIELD. The heavy rains have resulted in a landslide in Portland's renown Bull Run watershed, which has provided pure drinking water from the Portland area for generations. The slide severely damaged a bridge crossing which carries two of the three conduits which bring drinking water from the Bull Run watershed to Portland. No water is flowing through the two damaged pipes. The third pipe is underground and is still in operation. The two dams in the watershed are undamaged.

City officials have two main concerns: public health and adequate supply. The Portland Water Bureau is closely monitoring both contamination levels and turbidity. At this stage, no public health problems have arisen.

The second issue is adequate supply. The city's daily water usage this time of year is 90 million gallons per day. The one remaining conduit from Bull Run has a capacity of 75 million gallons per day. Any additional supply up to the 90 million gallons per day will come from the city's existing well fields in northeastern Portland near the Columbia River. In addition, over 270 million gallons is currently stored in reservoirs throughout the city.

Temporary repair of the two conduits from Bull Run could take weeks. A permanent fix could take months. Engineering studies are already underway.

This shows us once again the importance of our precious water resources. It shows us the importance of providing our local officials with the resources they need to respond to unpredictable challenges. These officials must have the flexibility and the resources to carry out their responsibilities.

The legislation before us today meets that and many other goals. It is a significant accomplishment and I am proud to cosponsor it. Let me take a moment to review the concerns I have heard from hundreds of Oregon communities and take note of how these concerns have been addressed in the legislation before us.

As my colleagues recall, last year, many months of effort were put toward crafting a bipartisan Safe Drinking Water Act reauthorization bill. I was proud to work closely with Senator KERREY in an attempt to bridge the partisan differences that had emerged on the issue. The final product passed this body with overwhelming bipartisan support. Efforts to bring the bill to a conclusion late in the session were not successful. I am pleased that many of the provisions in the bill before us today clearly emanate from last year's bill.

SELECTION OF NEW CONTAMINANTS

One of the most frequently cited problems with the current law is that in the 1986 reauthorization, Congress required EPA to regulate 25 new contaminants every 3 years, whether they need to or not. The bill before us eliminates this requirement and replaces it with a requirement that EPA take action with respect to at least five contaminants every 5 years beginning in 2001. This change will provide tremendous regulatory relief to EPA, States and water systems.

RISK ASSESSMENT

Citizens of Oregon want to know that the contaminants EPA decides to regulate actually pose a health risk. They feel that the process of regulation is too often divorced from sound scientific evidence of risk from a contaminant.

This legislation requires EPA to use good science and assess the risk of contaminants before proceeding with regulation. The bill gives EPA authority to regulate contaminants based on their actual occurrence in drinking water and the real risks they pose. This will help EPA pursue regulations of the substances in drinking water that pose the greatest threat to human health.

COST-BENEFIT ANALYSIS

Nearly everyone I have spoken to in Oregon is concerned that EPA sets standards for contaminants at a level that is unrelated to the level of health protection secured for the cost. Small systems need consideration of risk even more than larger ones. The bill before us allows the Administrator the flexibility to set standards at levels

other than those technically feasible and affordable to large systems, when it makes sense to do so in light of the risk reductions to be achieved and the compliance costs.

This is a critical element of reauthorization because it will create a tighter and more explicit relationship between regulations, health protection, and the compliance costs. I strongly commend Senators KEMPTHORNE, CHAFEE and BAUCUS for helping solve this thorny issue.

MONITORING BURDEN

Oregonians have complained that they monitor for contaminants that have never been in their water. By ignoring differences among geographic areas, we force local systems to devote resources to contaminants they do not have. This takes vital resources from real problems. This bill includes provisions similar to those added by Senator KERREY and myself to the 1994 Safe Drinking Water Act reauthorization bill that will allow State drinking water programs to design monitoring programs that are appropriate to conditions faced by their State.

SMALL SYSTEM FLEXIBILITY

In Oregon, I learned that small systems are particularly hard hit by many of the current Safe Drinking Water Act regulations because they do not have the economies of scale of a large city. The bill before us addresses this problem in several ways. First, there is monitoring relief for small systems. Moreover, systems serving less than 10,000 people are eligible for a streamlined variance process and a small system technology program. A number of other flexibility provisions are included in the bill for small systems.

SUFFICIENT RESOURCES

Oregonians have told me that the regulations governing drinking water are technical and expensive. In addition, GAO reported last year that State programs are underfunded.

To begin to solve this problem, the bill authorizes a $1 billion annual State revolving loan fund. The bill also authorizes an additional $90 million for health effects research, a wise investment for public health.

CONCLUSION

I strongly urge the Senate to support this bill. These provisions strengthen the Safe Drinking Water Act, not because they make the act more rigid and stringent, but rather because they will help us—in Congress, at EPA, in the States and in every local water system—focus drinking water resources on the most pressing problems and on the biggest threats to health.

Again, let me commend the managers of this legislation for their fine efforts in bringing this matter to the floor in such a sound bipartisan manner. I look forward to casting my vote in favor of this legislation.

EXHIBIT 1

[From the Oregonian, Nov. 29, 1995]

WHEN IT RAINS, IT POURS

(By Stuart Tomlinson, David R. Anderson, and Pat Forgey)

Oregonians paused to assess and clean up the damage caused by heavy rain Monday and Tuesday and braced for another, stronger storm expected to hit Wednesday.

Gov. John Kitzhaber declared a state of emergency Tuesday in Tillamook and Yamhill counties because of landslides, flooding and road washouts.

''It's a mess,'' Tillamook County Commissioner Jerry Dove said after a helicopter tour Tuesday. ''I have never seen anything so devastating.''

Heavy rain falling on ground saturated during one of the wettest Novembers on record sent several coastal rivers over their banks, trapping motorists, closing schools and driving residents from their homes.

By Tuesday afternoon, the rain slackened, which allowed the river levels to subside. But forecasters warned of heavier rains Wednesday, accompanied by winds that could reach 75 mph on the coast.

''The flood season has just begun,'' said Clint Stiger, a hydrologist for the National Weather Service in Portland. ''We're very concerned about the storm coming Wednesday because there is just not much more moisture the soil can contain.''

Flood alerts were posted Tuesday for rivers throughout Western Washington, and Gov. Mike Lowry declared a state of emergency in Clark County and 10 other Washington counties late Tuesday. The declaration is retroactive to Nov. 7, when heavy rains began causing flood damage in Washington.

While flooding was reported on the Clackamas River, Johnson Creek and the Tualatin and Salmon rivers outside Portland, the northern Oregon coast was hardest hit.

Kitzhaber's emergency declaration will allow the Oregon Department of Transportation to use highway safety money for emergency road repairs. The declaration also means the governor can use the Oregon National Guard to assist in flood cleanup or for security.

More than 6 inches of rain fell in about 36 hours at Lee's Camp, a reporting station outside Tillamook. A rain gauge at a Tillamook city reservoir can measure a maximum of 7.5 inches, but it overflowed in less than 24 hours Monday night and Tuesday morning.

Snow that had fallen during the weekend melted under the onslaught of record warm temperatures. With 58 degrees, Portland broke a record for the date set in 1982, while Eugene had a record-tying 60 degrees.

Portland is inching toward breaking the all-time rain-fall record for November, which was 11.57 inches in 1942.

By 10 p.m. Tuesday, rainfall at Portland International Airport reached 10.28 inches.

Rain was the main problem Tuesday, but high winds could bring problems throughout the day Wednesday.

Forcasters issued high wind warnings for the north and central Oregon coast through Wednesday, with gusts up to 75 mph on exposed headlands and gusts to 40-plus mph inland.

Heavy rain also hit Eastern Oregon. The National Weather Service issued small stream advisories for portions of Umatilla County.

Snow levels rose to about 8,000 feet by Tuesday, but they were expected to plummet Thursday and Friday to about 4,000 feet, with more snow forecast for the northern Oregon Cascades.

A storm containing moisture from nearly 1,000 miles southwest of Hawaii brought the rain and warm temperatures to the state. It's part of a pattern of storms that rake the region during November and December.

Oregon is on the edge between warm, tropical air to the south and colder air to the north.

''Where the two air masses come together, there is often a violent meeting on the boundary,'' said state climatologist George Taylor. ''The atmosphere is trying to reach equilibrium.''

So were Tillamook County residents.

Crews worked all Tuesday to reach people trapped in their homes by mudslides, mostly on the Trask and Kilchis River roads.

By late Tuesday, about 50 homes, with as many as 200 residents, on Trask River Road still were cut off by 15 to 18 landslides. Some routes were cleared only to be closed again by slides or flooding.

Tillamook County Sheriff Thomas Dye said a U.S. Coast Guard helicopter dropped a paramedic in the area to check on a 3-year-old girl suffering from the flu. The girl checked out fine, and the paramedic left by helicopter.

Jon Oshel, the county public works director, said he hoped to have Trask River Road open by dark. Kilchis River Road presented a bigger problem, although only about 10 families still were cut off.

''We lost a major piece of road there that's just flat gone into the river,'' Oshel said.

Tillamook County Commissioner Ken Burdick lives up Trask River Road, where he saw what he called the worse devastation in 42 years.

''We sat there last night until 4 a.m., listening to canyons blow out,'' he said.

Burdick didn't get out of his house until late Tuesday, when county road crews working their way up the Trask River reached him.

During a helicopter tour, Dove said every canyon they looked at east of Tillamook had been hit with a gully-washer, blocking roads, washing out culverts and carrying trees and stumps downriver.

Dove said he saw houses flooded and dairy farmers cut off from their cows.

The Wilson River Highway, the main road between Tillamook and Portland, was closed between Tillamook and Glendale by landslides. The road wasn't expected to be open to through traffic until late Wednesday, traffic officials said.

Mike Fredericks, who lives along the Wilson River, was forced from his trailer by rising floodwaters. When he came back Tuesday, he expected his trailer to be in Tillamook Bay.

When he left the night before, his trailer was an island buffeted by what used to be the hillside across the Wilson River Highway.

Because of a clear-cut last summer, he said, the culvert that drains the hill clogged Monday night.

The water had to go somewhere. When he went next door to talk to his neighbor, a veteran of six years on the river, Fredericks found out where.

''As soon as we turned our heads, down came the hill,'' Fredericks said. ''The creek was hitting the trailer house and fanning around each side.''

Fredericks' cat, Cubby, was washed away. His mailbox, telephone bill and all, ended up about 50 yards from the house.

The trailer, which is about five miles east of Tillamook, survived the deluge and moved not an inch toward the Wilson River. If it weren't for the mess in his yard, Fredericks would have felt fortunate.

The new stream cut a 10-foot-deep gully across the lawn, halfway between his trailer home and recreational vehicle. Sheared logs, about a foot of mud and hundreds of basketball-size rocks littered his lawn.

In Yamhill County, the Three Rivers Highway dropped about 4 feet at milepost 13.5. The highway was reopened after emergency repairs were completed.

Although the rains were impressive, river levels still were below historic flood levels.

During a January 1990 flood, the Nehalem River crested at 25 feet; Tuesday's peak reached 16.2 feet. In January 1972, the Wilson River crested at 16.9 feet; Tuesday's peak reached 13.2 feet.

Flooding caused the aptly named Roaring River Bridge, at the confluence of the Roaring and Clackamas rivers about 17 miles southeast of Estacada, to sink two feet Tuesday morning.

A large log, probably loosened from an embankment eroded by the floodwater, rammed and bent the bridge pilings, said Gary McNeel, an assistant district manage of the Oregon Department of Transportation office. The 45-year-old bridge serves about 1,100 vehicles a day.

In Clackamas County, firefighters and the sheriff's deputies evacuated residents of the Eagle Creek Mobile Home Park near storm-swollen Eagle Creek for several hours early Tuesday.

Worst hit were Terry and Toni Hirbeck. Their doublewide at 30773 S.E. Creekside Lane, about a mile upstream from the Clackamas River, had water up to its subflooring and no yard at all.

''I woke Terry up at 11 o'clock last night to tell him the water was coming up,'' said Toni Hirbeck, 33. ''And from 11 o'clock to midnight, the water rose so much that stuff was already floating.''

By 2:30 a.m., firefighters from the Boring Fire Department had to rig a rope across the lane as a lifeline so the lane could be forded more safely.

WEATHER WOES

The coast

Tillamook: High water and mudslides closed dozens of roads. Many residents were stranded in homes and cars. The Wilson River Highway, the main road between Tillamook and Portland, was blocked by slides. School districts in north and central Tillamook County closed Tuesday, after officials decided it was to risky to send buses out.

Multnomah County

Bull Run: A mudslide smashed two of three conduits supplying Portland's water from the Bull Run watershed Tuesday, sharply reducing the Portland area's water delivery system. Officials planned to avert a water shortage my drawing on reservoirs and turning on backup wells along the Columbia River.

Clackamas County

Roaring River: Flooding caused Oregon 224's Roaring River Bridge, over the Roaring River at the confluence with the Clackamas River about 17 miles southeast of Estacada, to sink about the two feet Tuesday. A large log rammed into and bent the pilings of the 45-year-old bridge that serves about 1,100 vehicles a day. Workers are expected to complete a temporary plate-steel bridge in about a week.

Clackamas River: The river was above flood stage at several sites, but particularly threatening at Carver. Residents of a mobile home park were bracing for possible evacuation.

Eagle Creek: Crews evacuated families from 12 homes about 1:30 a.m. Tuesday but allowed them to return later in the morning.

Salmon river: In the Mount Hood area, a few families were driven from their homes Monday night.

Sanbag help: County officials recommend calling 655—8224 to get information about sandbags and available help.

Clark County

Salmon Creek: A handful of residents north of Vancouver evacuated their homes Tuesday when Salmon Creek overflowed, sending several feet of water into basements, submerging lawns and uprooting trees. Homeowners and fire District 6 personnel sandbagged six homes at 136th Way and Salmon Creek Avenue to stem the damage.

Road Closures: Southeast Evergreen Highway was closed at 190th Avenue by water 3-feet deep across the pavement. Water crested above the guardrail and closed Leadbetter Road at 232nd Avenue north of Lacamas Lake.

Eastern Oregon

The storm caused flooding and power failures across much of Eastern Oregon. Several families on the Umatilla Indian Reservation near Pendleton wee stranded when the Umatilla river flooded rural roads. Eight inches of snow fell on the Ladd Canyon mountain pass between Baker City and La Grande, causing a massive tie-up.

Mr. SIMPSON. Mr. President, the Safe Drinking Water Act is important to every community in this country—large or small—rich or poor. This public health statute ensures that our citizens have clean water to drink when they turn on the tap. But this law is important for another reason as well—it can be very costly for small rural communities that simply do not have the financial resources necessary to comply with many of the stringent standards and monitoring requirements required by the act. All of us in Congress have been sensitized to the issue of unfunded Federal mandates because of the regulatory excesses brought out by the previous reauthorization of the Safe Drinking Water Act.

The Clinton administration makes the claim that Republicans don't care about the environment but that is pure balderdash. We care about the environment just as much and we are passing this legislation because we do care. We also care about real people—cities and small towns—and that is why we are putting some common sense back into the law.

The environmental groups may think that unfunded mandates are part of what they call an unholy trinity, but I can tell you that to a Member of Congress this issue is a very real concern. When I travel around my State and stop in small towns I always hear complaints about the Clean Water Act and the Safe Drinking Water Act and unfunded mandates.

The last time we reauthorized the Safe Drinking Water Act we caused a near crisis in small town America. Thousands of small towns are financially unable to meet Federal drinking water requirements and need help finding less expensive ways to make their water safe to drink. A recent GAO report said that meeting Federal drinking water standards is an acute problem for around 50,000 small communities that account for 90 percent of the drinking water violations. We need to find more cost-effective ways to provide these small towns with safe drinking water or we are going to be wholly discredited in the eyes of the American public.

The EPA estimates that it will cost small communities $3 billion to comply with current Federal drinking water regulations and another $20 billion to repair and replace and expand their current drinking water infrastructure and to meet future needs. It has been estimated that 70 percent of the costs will be incurred by small communities that account for 10 percent of the population. These communities cannot afford that kind of expense and I don't think a simple revolving loan fund will help enough.

Neither the Federal Government nor the States have developed policies that will reduce costs through less expensive technology or development of better financing and funding mechanisms. This situation must be remedied. We need to make direct grants to small communities along with a loan program and more importantly we need to revise monitoring requirements and change the ways standards are being set.

The bill we are considering is an improvement in this regard, but I don't think it goes far enough. The environmental groups have taken a paternalistic approach to this issue and they don't believe the States should be given flexibility in carrying out the act. This isn't the classic case where it is industry versus the greenies. This is Governors, mayors, State legislators, and water administrators saying ''Congress must do something radical to fix this program or we are going to go broke.''

I don't think the committee bill goes as far as I would have liked in directing EPA to consider cost and good science, but I think the final version represents a genuine effort to improve current law and it will cause EPA to take a more realistic approach to the standard setting issue in the future. For this reason I intend to vote for this bill and I trust the President will sign it when Congress sends it on to the White House.

Ms. SNOWE. Mr. President, Senator COHEN and I would like to engage the Senator from Rhode Island and the Senator from Idaho in a colloquy.

Mr. CHAFEE. I would be pleased to participate in a colloquy with the Senators from Maine.

Mr. KEMPTHORNE. I would be happy to engage the Senators from Maine in a colloquy as well.

Ms. SNOWE. As the Senators from Rhode Island and Idaho are aware, a number of very small, economically disadvantaged communities across the country are having serious difficulties trying to comply with the surface water treatment rule. Compliance with this rule can be very expensive, sometimes requiring a disadvantaged community with less than 500 residents to build a filtration plant costing over $1 million. Unfortunately, many of these communities cannot afford to construct these expensive facilities without substantial Federal assistance, and that assistance has not been adequate to meet the demand. This predicament

has caused a lot of frustration in certain small towns, particularly since the quality of their local water sources, which are often located in isolated rural areas, can be quite high and is not vulnerable to imminent degradation.

Mr. COHEN. I concur with Senator SNOWE on this point. There are 19 small, economically disadvantaged towns in Maine currently under compliance order to install filtration systems as required by the SWTR, and the deadlines for those orders will be expiring over the next year. Without adequate Federal financial assistance, these disadvantaged communities will not be able to comply with the filtration requirement.

We understand that section 13(b) of S. 1316 allows a State to exempt an economically disadvantaged public water system serving a population of less than 3,300 people from the requirements of a national primary drinking water regulation as they relate to maximum contaminant standards or treatment techniques for a period of up to 3 years, as long as there is a reasonable expectation that the system will receive Federal financial assistance during the exemption period. In addition, the bill would allow a State to renew this exemption in 2-year increments up to an additional 6 years.

Ms. SNOWE. We further understand that the authorities available under section 13(b) apply to the surface water treatment rule, as they do to other national primary drinking water regulations, and that section 13(b) would therefore allow a State to provide an exemption to a system serving an economically disadvantaged community in the predicament that we just described, provided the system meets the terms and conditions set forth in the section.

We would like to ask the chairman of the Environmental and Public Works Committee, Senator CHAFEE, and the chief sponsor of S. 1316, Senator KEMPTHORNE, if our understanding of this provision is correct.

Mr. CHAFEE. The Maine Senators' understanding of section 13(b) is correct. This section does apply to the surface water treatment rule as well as other Federal drinking water regulations. I very much recognize the problems that small disadvantaged towns are facing in complying with some of the expensive requirements of the act, and we hope that section 13(b) and other sections of S. 1316 will address these problems.

Mr. KEMPTHORNE. I concur with Senator CHAFEE that the Maine Senators' understanding of section 13(b) is correct. The surface water treatment rule is covered under this section. One of my major interests in drafting S. 1316 was to find ways to ease the compliance burden of the act on small, disadvantaged communities while maintaining public health protections. Section 13(b) is one of the provisions in the bill that will help us achieve this important goal.

Ms. SNOWE. We thank the Senators for clarifying this important matter.

Mr. KEMPTHORNE. Mr. President, there is an issue on which I would like to engage in a colloquy and get the support of the chairman of the subcommittee. I understand that efforts to gain an accurate and valid determination of drinking water quality often can be compromised by brief weather changes. Current regulations call for water quality compliance of a contaminant to be based on the annual average of four quarterly samples. But when quarterly samples are collected during such brief periods, inaccurate and misleading impressions of the water's annual average quality can result.

This situation is especially prevalent with respect to determination of agricultural and other non-point contaminants. spring thunderstorms often follow farmland tillage operations and necessary applications of fertilizers and crop protection chemicals, and natural storm water runoff can briefly elevate concentrations of these contaminants in water. A single spring quarter sample taken immediately after a major thunderstorm can put the water supplier out of compliance for the entire year and result in expensive and unnecessary water treatment.

More frequent sampling would give a more accurate assessment of the long-term exposure to these seasonal contaminants. Mr. Chairman, it is my impression that the provisions for alternative monitoring programs authorized in section 19 of the bill would authorize each State with primary enforcement responsibility to allow utilities to conduct time-weighted sampling during the quarters of concern. To balance accuracy with economic considerations, such alternative monitoring programs could allow utilities to composite monthly or more frequent samples for a single quarterly analysis for those contaminants which are known to be stable in storage.

Is this the understanding of the chairman of this committee?

Mr. CHAFEE. If the Senator will yield, Mr. President, that is correct.

Mr. KEMPTHORNE. I thank the chairman of the committee for his support and clarification of this section.

REGULATION OF ZINC

Mr. THOMPSON. I would like to engage the majority managers of the bill in a brief colloquy concerning the regulation of zinc—an essential trace element—under the Safe Drinking Water Act. As they are undoubtedly aware, there are a number of studies showing that children, particularly poor children, are seriously deficient in their intake of zinc. Drinking water is one important source of zinc for those children.

The managers are surely also aware that the Environmental Protection Agency has established at least one reference dose—or safe exposure level—that allows for less than the recommended dietary allowance for zinc for infants, children and possibly pregnant and nursing mothers, despite the needs of these particularly sensitive groups. In light of the essential nature of, and the recommended dietary allowances established for, zinc, is it the manager's view that EPA should consider these factors when regulating additional trace elements such as zinc?

Mr. KEMPTHORNE. I agree with the Senator from Tennessee that EPA should take into account: First, the essential nature of the zinc, and second, the recommended dietary allowances for the element for infants, children and pregnant and nursing women, when deciding whether or not the essential trace element zinc should be regulated under the Safe Drinking Water Act.

Mr. CHAFEE. I agree with the statement of the Senator from Idaho.

SMALL PUBLIC WATER SYSTEMS TECHNOLOGY CENTERS

Mr. BYRD. Mr. President, the bill before the Senate, S. 1316, the Safe Drinking Water Act Amendments of 1995, provides for the establishment of a grant program, to be administered by the Environmental Protection Agency [EPA], that would fund not fewer than five Small Public Water Systems Technology Assistance Centers across the United States. I commend the Committee on Environment and Public Works for the action it has taken in this regard. I would, however, ask for some clarification of the criteria listed in the new subsection (h). The criteria listed in the bill reference technical assistance support activities that would be provided by regional centers. My question to the managers of the bill is:

Would a national center engaged in the following activities meet the criteria listed for the proposed Small Public Water Systems Technology Centers?

A clearinghouse service engaged in both the collection and distribution, at no or low cost, of technical literature and other educational resource materials, including government documents, research papers, video tapes, brochures, and diagrams;

A toll-free telephone assistance and referral service providing access to engineers and other specialists;

A quarterly newsletter service, published at no cost to subscribers, that addresses such topics as the health effects of contaminated waters, small community assistance providers, small water system regulatory issues, and water system operation maintenance; and

A toll-free electronic bulletin board service that enables users to post questions and have those questions answered, as well as to read and comment on water-related topics.

In reading the bill and the committee's report, I would presume that a national center that provides such services would be eligible to receive funding under the grant program established in the bill. I would simply ask the manager of the bill if this is correct.

Mr. CHAFEE. The Senator is correct. Let me add that the concept of providing grants to regional centers that the Senator refers to is primarily intended to ensure that such centers are distributed throughout our Nation. It is not intended to limit the scope of assistance these centers can provide.

Mr. KEMPTHORNE. I would also add that the regional technology assistance centers are intended to be sited in areas that are representative of their region in regards to the water supply needs of small rural communities. In this respect, these centers are supposed to have expertise in the particular water supply problems associated with that region.

Mr. BAUCUS. The Senator from West Virginia is correct, however, in pointing out that the information these centers provide can also be national in scope. The access to this information, therefore, should not be limited to any particular State or region. In providing assistance on a national basis, these centers should coordinate their activities to minimize any duplication of effort and to maximize the utility of the information provided.

Mr. BYRD. I thank the managers of the bill for providing this clarification.

Mr. MOYNIHAN. Mr. President, I am pleased to join with my colleagues in support of the Safe Drinking Water Act. This bill represents a bipartisan effort which couples protection of public health and welfare with the flexibility necessary for cost-effective implementation.

The bill contains a number of provisions that are of particular interest to New York State. The components of the bill which provide for watershed protection directly impact the 9 million residents of New York City who rely on the Croton, Catskill, and Delaware watersheds to provide approximately 1.4 billion gallons of water each day. The State of New York recently announced the establishment of a partnership between New York City and the communities located within the watershed region. This agreement will effectively limit contamination of the water supply, preventing the need for a multibillion-dollar water filtration facility. The bill would authorize up to $15 million per year for 7 years to help fund the implementation and assessment of demonstration projects as part of the New York City Water Protection Program. Thus, the bill supports New York State's efforts to achieve prudent, cost-effective protection of the quality of New York City's drinking water.

A second provision will provide long-term benefits for the Great Lakes region by establishing a program to test chemical pollutants believed to cause so-called estrogenic effects in human populations. These effects may result in a variety of cancers—especially breast cancer—in addition to affecting the human reproductive system adversely. Pollutants which may be associated with these effects are known to accumulate in bodies of water and are pervasive in the Great Lakes System. The testing program sponsored by this provision will incorporate quality science and peer-review to allow the Administrator of EPA to identify such substances and take effective action to prevent human exposure.

Unfortunately, despite Senator CHAFEE'S valiant efforts today, it has become necessary to eliminate section 28 of the bill which, was reported unanimously out of committee. This section would have required the EPA Administrator to compare and rank various sources of pollution with respect to their relative degree of risk to human health and the environment, and evaluate the costs and benefits of existing regulations. I believe this analysis, which would have been included in a peer-reviewed report to the Congress, would have provided us with information critical to enhancing the effectiveness of the Nation's environmental programs.

I would point out that the requirement to conduct cost-benefit analyses and to evaluate the effectiveness of environmental legislation was first incorporated in the Clean Air Act amendments of 1990. I felt it was very important when passing the acid rain provisions of the Clean Air Act to evaluate their effectiveness, and requirements to conduct such an evaluation were incorporated in that law.

In any case, because of the importance of safe drinking water legislation, I urge my colleagues to join me in support of the Safe Drinking Water Act. I extend my sincere gratitude to Senator CHAFEE for his support of future consideration of the issue by the Environment and Public Works committee. I intend to work with him and other interested Members to secure passage of a bill authorizing these important studies. I have introduced legislation to achieve this end in the past three Congresses, and I look forward to the upcoming hearings on the measure.

ESTROGENIC SCREENING PROGRAM

Mr. D'AMATO. Mr. President, I want to commend and thank the managers of this bill for including in the manager's amendment package our amendment establishing an estrogenic chemicals screening program at EPA. This amendment is identical to an amendment that was adopted unanimously by the Senate when offered by my senior colleague from New York and myself during consideration of the Safe Drinking Water Act in the 103d Congress.

The amendment requires EPA to gather information that may prove essential in the war against breast cancer. Specifically, this amendment will require the EPA to develop and implement a testing program to identify pesticides and other chemicals that can cause estrogenic and other biological effects in humans, and to report their findings to Congress within 4 years.

This amendment is critical in view of growing evidence linking environmental chemicals that are capable of mimicking or blocking the action of the hormone estrogen to a host of developmental and reproductive abnormalities in wildlife and humans. The most alarming findings suggest a link between exposure to these chemicals and the dramatic increase in human breast cancer that has become so tragically apparent in our Nation over the past several decades.

In 1960, the chances of a woman developing breast cancer were 1 in 14. Today, they are one in eight. This year alone, breast cancer will strike an estimated 182,000 American women, and will take the lives of over 46,000. It has become the most common female cancer and the leading cause of death among American women between the ages of 35 and 54.

For years, researchers have understood that breast cancer is influenced by how much estrogen a woman produces. If you take the existing known risk factors—including early puberty, late menopause, delayed childbearing, or having no children at all—they have one thing in common: they all contribute to a high lifetime exposure to estrogen. There is clear evidence that the more estrogen a woman is exposed to in her lifetime, the higher her risk of developing breast cancer.

Recently, scientists have been taking a close look at the relation between so-called xeno-estrogens and increased breast cancer risk. It is theorized that these estrogenic materials—which include pesticides and other chemicals capable of affecting the internal production of the hormone estrogen—may hold the key to explaining some of the 70 percent of all breast cancer cases not associated with any of the existing known risk factors.

The research is compelling.

Perhaps the most startling findings are those of Dr. Mary Wolff of Mt. Sinai Medical Center, whose research involved the estrogenic chemicals PCB and DDE, which is a breakdown product of the pesticide DDT. Dr. Wolff tested the blood of 58 women with breast cancer and compared it to that of 171 women who were cancer-free, taking pains to ensure that the women were identical when it came to age, childbearing history, and every other characteristic known to influence breast cancer risk. She found that the women who had developed breast cancer had PCB levels in their blood that were 15 percent higher than the cancer-free women, and DDE levels that were 35 percent higher. She also discovered that as the level of DDE increased, so did the risk of developing breast cancer—to the extent that the women with the highest DDE levels were four times as likely to get breast cancer as those with the lowest levels.

A subsequent study by Canadian researchers, published on February 2, 1994, in the Journal of the National Cancer Institute, found a further link between DDE levels in breast tissue and the development of breast cancer.

In this case, higher DDE levels were associated with a higher risk for a particular-type of breast cancer which feeds on estrogen—a type of breast cancer which, according to researchers, has made up a larger and larger portion of the increase in breast cancer in recent years. In the words of the study's authors, ''this study supports the hypothesis that exposure to estrogenic organochlorine may affect the incidence of hormone-responsive breast cancer.''

The women of Long Island, NY, have long suspected a connection between the region's unusually high breast cancer rates and the exceptional concentrations of DDT and other potentially estrogenic pesticides that were once applied in an effort to rid former potato fields of a parasite known as the golden nematode.

Women who have grown up and raised families in residential subdivisions that were built on top of these abandoned potato fields have good reasons to be suspicious. Not least of these is the recent finding that if you are a woman and you have lived in Nassau County for more than 40 years, your risk of getting breast cancer is 72 percent greater than a woman of the same age who has lived in the county for less than 20 years.

The National Cancer Institute is now in the process of further examining the connection between breast cancer and xeno-estrogens as part of a comprehensive study into the causes of Long Island's high breast cancer rates. Their findings—expected within the next several years—will contribute greatly to our knowledge base about this important issue.

As we wait for the results of this and other studies, it is vital that we begin to systematically identify those pesticides and other compounds present in the environment that possess estrogenic properties. We must do this so we will be ready, should further research confirm a clear link between these substances and breast cancer, to take appropriate steps to protect the public.

This amendment will give us some of the information needed to begin taking these steps should they become necessary.

The amendment would require the EPA to utilize appropriate, scientifically validated test systems as part of a screening program to identify pesticides and other substances capable of altering estrogenic activity in the human body.

Several quick and inexpensive test systems have been developed in recent years which could potentially be utilized in such a screening program. Examples include tests developed by Dr. Ana M. Soto of Tufts University School of Medicine in Boston and Dr. Leon Bradlow of the Strang-Cornell Cancer Research Laboratory in New York, as well as a third test utilizing state-of-the-art biotechnology techniques described recently in Environmental Health Perspectives by Dr. John McLachlan of the National Institute of Environmental Health Sciences.

Because these tests are simple, inexpensive and quick, they are well suited for the kind of large-scale screening needed to identify potentially hazardous estrogenic compounds. Since reproduction requires complex interactions between hormones and cells in the intact body, the tests are not intended to replace existing animal testing models, but to complement them by quickly flagging suspect compounds which can then be targeted for additional testing or public health approaches.

Given the availability of these new techniques, I was shocked when I learned 2 years ago that EPA does not routinely screen pesticides for estrogenicity. I raised this concern in testimony before a joint hearing of House Subcommittee on Health and the Environment and the Senate Committee on Labor and Human Resources on September 21, 1993. In my testimony I called for a much more aggressive EPA response to the evidence which has been put forward linking estrogenic chemicals and breast cancer.

The EPA has now become more interested in this area—for which I commend and encourage them. But I would like to encourage them further by requiring them to undertake the kind of widespread screening program that our Nation's breast cancer epidemic demands, utilizing appropriate, scientifically validated testing techniques, coupled with a research program to understand the health risks associated with exposure to xenoestrogens.

This amendment would ensure that such a program is underway within 1 year, and would give the EPA Administrator a deadline of 2 years to implement a peer-reviewed plan, with a report to Congress due in 4 years detailing the program's findings and any recommendations for further action the administrator deems appropriate.

Mr. President, we simply cannot afford to wait until we have a smoking gun before we act to identify those chemicals in the environment that are estrogenic. Breast cancer is claiming the lives of women in this country at a rate of one death every 11 minutes. It would be unconscionable not to arm ourselves with crucial knowledge about chemicals that may be contributing to this scourge so that we can rapidly implement appropriate public health measures when scientific research indicates they are warranted.

Mr. President, this amendment will ensure that we are armed with this crucial information, and I again thank the managers for agreeing to accept this amendment.

PESTICIDE CHEMICAL SCREENING AMENDMENT

Mr. MOYNIHAN. Mr. President, would the Senator from New York yield for some questions regarding this amendment?

Mr. D'AMATO. Certainly.

Mr. MOYNIHAN. Given the concerns that reproductive effects in wildlife may be linked to endocrine disruption, some are concerned that the amendment is too limited because it focuses on human breast cancer. Does the amendment take a position on this issue?

Mr. D'AMATO. I recognize the concern that environmental estrogens and other hormone mimics may cause significant effects on nonhuman species. However, the top priority of this amendment is to learn more about substances that may lead to breast and other related forms of cancer in humans. It is silent about the possibility that effects may occur in other species and leaves that judgment to the Administrator.

Mr. MOYNIHAN. I have heard concerns raised about other endocrine and immune system impairments too. Does the discretion provided the Administrator under this amendment extend to health effects other than breast cancer?

Mr. D'AMATO. Yes. For example, if the Administrator so chose, she could include screening for male reproductive effects, effects to the immune system, and so forth. Would the Senator address a question about the scope of the amendment?

Mr. MOYNIHAN. Certainly.

Mr. D'AMATO. When the results of the screening study become available, subsection g(6) directs the Administrator to ''. . . take such action, including appropriate regulatory action by rule or by order under statutory authority available to the Administrator, as is necessary to ensure the protection of public health.'' Is the intent that the Administrator regulate all substances found positive in the study under the amendment?

Mr. MOYNIHAN. No. The testing called for in the amendment is a screening study to identify active and inert pesticide ingredients that mimic estrogens. It is a hazard identification process designed to identify the magnitude of the potential problem and to help set priorities for the future. As we learned from the experience with the Ames test for carcinogens in the 1970's and 1980's, hazard identification tests do not provide enough information to be the sole basis for regulatory action. Having said that, let me quickly note that the Administrator may have additional information about the exposure levels, or about the relationship between exposure and effect for certain of the substances to be tested such that she makes a risk management decision that regulatory action is needed. If, as a result of such evaluations, the Administrator finds a substance likely has a potential adverse effect in humans she must take appropriate regulatory action. The amendment gives her authority to do so through appropriate regulatory action under the Federal Insecticide, Fungicide and Rodenticide Act or the Toxic Substances Control Act or under other authority available to the Administrator.

Mr. D'AMATO. What happens once the screening study called for in this amendment is completed?

Mr. MOYNIHAN. The screening study will identify certain pesticide ingredients that mimic estrogens and perhaps other hormones. Consequently, people will be concerned, some very concerned, about their health. It is important to be realistic, honest and responsible throughout the design and conduct of this study so that we do not create undue apprehension, but it is also important to inform the public and to take action where significant hazards are identified.

Mr. D'AMATO. The Senator raises something that I feel very strongly about. Frankly, I am extremely worried about the health impacts associated with exposure to pesticides, and I am deeply concerned that they may lead to diseases such as breast cancer. At the same time I think that the women of Long Island and elsewhere have suffered enough anguish, and I do not want to scare people unnecessarily.

Mr. MOYNIHAN. The Senator raises an extremely important issue—how best to determine whether pesticides, a widespread class of environmental chemicals, pose a potential risk without creating unwarranted public concern. An important part of this process should be a risk communication strategy to identify the likely outcomes, and to keep the public informed and aware of the purpose of the study, including its strengths and limitations. It is important not to over promise and raise false expectations.

Turning to another issue, could the Senator elaborate on what is intended by the exemption described in subsection g(4)?

Mr. D'AMATO. Of course. While it is our intent to require broad screening of active and inert pesticide ingredients, we recognize that there are biologic substances, and perhaps other substances, that the Secretary will find do not warrant testing because she concludes that they do not mimic estrogen in humans. Subsection g(4) would allow her to exempt such substances from the screening program called for under this amendment. We expect the Secretary to rely upon the best available scientific information in identifying substances to be exempted.

Would the Senator like to comment on why the amendment requires that the testing requirements and communication strategies be reviewed by the Science Advisory Panel and Science Advisory Board, and any other review group the Administrator deems appropriate before finalizing the requirements.

Mr. MOYNIHAN. Yes, certainly. It is because we are just coming to learn that certain environmental pollutants mimic naturally occurring hormones and that they may contribute to breast cancer, reproductive failure, and other diseases. There is no consensus about the magnitude and nature of the problem, and so it will be controversial, with those on opposite sides of the issue voicing strong opinions. It is our intent that EPA be as responsible and credible as it can be. This means that the Administrator should work with expert scientists from government, academia, industry, and the public health sector to select criteria for what constitutes a validated test, to select the set of validated tests to be used, and to design the protocols for study. She may wish to engage organizations such as the National Academy of Sciences or other appropriate independent scientific organizations for assistance.

Similarly, when the study is completed, the report to Congress required under subsection g(7) should reflect guidance from the scientific community, summarizing the findings of the screening study, and recommending followup actions, as necessary.

Mr. D'AMATO. Could the Senator discuss the potential followup actions that might be recommended?

Mr. MOYNIHAN. Obviously, that depends on the outcome of the screening program. If only a few substances screen positive, the followup might include conducting more detailed tests on each substance that tests positive; if a number are positive, however, priorities must be set to identify those chemicals of greatest concern for which dose-response relationships are needed. Though we may wish it were not so, we simply cannot do everything at once.

The criteria for setting priorities may well be to select those chemicals found most often in the environment and in the highest concentrations, those that are most active or that bioaccumulate, those for which there are testable hypotheses for action, and those which are representative of specific categories of chemicals. The goal is to develop plausible biologically-based risk-assessment models for use by EPA and others to inform their risk management decisions.

Mr. D'AMATO. Does the Senator know just what kinds of follow-up studies will likely need to be conducted and how much they will cost?

Mr. MOYNIHAN. The amendment is silent on exactly what additional studies to require after the screening study because we want to benefit from the screening results and from EPA's guidance before deciding what, if anything, to do next. The determination about how much science is needed before making a regulatory decision is a policy call. There will never be enough information to unambiguously answer every question about environmental safety. When the EPA makes its report to Congress it would be appropriate to examine just how much science is recommended by EPA to resolve this issue, how much additional research or action beyond that initiated by EPA would cost, and how much Congress thinks is appropriate to pay.

Mr. DOLE. Mr. President, the Senate today is considering legislation that is of primary importance to every home in America. Every individual, every family, and every community is directly affected by the quality of their drinking water. Perhaps in no other area do we need to provide assurances of adequate protection to public health than in drinking water. This legislation enhances important public health priorities by using sound science and appropriate treatment and testing technologies.

As a cosponsor of the legislation, I would like to commend Senator KEMPTHORNE and Senator CHAFEE for what turned out to be a year-long debate over the specifics of this bill. It is, as others have pointed out, compromise legislation. I am disappointed that some sections of the bill are not stronger. However, this legislation sets important new directions for Federal policy by providing States and local governments with a much stronger say in dealing with their own particular drinking water issues. Specifically, the new variance section provided to small systems will be of significant assistance in addressing the economic constraints on many of these smaller communities. It is important to note that States decide the affordability criteria, making these decisions closer to home.

I am pleased that the standard setting section of the bill includes a requirement that EPA conduct a cost benefit analysis of alternative standards. However, this legislation specifically states only that it allows EPA to consider cost and benefits to set new standards; EPA is not clearly required to use that analysis to ensure that benefits justify costs.

During the regulatory reform debate, we heard from representatives of the administration that such reform was unnecessary. If there were problems with individual statutes—like the current safe drinking water law—they should be addressed individually, statute by statute. We were told that the President's executive order currently calls cost-benefit analysis and is used to make sure that benefits outweigh costs.

Therefore, passage of this Safe Drinking Water Act sets forth an important test for EPA. Let's see how this bill is implemented. If the administration actually conducts cost-benefit analysis and uses the results, this will go a long way toward passing the test. This statute, by allowing EPA the flexibility to conduct a cost-benefit test, will determine how serious it is about meeting this goal.

In this regard, I am disappointed that the cost benefit language is not available for use in the disinfection byproducts rule. I understand that this was a closely negotiated compromise among the various parties associated with this bill. While I respect the compromises that have been made, I do not believe that the unfortunate results of codifying this proposed rule should be overlooked. EPA has received letters of concern from many communities, including Kansas communities, who are worried about the impact of this rule. It is ironic that this legislation seeks

to provide more flexibility for States by providing variances to small communities. Yet on this particular issue, EPA will continue to have the final say. I am concerned that the legislation before us essentially codifies a proposed rule which is extremely expensive and ignores sound science and the potentially adverse substitute risks that could result from overregulation of disinfection byproducts.

Taking into consideration these concerns, I will support this bill. A strong bipartisan effort has been made and there is support of the compromises that were achieved in this bill. A great deal of work has gone into this legislation. I look forward to further discussions on this bill and how we can move forward to assure the quality of our Nation's drinking water.

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

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

Mr. CONRAD. Mr. President, I rise today in support of S. 1316, the Safe Drinking Water Act Amendments of 1995, introduced by the Senator from Idaho, Senator KEMPTHORNE. I am pleased to be an original cosponsor of this important legislation. The bill introduced by the distinguished chairman of the Subcommittee on Drinking Water, Fisheries, and Wildlife will provide the Nation with a more workable, rational, and flexible law that reduces the burdens placed on small, rural water systems while protecting public health and assuring a safe supply of drinking water.

The Safe Drinking Water Act has been one of the most frequently mentioned examples of an unfunded mandate on America's small towns, and justifiably so. The Congressional Budget Office recently released a report entitled ''The Safe Drinking Water Act: A Case Study of an Unfunded Federal Mandate.'' Mr. President, that report documents what many of us already knew about the current law. It is especially burdensome on small water systems, such as most of the systems in my State. The CBO report states, ''Households served by small water systems are particularly likely to face high costs. Furthermore, compliance costs could increase significantly over time.''

Mr. President, it would be one thing if those costs were justified by a need for safety. But many of these costs have little or nothing to do with safety. In fact, they are regulation for regulation's sake.

The Safe Drinking Water Act has also been roundly criticized as unnecessarily inflexible. The CBO report also addressed the flexibility concern, indicating that there are significant barriers to adequately using the flexibility provisions in the existing law. Mr. President, we can instill flexibility for our small communities into the Safe Drinking Water Act, and still ensure that our constituents are drinking safe, clean water. I believe the bill before us today inserts some much-needed common sense into the law, and frankly Mr. President, it is long overdue.

But the current law is inflexible in other, unnecessary ways as well. For example, the current statute requires that EPA regulate 25 new contaminants every 3 years, regardless of the overall risk posed by these contaminants. Mr. President, that is absurd. That is unnecessary. That is regulation for regulations sake, and it should be stopped.

The bill before us repeals the requirement that the EPA regulate 25 new contaminants every 3 years. Instead, the bill takes a flexible approach that requires the Administrator of EPA to develop a list of high-priority contaminants, and make regulatory decisions about at least five of those contaminants every 5 years. The bill does not mandate that EPA regulate additional contaminants on an arbitrary and costly schedule. This legislation takes the commonsense approach that says the EPA must analyze possible threats to public health. If no new threat exists, no regulation is necessary. This provision lets EPA consider risk, rather than simply imposing additional costs on water systems that may or may not increase protection of public health.

The bill introduced yesterday includes a number of important provisions to address the shortcomings of the existing Safe Drinking Water Act. In addition to addressing the flexibility question, it authorizes a State revolving fund to give States funding to make grants or loans to water systems to help them comply with the Safe Drinking Water Act. In fact, the conference report for the fiscal year 1996 VA, HUD, and independent agencies appropriations bill provides $275 million for this SRF, providing we reauthorize the bill. While I would have preferred to see more resources go to this vital SRF, this funding is essential to small water systems to help them upgrade drinking water treatment systems, replace wells that provide unsafe drinking water, develop alternative sources of water, and comply with drinking water regulations. This funding will also help provide important technical assistance to local communities.

Let me just say that the local communities have told me over and over how valuable that technical assistance is. I am pleased to say it is part of this new legislation.

The State Revolving Fund is absolutely essential to our small communities so that they can adequately protect the health of the American public. The bill before us today gives a great deal of flexibility to small water systems so they can provide safe and affordable drinking water to their consumers. It gives States flexibility to reduce monitoring for contaminants that do not occur in their water system. That just makes common sense. States can also approve alternative treatment plans for small systems, taking into account affordability, without compromising the safety of the drinking water supplies.

Last year, this body passed a balanced, flexible and workable bill to reform the Safe Drinking Water Act. I supported that bill. I was proud to do so. Unfortunately, we simply ran out of time at the end of the session before a conference committee could reconcile the differences between the House and Senate versions of the bill. I was extremely disappointed we could not pass a final version last year.

I wish to applaud Senator KEMPTHORNE for the significant effort he has put forward to craft a reasonable and responsible bill, and I commend him for his willingness to work with our colleagues on both sides of the aisle in drafting this legislation.

Many people from State health department officials to managers of small rural water systems in my State have told me they believe this bill is even better than the bill we were addressing last year. I am proud to join the majority leader, the minority leader, the chairman and ranking members of the Environment Committee and the drinking water subcommittee in sponsoring this important piece of legislation.

What could be more clear than the current legislation, the Safe Drinking Water Act, needs to be reformed. It is my hope that this bill will lead to the kind of flexible, workable solutions that have been needed for years. I urge my colleagues to support this commonsense legislation, and I urge our colleagues in the House to quickly turn to reforming the Safe Drinking Water Act. We cannot afford to let this opportunity slip away again during this session of Congress.

I thank the Chair, and I especially thank my colleague from Idaho for really an excellent job in putting this legislation together.

I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, let me thank my colleague from North Dakota for the comments he has made in his statement. I greatly appreciate both the tone and the spirit and the points the Senator raised. I agree with the Senator. The existing Safe Drinking Water Act needs a healthy dose of common sense, as the Senator points out, and I believe that this bill, S. 1316, provides that common sense. That is why I believe we have the support of the Governors, the mayors, and the county commissioners of the Nation supporting us in this legislation. I am

proud that the Senator is a cosponsor of this legislation.

The Senator also pointed out with regard to the funds—and the Senator is correct—that up until the passage of this bill, which we are looking forward to, we have never provided the funds to the communities, to the water systems, and ironically we have had the situation where the appropriators have appropriated the money but it has never been authorized. For the first time, we will authorize the funds and use them where they ought to be on a priority basis to help our communities ensure that we not only continue to have safe drinking water but it will improve the public health of this country, plus the technical assistance that the Senator pointed out to the small communities. They have, as we all do, such finite resources, and yet they want to comply and they want to ensure that their constituents or the customers that they are serving get the standards to the greatest extent possible. We provide the technical assistance to do so.

Another point that I would just mention is source water protection. I think we owe a great deal of credit to our agricultural organizations throughout the country that really have come forward and said we are going to support you in this because, again, in the previous Safe Drinking Water Acts we never addressed source water protection.

So what is this source water protection? Again, it is common sense, as the Senator from North Dakota has pointed out, that is, if you can keep water upstream from being contaminated so that you do not then have to wait until it is downstream and then treat all of the contamination so that people can then drink it. It is a lot cheaper to go ahead upstream and put in a few little amenities that may prevent the contamination than to just simply turn your back on it and say, well, we will wait and see what happens down here. But it is voluntary.

And so again, it is a progressive step forward, but we have all of the stakeholders upstream saying, wonderful; we will be willing partners in making this happen.

I believe this legislation, which is very much bipartisan, shows that you can be creative and innovative in protecting the environment but doing it at the most economically feasible level. We say in this legislation just because you can do something technologically does not mean it will be justifiable. Now we have cost-benefit.

So, again, I thank the Senator from North Dakota. It has been a pleasure to work with the Senator on this legislation.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I again thank my colleague from Idaho. It has been a pleasure to work with him. He has been open-minded and absolutely fair with respect to listening to both sides on this matter, and I really have appreciated the way he has addressed this matter.

I can remember so well going to a meeting of county commissioners and mayors in my State, and them saying to me, you know, it is nuts; we are being asked to test for things that have never been present in our system for 20 years. We have had testing for 20 years. We have never had this contaminant show up, and we keep having to do tests that may cost us $20 or $40 a test every month.

When you are talking Washington talk, $20 or $40 a month does not sound like very much, but if you have towns such as we have in North Dakota, we have four of them incorporated that have 10 people or less and when you are talking about $20 or $40 a test on things that are totally unnecessary that may have to be done on a quarterly or monthly basis, it mounts up and it becomes an absurdity.

So again, I think it is absolutely time that this job gets done. I again wish to thank my colleague from Idaho for the job he has done.

I thank the Chair and yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been noted. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. EXON. Mr. President, I rise today in support of the Safe Drinking Water Amendments Act of 1995. I am particularly pleased to see this legislation come before the Senate after the disappointment of last year when we were unable to come to an agreement.

I have been involved in this debate for a long time. Back in January of this year I wrote a letter to the chairman of the Environment and Public Works Committee, Senator CHAFEE, urging the Senator to focus the committee's attention once again on this important piece of legislation. I thought we had a good bill last year. But, Mr. President, I believe this year's bill is even better. And I thank Senator CHAFEE and others associated with him for their efforts.

This year we are able to craft a bipartisan bill which improves our Nation's drinking water law in several important and meaningful ways. Communities throughout the United States, including many in Nebraska, have had a difficult time complying with current law. As we all know, unnecessary and heavy-handed mandates have cost our Nation, especially the small communities, very dearly.

This bill recognizes that the needs of small communities are different from those of large communities. The bill combines flexibility with a good dose of common sense by allowing smaller communities to find the best way to protect their water quality.

This bill gives new authority to the States in determining what contaminants pose the greatest risk to their communities and empowers States to direct their resources toward monitoring those contaminants rather than those that pose a trivial risk to their communities, removes excessive Federal regulation and keeps our Nation's drinking water safe.

I am proud of the work that Senator KERREY and I and others have done on this legislation. I believe that the bill that we have crafted strikes a fair balance by recognizing the need to protect our drinking water but also allowing States flexibility in determining how best to protect this valuable and very vital resource.

Mr. President, in closing, I wish to emphasize once again my thanks for the leadership of Senator CHAFEE and others associated with him on the committee for their very successful job. And I hope that the Safe Drinking Water Amendments Act of 1995 will shortly become the law of the land. I thank the Chair and I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I thank the Senator from Nebraska for his comments. I know that from his perspective, as a former Governor, a Governor from the great State of Nebraska, he realizes the need for State flexibility, and by granting that flexibility and authority to the States, that not all wisdom resides in Washington, DC, but that we happen to have 50 Governors throughout this country who really can make decisions that are tailored to the needs of their respective States in conjunction with their legislatures and the agencies they have set up in place.

And, too, Senator EXON referenced Senator KERREY, whom I also want to applaud for his efforts, because really he was a catalyst toward assuring that this particular legislation would be bipartisan, as it should be. So, again, the team from Nebraska served well, and I appreciate it. It is a joy to work with the Senator.

Mr. EXON. Mr. President, I thank very much my colleague from Idaho. I thank him for his keen perception in this whole area. I was very proud to follow his leadership earlier this year in the mandates area where we had required that of States for far too long. But I know that he has played a very keen part in crafting this measure, which I think is fair and reasonable, workable, and eliminates much of the consternation and expense, in many cases unnecessarily expensive procedures. So I thank him and the full committee for the excellent job they did. It was a pleasure working with the Senator.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that Senator

SNOWE of Maine be added as a cosponsor to the legislation.

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

Mr. KEMPTHORNE. Mr. President, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Chair. I rise in support of this legislation to authorize the Safe Drinking Water Act. I want to commend my colleague and my friend from Idaho for his hard work on this, and to express at the same time my appreciation to the chairman of the Environment and Public Works Committee, on which we both serve, Senator CHAFEE, for the open process that he and Senator KEMPTHORNE established for drafting this bill.

It has not been a lightning experience, though it has been an enlightening experience. I say it has not been lightning because it has taken a fair amount of time to get this to this point. As a matter of fact, the committee has been meeting since February, both Democrats and Republicans, to try to get this legislation into shape so that it could meet the bipartisan test and pass. They have been meeting almost constantly over the year, and into September and October, to reach the consensus that exists now on this legislation.

The process has produced a bill that, though imperfect, does substantially improve the Safe Drinking Water Act. When I say, ''though imperfect,'' I do not remember a time when there was a bill that involved a complicated process that had been produced here that was perfect. There is always a point of view that something could be better. It was often said by a former majority leader, George Mitchell, that the perfect is the enemy of the good. And what we have is we have a good bill.

This committee, Mr. President, the Environment and Public Works Committee, has a good history of working in a bipartisan fashion. The environmental legislation has been a joint enterprise, going back to at least 1969. This bipartisanship continued when Democrats chaired the committee from 1969 to 1980 and then through Senator Robert Stafford's tenure as chairman in the early 1980's. That spirit continues today, as demonstrated by this bill.

The legacy of this process has been a system of environmental protection that, frankly, is a model for the industrial world. More importantly, the process has led to cleaner water, cleaner air, and a safer disposal of waste. It has led to a better world. But that should not be surprising.

There has been strong bipartisan support across the country for effective environmental standards. Poll after poll shows support not only for EPA but for toughening of standards to protect the air, the water and our land. Although some special interests have taken the recent election results as a repudiation of the environment agenda over the last 25 years, I hope that this bill demonstrates that we, in a bipartisan fashion, can make progress, evidenced by this joint, bipartisan commitment to protect our environment.

Time will tell if an optimistic view will prevail when Congress deals with other environmental issues.

Mr. President, in any compromise, especially in this second generation of environmental statutes, agreement does not please everyone. Reaching a consensus requires both sides to accept provisions that they would rather not have. There are provisions in this bill that I would like to strengthen and I am sure others might want to weaken. However, the overall view is that this is a good bill.

It is critical to ensure that drinking water is safe. Guaranteeing that safety is an important responsibility of Government, and it cannot be delegated entirely to the States or to the private market. At the same time, some State and local flexibility is essential to ensure efficient regulation. This legislation seeks to strike a balance between the critical need to guarantee public safety and the need to provide for reasonable regulatory flexibility. Once again, not a perfect balance, but a definite improvement over current law.

For example, we have attempted to add additional cost-benefit and risk-assessment tests before we regulate chemical contaminants. These tests will apply to arsenic and sulfates and chlorinated byproducts. They are a reasonable compromise between provisions in the regulatory reform proposal and present law.

As we debate this legislation, it is important to do what we can to strengthen public confidence in the water supply. Unfortunately, Americans now have little confidence in the safety of their drinking water. They worry about it, for their families. That is one of the reasons why 42 million Americans, one out of six, regularly drink bottled water. When I was a child, Mr. President—it was not a century ago, I assure you—I never heard of anybody drinking bottled water. Seltzer water or soda water, or something like that, but plain old bottled water? Never heard of it and never had the money for it even if we had heard of it.

In the Washington area, Safeway or Giant Food stores, generic bottled water—and I am not talking about the highly advertised designer shaped bottles—in these places, water costs about $1.35 a gallon. It is 1,000 percent more than tap water—1,000 percent.

Despite these high costs, sales of nonsparkling bottled water increased 100 percent between 1986 and 1994. To be sure, some people drink bottled water because of the notion it provides. It is kind of a cachet of things that people do, but many simply do not trust local water supplies and are willing to pay a stiff premium for alternatives to tap water.

I personally believe that the tap water provided by public and private systems in New Jersey, my State, are safe. But given the widespread distrust of our water supplies, it is essential that in our deregulatory zeal, we do not further undermine public confidence in tap water.

This bill should move us closer to the goal of safe, drinkable water at affordable prices. I have been pleased to cosponsor the bill, and I urge its support.

I add, Mr. President, that an amendment of mine that is included in the bill is there to guarantee the safety of bottled water, because this amendment requires that bottled water meet the same safety standards set for tap water.

There is an anomaly out there that tap water is tested rather rigorously, and water that is paid for out of one's pocket has not had the same requirements. We want to make them the same. People ought to know simply because it is in a bottle and thought to be pure that there should be a test that applies to this water.

The amendment is supported by the International Bottled Water Association, and it will assure consumers that bottled water is at least as safe as the water they receive at the tap. The public needs to know that all their drinking water is safe, whether it comes out of the tap or out of a bottle.

So, Mr. President, I am supporting this bill and reserve, however, the right to change my mind if there are amendments offered that do not have direct relationship to the Safe Drinking Water Act changes as we propose them. We have heard other subjects being discussed on the floor, and I hope they will not be offered as amendments to this bill.

Barring that, I am 100 percent behind it and will do whatever I can to help make it turn into law.

Once again, I thank my colleague from Idaho for his good, hard work which he continually shows in the committee and on the floor. We try to get things done, as I suggested earlier, in a bipartisan manner. It always is easier when we do, Mr. President. There are a few things that are on tap, to use the expression, a few things that we are working on in the Environment and Public Works Committee that I hope we will be able to use this effort as a model to move along. I have particular interest in Superfund and some other environmental legislation, and we just need to get together to make it happen.

With that, Mr. President, I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I thank the Senator from New Jersey for his comments. I appreciate so much working with Senator LAUTENBERG on the committee. I appreciate his cosponsorship of this legislation.

He has pointed out something that I agree with, and that is, oftentimes, while the motive may have been pure, you have regulations or legislation that is nonworkable, that is difficult to achieve, and so we have, again, turned our efforts toward establishing a dose of common sense in this legislation.

As the Senator from New Jersey said, there are probably amendments he would like to offer that he would feel would strengthen the bill, and there are others who would offer amendments that would weaken the bill.

The interesting thing is, his amendment he would determine as strengthening and I would determine as actually weakening, and vice versa.

So I think we have found that good balance in this legislation, that while reducing the cost to the States and cities, we are increasing public health. Just because we have the technology to do something and it is technologically feasible, does not necessarily mean it is justifiable to require the States and cities to do.

So we do have in this environmental legislation cost-benefit analysis that is in place. So, again, I have appreciated working with the Senator from New Jersey. I thank him for his comments this afternoon. In this fashion, I believe this legislation is going to move forward.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. 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. CHAFEE. Mr. President, we have two items that have been cleared, and that can now be adopted.

AMENDMENT NO. 3071

(Purpose: To authorize additional criteria for alternatives to filtration)

Mr. CHAFEE. Mr. President, the first item was brought to our attention by the Presiding Officer, Senator GORTON, and Senator MURRAY. The Safe Drinking Water Act requires filtration for most drinking water systems that are served by surface water. But some cities have made extraordinary efforts to protect their watersheds from development that might contribute to contamination. One such city is Seattle, WA. That city owns virtually all of the land around its reservoir. This amendment recognizes the efforts made by the city of Seattle and allows Seattle, in cooperation with the State of Washington, to employ treatment approaches in lieu of filtration that will be more cost effective.

So, Mr. President, I send on behalf of myself and both Senators from Washington a printed amendment, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE), for himself, Mr. GORTON, Mrs. MURRAY, Mr. KEMPTHORNE, Mr. BAUCUS, and Mr. REID, proposes an amendment numbered 3071.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 64, after line 5, insert the following:

''(a) FILTRATION CRITERIA.—Section 1412(b)(7)(C)(i) is amended by adding at the end thereof the following: ''Not later than 18 months after the date of enactment of the Safe Drinking Water Act Amendments of 1995, the Administrator shall amend the criteria issued under this clause to provide that a State exercising primary enforcement responsibility for public water systems may, on a case-by-case basis, establish treatment requirements as an alternative to filtration in the case of systems having uninhabited, undeveloped watersheds in consolidated ownership, and having control over access to, and activities in, those watersheds, if the State determines (and the Administrator concurs) that the quality of the source water and the alternative treatment requirements established by the State ensure significantly greater removal efficiencies of pathogenic organisms for which national primary drinking water regulations have been promulgated or that are of public health concern than would be achieved by the combination of filtration and chlorine disinfection (in compliance with this paragraph and paragraph (8)).''.

On page 64, line 6, strike ''(a)'' and insert ''(b)''.

On page 64, line 21, strike ''(b)'' and insert ''(c)''.

● Mr. GORTON. Mr. President, I am happy to support S. 1316, amendments to the Safe Drinking Water Act. This legislation will go a long way to help small and large water systems in my State to provide safe, clean, and affordable drinking water to their customers.

Last year, the Senate considered legislation to amend the Safe Drinking Water Act. I was a strong supporter of that legislation, which, unfortunately, never made it to the President's desk. The bill before the Senate today improves upon last year's legislation, and I am proud to support the committee's legislation once again.

Over the past several years I have heard from small and large water systems in my State urging Congress to amend the current law in order to break free of the one-size-fits-all approach of current law. The legislation before the Senate today accomplishes this goal. Washington State ranks fifth in the Nation in the number of small public water systems, and, as a result, the mandates of current law are especially burdensome on my State's small systems. For many of my State's small communities the price tag associated with filtration costs is incomprehensible. These communities simply cannot afford this costly technology.

The legislation before us today ensures that small systems will be better able to provide safe drinking water to their customers. The bill directs the Administrator to identify a range of technologies for a range of small systems. The legislation recognizes that small systems have unique needs and cannot afford the costly technology that is affordable for larger systems. In addition, many of my State's small system operators have told me that monitoring compliance was one of the most costly aspects of the current law. By giving States with primary enforcement responsibility the opportunity to establish their own monitoring requirements, this legislation eliminates another costly burden for small systems.

The legislation also makes a critical improvement over existing law on standard setting. The bill establishes that maximum contaminant level goals [MCLG] for contaminants that are known or likely to cause cancer in humans may be set at a level other than zero, if the Administrator determines based upon available, peer-reviewed science, that there is a threshold level below which there is unlikely to be any increase in cancer risk and the Administrator sets the MCLG at that level with an adequate margin of safety. MCLG's for carcinogens—elements known to cause cancer—are set at zero under current law. Many in the scientific community believe that this number has been set arbitrarily. The setting of the standard at zero is the equivalent of the Delany clause for drinking water contaminants. Many communities in my State have argued that a MCLG set at zero is an ineffective use of funds, and results in a great deal of effort expended, in many cases, for a marginal reduction in the likelihood of cancer. By granting the Administrator the flexibility to establish a MCLG at a level other than zero, S. 1316 makes a good improvement to existing law.

Mr. President, I would also like to thank the chairman and ranking member of the Environment and Public Works Committee, and their staff, for accepting an amendment to the bill offered by this Senator and the junior Senator from Washington. The amendment establishes a limited alternative to filtration, if the system can utilize another form of treatment that will provide a significantly greater removal of pathogens, than that of filtration.

The need for this amendment was brought to my attention by the city of Seattle. The city has two water supply sources, the Cedar River Watershed, and the Tolt River supply. Because of turbidity problems in the Tolt supply, the city is in the process of implementing filtration technology on the Tolt. Conversely, the Cedar River supply does not have turbidity problems—it consistently tests below average for turbidity—and the city is seeking an alternative to filtration for the Cedar River supply.

Currently the Cedar is an unfiltered system, and therefore must comply with the surface water treatment rule. The rule sets forward 11 specific criteria, and calls for extensive monitoring of the system, to ensure that the

system continues to provide clean water to its customers. During 1992, the Cedar violated 1 of the 11 criteria, and, consequently, was required to initiate filtration plans. Shortly thereafter the city entered into an agreement with the State and EPA region 10 to achieve compliance with the rule without filtration.

Seattle has been working closely with EPA region 10 and the Washington State Health Department for the past several years to find a way to treat the Cedar supply, without filtration. Filtration would cost the city roughly $200 million, but the city believes that the process of ozonation would better meet the city's drinking water needs. The ozonation process would only cost $68 million. Ozonation is a process that is considerably less expensive than filtration and is believed to be the next up and coming technology for ensuring clean drinking water.

The ozonation process is proven to be more effective than filtration in getting rid of harmful pathogens in a water supply, like cryptosporidium and giardia. Filtration technology would inactivate 99.9 percent of cryptosporidium, but ozonation would inactivate 99.999 percent of the cryptosporidium. The increase of .099 is considered a significant increase in the level of human health protection.

The city of Seattle—together with mayors from Tacoma, Redmond, Bothell, and Bellevue—support the amendment because the majority of their communities are served by the Seattle water system. On behalf of the Puget Sound residents served by the city of Seattle's water supply, I would like to thank Senators CHAFEE and BAUCUS, and their staff, for working on this amendment.

I urge my colleagues to support the committee's bill, and this Senator hopes that we can get legislation to the President's desk for his signature this year.●

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Washington.

The amendment (No. 3071) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I have a request from Senator SNOWE that she be added as a cosponsor of S. 1316 and as a cosponsor of the managers' amendment to S. 1316.

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

Mr. CHAFEE. Mr. President, I ask that Senator GORTON also be added as cosponsor of S. 1316 and the managers' amendment thereto.

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

AMENDMENT NO. 3072

(Purpose: To authorize grants for wastewater treatment and drinking water supply to communities commonly referred to as colonias)

Mr. CHAFEE. Mr. President, on behalf of myself and Senators DOMENICI, KEMPTHORNE, BAUCUS, and REID, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE), for himself, Mr. KEMPTHORNE, Mr. BAUCUS, Mr. DOMENICI, and Mr. REID, proposes an amendment numbered 3072.

On page 195, after line 20, insert the following: ''(h) ASSISTANCE TO COLONIAS.—

''(1) DEFINITIONS.—As used in this subsection—

''(A) ELIGIBLE COMMUNITY.—The term 'eligible community' means a low-income community with economic hardship that—

''(i) is commonly referred to as a colonia;

''(ii) is located along the United States-Mexico border (generally in an unincorporated area); and

''(iii) lacks basic sanitation facilities such as a safe drinking water supply, household plumbing, and a proper sewage disposal system.

''(B) BORDER STATE.—The term 'border State' means Arizona, California, New Mexico and Texas.

''(C) TREATMENT WORKS.—The term 'treatment works' has the meaning provided in section 212(2) of the Federal Water Pollution Control Act (33 U.S.C. 1292(2)).

''(2) GRANTS TO ALLEVIATE HEALTH RISKS.—The Administrator of the environmental Protection Agency and the heads of other appropriate Federal agencies are authorized to award grants to any appropriate entity or border State to provide assistance to eligible communities for—

''(A) the conservation, development, use and control (including the extension or improvement of a water distribution system) of water for the purpose of supplying drinking water; and

''(B) the construction or improvement of sewers and treatment works for wastewater treatment.

''(3) USE OF FUNDS.—Each grant awarded pursuant to paragraph (2) shall be used to provide assistance to one or more eligible community with respect to which the residents are subject to a significant health risk (as determined by the Administrator or the head of the Federal agency making the grant) attributable to the lack of access to an adequate and affordable drinking water supply system or treatment works for wastewater.

''(4) OPERATION AND MAINTENANCE.—The Administrator and the heads of other appropriate Federal agencies, other entities or border States are authorized to use funds appropriated pursuant to this subsection to operate and maintain a treatment works or other project that is constructed with funds made available pursuant to this subsection.

''(5) PLANS AND SPECIFICATIONS.—Each treatment works or other project that is funded by a grant awarded pursuant to this subsection shall be constructed in accordance with plans and specifications approved by the Administrator, the head of the Federal agency making the grant, or the border State in which the eligible community is located. The standards for construction applicable to a treatment works or other project eligible for assistance under title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) shall apply to the construction of a treatment works or project under this subsection in the same manner as the standards apply under such title.

''(6) AUTHORIZATION OF APPROPRIATIONS.—there are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal years 1996 through 2003.''.

Mr. CHAFEE. Mr. President, this is an amendment that has been cleared by both sides. As you understood from the reading of it, it deals with those very low-income settlements along the United States side of the United States-Mexican border, and it is of particular concern to the senior Senator from New Mexico, and I am sure for the junior Senator from New Mexico likewise.

Mr. DOMENICI. Mr. President, I rise in strong support of S. 1316, the Safe Drinking Water Act Amendments of 1995. I am proud to be an original cosponsor of this outstanding, broadly bipartisan bill.

Mr. President, I have long been involved in the drinking water debate, having introduced a reform bill of my own last session. Coming from a predominantly rural State, one of my biggest concerns with the current Safe Drinking Water Act is the fact that the overwhelming majority of small rural water systems simply do not have the economic or technical capability to comply with the act as it now exists. Senator KEMPTHORNE'S bill goes very far in addressing this problem by giving States the flexibility to grant variances for small water systems.

In addition, I am very happy to see that Senator KEMPTHORNE'S bill requires EPA to use the best available, peer-reviewed science in implementing the act. I worked hard to get this commonsense provision put into last session's reauthorization effort, and I am glad it has been retained in this session's bill.

I would like to take a few moments to discuss an issue of particular importance to me, and that is the issue of colonias. Mr. President, for those who do not speak Spanish or come from the Southwest, colonia is the Spanish word for neighborhood. Traditionally, in my State of New Mexico and throughout the Southwest, colonias referred to long-established, unincorporated small towns with rich community heritages.

Over the past decade, colonias have also come to refer to densely populated, poverty-stricken communities that have sprung up along the border in the past 10 to 15 years. They are often populated primarily by Mexican-Americans and legal immigrants working as seasonal farm laborers. These are decent, honest, hardworking people trying their best to create a good life for themselves and their families. The tragedy of these new colonias, however, is that they are typified by desperate poverty, by severe overcrowding, by inadequate housing, by pathetic roads, and, most important for purposes of the bill before us, by nonexistent drinking and waste water services.

Mr. President, I would like to read a few passages from an article that appeared earlier this year in one of my State's newspapers, the Las Cruces Sun News. Las Cruces is the largest city in Dona Ana County, a county with a large number of colonias. The article, written by Deborah Baker of the Associated Press, is titled ''Colonias: The American dream is more of a nightmare for many State residents.'' Mr. President, the passages I would like to read, which could apply to most of the new colonias dotting our Nation's southwestern border, describe the appalling conditions under which these people live every day:

> The American dream lives on a trash-strewn hillside at the end of a rutted road in a cluster of trailer and shacks called El Milagro—''The Miracle.''
>
> There, two families share three rooms: a two-room trailer, and a dirt-floored addition with walls that stop several feet short of the ceiling.
>
> Cooking is done on a grate balanced between cinderblocks over an open fire on the dirt floor. Water comes from a pipe, run from a neighbor's house, that sticks up from the ground behind the trailer. There is no bathroom—not even an outhouse. No electricity. No heat.

Mr. President, this is a description of third-world living conditions existing here in the United States of America. Such conditions are unsafe, unhealthy, and, I believe, simply intolerable. Nor is this a small problem. I know that in New Mexico we have at least 60 such communities in desperate need of this basic infrastructure. In Dona Ana County alone, there are 35 colonias.

Our border States have made great efforts in trying to deal with this problem. My State of New Mexico, for example, has spent large amounts of money to build community centers, health facilities, fire stations, and day care centers for its colonies. New Mexico also recently enacted a statute to tighten up zoning laws that had previously allowed developers to subdivide plots of land repeatedly for residential use without first supplying basic infrastructure.

Unfortunately, however, many of the border States simply do not have the financial capability to help with some of the more costly infrastructure that these communities need, especially drinking water and wastewater facilities. The colonias themselves certainly do not have these funds.

Consequently, I am offering an amendment, for myself and for Senator BINGAMAN, that I believe will greatly help these most needy of communities.

Mr. President, my amendment will authorize the Environmental Protection Agency, or any other appropriate agency, to award grants to any appropriate entity or border State to provide assistance for the construction of drinking and wastewater facilities.

My amendment also authorizes these agencies to use funds to operate and maintain these drinking and wastewater facilities. I believe this is a key point. It is not enough just to build these systems. Without the technical assistance to keep them operating, and operating well, we haven't accomplished anything.

In closing, Mr. President, I would like to thank Chairman CHAFEE and Senator KEMPTHORNE for their gracious help with this important amendment. I believe the amendment will go a long way in helping some of the neediest communities in the United States in two crucial public health areas. These colonias will finally get adequate sewer service, and they will finally receive clean, safe water to drink.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment (No. 3072) was agreed to.

Mr. CHAFEE. Mr. President, move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

Mr. GORTON. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for not to exceed 5 minutes.

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

A BALANCED BUDGET

Mr. GORTON. Mr. President, as we are here, I think, close to completing a very important piece of legislation on safe drinking water, we, as Members of this body, recognize that in another sense we are marking time during negotiations between the Republican leadership of the House and Senate and the President of the United States on the question of the balanced budget.

There was, just a few weeks ago, a crisis in the course of our Government as the President vetoed a continuing resolution and thus put out of work many hundreds of thousands of Government employees. Crisis negotiations led to a further continuing resolution under which each of the agencies of Government will continue in operation until the 15th of December while the various parties negotiate a long-term budget.

One of the conditions of that return, a part of the law signed by the President of the United States, was an agreement to reach before the end of this session of Congress, that is to say, before the end of the year, a budget which would be projected to be in balance by the year 2002 under figures and statistics provided by the Congressional Budget Office, so that each of us knew the parameters within which that debate would take place.

At the same time as these temporary arrangements were being made, this body and the House of Representatives passed, and is about to send to the President of the United States, a bill, the Balanced Budget Act of 1995, which accomplished precisely that goal. Many of the elements of that proposal are controversial, though it does for the first time truly reform our entitlement programs, including Medicare, Medicare in a way that preserves its financial security, keeps part A from going bankrupt, fairly continues the present percentage of premiums paid by the beneficiaries of part B, and adds to the premiums only of very well-off Americans.

The President has announced—and in this case we have no reason to doubt him—that he will veto that Balanced Budget Act of 1995. So far, in spite of that announced intention, in spite of his signature solemnly affixed to a bill which calls for just such a balanced budget under just such a set of statistics, the President has submitted no alternative budget which would be balanced under those rules by 2002.

As a consequence, the negotiations, which began abortively more than a week ago and seriously just a couple of days ago, have not even produced an agreement on an agenda. This is not surprising. We have produced and sent to the President the Balanced Budget Act of 1995. We believe that it covers all of the conditions asked for by the President: that it properly and appropriately funds Medicare, Medicaid, welfare, the national defense, the environment, and a wide range of other activities.

The President disagrees. That is the President's prerogative. But, Mr. President, it is not an appropriate response to that disagreement to simply sit still and say, ''Give me another alternative.'' The President has a duty, if he is serious at all about the budget crisis facing this country, to say,

> Here is my proposal for a balanced budget by the year 2002, based on these same propositions. Here are the differences between the two parties. Let us negotiate those differences.

To this point, every economic indicator since the election of just more than a year ago is in a positive direction. Interest rates are lower, inflation is down, employment and the gross domestic product are up, based, as we understand, primarily on the proposition that our financial markets believe that the budget will be balanced.

In my opinion, if the President continues to refuse to propose any alternative, if he believes that the politics of scare tactics about Medicare and other programs are a better election platform on which to run than an actual balanced budget, we will almost certainly suffer a loss in each one of

those economic indicators, which will not help the President—for that matter, will not help the Congress, and certainly will not help the country.

We are bound and determined to have just such a balanced budget. The President has now, by his signature on a bill, agreed to just such a balanced budget. It is time—it is well past time—that the President, who so eloquently disagrees with ours, produces his own so that we can work constructively toward a solution.

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

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

SAFE DRINKING WATER ACT AMENDMENTS

The Senate continued with the consideration of the bill.

PRIVILEGE OF THE FLOOR

Mr. CHAFEE. Mr. President, I ask unanimous consent that Linda Reidt Critchfield, a fellow in Senator LIEBERMAN's office, be granted privileges of the floor for the duration of the debate.

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

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMPSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. 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. CHAFEE. Mr. President, previously this afternoon I submitted amendment numbered 3072 on behalf of myself, Senator KEMPTHORNE, Senator BAUCUS, Senator REID and Senator DOMENICI, and that amendment was adopted. I ask unanimous consent that Senator BINGAMAN be added as a cosponsor to that amendment.

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

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. 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. INHOFE. Mr. President, I ask unanimous consent that I be allowed to speak as if in morning business.

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

PEACE AGREEMENT IN BOSNIA

Mr. INHOFE. Mr. President, yesterday when I was on the floor I made some comments which I do not think were very clearly understood because I was assuming some people were aware of some of the problems that have existed since the initialing of the peace agreement in Bosnia.

It has been very disturbing to me, after having been over there, to feel that most people are laboring under the misconception that there is in fact a peace. The President himself in his message to the Nation said, ''Now the war is over.'' I just wish the President would go over there and see that the war is not over.

But since that time, there have been some articles which I would like to read, and then submit into the RECORD. One is from the Los Angeles Times of November 25, just a few days ago.

''On Friday, November 24, approximately 200 Bosnian Government troops looted a U.N. base in the Bihac''—that is right over here, Mr. President, on the Croatian border—''manned by a Bangladeshi battalion. They fired machine guns over the heads of the peacekeepers and carried off food, fuel, and equipment including nine armored vehicles. The 80 peacekeepers returned fire''—keep in mind that while all of this is happening they are firing and returning fire—''but were forced to retreat. The Bosnians were taking advantage of the imminent withdrawal of U.N. forces to make way for NATO troops''—which gives you an indication as to what would happen even if we were able to stop this obsession that the President of the United States has in sending troops into Bosnia and were able to try to get them withdrawn.

Also, a Reuters publication on the same day, on Friday, the 24th, says, ''Also on Friday the 24th, U.N. officials reported that Croat forces burned and looted houses''—these are Croat forces—''in areas located in central and northwest Bosnia. Houses were burned and looted in the city of Gornji Vakuf''—which is this area right in here—''in central Bosnia and also in the cities of Mrkonjic Grad, and Sipovo''—which is this area right in here.

If you look, the major part of the activity is taking place in this section right of Bosnia. This is the section in which the United States would have forces.

I have often wondered, and have not been able to get an answer from anyone, as to who drew these lots for us; why we have the French over here and the British over here, but we would be right here—virtually everything north of Sarajevo up to and including Tuzla, and a corridor that would go through here, which is one of the most contentious areas.

This comes from the New York Times article of the 27th: ''On Sunday, November 26, angry groups of men stoned and flipped over U.N. vehicles passing through Serbian sections of Sarajevo.''

Sarajevo is an area that is divided up between Croats, Serbs, and Moslem forces, each with their own checkpoints.

Also according to the New York Times: ''As of November 26, a total of 210 peacekeepers have been killed in the 4 years of conflict in the former Yugoslavia.''

Mr. President, these are identified as peacekeepers. If you will remember, one of the major concerns that we have is that the President is putting our forces into a situation that is ideal for what we call ''mission creep.'' That is, you go in with one idea. Say you are going to go in, as we are going in, to keep the peace. Obviously, there is no peace to keep. But still they call them ''peacekeepers.''

When the President made his speech he was very careful to use the word ''implementation.''

So it has already crept from peacekeeping to peace ''implementation.''

The Times article goes on: ''In Bosnia itself, 107 have been killed, most by the former Serbs but some by the Muslims. Serbs have repeatedly used peacekeepers as hostages to secure their aims.''

Further, in the same article: ''In the past NATO has been able to respond to attacks on peacekeepers with air strikes on Serbian artillery and other positions. Now this is less of an option because the multinational troops will be mingled with the civilian population especially in places like Sarajevo, where about 10,000 troops are to be deployed.''

''The NATO operation is billed as one where superior Western firepower will obliterate any obstacles. But the NATO led force will not be threatened mainly by organized resistance, but by angry women and children, lone snipers and renegade bands of armed men determined to thwart a plan that would drive them from their homes and negate all they have fought to achieve.''

We are talking about people who have fought each other for nearly 4 years. And I stood on the streets of Sarajevo and saw those areas where they have pounded the residential areas and have obliterated them. Many of the people who are there now are not the people who lived in Sarajevo before. They were not there back during the Winter Olympics that we remember so fondly in such a beautiful thriving city as Sarajevo then was. They are people who came in there as refugees. Once the people were driven from their homes, they were no longer livable for individuals who had those homes, and now refugees have come in.

So we are dealing now with two groups of people that are going to be problems—assuming that we are successful in going in there to achieve some type of peace.

Col. Thierry Cambournac of NATO, deputy sector commander of Sarajevo, said he feared that the soldiers could get drawn into conflicts in urban areas

they will patrol. A quote from the colonel: ''Our biggest concern is the population in these areas will revolt.''

Their concern is not whether one of the organized factions, whether it is Croats or Serbs or the Moslems, are going to be a problem. It is instead the people who have been driven from their homes. In fact, the mayor of this suburb said, and this is a direct quote, ''We will still fight, and if the multinational force tries to drive us from our homes, or take away our right to defend ourselves, there will be no authority on Earth''—no authority on Earth—''including the Serbian authorities, that can stop us. We will not leave, we will not withdraw, and we will not live under Muslim rule.''

Now, we get back to the two groups of people, the groups of people that have fought for homes. And what does that mean when they have a peace? They assume they can continue to live in their homes. But, no, that is not the way this works because if they happen to be a Serbian family in a home that is now designated by this group that met in Ohio as a Croatian area, then they will be driven from their homes.

I used to be the mayor of a major city in America, Tulsa, OK. You do not make statements like this unless you mean it. He says we will not leave. So we now have a new faction, rogue faction if you will, that will develop from people who are living in homes, fought for homes they feel are theirs now, and now we come along and say, ''You have to move.''

What is the other group? We hear about 2 million refugees that are scattered all throughout this region. I think it is closer to 3 million. When I was over there, they were identifying close to 3 million refugees, but let us be conservative and say 2 million refugees. These are people who have been driven from their homes—a second group of people. These people were driven from their homes. When they hear there is a peace accord, what does that mean to a refugee? It means he can go home.

So what happens to those people? Are they Serbs? Are they Bosnian Serbs? Are they Moslems? Are they Croats? We do not know. And it does not really matter what they are because they are going to become rogue elements. Our intelligence community has already identified nine rogue elements. We have the Iranians; the mujaheddin; we know they are in there right now; we have the Black Swans which are mostly Moslems; we have the Arkan Tigers; we have special forces.

So, Mr. President, we are not dealing with three people sitting around a table in Dayton, OH, agreeing about what they are going to do. I seriously doubt that the star of that show, the one who was supposed to be the most difficult to swing into a peace posture, Milosevic, is really speaking on behalf of those Serbs in Bosnia because those people are considered Bosnian Serbs, and they consider themselves to be independent.

When I was in Sarajevo, there is a little town located right here called Pale. This is the town where they supposedly had the Christian Science Monitor journalist who had been held hostage for a period of time, and we were getting ready to go over there to help bring him back when we found out in fact he was not there. But one thing we did learn is that when you close those checkpoints, you are in another world, and those people do not have their allegiance to Milosevic. They do not have their allegiance to Tudjman or in many cases even Karadzic because they are people who are now holding themselves out to be independent.

So I would just repeat to the President, who in his speech said the words ''the war isn't over,'' I have yet to find—there are only two Members of Congress, to my knowledge, who have been up into this northeast sector, the sector where the President is proposing to send—and as we are speaking today is sending—American troops on the ground. They are Senator Hank BROWN from Colorado and myself.

Yesterday, we had a chance to address the Senate about what has really happened up there. It is not very pretty. In fact, we went via British helicopter, at very low attitude, never getting over 1000 feet, in a blizzard, all the way from Sarajevo up to the Tuzla area, going back and forth, and really being able to look very carefully at all of this land.

Everything between Sarajevo and Tuzla is not like the Rocky Mountains, not like we think of mountainous regions. It is straight up and down. There is no way you could have even any kind of a light armored vehicle penetrate and travel through those roads, leave alone 120 M1 tanks they are talking about bringing from Hungary, down across the Posavina corridor and into the Tuzla area. Once they go into the Tuzla area, the terrain will not allow them to go any further.

We have seen articles, many of which I have here, published recently about the mines, about the roads. They talk about the roads coming down from Hungary into the Tuzla area where 120 M1 tanks—there is only one bridge in the entire area that is going to be able to hold up an M1 tank. Up in Tuzla, General Haukland, a Norwegian general who was in charge up there, said that another element that you are going to have hostile are the very people we are supposedly trying to protect and trying to achieve peace for. Those are the individuals who will be mad because we have torn the roads up, the same roads they need for commerce and freedom of movement.

I have never seen a proposed mission as doomed for failure as this one. We do not know who the enemy is. We are dealing with the mentality of people who fire on their own troops, murder their own people so they can blame somebody else. I do not know why anyone would not come to the conclusion that, if you are going to fire on your own troops so you can blame some other faction, you would certainly fire on American troops trying to remove you from your home.

It is my understanding—from the sketchy information we get from the agreement that has been initialed—that there are two conditions under which we will withdraw our troops. One is at the end of 12 months.

Now, since I have not heard anything to the contrary since the Senate Armed Services Committee met, when we had Secretary Christopher and Secretary Perry and General Shalikashvili, the Chairman of the Joint Chiefs of Staff, all said that in 12 months we will be out of there. And I asked the question, you mean we are going to be out of there regardless? If we are in the middle of a huge war, if we have entrenched ourselves within the civil war that has been going on for 500 years, we are about to win it, and that 12 months is over, we withdraw? Absolutely, they said, we are going to withdraw in 12 months, and it is over.

I do not think there is anyone who has studied military history who can point to a time when we have had a time deadline as to when a withdrawal will take place. It is supposed to be event-oriented: After this happens and this happens and we are successful, then we will withdraw. That is not what we are saying. We are saying we will withdraw in 12 months.

The other condition is withdrawal in the event of ''systemic violations.''

Mr. President, I have asked for many times a definition of ''systemic violation.'' What is a systemic violation? The administration speaks in vague terms about this. They say if you take the Croats or take the Serbs or take the Moslems as the three major factions, and if it is obvious that one faction is going to break the peace accord that we assume is going to be signed and is going to be acknowledged, then that would constitute a systemic violation.

Well, we already know that there are nine or perhaps more rogue elements out there. How is our soldier, who has been trained over in Germany to fight in this type of terrain, how is this soldier who is fired upon going to know whether that firepower is coming from the Croats, the Serbs, the Moslems or is coming from some irate families who do not want to leave their homes or from some refugees who want to go home or the Black Swans or the Arkan Tigers or the mujaheddin?

This is the problem we have here. Nobody can answer these questions. And yet systemic violation means we pick up our toys and go home. And what is going to happen on the road home? The same thing that you are seeing over here as we are making a transformation from a U.N. peacekeeping operation to a NATO operation that has not been well-defined. They are firing on so-called ''peacekeeping'' troops. And we are not really sure who will be firing on our troops. Now, if it

could happen now during a cease-fire, it certainly can happen later. I have been disturbed for 2 years about this because 2 years ago—and I do not think it served any useful purpose—when I was serving in the other body, serving on the House Armed Services Committee, one of the top individuals came in and said that one of the first things that President Clinton said when he came into office was that he wanted to do airdrops into Bosnia. And I asked the question, in this closed meeting at that time—it is all right to talk about it now—I said, ''Well, let me ask you a question. They have been fighting over there with all these rogue elements, with all these factions. How do you know, if we are dropping our stuff in there, if it will be in the hands of the good guys instead of the bad guys?'' The answer of this official was, ''Well, we don't know.'' Then he hesitated and looked over and said, ''You know, I'm not sure we know who the good guys and the bad guys are.''

We have clearly taken sides. We are now saying that we are in a peace implementation posture where we are supposed to be neutral. We are going in with a NATO force that is declared to be neutral, yet we have taken sides clearly against the Serbs. That is where our air attacks have gone. I think it would be very difficult for us to go in and say we are truly neutral in this case.

I guess the reason that I am going to continue talking about this for as long as we are in session is that each hour that goes by, Mr. President, we become more in peril. More of our American lives are endangered because, as we are speaking today, they are taking the troops—the troops that have been trained and the advanced troops who are going in for logistics purposes—and they have already been deployed from Germany up to Hungary, down south toward the Tuzla area that has been assigned to us, having to go through such hostile areas as this part of Croatia, this part of Serbia and, of course, the Posavina corridor which we already talked about.

That means that if it is an hour after this or a day after this, there are going to be several more—how many are there right now? I am embarrassed to tell you, Mr. President, I do not know. I am a Member of the U.S. Senate. I am a member of the Senate Armed Services Committee. I am a member of the Senate Intelligence Committee, and yet I do not know. And it is a highly guarded secret.

We read different articles in the newspapers about how many are over there. We hear calls from people at home that say that they have heard from their son or daughter who is being deployed or was deployed 2 or 3 days ago. And there is no way of knowing.

But we do know this: That the clear strategy of the President of the United States is to get as many American troops over there as possible before there is any vote that takes place in this Senate so that he will put us in a position of voting against our troops that are on the ground, which he knows we do not want to do. And so he is holding us hostage in Congress.

One thing we have not talked about is the cost of all of this. Talk about being held hostage. We have gone through these humanitarian gestures in Sarajevo and Haiti and all the rest of the things that are part of President Clinton's foreign policy. And while we do not authorize them, they come around later and say now we have to have an emergency supplemental appropriation. We passed one out of this body a few weeks ago for $1.4 billion. And that was for the things that were taking place in Haiti and Somalia. And those were exercises that we opposed in a bipartisan way in both the House and the Senate.

So I anticipate that if the President is successful, as it appears he is going to be—it may be a fait accompli. Maybe it has already happened. Maybe we cannot stop it. So our troops are going to be sent out over there, not 20,000, not 25,000; we know it will be closer to 40,000 or 50,000, at least. Then we will be faced one of these days with a supplemental appropriation request for not $1.5 billion but for, according to the Heritage Foundation and some other groups, somewhere between $3 billion and $6 billion.

It means if we do not then appropriate that in an emergency supplemental appropriation, it is going to come out of the military budget. And we are already operating our military on a budget that is of the level of 1980, when we could not afford spare parts.

So, Mr. President, I want to impress upon this body that the war is not over over there, that they are killing people today as we speak, that all this hostility is taking place in these areas, along with all we know about in the sector referred to as the northeast U.N. sector where we will have our troops.

I have been up there. I do not think there is one person so far who has been north of Sarajevo and up through Tuzla who says that we should send young American lives into that area. I have never personally seen any more hostile area in my life. I have never seen anything that looks like that.

There is no way we can use the armored vehicles. And it is very easy to understand now, in studying our history of World War II, how the former Yugoslavia was able to, at a ratio of 1 to 8, hold off the very finest that Hitler had because of this very unique area of cliffs and caves, this hostile environment, where the President of the United States is sending our young soldiers.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

SAFE DRINKING WATER ACT AMENDMENTS

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3073

Mr. KEMPTHORNE. Mr. President, I send to the desk an amendment for immediate consideration on behalf of Senators THOMAS and SIMPSON.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE], for Mr. THOMAS, for himself, and Mr. SIMPSON, proposes an amendment numbered 3073.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 7, line 23 after ''the State).'', add the following: ''*Provided further,* in nonprimacy States, the Governor shall determine which State agency will have the authority to establish assistance priorities for financial assistance provided with amounts deposited into the State loan fund.''

Mr. KEMPTHORNE. Mr. President, this amendment simply clarifies that for a State that does not have primacy to manage its drinking water program, the Governor, rather than a State agency, will have authority to establish priorities for the use of the State revolving loan fund. This is applicable to Wyoming, which does not have primacy.

This amendment has been cleared by both sides of the aisle, and I ask for its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

So the amendment (No. 3073) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3074

Mr. KEMPTHORNE. Mr. President, I send to the desk an amendment on behalf of Senator BOND and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE], for Mr. BOND, proposes an amendment numbered 3074.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 111, line 22, insert: ''except that the Administrator may provide for an extension of not more than 2 years if, after submission and review of appropriate, adequate documentation from the State, the Administrator determines that the extension is necessary and justified''.

Mr. KEMPTHORNE. Mr. President, this amendment clarifies that the Administrator may grant up to a 2-year extension to a State that needs additional time to issue drinking water standards in compliance with this act. This authority is discretionary. States must show that the extension is necessary and justified.

This amendment also has been cleared on both sides of the aisle. I ask for its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

So the amendment (No. 3074) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3075

(Purpose: To require that the needs of Native villages in the State of Alaska for drinking water treatment facilities be surveyed and assessed as part of the State survey and assessment)

Mr. KEMPTHORNE. Mr. President, I send to the desk on behalf of Senator MURKOWSKI an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE], for Mr. MURKOWSKI, for himself, Mr. STEVENS, Mr. CHAFEE, Mr. KEMPTHORNE, Mr. BAUCUS and Mr. REID, proposes an amendment numbered 3075.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 28, line 3, before the period, insert ''(including, in the case of the State of Alaska, the needs of Native villages (as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)))''.

Mr. KEMPTHORNE. Mr. President, this amendment simply clarifies that the needs of Native Alaska villages will be counted for purposes of determining the State of Alaska's share of the State revolving loan fund.

This amendment also has been cleared on both sides of the aisle, and I ask for its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

So the amendment (No. 3075) was agreed to.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the amendment reflect that it is both Senator MURKOWSKI and Senator STEVENS as cosponsors.

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

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 3074, AS MODIFIED

Mr. CHAFEE. Mr. President, I ask unanimous consent that amendment No. 3074, previously agreed to, be modified with the changes I have sent to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3074), as modified, is as follows:

On page 112, line 2, before the first semicolon, insert the following: ''except that the Administrator may provide for an extension of not more than 2 years if, after submission and review of appropriate, adequate documentation from the State, the Administrator determines that the extension is necessary and justified''.

Mr. CHAFEE. Mr. President, the Senator from New York, Senator MOYNIHAN, has long been a driving force in attempting to have the Environmental Protection Agency set its priorities based on good science. He is the author of a bill to accomplish this. That bill was the basis for section 28 in the legislation that we are considering today.

Although we have agreed to drop section 28 from this bill, I want to assure the Senator from New York that we will continue to work with him and other interested Senators on this matter.

Personally, I have agreed with Senator MOYNIHAN that because he was generous enough and gracious enough to agree to the dropping of section 28, that as chairman of the Environment and Public Works Committee I will present to the committee section 28 as a freestanding bill. We have agreed we will have a hearing on this, and I will seek to have legislation approved by the committee as quickly as possible.

In addition, Senator JOHNSTON has some views on this matter, and we would invite him to testify at that hearing. My goal would be to hold a hearing in the next few weeks, and my hope is we could proceed to report a new freestanding bill shortly thereafter.

Mr. President, earlier I presented an amendment on behalf of Senator DOMENICI in connection with providing assistance to those villages located on the United States-Mexican border known as colonias. I ask unanimous consent that Senators KYL and FEINSTEIN be added as original cosponsors to Senator DOMENICI's amendment.

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

Mr. SMITH. Mr. President, in the 1994 elections, Americans demanded a smaller, smarter Federal Government and a more rational, cost-effective system of regulation. While Americans do not want to compromise on public health protection, they do want an assurance that the public health and environmental protection dollars are being spent wisely. That is why Federal and State Governments must prioritize and target scarce resources toward reducing health threats based on actual or likely risks. This concept makes sense and is supported by public health agencies as well as the scientific community.

There are several environmental statutes that, although they were enacted with the best of intentions, have been unworkable in their implementation and enforcement—the Safe Drinking Water Act being one of them. No one disputes the importance of preserving this public health statue. However, there are reforms that need to be made. At the same time, this Congress is not here to gut any environmental laws, as some national environmental organizations would have the public believe—our goal is to make them work more effectively for the benefit of all our citizens.

When we talk about the issue of unfunded Federal mandates, the Safe Drinking Water Act is regarded by many State and local governments as the king of unfunded mandates. It is particularly burdensome on economically distressed communities and those with a small or diminishing tax base.

While the issue of Federal mandates is not new, the level of concern among municipal governments has risen dramatically in recent years, and with good reason. According to a report by the Congressional Budget Office, the number of Federal mandates is increasing while Federal aid to State and local governments for categories other than welfare has been falling on a per capita basis since 1978. Contributing to the mandate burden is the insufficient flexibility in Federal regulations.

Last year's Safe Drinking Water bill represented a major improvement over existing law, especially through the elimination of the arbitrary requirement that EPA regulate 25 contaminants every 3 years. This year's proposed modifications, however, fine tune the statue's ability to achieve congressional objectives of providing more flexibility and authority to State and local governments, lessening the burden of Federal mandates and prioritizing resources according to risk—thereby achieving greater public health protection.

I support the efforts of Senators KEMPTHORNE and CHAFEE in reaching an agreement with other committee members on a Safe Drinking Water reform bill. I have been closely involved

in negotiating many of its provisions, including: a more reasonable radon standard that will save New England water suppliers and their ratepayers millions of dollars without compromising public health; and the authorization of five small system water technology centers at academic institutions around the country to assist in developing and testing affordable treatment technologies for small systems. One of these centers I hope will be established at the University of New Hampshire, which has extensive knowledge and experience in water technology.

So today, Mr. President, I am pleased that the Senate is giving approval of these much needed reforms to the Safe Drinking Water Act. This bill received the unanimous support of the Environment and Public Works Committee, of which I am a member, as well as the coalition representing State and municipal government and public water supply community. I now urge the House to act expeditiously on its reauthorization bill so that our communities can soon receive the regulatory relief and financial assistance they need.

AMENDMENT NO. 3076

(Purpose: To strike the provisions with respect to comparative risk assessment)

Mr. CHAFEE. Mr. President, I just referred to the fact that we would be dropping section 28 from the bill in accordance with an agreement with Senator MOYNIHAN and others.

I now send to the desk an amendment to accomplish that, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself, Mr. KEMPTHORNE, Mr. BAUCUS, and Mr. REID, proposes an amendment numbered 3076.

Beginning on page 179, line 16, strike section 28 of the bill and renumber subsequent sections accordingly.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3076) was agreed to.

Mr. CHAFEE. I move to reconsider the vote.

Mr. KEMPTHORNE. I move to lay it on the table.

The motion to lay on the table was agreed to.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. CHAFEE. Mr. President, I ask unanimous consent that there be 40 minutes equally divided on the Boxer amendment, community right to know, and following the conclusion or yielding back of time, the Senate proceed to vote on or in relation to the Boxer amendment without any intervening action or amendment.

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

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Tom Irvin, a legislative fellow in my subcommittee, be permitted privileges of the floor during my statement.

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

THE 20TH ANNIVERSARY OF IDEA

Mr. FRIST. Mr. President, I rise to acknowledge the 20th anniversary of the Individuals With Disabilities Education Act [IDEA].

It is important to pause today and recognize the impact that this law has had on the lives of millions of children with disabilities and their families during the last two decades. Through this law we deliver on a timeless simple promise—every child with a disability shall have a free appropriate public education—no more, no less.

The Senate Subcommittee on Disability Policy, which I chair, is involved in the reauthorization of IDEA. As the new chairman of the subcommittee, I wanted to get the facts before we began the reauthorization process. The subcommittee held four hearings on the law in May and July of this year. The first hearing on May 9, which I cochaired with my friend from California, Mr. CUNNINGHAM of the other body, was a joint congressional hearing on the 20th anniversary of IDEA.

During the course of that hearing we heard from Members who were original cosponsors of the legislation in 1975, judges and attorneys involved with the landmark court cases that served as catalysts for IDEA, and former congressional staff and advocates for children with disabilities, who facilitated its historic passage.

That hearing sent a valuable message to students with disabilities, their families, and educators. Members of Congress have a longstanding interest in assuring a free appropriate public education and early intervention services for infants, toddlers, children, and youth with disabilities. Designing and sustaining the Federal role in assisting States with these responsibilities is founded on bipartisan cooperation.

There are many challenges that face America's young people: What to choose for a life's work, how to evaluate advice, how to judge one's own progress, and how to define personal satisfaction and happiness. Their approach to these questions will be colored by the behavior of adults around them. Do we celebrate individual abilities and differences? Do we encourage cooperation and collaboration in school? Do we respect and recognize the opinions of young people? Do we promote goal setting based on interests and abilities?

How we answer these questions with regard to young people with disabilities is a barometer. If young people with disabilities are exposed to the experiences of their peers, if we help them become a valued member of their peer group, if we take into account their choices, and if we help them become the best they can be, they and their nondisabled friends learn a valuable lesson. They learn that adults care, that we are fair, and that we can be trusted.

My good friend from Iowa and I released the first draft of the authorization bill for IDEA on November 20. As we developed the draft, we were always conscious of these young people and their future.

We have spent many months reading and talking to people about how to best serve children with disabilities through IDEA. Five major principles influenced our drafting efforts.

First, children with disabilities and their families should be the central focus of our drafting efforts.

Second, if a provision in IDEA works, don't undo it.

Third, add incentives that encourage schools to serve children, based on needs, not because of disability labels.

Fourth, add incentives that encourage and prepare schools to include children with disabilities in schoolwide innovation, reform efforts, and assessments of student progress.

Fifth, clearly link discretionary programs to the State grant programs, so that discretionary grants help educators educate children with disabilities and help families contribute in meaningful ways to the educational process of their children.

We have done what we set out to do. We have crafted a bill that will take us into the next century, a bill that celebrates the legacy established 20 years ago today, a bill that gives parents and educators the tools they need to help young people with disabilities succeed, and a bill that delivers on that timeless simple promise—a free appropriate public education for each child with a disability.

Such an education is an investment in people whose hopes, opportunities, and achievements are dependent on us. As we proceed with the reauthorization process, I urge my colleagues to join me in celebrating a law that works, a law that endures, a law that is most necessary. Although the difference it has made may be measured in dollars and judged in terms of children served, its impact is more pervasive, more powerful. Services it funds have lead to words read, concepts understood, steps taken, and words spoken—often for the first time. As such experiences are repeated, young people with disabilities develop pride and increased confidence

in their achievements. IDEA is definitely a law worth recognizing, celebrating, and preserving.

20TH ANNIVERSARY OF PUBLIC LAW 94–142, THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975.

Mr. HARKIN. Mr. President, today marks the 20th anniversary of the signing of Public Law 94–142, the Education for All Handicapped Children Act, now known as Part B of the Individuals with Disabilities Education Act [IDEA].

On that fall day two decades ago, we literally changed the world for millions of children with disabilities. At that time, over 1 million children with disabilities in the United States were excluded entirely from the public school system, and more than half of all children with disabilities were not receiving appropriate educational services.

On that day, we exclaimed that the days of exclusion, segregation, and denial of education of disabled children are over in this country.

On that day we sent a simple, yet powerful message heard around the world: disability is a natural part of a child's experience that in no way diminishes the fundamental right of a disabled child to receive a free and appropriate public education.

On that day, we also sent a powerful message that families count and they must be treated as equal partners in the education of their children.

On that day we lit a beacon of hope for millions of children with disabilities and their families.

Since the enactment of Public Law 94–142, considerable progress has been made in fulfilling the message that was conveyed by the Congress in 1975.

Today, 20 years later, every State now ensures a free appropriate public education to all children with disabilities between the ages of 3 and 18, and most States extend that provision through age 21. Over 5 million children with disabilities are now receiving special education and related services. And all States now provide early intervention services to infants and toddlers with disabilities from birth through age two and their families.

Today, the beacon of hope is burning bright. As one parent from Iowa recently told me:

> Thank God for IDEA. IDEA gives us the strength to face the challenges of bringing up a child with a disability. It has kept our family together. Because of IDEA our child is achieving academic success. He is also treated by his nondisabled peers as ''one of the guys.'' I am now confident that he will graduate high school prepared to hold down a job and lead an independent life.

In May, Danette Crawford, a senior at Urbandale High School in Des Moines testified before the Disability Policy Subcommittee. Danette, who has cerebral palsy, testified that:

> My grade point average stands at 3.8 and I am enrolled in advanced placement courses. The education I am receiving is preparing me for a real future. Without IDEA, I am convinced I would not be receiving the quality education that Urbandale High School provides me.

Mr. President, these are not isolated statements from a few parents in Iowa. They are reflective of the general feeling about the law across the country. The National Council on Disability [NCD] recently conducted 10 regional meetings throughout the Nation regarding progress made in implementing the IDEA over the past 20 years. In its report, NCD stated that ''in all of the 10 regional hearings * * * there were ringing affirmations in support of IDEA and the positive difference it has made in the lives of children and youth with disabilities and their families.'' The report adds that ''all across the country witnesses told of the tremendous power of IDEA to help children with disabilities fulfill their dreams to learn, to grow, and to mature.''

Anniversaries are a time to celebrate; but they are also a time to reflect. So, as we look back on the enactment of IDEA, we must also step back and ask some basic questions: Has the IDEA resulted in full equality of educational opportunity for all children with disabilities? Should we be satisfied with the educational outcomes we are achieving; can we do better?

From the four hearings held by the Subcommittee on Disability Policy, it is clear to me that major changes in IDEA are not needed nor wanted. IDEA is as critical today as it was 20 years ago, particularly the due process protections. These provisions level the playing field so that parents can sit down as equal partners in designing an education for their children.

The witnesses at these hearings did make clear, however, that we need to fine-tune the law, in order to make sure that children with disabilities are not left out of educational reform efforts that are now underway, and to take what we have learned over the past 20 years and use it to update and improve this critical law.

Based on 20 years of experience and research in the education of children with disabilities, we have reinforced our thinking and knowledge about what is needed to make this law work, and we have learned many new things that are important if we are to ensure an equal educational opportunity for all children with disabilities:

For example, our experience and knowledge over the past 20 years have reaffirmed that the provision of quality education and services to children with disabilities must be based on an individualized assessment of each child's unique needs and abilities; and that, to the maximum extent appropriate, children with disabilities must be educated with children who are not disabled and children should be removed from the regular educational environment only when the nature and severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

We have also learned that students with disabilities achieve at significantly higher levels when schools have high expectations—and establish high goals—for these students, ensure their access to the general curriculum—whenever appropriate—and provide them with the necessary services and supports. And there is general agreement that including children with disabilities in general State and districtwide assessments is an effective accountability mechanism and a critical strategy for improving educational results for these children.

Our experience over the past 20 years has underscored the fact that parent participation is a crucial component in the education of children with disabilities, and parents should have meaningful opportunities, through appropriate training and other supports, to participate as partners with teachers and other school staff in assisting their children to achieve to high standards. And we also know how critical it is for school administrators to have the tools they need to ensure school environments that are safe and conducive to learning.

There is general agreement today at all levels of government that State and local educational agencies must be responsive to the increasing racial, ethnic, and linguistic diversity that prevails in the Nation's public schools today. Steps must be taken to ensure that the procedures used for referring and evaluating children with disabilities include appropriate safeguards to prevent the over- or under-identification of minority students requiring special education. Services, supports, and other assistance must be provided in a culturally competent manner. And greater efforts must be made to improve post-school results among minority students with disabilities.

The basic purposes of Public Law 94–142 must be retained under the proposed reauthorization of IDEA: To assist States and local communities meet their obligation to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet the unique needs of these children and enable them to lead productive independent adult lives; to ensure that the rights of children with disabilities and their parents are protected; and to assess and ensure the effectiveness of efforts to educate children with disabilities.

We also need to expand those purposes to promote the improvement of educational services and results for children with disabilities and early intervention services for infants and toddlers with disabilities—by assisting or supporting systems change initiatives by State educational agencies in partnership with other interested parties, coordinated research and personnel preparation, and coordinated technical assistance, dissemination, and

evaluation, and technology development and media services.

The progress that has been made over the past 20 years in the education of children with disabilities has been impressive. However, it is clear that significant challenges remain. We must ensure that this crucial law not only remains intact as the centerpiece for ensuring equal educational opportunity for all children with disabilities, but also that it is strengthened and updated to keep current with the changing times.

In closing, Mr. President, I would like to quote Ms. Melanie Seivert of Sibley IA, who is the parent of Susan, a child with Downs Syndrome. She states:

> Our ultimate goal for Susan is to be educated academically, vocationally, [and] in life-skills and community living so as an adult she can get a job and live her life with a minimum of management from outside help. Through the things IDEA provides * * * we will be able to reach our goals.
>
> Does it not make sense to give all children the best education possible? Our children need IDEA for a future.

Mr. President, IDEA is the shining light of educational opportunity. And, on this the 20th anniversary of the IDEA, we in the Congress must make sure that the light continues to burn bright. We still have promises to keep.

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

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

SAFE DRINKING WATER ACT AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. THOMAS. Mr. President, we are in the process of talking about the Safe Drinking Water Act now, I understand?

The PRESIDING OFFICER. The Senator is correct.

Mr. THOMAS. Good. I would like to do that.

Mr. President, I want to speak in behalf of this bill. I think it is one that is very important to all of us, certainly important to my State. I congratulate Senator KEMPTHORNE and Senator CHAFEE and Senator BAUCUS for the hard work and long time that has gone into it. This is an important bill. It has been very long in coming. Last year in the House we worked on this bill. I think it reflects a good deal of thoughtful consideration. Therefore, I believe it deserves the support of Members of this Senate.

It has been an inclusive process in which many people with many interests have been involved. It is important that be the case. We are talking here about a program that affects us all over the country, a country in which the effects are quite different. Certainly some of the small towns in Wyoming have different problems than Pittsburgh or Los Angeles, and one of the efforts we have to make is to make it flexible enough to reflect that. I think this bill does that. Overregulation, certainly, has been on the minds of most people. It is much on the minds of the people I talk to in Wyoming. People are weary of the top-down kinds of regulations, that one-size-fits-all sort of thing. It is difficult to deal with that. I think this bill attempts to do that and does so in a very effective way.

The Safe Drinking Water Act, as it has been, has been an example of the old approach, regulating substances that do not even occur in drinking water and do not pose a risk in particular areas. I always think of the efforts we made in Pinedale, WY, which has a water supply. There is a very deep lake that is close. Even though the testing would show that water was of excellent quality, they were, at least ostensibly, required to invest a great deal of their taxpayers' money to do some things that probably were not necessary.

So people have asked for change and a new direction. The principle guiding this change is common sense. That is what I think we seek to do here, and the sponsors of the bill have done so, I think, successfully. It injects much-needed common sense into the regulatory process while doing a better job at protecting public health.

The current mandate that 25 contaminants be regulated every 3 years regardless of whether there is a risk is repealed. The risk assessment is inserted into the process. States' roles are increased. Water systems are able to focus their efforts and their resources monitoring contaminants that actually occur in the systems. And that is good. In a word, the bill shatters the status quo.

I again thank the sponsors for their attention to a State like Wyoming, which is different—small towns, different sources. So we have worked closely with Senators KEMPTHORNE and CHAFEE to ensure that our communities did have the opportunity to take advantage of the funding mechanisms and the regulatory relief that this bill provides. I thank them for that.

In addition, the small systems, as defined in this bill as those serving under 10,000, will be given special consideration when seeking ways to comply with the regulations.

The bill is not perfect, of course, and there has been a great deal of effort going on each day, and some things needed to be changed. But overall the bill is an excellent one, and is an effort that will reduce the cost to local communities, municipalities but allowing them to protect effectively.

So I urge my colleagues to support the bill. I hope the other body will act quickly, and the President will support our efforts. This bill is needed and we ought to move forward, and I urge that.

Mr. President, thank you. I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I thank the Senator from Wyoming for his statement on the floor, and I also thank him for his great support in the Environment and Public Works Committee. We are very happy to have him as a cosponsor, and his addition to that committee on behalf of the voices of small town America and rural communities is extremely helpful. We thank him.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I also want to thank the distinguished Senator from Wyoming for his kind comments and for his help on this legislation. He is a very valuable member of our committee, and we appreciate everything he has done to help with this.

AMENDMENT NO. 3077

Mr. CHAFEE. Mr. President, on behalf of myself, Senators KEMPTHORNE, BAUCUS, REID, D'AMATO, and MOYNIHAN, I send to the desk a printed amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Rhode Island (Mr. CHAFEE), for himself, and Mr. KEMPTHORNE, Mr. BAUCUS, Mr. REID, Mr. D'AMATO and Mr. MOYNIHAN proposes an amendment numbered 3077.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

> On page 168, line 7, strike ''GROUND WATER PROTECTION'' and insert ''WATERSHED AND GROUND WATER PROTECTION''.
>
> On page 173, after line 7, insert the following:
>
> ''(g) WATERSHED PROTECTION DEMONSTRATION PROGRAM.—
>
> ''(1) The heading of section 1443 (42 U.S.C.) is amended to read as follows:
>
> ''grants for state and local programs
>
> ''(2) Section 1443 (42 U.S.C.) is amended by adding at the end thereof the following:
>
> ''(e) WATERSHED PROTECTION DEMONSTRATION PROGRAM.—
>
> ''(1) IN GENERAL.—
>
> ''(A) ASSISTANCE FOR DEMONSTRATION PROJECTS.—The Administrator is authorized to provide technical and financial assistance to units of State or local government for projects that demonstrate and assess innovative and enhanced methods and practices to develop and implement watershed protection programs including methods and practices that protect both surface and ground water. In selecting projects for assistance under this subsection, the Administrator shall give priority to projects that are carried out to satisfy criteria published under section 1412(b)(7)(C) or that are identified through programs developed and implemented pursuant to section 1428.
>
> ''(B) MATCHING REQUIREMENTS.—Federal assistance provided under this subsection shall

not exceed 35 percent of the total cost of the protection program being carried out for any particular watershed or ground water recharge area.

''(2) NEW YORK CITY WATERSHED PROTECTION PROGRAM.—

''(A) IN GENERAL.—Pursuant to the authority of paragraph (1), the Administrator is authorized to provide financial assistance to the State of New York for demonstration projects implemented as part of the watershed program for the protection and enhancement of the quality of source waters of the New York City water supply system. Demonstration projects which shall be eligible for financial assistance shall be certified to the Administration by the State of New York as satisfying the purposes of this subsection and shall include those projects that demonstrate, assess, or provide for comprehensive monitoring, surveillance, and research with respect to the efficacy of phosphorus offsets or trading, wastewater diversion, septic system siting and maintenance, innovative or enhanced wastewater treatment technologies, innovative methodologies for the control of stormwater runoff, urban, agricultural, and forestry best management practices for controlling nonpoint source pollution, operator training, compliance surveillance and that establish watershed or basin-wide coordinating, planning or governing organizations.

In certifying projects to the Administration, the State of New York shall give priority to those monitoring and research projects that have undergone peer review.

''(C) REPORT.—Not later than 5 years after the date on which the Administrator first provides assistance pursuant to this paragraph, the Governor of the State of New York shall submit a report to the Administrator on the results of projects assisted.

''(3) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this subsection for each of fiscal years 1997 through 2003 including $15,000,000 for each of such fiscal years for the purpose of providing assistance to the State of New York to carry out paragraph (2).''.

On page 171, line 21, strike ''20,000,000'' and insert ''15,000,000''.

On page 171, line 24, strike ''35,000,000'' and insert ''30,000,000''.

On page 172, line 3, strike ''20,850,000'' and insert ''15,000,000''.

On page 2, in the material following line 6, strike ''Sec. 25. Ground water protection.'' and insert ''Sec. 25. Watershed and ground water protection.''.

Mr. CHAFEE. Mr. President, this authorizes the expenditure of $15 million a year for 7 years to the year 2003 for the protection of the watershed of the city of New York. This is a very unusual approach that they are trying in New York in which, instead of building very, very expensive water treatment facilities that would amount to more than $1 billion, they are trying to protect the watershed; in other words, the headwaters of the rivers that provide the waters for the city of New York up in the Hudson River Valley.

This provides authorization for $15 million for 7 years to be of assistance in that effort.

As I say, this is an amendment by both New York Senators, Senators MOYNIHAN and D'AMATO. I think it is a good amendment, Mr. President.

Mr. D'AMATO. Mr. President, on behalf of myself and Senator MOYNIHAN, I wish to thank Senator CHAFEE and Senator KEMPTHORNE for accepting this crucial amendment—an amendment that will protect the drinking water of 9 million persons.

New York City is home to our Nation's largest unfiltered surface water supply delivering 1.5 billion gallons per day. It is also, arguably, our Nation's best drinking water. To many, it would seem implausible that our Nation's largest city could have such high quality water and not require extensive filtration. However, extensive measures have been taken over the years to ensure the purity of New York City's water.

New York City's watershed actually consists of three distinct geographic areas that cover some 1,900 square miles in 8 counties in New York State—an area approximately the size of Rhode Island. Due to an act of the New York Legislature in 1907, and further amendments in 1953, New York City has been able to regulate activities that affect water quality in the watershed area. This capability caused its share of suspicion among farmers, homeowners, and local elected officials in the upstate watershed. As one might suspect, these individuals did not necessarily appreciate the city having a say as to how they could utilize their land.

With development creeping out of the metropolitan area and into the watershed area, many became concerned about the consequences of such growth on water quality. Echoing that concern, under the auspices of the 1986 Safe Drinking Water Act amendments, the EPA required New York City in 1989 to either further protect the watershed or filter. It was apparent that enhanced protection efforts would be necessary if the water supply for the city was to be preserved without spending billions of dollars to build filtration plants. This set in motion the impetus to negotiate a filtration avoidance plan that would meet the approval of the EPA, provide safe drinking water to New York City residents, and preserve the rights of upstate New Yorkers to prudently utilize their land. Until recently, the ability to balance all of these needs had not proven entirely successful and watershed protection efforts stalled.

In early November, though, New York Governor George Pataki announced what many had thought impossible. In an unprecedented agreement, the State of New York, the city of New York, environmentalists, local elected officials within the watershed and the Environmental Protection Agency all gave their approval to a plan to protect the New York City watershed and avoid large-scale filtration. Under the terms of the agreement, a total of $1.2 billion will be spent by the city of New York over the next 15 years for water quality protection programs while upstate communities will continue to be able to grow and prosper in environmentally responsible ways.

Specifically, the city expects to increase its landholdings in the watershed threefold spending a minimum of $260 million for purchases in the most sensitive areas from willing sellers. Also, the city will spend close to $400 million on water quality protection programs in the watershed communities in addition to the programs required to be undertaken by EPA for the city to avoid filtration. Also, a new regional watershed council will be created to serve in an advisory role. The city will continue its plans to spend over $600 million in already committed funds to build a filtration plant for the Croton watershed. Finally, the New York State Department of Health will approve and promulgate new watershed regulations to replace the existing outdated regulations.

By undertaking these activities, the city of New York will avoid the construction of a filtration system for the Catskill/Delaware watershed costing upwards of $8 billion. The construction of such massive filtration plants would have likely dramatically increased water payments for each household in New York City.

While this historic agreement will lay the groundwork for the protection of New York's watershed, it will only be successful if effective and sophisticated monitoring is in place. It would not be fiscally wise to spend over $1 billion without an ability to determine whether the protection efforts are working.

To address this concern, Senator MOYNIHAN and I have offered this amendment that will allow the EPA to spend up to $15 million per year for 7 years in the State of New York in order to monitor and implement a host of watershed protection programs in the New York City watershed. Some of the projects that will be undertaken and in need of Federal assistance are: a phosphorus offset program designed to reduce the total amount of phosphorus in sensitive watershed basins; wastewater diversion; wastewater micro-filtration treatment; enhanced stormwater control activities; and agricultural and forestry best management practices. Federal funding could be utilized for up to 35 percent of a project's total cost. Should water quality decline, the EPA will have the ability to demand appropriate changes.

Our amendment is a perfect complement to the efforts being undertaken in New York State to protect the watershed in a scientifically sound and fiscally responsible manner. Under our amendment, scientists will be better able to monitor the quality of the drinking water of some 9 million people and prevent degradation of this vital watershed before it becomes a matter of concern. This will be able to be done at a spend-out rate of $12 to every $1 spent by the Federal Government.

I am pleased that the managers of this bill agree with the need to protect this precious resource. With the passage of this amendment, the State of

New York will be given an opportunity to further protect its valuable watershed. I am confident that the efforts undertaken in New York will be able to serve as a model for similar activities in other parts of the country.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment (No. 3077) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, the bill we have before us provides an excellent example of how good people, working together, can find a way to balance safety and cost concerns. I commend the bipartisan effort that developed the Safe Drinking Water Amendments Act of 1995. I also rise to thank these same chairmen and ranking members for agreeing to the amendment that Senator GORTON and I proposed regarding the city of Seattle's water supply that was approved earlier today.

Safe drinking water is probably the single most important thing a government can supply its people. This bill, S. 1316, accomplishes that task by giving the Environmental Protection Agency flexibility to set drinking water standards based on peer-reviewed science. It encourages State and local governments to become full partners in the development, implementation, and enforcement of drinking water regulations. It targets our scarce public resources toward greater health risks and away from more trivial risks.

S. 1316 will be particularly helpful for small systems serving fewer than 10,000 people. These small systems will be eligible for variances that allow them to use affordable treatment technology. While regulators may grant variances, S. 1316 also authorizes consumers to participate in the decision to grant a variance and requires variance renewals every 5 years. I have heard from many small communities about how burdensome the current Safe Drinking Water Act requirements are. I share their enthusiasm for the flexibility and innovation contained in this bill.

I also want to draw my colleagues' attention to the amendment Senator GORTON and I proposed regarding the city of Seattle water supply. With our amendment, Seattle will be able to provide its customers safer water, at a lower cost, and with a better taste than it could have under current filtration requirements. Our amendment will allow local governments that have undeveloped watersheds with a consolidated ownership to use a process other than filtration if that alternative ensures significantly greater removal of pathogens.

The Seattle Water Department has concluded that ozonation, a process commonly used in Europe, may provide 100 times more protection from Cryptosporidium and other pathogens than would a filtration system. Should ozonation deliver as much protection as it promises, the people of Seattle will have safer water and will pay $130 million less for that safety than they would have had to pay for a Cedar River watershed filtration system.

Mr. President, like all bills that pass through the process of compromise and negotiation, S. 1316 is not perfect. However, it is a good bill that goes a long way toward solving some of the more troublesome aspects of the current Safe Drinking Water Act. This bill offers responsible reform, flexibility, and balance. I have heard from a number of local governments urging my full support of this bill. I intend to offer that support, while at the same time voting in favor of stronger right-to-know provisions.

Again, I thank the chairmen and ranking members for their hard work on this bill and for accepting Sen. GORTON's and my amendment.

SEATTLE'S WATER SUPPLY

Mr. President, I rise in support of the Safe Drinking Water Amendments Act of 1995 and commend the managers on their excellent work. In addition, I would like to address the amendment that Senator GORTON and I proposed, which was accepted as a managers' amendment, that will provide the people of the city of Seattle with quality drinking water at an affordable price. Like this bill before us, our amendment seeks to protect our citizens from unnecessary costs while providing safe, high quality drinking water.

Our amendment requires the EPA to amend its drinking water protection criteria to allow a State to establish treatment requirements other than filtration where a watershed is uninhabited, has consolidated ownership and has controlled access. Our amendment allows an alternative to filtration where EPA determines that the quality of the source water and alternative treatment requirements established by the State ensure significantly greater pathogen removal efficiencies than would a combination of filtration and chlorine disinfection.

Mr. President, the Cedar River watershed is unique. The city of Seattle will own 100 percent of this 90,490 acre watershed by the end of the year. The city controls access to and activity in this watershed. It practices model land stewardship, supplying a wide variety of public values, including healthy populations of wildlife. In short, it is a crown jewel. It is the type of water supply all major cities should aspire to have.

The watershed met all of the criteria for remaining an unfiltered supplier for the first 18 months after passage of the SDWA amendments of 1986. However, because of a severe drought and an abundance of wildlife, the watershed exceeded one of the unfiltered water criteria, that of fecal coliform. After receiving notification of noncompliance, the Seattle Water Department began investigating filtration and nonfiltration systems to ensure it would satisfy requirements of the SDWA.

The water department discovered that a process widely used in Europe, called ozonation, would reliably remove more cryptosporidium and giardia—the pathogens of most concern—than would filtration. An ozonation facility would inactivate 99.999 percent of cryptosporidium, while filtration would inactivate only 99.9 percent. In simple terms, ozonation can be economically designed to provide two orders of magnitude, or 100 times greater protection than filtration. Not only is ozonation more effective against the most serious threats to the Seattle water supply, but it costs less and makes the water taste better.

The Seattle Water Department's studies indicate that an ozonation plant would cost its customers $68 million, while a filtration plant would cost $198 million. While Seattle water officials believe that the Cedar River water may require filtration sometime in the future, the system has a number of other more pressing needs—such as covering open, in-city reservoirs and installing a filtration plant in the Tolt River watershed—that make ozonation the best course for today. The ozonation plant will be built in such a way as to be compatible with a filtration plant should the need for one arise in the future.

Mr. President, this amendment offers the city of Seattle needed flexibility so that it can provide its customers the safest water at the lowest cost in the very near future. It is worth re-stating that this filtration flexibility may be given only where a watershed is undeveloped and, most importantly, the alternative to filtration proves to ensure significantly greater pathogen removal efficiencies. Delivering safe drinking water is the fundamental goal of this amendment and this bill.

Again, I thank the bill's managers for their assistance and support on our amendment and in developing the comprehensive, balanced Safe Drinking Water Amendments Act of 1995.

Thank you, Mr. President.

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. CAMPBELL. 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. CAMPBELL. Mr. President, I ask unanimous consent that I be allowed to speak as if in morning business for 5

minutes without the time being charged to the bill.

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

BOSNIA

Mr. CAMPBELL. Mr. President, I come to the floor of the Senate this evening to address an issue which is of great concern to this Nation and to many of my colleagues—and that is Bosnia. This past Monday, the President took his proposal to the American people and he appears to have listened to the majority of Americans by coming forward and stating his case for the United States' involvement in Bosnia.

Although the President was wise to come to the American people, I like many of my colleagues, cannot support the President's decision to send troops because I do not know that he has fully explained what ''American values'' are at stake in Bosnia.

In my home State of Colorado, I have five offices. Without exception, the phones have been ringing and my constituents have been voicing their concerns, their fears, their anger, and their opposition to the President's proposal. Today they see no threat to our national security or to our way of life, although they do have great empathy for the people in Bosnia.

Bosnia has proven to be a quagmire time and time again. I, like many of my colleagues, do not want to see our troops placed in harm's way in this region. We surely do not want to repeat the problems that we had in either Vietnam or Somalia.

I believe the new-found peace in Bosnia is untenable and cannot be guaranteed. I believe there are 120,000 Serbs over there who basically said the same thing.

It is foolish for us to believe that there will not be mission changes during our proposed 12-month involvement in the region. The environment in Bosnia will continue to change as time goes on, and we cannot predict what will be asked of us during the next 12 months. What starts out to be a peacekeeping mission will certainly became a nation-rebuilding mission at the expense of the American taxpayers.

I do not believe the President fully appreciates the fact that you cannot, under the best of circumstances, give a definitive end date for involvement in that military mission.

By nature, military missions are unpredictable. We have no way to determine how long it will take before peace is freestanding in the region. In 12 months, the Bosnian peace may be at a pivotal stage so that we cannot pull out, we cannot bring our troops home, and that is what I fear the most.

That region has a history of internal struggles. The country is torn and has always been torn by deeply held religious beliefs, and we cannot socially engineer a peace. Peace will never come easily to this region, and there are still those today who oppose the agreement.

I am most concerned that the United States will be making up 30 percent of the NATO force in addition to all of the air support and the logistics of the mission. This is far more than any of the other 15 NATO members. As a result, we will also be contributing a large part of the funds for this mission. In this time of fiscal restraint of asking everyone to do more with less, I cannot understand how the President can ask us to ante up for this commitment, continue to insist on increased levels of domestic spending, and still work to balance the budget in 7 years as he has indicated he would.

I support our treaty obligations to NATO. However, in this instance I feel our obligations simply do not outweigh our concerns for our American youngsters that we have to send into harm's way.

We all support the efforts to end the atrocities and suffering. However, I do not believe that we have any vital national security interests in that region, as we did in the Gulf war. I also believe that we have a humanitarian interest in the region, but I do not think the American people solely support the humanitarian rationale as justification for sending our ground troops into Bosnia. Certainly Coloradans do not.

Above all, we cannot afford to forget the reality of the situation we are sending our troops into: A newly founded and untenable peace. In that environment, there will undoubtedly be continued hostilities. I am absolutely convinced that we will have American dead by Christmas, if not by hidden enemy, certainly from one of the 6 million buried mines that still exist.

The parents and families of these Americans we are asking to go to Bosnia are those the Congress and the President must answer to. I believe that we should be most thoughtful before this administration puts us in a position where we might have American youngsters dead by Christmas.

With that, I yield the floor, Mr. President.

SAFE DRINKING WATER ACT AMENDMENTS OF 1995

The Senate continued with the consideration of the bill.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I ask unanimous consent that following the use or yielding back of the time on the Boxer amendment, the amendment be laid aside and there be 10 minutes equally divided between the two managers to offer a series of cleared amendments, and following the disposition of those amendments and the expiration of time, the Senate proceed to vote on or in relation to the Boxer amendment, to be followed immediately by third reading and final passage of S. 1316, as amended, all without any intervening action or debate.

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

Mrs. BOXER. Reserving the right to object, and I shall not, I just want to make sure, since there will be intervening discussion between the explanation of my amendment and the vote, I ask that we could have a minute on each side just before the vote to restate it.

Mr. CHAFEE. I say this to the distinguished Senator. If we are going to vote and people know we are going to go to final passage right after this, frankly, if we have nothing to do, no cleared amendments, I see no reason that there even would be 10 minutes. So let us see how it works out. I will say this to the Senator. If there is a long intervening time, I will make sure she gets a minute to explain her amendment.

Mrs. BOXER. That is all I need. I will certainly trust my chairman, whom I respect very much, as I respect the ranking member and subcommittee chair. And if the Senators want, I can send up the amendment and we can start the clock running on the 15 minutes per side.

Mr. CHAFEE. All ready to go. I thank the Senator.

AMENDMENT NO. 3078

Mrs. BOXER. Mr. President, under the previous order, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 3078.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Section 20, Page 140, line 11—add at the end the following new subparagraph:

(F) CONSUMER CONFIDENCE REPORTS.—

(i) IN GENERAL.—The Administrator shall issue regulations within three years of enactment of the Safe Drinking Water Act Amendments of 1995 to require each community water system to issue a consumer confidence report at least once annually to its water consumers on the level of contaminants in the drinking water purveyed by that system which pose a potential risk to human health. The report shall include, but not be limited to: information on source, content, and quality of water purveyed; a plainly worded explanation of the health implications of contaminants relative to national primary drinking water regulations or health advisories; information on compliance with national primary drinking water regulations; and information on priority unregulated contaminants to the extent that testing methods and health effects information are available (including levels of cryptosporidium and radon where States determine that they may be found).

(ii) COVERAGE.—Subsection (i) shall not apply to community water systems serving fewer than 10,000 persons or other systems as determined by the Governor, provided that such systems inform their customers that they will not be complying with Subsection (i). The State may by rule establish alternative requirements with respect to the form and content of consumer confidence reports.

Mrs. BOXER. Mr. President, we have a very good bill before us. I for one am just delighted to see it come here. It has been very bipartisan. I commend the chairman, the ranking member, Senator KEMPTHORNE, and Senator REID, all of whom have worked so hard on this bill. I am particularly pleased, being a member of the Environment and Public Works Committee, that my biggest priority was taken care of in this bill, which involved assurance that our drinking water will protect the most vulnerable populations.

I had an amendment that did carry on this bill the last time it came before the body, and basically it makes sure that children, infants, pregnant women, and the chronically ill are not overlooked when we set standards. We know that more than 100 people who died as a result of drinking water in Milwaukee last year were from vulnerable groups such as children, the elderly, transplant patients, and AIDS patients. About 400,000 people in Milwaukee got sick as a result of contaminated drinking water. We hear very large numbers coming out of CDC, The Centers for Disease Control. One report that says 900 people die from contaminated tap water every year.

So, Mr. President, this is an important bill, and I am proud that we are here at this moment. I would also like to thank Senators CHAFEE and BAUCUS for agreeing to my amendment to authorize the Southwest Center for Environmental Research and Policy. It is very important. It is a consortium of American and Mexican universities that work to address environmental problems along the United States-Mexico border, including but not limited to air quality, water quality, and hazardous materials, and it is important to a lot of our States. San Diego State University is involved in it, New Mexico State University, University of Utah, University of Texas, Arizona State University as well. So that is my praise for this bill.

Mr. President, I think we need to do more. I think we should do more. I am very proud that the Democratic leader, Senator DASCHLE, has joined me in offering this community right-to-know amendment. It is supported by over 60 environmental groups and the Environmental Protection Agency, and I will at the end of my remarks ask that the EPA's letter be included in the RECORD so everyone can see it.

The American Public Health Association, League of Conservation Voters, Consumer Federation of America, League of Women Voters, Physicians for Social Responsibility, the Natural Resources Defense Council, the Sierra Club, the American Baptist Church, the United Methodist Board of Churches Society all support the Boxer-Daschle amendment.

Frankly, I am at a loss to understand why we do not just make this happen. I have great respect for my leaders on the committee. Perhaps they have negotiated a compromise they feel they do not want to disturb. But I cannot back off in terms of presenting it because I feel strongly about it. I believe the community has a right to know what is in the drinking water.

Mr. President, 89 percent of the American people are asking for this. They want more information about the quality of their drinking water.

It would ensure that consumers are informed about the levels of contaminants found in their drinking water once a year through the mail in an easy-to-understand explanation of what is in their water and what the health risks are, if any.

Mr. President, I ask that you let me know when I have used up 10 minutes of my 15 minutes of time.

The PRESIDING OFFICER. The Chair informs the Senator that the times were divided 20 minutes per side, not 15 minutes.

Does the Senator wish to be informed at 10 minutes remaining?

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I know, although the earlier agreement was 20 minutes on a side formally, we have agreed to 15 minutes. It may be presumptuous of me, but I ask unanimous consent that the earlier unanimous-consent agreement be modified so it is 15 minutes per side.

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

Mrs. BOXER. Mr. President, I ask that the Chair inform me when I have used 10 minutes.

What is very important about this community right-to-know amendment is that we exempt small water systems that serve 10,000 persons or less. So we are mindful of not putting a burden on the small systems. We also allow the Governor to opt out as long as he explains why.

This is a national bill. Safe drinking water is a national priority; otherwise, we would not be here. So the argument that we should not tell the Governors what to do just does not fly. We are telling water systems what to do, we are setting safety levels, and all this does is say, ''Let's also let the consumers know.''

My amendment requires EPA to issue regulations within 3 years that would govern the implementation of this. The reason is, we want it to be very simple. The objective of the Boxer-Daschle amendment is not to inflict consumers with a complex table of chemicals they never heard of, nor to scare consumers about the quality of their water, but to let them know what they need to know.

Let me be specific. I have a new grandchild, and that grandchild is the most precious thing to me and to his family. When that grandchild visits Washington, DC, I am not sure if I should mix that formula with the tap water, because there has been an advisory of late to be careful.

I think it is important for people to know if they should, in fact, mix that formula with tap water. They should know, if they are concerned about an elderly person, whether the water is safe. I heard colleagues say, ''Oh, it is too much information for people; too much. We don't want to load them down with pages of information.''

Here is one report, a terrific one that comes out of Ohio where they show people what causes cloudy water, what causes rusty water. In other words, when you send out these things, it is an opportunity to put people's minds at ease. It is not just a question of frightening them. Is there lead in my drinking water? And then they show where the various plants are located, where the water comes from and the various chemicals that are in the water.

So if someone does have someone living with them who is part of a vulnerable population—be it an infant, be it a child under 6, be it a grandma, a grandpa who has some problem, be it a cancer victim, be it an AIDS victim—we would have an opportunity to know if, in fact, that water could harm them.

We have over 60 public interest, environmental, and public health groups supporting us, and I gave you just a few of those, and we will put the rest into the RECORD.

But I do believe that the Boxer-Daschle amendment will also benefit water suppliers because it will increase consumer awareness of how their local water system performs and what challenges that system faces as it tries to maintain water quality.

We have a water board in our home county, and they come to us once in a while and say, ''You know, we have to increase your water rates.''

''Why?''

If I know it is to make that water safer, if it is to make sure contaminants are taken out of the water, that is a plus for that water district, and there will be more support.

Currently, consumers are required to be notified only if a water supplier violates an enforceable standard. Consumers do not have to be told if their tap water contains common contaminants which are not regulated, such as cryptosporidium and radioactive radon. We know cryptosporidium kills people. We do not happen to have a standard established for cryptosporidium. Does that mean we should not let people know if it is in their water supply?

I certainly hope people will support this amendment because then consumers will know if cryptosporidium is in their water supply, at what level, and whether it is dangerous. And if they have a little child in the home or someone from a vulnerable population, they can act accordingly.

In the case of arsenic, an EPA-regulated contaminant, the current standard is being revised by the EPA because it is a weak standard that was set in 1942 before we knew that arsenic caused cancer. In the bill we are considering, the EPA will not have to issue a revised standard until the year 2001 and no enforceable standard until

2004. I believe consumers have a right to know whether or not the water they drink contains arsenic at levels that could be a potential risk to their health.

Why not let consumers know? Why treat people like they do not deserve to know or they will misuse the information? We are all adults. We deserve to know. We are paying money for that water. We ought to know what it contains.

Under current law, not even a crisis, an outbreak such as the 1993 Milwaukee cryptosporidium outbreak which killed over 100 people, not even a crisis forces water systems to warn consumers about the presence of dangerous levels of unregulated contaminants.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from California has 5 minutes.

Mrs. BOXER. Thank you, Madam President. I am going to withhold because I know my colleagues are going to make some terrific arguments against me, and I want to be ready to combat them, so I retain my time.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Madam President, I, unfortunately, must oppose this amendment, although I do appreciate the efforts of the Senator from California to work with the concerns that I had expressed on this. I truly do appreciate that.

I do not oppose this amendment because I believe that consumers should not have access to information about the safety of the tap water that they drink. Our bill already requires drinking water systems to give information to consumers of any health threats presented by drinking water and of any violations. These provisions ensure that consumers have access to information that they need to protect themselves, if that is necessary.

Let me just state for you, Madam President, what the bill specifically provides.

First, each water system is required to notify their customers within 24 hours of any violation of a drinking water standard that results in an immediate health concern.

Second, for all other violations of Federal drinking water standards and requirements, public water systems are required to notify their customers of those violations as soon as possible but within 1 year of the violation.

Third, and finally, the State and EPA are required to publish an annual report disclosing all violations by drinking water systems in the State. That report also must be made available to the public.

As has been pointed out, the State of California has in its system already a program very similar to what the Senator from California has discussed. Therefore, there is nothing to preclude a State from doing exactly what the Senator from California is saying she feels should be done, but it ought to be left to the prerogative of the States.

California has chosen to do so. There may be other States that will choose to do so, but why in the world should we have the Federal Government say that you must do this? We spent quite a bit of time earlier today talking about unfunded Federal mandates. We took S. 1316 and gave it to the Congressional Budget Office and said, ''Please review this and score this and determine if, in any way, we are providing any new unfunded Federal mandates.'' Their letter came back and said, ''No, you are not.''

But with regard to this particular amendment, the Senator from California also sent to the Congressional Budget Office a question as to how much would it cost. The Congressional Budget Office came back and said the requirement nationwide would be between $1.5 to $10 million annually. That is an unfunded Federal mandate, and the $1.5 to $10 million annually could be used in tremendous opportunities by some of the small systems to achieve the standards that are necessary for the public health that we are trying to improve.

So for those reasons, Madam President, I respectfully have to oppose this amendment. I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I am always very, very reluctant to oppose any amendment by the distinguished Californian who is a member of our Environment and Public Works Committee, a very able member of that committee and contributes a great deal. So it is with some trepidation that I rise to differ with her views on this particular amendment.

It seems to me that this is not a necessary amendment, and, frankly, I do not think we should be adopting amendments that do not seem to have a necessity to them.

Now, as has been pointed out, in the legislation we have submitted, S. 1316, if one looks at the report of the committee on page 136, it starts setting forth there what are the requirements that we have regarding notice. And indeed, on page 137, under (D)(1), ''Regulations issued under subparagraph (a) shall specify notification procedures for violations, other than the violations covered by subparagraph (c), and the procedures specify that a public water system shall provide written notice to each person served by the system by notice in the first bill prepared after the date of occurrence.''

In other words, if there is a violation of the law, then it is required that notice be given. I think that is adequate. Madam President, as the distinguished chairman of the subcommittee, Senator KEMPTHORNE, just pointed out, there is a system for not only this notification, but if we want a more broad notification, then go ahead and do it. The States can pass such a law.

Indeed, let me just demonstrate here, if I might, a two-sided piece of paper which is, I suppose, something like 14 inches long, issued by the State of Maryland, pursuant to Maryland law, by the Patuxent and Potomac Water Filtration Plants. It is just unintelligible. I think this is what everybody is going to receive. Let me give an illustration. It says down here, ''1-1, dichlorothane; 1-3, dichloropropane.'' That goes on to say that it deals with a number of micrograms per liter. It is not detected, it says, in Patuxent and in Potomac. Again, ''maximum monthly averages not detected.'' And it goes on to say that there is no limit established up or down by EPA on this.

In other words, apparently, the Maryland law is that there must be close to 80 substances or potential contaminants that have to be notified. Anybody that receives this—99.9 percent of the people that receive it must say, ''What is this?'' and dispose of it in the wastebasket.

It seems to me that it is really an unnecessary expenditure. So, Madam President, I reluctantly oppose the amendment by the Senator from California on the basis that if some State wants it, go ahead and do it. That is their business. If they do not want to do it, then we have some protective provisions in the current law, as I have previously pointed out.

Mr. BAUCUS. Madam President, how much time is remaining on each side?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. BAUCUS. Madam President, I will take 4 minutes. All of us greatly admire the Senator from California. I do not know any Senator, frankly, who is a stronger advocate for environmental protection than the Senator from California. She is very persistent and perceptive in her efforts to protect the environment. She has already said—and I think most Senators agree—that the bill before us is a very good safe drinking water bill. It sets very good—more than good, excellent standards—that apply to States around the country as they direct their systems to comply with certain standards and contaminant levels and so forth.

The amendment the Senator from California offers, I think, goes too far. Essentially, it says that what California is doing, issuing reports to each consumer with respect to a whole lot of information, now must apply to all States; that is, the Federal Government must adopt the same requirement. It is regulatory overkill.

Let me very briefly indicate some of the specifics that this amendment would require systems to provide to consumers. It would require reporting the source—I do not know whether this means groundwater, rivers, or whatever. It requires reporting on content, that could be most anything. The quality of the water requirement is vague. A multiworded explanation of the health implications of contaminants relative to national primary drinking water regulations is required. Even though the State and the system may

be meeting all the standards, still consumers have to be notified as to the health implications of those contaminants—even though regulated. I am just touching the tip of the iceberg listing the requirements that must be given to consumers. The long and short of it is, if California or any State wants to, according to its own law, require a whole host of information about what the water contains, even though the system is meeting all the standards required by law, then let that State make that decision.

One reason we are here today writing this bill and making amendments to the Safe Drinking Water Act is because, under the 1986 amendments to the act, we unfortunately required systems, States, and the EPA to do way too much, to dilute its resources pursuing a lot of different efforts, instead of concentrating on the most egregious contaminants and problems and focusing priorities on the problems a system should meet to make sure the water is as pure as can be for the consumers.

If systems do what this amendment proposes, it would further dilute and distract resources. Systems would have to spend a lot of time trying to figure out what all this is, even though they are doing what is required of them and meeting the law.

I urge Senators to look and see what is in this amendment. I think they will realize that we should not be requiring all States to do something that one State may want to do. If a State chooses to do so, fine. This does not limit States from taking these actions. I do not think we should require all this additional information which, as the Senator from Rhode Island pointed out, is not going to be read. I know the interest groups will do a good job of filing lawsuits and doing whatever they want to do if a State system is not meeting standards. They should. I take my hat off to them. But we should not go overboard with a lot of red tape and bombard people with information they are not even going to read.

Mr. LAUTENBERG. Madam President, as the author the community right-to-know law that requires notification of the public of releases of toxics into the environment, I rise in support of the amendment of the Senator from California, Senator BOXER.

This amendment requires local water providers to notify their customers at least annually of the quality of their drinking water so they can properly monitor the water for possible health effects.

Madam President, shining the light on the behavior of corporations and governments has repeatedly led to significant environmental advances. When accidents, or discharges, or violations must be reported to the customers, quality improves. This has been proven dramatically in the case of the community right-to-know legislation.

The right-to-know law does not require a company to lower its use or emissions of any chemical one ounce. The right-to-know law was intended to notify neighbors about chemicals that were being discharged. Companies did not like the bad publicity.

In addition, the law brought to the attention of corporate executives the fact that expensive chemicals were leaving their facilities as waste, not product. In response to these reports, companies voluntarily instituted pollution prevention measures that have lowered toxic releases tremendously. Emissions from facilities have decreased 42 percent nationwide since 1989; a reduction of two billion pounds.

Virtually none of those reductions were required by federal law; they were voluntarily done by companies who found a better way to do business, encouraged by this law.

Senator BOXER's amendment is likely to have similar, positive effects. It will mean cleaner drinking water for consumers. It also will give individual Americans complete information about the quality and safety of their drinking water. This will allow consumers to decide for themselves whether they want to buy bottled water, or take other steps to protect themselves from unhealthy drinking water.

I urge support for this amendment.

Mrs. BOXER. I thank the Senator from New Jersey; he is the author of the community right-to-know law that requires notification to the public of releases of toxics in the environment. He strongly backs this amendment. He says, ''This will allow consumers to decide for themselves whether they want to buy bottled water, or take other steps to protect themselves.'' This is life and death, Madam President.

Madam President, has all time expired on the other side?

The PRESIDING OFFICER. There is 3 minutes 30 seconds remaining.

Mrs. BOXER. I would appreciate it if they will take their time so I can finish the debate. It is my amendment.

Mr. BAUCUS. Madam President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from California has 5 minutes. The Senator from Rhode Island has 3 minutes 30 seconds.

Mrs. BOXER. I will retain 1 minute of my time, and I will speak for 4 minutes. First of all, I think the comments made by my colleagues are terrific, but they are not right.

Madam President, I have to make a number of points here. My colleague from Montana says, oh, what does this mean, and he holds up this amendment. This has been in operation in California for 6 years. Nobody ever asks what does it mean. Everyone thinks it is terrific, and everybody understands what it means.

In addition, we worked with the EPA because they had constructive suggestions. They worked with us on every word of this amendment.

My friend from Idaho makes a point that I would like to address. He says, ''My God, we go a long way in this bill. You have to be told there is a violation if your water standard is in violation of the law.''

I have to point out to my friend that in 1993 the GAO did a very important report entitled ''Consumers Often Not Well-Informed of Potentially Serious Violations in their Water Supply.'' They concluded that 63 percent of violations were not reported at all. Of these, over half of the violations posed serious long-term health risks such as long-term cancer risk.

Now, that is GAO. That is not some environmental organization. That is an investigative arm of the Congress. The fact is, these violations more than half the time are not reported. I do not want to wait for there to be an outbreak of cryptosporidium and people die and then we notify them, ''Boil your water.''

I think people have a right to know on a regular basis what is in their water. I do not think it is in any way encroaching.

We are so clear: Systems that serve 10,000 persons or less are exempted from this. Governors can opt out by explaining why. And the cost, if you take the maximum cost, is 23 cents per household per year. Madam President, 23 cents per year to know if there is cryptosporidium in your water.

Just talk to someone who lost a loved one from cryptosporidium in the water supply. Would it be worth 23 cents a year? And, by the way, the Governor can opt out. So there is no unfunded mandate if the Governor can opt out.

The American Public Health Association wants to see this amendment become the law of the land. This is not extreme. This is a national safe drinking water act. National standards are set. We should be standing up here for the consumer, for taxpayers, for that water user who pays for that water, to have the information they need to keep their families safe.

The first time there is an outbreak of cryptosporidium, people will rush to this floor and say, ''BOXER was right,'' and so was Senator DASCHLE because he happens to be the lead cosponsor, and Senator LAUTENBERG who spent so much of his career making sure consumers have the right to know if there are toxins in our environment.

I would like to add Senator KOHL as a cosponsor.

Mr. CHAFEE. Madam President, let me just say this to the very able arguments of the Senator from California. They are able arguments.

I suppose that when she makes the point that the Governor can opt out or that it does not apply to those systems of 10,000 or less that it works the other way around.

If this is such a vital amendment and so necessary, why do we have it that a Governor can just opt out of it? Or if it is so important, why do we exclude 87 percent of the water systems in the Nation? Madam President, 87 percent of the water systems in the Nation serve 10,000 or fewer people.

That is not to say that 87 percent of the population is served by that. I am not making that suggestion. But 87 percent of all the water systems in the Nation are small ones. They are exempt from this bill.

Madam President, I say this is a good piece of legislation. One of the things we have done here is to provide money to train the operators of these systems to be better. We have provided for better technical assistance than previously existed. We encourage consolidations.

I think we have done a lot of things to improve the safety of the water that the users drink, in addition to the provisions that I have previously mentioned that deal specifically with notification in case the water is not safe.

I do appreciate the arguments of the distinguished Senator.

The PRESIDING OFFICER. The Senator from Rhode Island has 1 minute and 43 seconds remaining.

Mr. BAUCUS. Madam President, the Senator from California makes a very impassioned statement. It sounds very good.

The facts are, very simply, if California or if any State wants to go far above and beyond what is required by Federal law, I think it makes sense for that State to do so if that State wants to do so. I do not think the Federal Government should make this additional requirement on all States just because California is doing it. If California wants to, fine. But the U.S. Congress should not make a judgment as to whether an additional requirement to each individual consumer, which has no bearing whatever to whether the systems in a State meet standards. If the State wants to, fine. I do not think the Federal Government should make that requirement on all States.

Mr. CHAFEE. We yield back the balance.

Mrs. BOXER. Madam President, I will finish. When anyone does not like an argument, they tell you you are emotional. Let me just say the American Public Health Association is not emotional about this. They just say, ''We need to know. We need to know what is in our water supply.''

I say to my friend from Rhode Island, the distinguished and able chairman, for whom I have the greatest respect, that 83 percent of the American people will be covered by this Boxer amendment because they are served by the larger water systems.

To those who oppose this amendment, I ask, suppose that your loved one is elderly or ill, has a compromised immune system because of cancer, chemotherapy, a recent transplant, or for other reasons, or there is a little baby in the house that you are mixing that formula with water from the tap, suppose you knew your water supplier knew all along there was a level of cryptosporidium in the water but never told you, because in 63 percent of the cases, the GAO says they do not report violations.

That is not emotion. That is fact. The GAO study found 63 percent of the violations are not reported. I make sure if cryptosporidium is in your water system, you would know whether you live in Maine or California or Montana or Rhode Island or South Carolina.

I hope that people will vote against the motion to table, which I assume is on its way. I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. CHAFEE. Madam President, I move to table the amendment of the distinguished Senator from California, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

Mr. CHAFEE. It is my understanding we have 10 minutes equally divided to wrap up amendments or statements before we go to the vote.

AMENDMENT NO. 3079

(Purpose: To provide that monitoring requirements imposed on a substantial number of public water systems be established by regulation)

Mr. CHAFEE. I have one last amendment, Madam President, that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself, Mr. KEMPTHORNE, Mr. BAUCUS, and Mr. REID, proposes an amendment numbered 3079.

Mr. CHAFEE. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 132, line 5, strike ''methods.'' and insert ''methods. Information requirements imposed by the Administrator pursuant to the authority of this subparagraph that require monitoring, the establishment or maintenance of records or reporting, by a substantial number of public water systems (determined in the sole discretion of the administrator), shall be established by regulation as provided in clause (ii).''.

Mr. CHAFEE. Madam President, this amendment tightens up EPA's information-gathering authorities under the law. The amendment would require EPA to impose new monitoring reporting or record-keeping requirements only by rule of a public comment if those requirements would effect a substantial number of public water systems.

This amendment has been cleared on both sides. We are prepared to adopt it.

The PRESIDING OFFICER. Is there any further debate?

The question is on agreeing to the amendment.

The amendment (No. 3079) was agreed to.

Mr. CHAFEE. I move to reconsider the vote.

Mr. BAUCUS. I move to lay it on the table.

The motion to lay on the table was agreed to.

SOURCE WATER PROTECTION

Mr. KOHL. Madam President, as all the managers of this bill are acutely aware, an emergency outbreak of the parasite cryptosporidium in Milwaukee in 1993 resulted in the deaths of over 100 citizens and caused nearly 400,000 others to become severely ill. I believe that many provisions included in this legislation will be helpful in protecting future generations from the threat of cryptosporidium and other microbial contaminants, and I thank the managers for that.

Certainly the Milwaukee outbreak has demonstrated the need for strong source water protection programs. In fact, the State of Wisconsin has one of the most respected sources water protection programs in the Nation. However, even with that program, the Milwaukee cryptosporidium outbreak occurred. Although the Wisconsin Priority Watershed Program is primarily a voluntary program, working in a cooperative manner with landowners in targeted watersheds, the program does have the authority to enforce against the small minority of landowners in a targeted watershed who refuse to cooperate with the commonsense conservation efforts of their neighbors.

While I know that it is the intention of the managers to create a new, Source Water Quality Protection Partnership Program which is voluntary in nature, I want to be able to assure the citizens of my State that the Wisconsin Priority Watershed Program will not be discriminated against in S. 1316, as a result of having an enforcement authority.

Mr. CHAFEE. I completely understand the concerns of the Senator from Wisconsin, and I agree that the Wisconsin Priority Watershed Program is one of the most outstanding water quality programs in this country. In that context, I want to assure the Senator that S. 1316 in no way discriminates against the Wisconsin program, or any other State program, on the basis of that program's enforcement authority. While States choosing to participate in the new Source Water Quality Protection Partnership Program are required to use the voluntary approach, other sections of the bill would provide programs like Wisconsin's Priority Watershed Program access to funding from the State revolving fund. States that choose the Source Water Quality Protection Partnership approach are also authorized to use SRF funding.

Mr. BAUCUS. I concur in the response made by the Senator from Rhode Island. This bill does not discriminate against State or local programs that include enforcement authority, it merely sets up a different framework. Both purely voluntary programs, as well as programs like the Wisconsin Priority Watershed Program, are authorized to use funding from the State's SRF allocation through state administration of a

source water quality protection program.

Mr. KOHL. I thank the managers for this clarification and for working with me on this important matter.

Mr. FEINGOLD. I, too, am pleased that this bill contains a requirement for the development of a national standard for cryptosporidum. Several times this Congress, I have raised the issue that the cryptosporidum outbreaks are no longer Milwaukee's problem, but the country's problem, and that there should be action to ensure that enforceable national requirements are developed. However, relative to the bill's provisions that create a new petition program for voluntary sourcewater protection, I share the concerns of the senior Senator from Wisconsin, [Mr. KOHL].

I want to be certain that Wisconsin is not penalized for the actions it has already taken to protect source water. As mentioned by the senior Senator from Wisconsin [Mr. KOHL] our State's efforts to protect source waters from contaminated runoff centers around the Wisconsin Nonpoint Source Water Pollution Abatement Program, often referred to as the priority watershed program based upon its watershed approach to controlling polluted runoff. The program provides grants to local units of government in urban and rural watersheds, which reimburse up to 70 percent of costs associated with installing best management practices. By the end of 1994, the State has been actively engaged in 67 projects, including 4 large-scale and 3 lake initiatives, and more than 82 large-scale projects are eligible to participate in the program.

Our State's program follows an extensive land use inventory and water resource appraisal process, and public participation is a critical component of the program. By in large participation has been voluntary, but the State does retain the authority to require participation after the protection plan is developed.

I concur in the importance of assuring that this bill allows Wisconsin's current program to access the SRF and appreciate the statements made by the floor managers to that effect.

STAGE I RULEMAKING

Mr. CHAFEE. Madam President, I would like to clarify the application of the new standard setting authorities established by the bill to the stage I rulemaking for disinfectants and disinfection byproducts that EPA has proposed.

The use of chlorine to kill pathogenic organisms in drinking water presents a real challenge. On the one hand, disinfection of public water supplies is a public health miracle. One of the witnesses at our hearings on this bill called it the single most important public health advance in history. On the other hand, the use of chlorine as a disinfectant may produce chemical byproducts in the water that present other health risks.

EPA has proposed a rule for disinfectants and disinfection byproducts that attempts to balance these risks. The proposed rule was developed through a regulatory negotiation that included representatives of local governments, water agencies and water supply districts, and public interest groups. EPA used this approach because current law does not contain explicit authority to balance risks in the way that EPA has proposed to do in this rulemaking. Presumably, one reason for the negotiation was to avoid a subsequent court challenge to the rule.

Now, we are changing the law and we are including explicit authority for the Administrator to take a risk balancing approach where it is appropriate. These changes would authorize EPA to issue the type of rule that has been proposed in stage I for disinfection byproducts. But in passing this bill, we face a delicate legislative task. We want to endorse the risk balancing approach that EPA is taking and make it clear that the statute as amended authorizes such a rule—including the stage I rule—but we don't want these new statutory provisions to disturb the negotiated agreement that is incorporated in the rule that EPA has proposed.

Mr. KEMPTHORNE. I would ask the distinguished chairman of the Environment and Public Works Committee whether the bill would prevent EPA from modifying the proposed rule. If new information indicates that the stage I rule as proposed does not strike an appropriate balance among the competing health risks, could EPA modify the rule when it is promulgated?

Mr. CHAFEE. It is my understanding that the agreement negotiated by the parties to the disinfection byproducts rulemaking does provide that the final stage I rule may include modifications if new information warrants those changes. The bill does not preclude changes that are within the scope of the agreement.

However, these new standard setting authorities are not to be the basis for making changes in the rule as it was proposed, nor was it our intent to require the Administrator to repropose the stage I proposed rule to conduct additional risk balancing under new section 1412(b)(5). However, if subsequent to enactment, someone should discover an inconsistency, the bill specifically precludes a change in the proposed rule to resolve that inconsistency. Furthermore, the bill insulates the rule from a court challenge on the basis of any inconsistency, should one be found. We do not intend to disrupt the results of the negotiation.

Mr. BAUCUS. The committee report at page 38 says that the bill does not apply to the stage I rulemaking because that rule has already been proposed in a detailed form. Does the Senator's statement affect that part of the committee report?

Mr. CHAFEE. Yes. The purpose of this statement is to establish that in one sense the new authority contained in section 1412b(5) does apply to the stage I rulemaking.

As I said, we are attempting a delicate legislative task here. We are changing the statute to provide EPA with explicit authority to set standards that balance risks. But we do not want the detailed provisions of this new authority to upset a specific rule of that type that has recently been proposed. We want to make clear that EPA is authorized by the Safe Drinking Water Act, as it is amended by this bill, to issue the stage I rule. If this bill is enacted and the stage I rule is promulgated as it was proposed, no one could bring a court challenge against the rule on the grounds that it wasn't authorized by the statute.

At the same time, the stage I rule is not to be tested against the specific provisions of the statute to determine whether it is consistent in every respect. it may not be. So long as the final stage I rule stays within the parameters of the agreement negotiated by the parties, it is authorized by the statute as amended.

The bill applies to the stage I rule because EPA is given general authority to issue a rule that is consistent with the negotiated agreement; but the specific provisions of the risk balancing authorities in the new subsection 1412(b)(5) are not to be applied by EPA or by the courts in determining whether the final rule is in accordance with the law. That determination is to be based on the agreement that was signed by the parties to the negotiation.

Nothing in this bill affects the applicability of new subsection 1412(b)(5) to the stage II rulemaking on disinfection by products.

Madam President, that completes everything on this side. I inform all Senators, immediately following the vote on the motion to table the Boxer amendment, we will then go to final passage.

I ask, if proper, for the yeas and nays on final passage at this time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CHAFEE. Madam President, the delay here is we are waiting a possible additional colloquy with the distinguished Senator from Nebraska.

Madam President, how much time of the 10 minutes is left?

The PRESIDING OFFICER. There are 5 minutes remaining.

Mr. CHAFEE. If the Senator from California wished that minute, this is the time, if she would like.

AMENDMENT NO. 3078

Mrs. BOXER. Madam President, I will take advantage of that one moment to simply say what we are trying to do in this amendment is to give support to the public health community, which says it is very important. We have the support of EPA and the American Public Health Association, and a number of other organizations, that

consumers have a right to know, just once a year, what is in their water.

It is not something we feel is burdensome. As a matter of fact, we say the EPA has to issue regulations that make it simple. The Democratic leader is supporting this. Senator LAUTENBERG is supporting this. Senator KOHL, whose State had a terrible outbreak of cryptosporidium and lost lives, is supporting it. We think this is extremely reasonable. It is not an unfunded mandate. Governors can opt out of this. Small water systems can opt out of this. The large water systems serve 83 percent of our people.

We think this is a solid amendment and we urge a ''no'' vote on the motion to table.

I yield the remainder of my time.

The PRESIDING OFFICER. There are 4 minutes remaining. Is there further debate?

Mr. CHAFEE. Madam President, while we are preparing several colloquies to submit for the RECORD, I will take this brief opportunity to thank everybody involved. Particularly, I thank the distinguished chairman of the subcommittee, Senator KEMPTHORNE, for his splendid work on this. He has really been a tower of strength and the leader of this whole effort.

Also, I thank the ranking member, Senator BAUCUS, and Senator REID, the ranking member of the subcommittee, and all the staff for their wonderful work. I particularly thank Jimmie Powell on this side, who really was very, very effective.

PUBLIC WATER SYSTEM DEFINITION

Mr. KEMPTHORNE. Some questions have arisen about how section 24(b) of the bill, which amends the definition of public water systems, applies to certain irrigation systems. As the committee report explains, the provision is intended to address a narrow set of situations, such as the one that was involved in the Imperial Irrigation court decision, where an irrigation system is knowingly providing drinking water to a large number of customers. However, it is my understanding that the provision does not apply to irrigation systems that only intend to provide water for such purposes as irrigation and stock watering, and do not intend that water be withdrawn for drinking water use.

Mr. BAUCUS. I agree with Senator KEMPTHORNE's interpretation. In the arid west, where irrigation systems may cover vast distances, it would be unfair and impractical to treat an irrigation system as a public water system just because a number of people withdraw water for drinking water use without the permission or knowledge of the system, and I do not believe that the provision applies to such situations.

Mr. KEMPTHORNE. Does the manager of the bill share this view.

Mr. CHAFEE. Yes. The Safe Drinking Water Act defines a public water system as a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals. In describing a public water system, EPA's regulations and guidance use such terms as ''serves'' and ''delivers,'' usually in the context of ''customers.'' These terms are clearly contrary to a situation where the irrigation system does not either consent to having water withdrawn for human consumption, or know that such withdrawals are occurring with respect to the requisite number of connections or customers.

Mr. KEMPTHORNE. Questions also have arisen about how the new provision would apply to irrigation systems that provide water to municipal drinking water systems, which then treat the water and provide it to customers for human consumption. Would these irrigation systems be treated as public water systems on this basis?

Mr. CHAFEE. No. Under the new provision, a connection is not considered, for purposes of determining whether an entity is a public water system, if the water is treated by a pass-through entity to achieve a level of treatment equivalent to the level provided by applicable drinking water regulations. In the case you describe, the municipal water system would be providing such treatment, and the irrigation system's provision of water to the municipal water system would not be considered a connection.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Madam President, I commend the floor manager, Senator CHAFEE, for his efforts, not only during the months that it took us to get here but for his demeanor today on the floor. I also thank Senator BAUCUS, the other floor manager of this very important legislation, and Senator REID, for this legislation that is going to be well received by all the States and municipalities throughout the United States and their constituents.

I thank the staffs of Senator BAUCUS and Senator REID and the staff of Senator CHAFEE: Jimmie Powell and Steve Shimberg; and acknowledge my staff, Meg Hunt, Ann Klee, and Buzz Fawcett, and thank all the Senators who participated today, in their suggestions or debate, for their improvements to the bill.

I look forward to what is about to happen, which is we are going to astound our families by voting on final passage of this at a relatively early hour. Then I suggest all Senators go home, have supper with their families, and raise a toast of safe drinking water to what we have accomplished today.

Mr. CHAFEE. We have no need for further time, Madam President.

VOTE ON AMENDMENT NO. 3078

The PRESIDING OFFICER. All time has expired.

The question now occurs on the motion to table the amendment offered by the Senator from California, amendment No. 3078.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 59, nays 40, as follows:

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 587 Leg.]

YEAS—59

Abraham	Faircloth	McCain
Ashcroft	Frist	McConnell
Baucus	Gorton	Moynihan
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Breaux	Grassley	Nunn
Brown	Gregg	Pressler
Bryan	Hatch	Reid
Burns	Hatfield	Roth
Campbell	Helms	Santorum
Chafee	Hutchison	Shelby
Coats	Inhofe	Simpson
Cochran	Johnston	Smith
Coverdell	Kassebaum	Specter
Craig	Kempthorne	Stevens
D'Amato	Kerrey	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Exon	Mack	

NAYS—40

Akaka	Ford	Lieberman
Biden	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Murray
Bradley	Heflin	Pell
Bumpers	Hollings	Pryor
Byrd	Inouye	Robb
Cohen	Jeffords	Rockefeller
Conrad	Kennedy	Sarbanes
Daschle	Kerry	Simon
Dodd	Kohl	Snowe
Dorgan	Lautenberg	Wellstone
Feingold	Leahy	
Feinstein	Levin	

So, the motion to lay on the table the amendment (No. 3078) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mrs. HUTCHISON). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 588 Leg.]

YEAS—99

Abraham	Bryan	D'Amato
Akaka	Bumpers	Daschle
Ashcroft	Burns	DeWine
Baucus	Byrd	Dodd
Bennett	Campbell	Dole
Biden	Chafee	Domenici
Bingaman	Coats	Dorgan
Bond	Cochran	Exon
Boxer	Cohen	Faircloth
Bradley	Conrad	Feingold
Breaux	Coverdell	Feinstein
Brown	Craig	Ford

Frist	Kennedy	Pell
Glenn	Kerrey	Pressler
Gorton	Kerry	Pryor
Graham	Kohl	Reid
Gramm	Kyl	Robb
Grams	Lautenberg	Rockefeller
Grassley	Leahy	Roth
Gregg	Levin	Santorum
Harkin	Lieberman	Sarbanes
Hatch	Lott	Shelby
Hatfield	Lugar	Simon
Heflin	Mack	Simpson
Helms	McCain	Smith
Hollings	McConnell	Snowe
Hutchison	Mikulski	Specter
Inhofe	Moseley-Braun	Stevens
Inouye	Moynihan	Thomas
Jeffords	Murkowski	Thompson
Johnston	Murray	Thurmond
Kassebaum	Nickles	Warner
Kempthorne	Nunn	Wellstone

So the bill (S. 1316), as amended, was passed.

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. KEMPTHORNE. Madam President, I move to reconsider the vote.

Mr. COATS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. COATS. Madam President, I ask unanimous consent that there now be a period for morning business.

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

REPORT OF THE AGREEMENT FOR COOPERATION IN THE PEACEFUL USES OF NUCLEAR ENERGY BETWEEN THE UNITED STATES AND THE EUROPEAN ATOMIC ENERGY COMMUNITY—MESSAGE FROM THE PRESIDENT—PM 99

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153 (b), (d)), the text of a proposed Agreement for Cooperation in the Peaceful Uses of Nuclear Energy Between the United States of America and the European Atomic Energy Community (EURATOM) with accompanying agreed minute, annexes, and other attachments. (The confidential list of EURATOM storage facilities covered by the Agreement is being transmitted directly to the Senate Foreign Relations Committee and the House International Relations Committee.) I am also pleased to transmit my written approval, authorization and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and other attachments, including the views of the Nuclear Regulatory Commission, is also enclosed.

The proposed new agreement with EURATOM has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 (NNPA) and as otherwise amended. It replaces two existing agreements for peaceful nuclear cooperation with EURATOM, including the 1960 agreement that has served as our primary legal framework for cooperation in recent years and that will expire by its terms on December 31 of this year. The proposed new agreement will provide an updated, comprehensive framework for peaceful nuclear cooperation between the United States and EURATOM, will facilitate such cooperation, and will establish strengthened nonproliferation conditions and controls including all those required by the NNPA. The new agreement provides for the transfer of nonnuclear material, nuclear material, and equipment for both nuclear research and nuclear power purposes. It does not provide for transfers under the agreement of any sensitive nuclear technology (SNT).

The proposed agreement has an initial term of 30 years, and will continue in force indefinitely thereafter in increments of 5 years each until terminated in accordance with its provisions. In the event of termination, key nonproliferation conditions and controls, including guarantees of safeguards, peaceful use and adequate physical protection, and the U.S. right to approve retransfers to third parties, will remain effective with respect to transferred nonnuclear material, nuclear material, and equipment, as well as nuclear material produced through their use. Procedures are also established for determining the survival of additional controls.

The member states of EURATOM and the European Union itself have impeccable nuclear nonproliferation credentials. All EURATOM member states are party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). EURATOM and all its nonnuclear weapon state member states have an agreement with the International Atomic Energy Agency (IAEA) for the application of full-scope IAEA safeguards within the respective territories of the nonnuclear weapon states. The two EURATOM nuclear weapon states, France and the United Kingdom, like the United States, have voluntary safeguards agreements with the IAEA. In addition, EURATOM itself applies its own stringent safeguards at all peaceful facilities within the territories of all member states. The United States and EURATOM are of one mind in their unswerving commitment to achieving global nuclear nonproliferation goals. I call the attention of the Congress to the joint U.S.-EURATOM ''Declaration on Non-Proliferation Policy'' appended to the text of the agreement I am transmitting herewith.

The proposed new agreement provides for very stringent controls over certain fuel cycle activities, including enrichment, reprocessing, and alteration in form or content and storage of plutonium and other sensitive nuclear materials. The United States and EURATOM have accepted these controls on a reciprocal basis, not as a sign of either Party's distrust of the other, and not for the purpose of interfering with each other's fuel cycle choices, which are for each Party to determine for itself, but rather as a reflection of their common conviction that the provisions in question represent an important norm for peaceful nuclear commerce.

In view of the strong commitment of EURATOM and its member states to the international nonproliferation regime, the comprehensive nonproliferation commitments they have made, the advanced technological character of the EURATOM civil nuclear program, the long history of extensive transatlantic cooperation in the peaceful uses of nuclear energy without any risk of proliferation, and the fact that all member states are close allies or close friends of the United States, the proposed new agreement provides to EURATOM (and on a reciprocal basis, to the United States) advance, long-term approval for specified enrichment, retransfers, reprocessing, alteration in form or content, and storage of specified nuclear material, and for retransfers of nonnuclear material and equipment. The approval for reprocessing and alteration in form or content may be suspended if either activity ceases to meet the criteria set out in U.S. law, including criteria relating to safeguards and physical protection.

In providing advance, long-term approval for certain nuclear fuel cycle activities, the proposed agreement has features similar to those in several other agreements for cooperation that the United States has entered into subsequent to enactment of the NNPA. These include bilateral U.S. agreements with Japan, Finland, Norway and Sweden. (The U.S. agreements with Finland and Sweden will be automatically terminated upon entry into force of the new U.S.-EURATOM agreement, as Finland and Sweden joined the European Union on January 1, 1995.) Among the documents I am transmitting herewith to the Congress is an analysis by the Secretary of Energy of the advance, long-term approvals contained in the proposed U.S. agreement with EURATOM. The analysis concludes that the approvals meet all requirements of the Atomic Energy Act.

I believe that the proposed agreement for cooperation with EURATOM will make an important contribution to achieving our nonproliferation, trade and other significant foreign policy goals.

In particular, I am convinced that this agreement will strengthen the

international nuclear nonproliferation regime, support of which is a fundamental objective of U.S. national security and foreign policy, by setting a high standard for rigorous nonproliferation conditions and controls.

It will substantially upgrade U.S. controls over nuclear items subject to the current U.S.-EURATOM agreement as well as over future cooperation.

I believe that the new agreement will also demonstrate the U.S. intention to be a reliable nuclear trading partner, and thus help ensure the continuation and, I hope, growth of U.S. civil nuclear exports to EURATOM member states.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act of 1954, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 29, 1995.*

MESSAGES FROM THE HOUSE

At 12:25 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2519. An act to facilitate contributions to charitable organizations by codifying certain exemptions from the Federal securities laws, and for other purposes.

H.R. 2525. An act to modify the operation of the antitrust laws, and of state laws similar to the antitrust laws, with respect to charitable gift annuities.

The message also announced that the House has passed the following bill, without amendment:

S. 1060. An act to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

The message further announced that the House has agreed to the concurrent resolution, in which it requests the concurrence of the Senate.

H. Con. Res. 116. Concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1060.

The message also announced that the House has agreed to the concurrent resolution, without amendment:

S. Con. Res. 33. Concurrent resolution expressing the thanks and good wishes of the American people to the Honorable George M. White on the occasion of his retirement as the Architect of the Capitol.

The message further announced that pursuant to section 2702(a)(1)(B)(vi) of Public Law 101–509, the Clerk appoints Mr. Roger Davidson of Washington, D.C., as a member from private life, to the Advisory Committee on the Records of Congress on the part of the House.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 1432. A bill to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1627. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, notice to use other than full and open competition to negotiate a single prime contract with the United Space Alliance; to the Committee on Commerce, Science, and Transportation.

EC–1628. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of four violations of the Antideficiency Act, case number 92–78; to the Committee on Appropriations.

EC–1629. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94–08; to the Committee on Appropriations.

EC–1630. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report entitled, ''Imposition of Foreign Policy Export Controls on Specially Designed Implements of Torture and Thumbscrews''; to the Committee on Banking, Housing, and Urban Affairs.

EC–1631. A communication from the Deputy and Acting Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, the comprehensive litigation report for the period April 1 to September 30, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–1632. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within 5 days of enactment; to the Committee on the Budget.

EC–1633. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report under the Superfund Amendments and Reauthorization Act of 1986 (SARA) for fiscal year 1995; to the Committee on the Environment and Public Works.

EC–1634. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report entitled, ''National Maxium Speed Limit'' for fiscal year 1993; to the Committee on the Environment and Public Works.

EC–1635. A communication from the chairman of the Good Neighbor Environmental Board, transmitting, pursuant to law, the first annual report concerning environmental and infrastructure needs within the States contiguous to Mexico; to the Committee on the Environment and Public Works.

EC–1636. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on abnormal occurrences for events at licensed nuclear facilities for the period April 1 to June 30, 1995; to the Committee on Environment and Public Works.

EC–1637. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1142. A bill to authorize appropriations for the National Oceanic and Atmospheric Administration, and for other purposes (Rept. No. 104–178).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

Arthur L. Money, of California, to be an Assistant Secretary of the Air Force.

(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.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MCCAIN:

S. 1433. A bill to direct the Secretary of Energy to establish a system for defining the scope of energy research and development projects, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THOMAS (for himself, Mr. DOLE, Mr. DOMENICI, Mr. SIMPSON, Mrs. KASSEBAUM, Mr. FAIRCLOTH, Mr. THOMPSON, and Mr. COCHRAN):

S. 1434. A bill to amend the Congressional Budget Act of 1974 to provide for a two-year (biennial) budgeting cycle, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee has thirty days to report or be discharged.

By Mr. MCCONNELL (for himself and Mr. WARNER):

S. 1435. A bill to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf

of non-profit organizations and governmental entities; to the Committee on the Judiciary.

By Mr. LAUTENBERG:

S. 1436. A bill to amend the Federal Water Pollution Control Act to allow certain privately owned public treatment works to be treated as publicly owned treatment works, and for other purposes; to the Committee on Environment and Public Works.

By Mr. THURMOND:

S. 1437. A bill to provide for an increase in funding for the conduct and support of diabetes-related research by the National Institutes of Health; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself, Mr. DASCHLE, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FORD, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. NUNN, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S. Res. 196. A resolution relative to the death of the Reverend Richard Halverson, late the Chaplain of the U.S. Senate; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN:

S. 1433. A bill to direct the Secretary of Energy to establish a system for defining the scope of energy research and development projects, and for other purposes; to the Committee on Energy and Natural Resources.

DEFINING THE SCOPE OF ENERGY RESEARCH AND DEVELOPMENT PROJECTS LEGISLATION

● Mr. MCCAIN. Mr. President, at a time in which we are trying to reduce the deficit and improve the efficiency of government, we should not be funding research and development projects that are ill defined and poorly managed because of a lack of direction and purpose. We should not be providing Federal dollars to any program in which it is not clear how the American public will benefit from its investment. It only stands to reason that if the private sector will not fund efforts in which there is not some return on its investment, the Federal Government should not either.

Furthermore, we should not be funding efforts that the private sector should be funding because of its huge payoff to the private sector and minimal payoff to the American public. If there is shared benefits to be realized by both, then the effort should be cost shared between the two.

The Department of Energy spends approximately $7 billion a year on research and development activities. They cover a wide range of science and engineering issues in the energy field. Any savings due to an improvement in the efficiency and the effectiveness of the management system will amount to several millions of dollars.

Mr. President, I am introducing a bill that will begin to address this issue. The bill will require the Secretary of Energy to establish a project definition system for research and development projects in which projects costs are expected to exceed $1 million.

It is expected that by requiring this project definition system prior to funding any project, costly revisions in project plans and directions may be avoided. The project definition document, the product of the project definition system, will provide the foundation by which more detailed project plans can be developed. It is expected that this system will also further ensure that the Department is not funding projects that are not addressing a known problem.

The bill identifies a number of issues or questions to be resolved prior to the funding of a project. Included are such things as project cost, duration, future users or beneficiaries, cost sharing, and expected outcome.

However, also included in this list is the criteria to be used to determine the end of the project or the end of Government funding. For many years, Government-sponsored projects have gone on for years without any clear end in sight. They have consumed years of funding with little or no benefit for continuation. By having this criteria established at the beginning of the project, this practice will be stopped. With this stoppage of Government support, any cost-sharing partners may continue with the project if they decide to do so.

Mr. President, I feel this bill takes a step in the right direction of ensuring that our public resources are invested wisely and responsibly. I feel that if the Department can invest a little more time, more money, at the beginning of these expensive research and development projects, it can avoid some of the costly type of mistakes that it has made in the past—mistakes due to ill-defined projects and lack of proper planning.

I look forward to further discussions with my colleagues on how to further improve this bill. I hope my colleagues will join me in supporting this bill as we debate the future of the Department of Energy and work to eliminate projects that can and should be undertaken by the private sector, we should at the very least seek ways to ensure a direction and efficiency in the projects we do undertake.●

By Mr. THOMAS (for himself, Mr. DOLE, Mr. DOMENICI, Mr. SIMPSON, Mrs. KASSEBAUM, Mr. FAIRCLOTH, Mr. THOMPSON, and Mr. COCHRAN):

S. 1434. A bill to amend the Congressional Budget Act of 1974 to provide for a 2-year—biennial—budgeting cycle, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days to report or be discharged.

THE BIENNIAL BUDGETING ACT OF 1995

Mr. THOMAS. Mr. President, I rise today to introduce a bill that creates a biennial budgeting cycle. It seems to me it is particularly appropriate to do that now. We have spent almost this entire year dealing with the budget. Surely it has been an unusual budget year in that we are attempting to make some changes, fundamental changes, in direction. But it is not otherwise unusual. As a matter of fact, since 1977, there have been 55 continuing resolutions, which would indicate we need to change the budgeting process. I am joined in this effort by a number of Senators originally and hope to have more: Senator DOLE, Senator DOMENICI, Senator SIMPSON, Senator KASSEBAUM, Senator FAIRCLOTH, Senator THOMPSON and Senator COCHRAN.

There are a lot of things we ought to be doing. We ought to be dealing with health care. We have not finished that problem. We ought to be dealing with regulatory reform. Most everyone agrees with that. Telecommunications, where we can deregulate and move forward with the things that will create jobs and move us forward. Personally, I believe we ought to be doing something with rangeland reform. Some of us live in States where 50 to 80 percent of the surface belongs to the Federal Government and is managed by the Federal Government. We need to change some of those things. Foreign policy—we need to be involved more in foreign policy. I think we find ourselves drifting into situations where we need to make policy in certain places and the administration says, gosh, we do not want to do that until we get an agreement, and then, after we have an agreement, it is too late to talk about it. So, essentially, the Congress is outside of foreign policy. That is wrong. We ought to be talking about endangered species, and a number of things that need to be done.

Instead, Mr. President, as you know, we spend almost all our time deciding on how we are going to fund the Government. Most States—the Presiding Officer, I think, in his State of Missouri, served as Governor—have biennial budgets. There are a couple of advantages to that, certainly. One of them is that it gives a little longer time for agencies to plan. Rather than every year, they have more tenure in their budgeting. They can plan longer. More important, I think, it allows the Congress, then, to have some time to do the other things, one of which is oversight of the budget.

I suspect that the budget debate will not be over in this session of Congress until next year. I suspect in less than 2 months we will be moving into another budget debate which consumes all of our time. I already mentioned that since 1977 we have had 55 continuing resolutions. We have had too many repetitive votes. We are back on the same thing over and over and over again without any new issue.

So there has not been, and continues not to be, enough time for vigorous oversight. I suspect one of the principal functions of the legislative body ought to be oversight of the budgets that they have approved to ensure that they are, indeed, being spent as they were designed to be spent and to discover how they can be spent more efficiently and more effectively. That is one of the things we have had very little time to do.

The provisions of this bill are rather simple. By the way, this is not a new idea. This has been introduced a number of times, been considered and supported by many Members of this body. It creates a 2-year authorization of appropriation and budget resolutions so that you set it out in a block and say here we are. It is not much more difficult to do it for 2 years than 1. You simply have a block of 2 years in which to do a budget. It is not difficult at all. All budgetary activities would take place during the first session of Congress. So in the second session you would have a chance to go back and provide some oversight to what is being done with the money that has been appropriated. Oversight in nonbudgetary matters would be taken up in the second session of Congress. There would be an opportunity to do the kinds of policy things that the Congress is designed to do in addition to spending all of our time funding the Government. Benefits, of course, would promote timely action on the budget, and would eliminate some of the redundancy. We need to do that. It would provide more time for effective oversight in the off years, and it would help so that we can reduce the size of Government.

It would also reduce the number of times where there is potential for the kinds of congressional-Presidential conflicts that arise so often as in the process now that arises. If would allow the budget to be adopted in the first year of the President's term, and in the first year of the sessions of Congress so that new Congresses can implement their budget, and then have a year for oversight. It would encourage longer-term planning in the agencies.

I think that is one of the keys to reducing the cost of Government. There have been very many programs, of course, that need to be analyzed, and that have to have applied to them priorities. Things need to be done much better—things that could be transferred to local governments, and closer to the people. Those things all are often a result of oversight.

There is a good deal of support for this proposition, as there has been in the past—Citizens Against Government Waste, the Hudson Institute, Concord Coalition, Cato Institute, Committee for Responsible Federal Budgeting—a 20-year history of legislative bipartisan support in this Congress supported by Presidents Bush and Reagan over the years.

Mr. President, this is obviously not a cure-all. Budgets are difficult. The allocation of money to activities is not easy, and it is terribly important. But I submit to you that it can be done as well in 2-year blocks, and the results will be much better. The results will be much better for the operations of Congress. The results will be much better for the operations of Government.

By Mr. MCCONNELL (for himself and Mr. WARNER):

S. 1435. A bill to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities; to the Committee on the Judiciary.

THE VOLUNTEER PROTECTION ACT

Mr. MCCONNELL. Mr. President, volunteer service has become a high-risk venture. Our ''sue happy'' legal culture has ensnared those selfless individuals who help worthy organizations and institutions through volunteer service. And, these lawsuits are proof that no good deed goes unpunished.

In order to relieve volunteers from these million dollar liability judgments, I am pleased to introduce the Volunteer Protection Act.

The litigation craze is hurting the spirit of voluntarism that is an integral part of American society. From school chaperones to Girl Scout and Boy Scout troop leaders to good samaritan doctors and nursing home aides, volunteers perform valuable services. And, these volunteers are being dragged into court and needlessly and unfairly sued. The end result? Too many people pointing fingers and too few offering a helping hand.

So, this bill creates immunity from lawsuits for those volunteers who act within the scope of their responsibilities, who are properly licensed or certified where necessary, and who do not cause harm willfully and wantonly.

In addition to creating a Federal standard for volunteer protection, the bill allows the States to add further refinements to the Federal standard. This will give the States a degree of flexibility and it strikes a balance between the federalism interest and the need to protect volunteers from these lawsuits. If a State enacts one or more of these additional criteria, the State law will be consistent with the Federal standard:

A requirement that the organization or entity adhere to risk management procedures, including the training of volunteers.

A requirement that the organization or entity be accountable for the actions of its volunteers in the same way that an employer is liable for the acts of its employees.

An exemption from the liability protection in the event the volunteer is using a motor vehicle or similar instrument.

An exemption from the liability protection if the lawsuit is brought by a State or local official in accordance with State or local law.

A requirement that the liability protection applies only if the nonprofit organization or government entity provides a financially secure source of recovery, such as an insurance policy, for those who suffer harm.

I ask unanimous consent that a copy of the bill be printed in the RECORD and Legal Backgrounder entitled, ''Unfair Lawsuits Threaten Volunteers'' as well as the American Tort Reform Association's ''A Few Facts About Volunteer Liability'' also be printed in the RECORD.

Mr. President, this bill is widely supported by those organizations who rely on volunteers to provide important services to our communities. Some 150 organizations have endorsed this bill and I ask that a list of the Coalition for Volunteer Protection be printed in the RECORD.

I look forward to the Senate's consideration of this bill and to prompt passage. We cannot afford not to enact this legislation. Our communities are depending upon us.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 1435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Volunteer Protection Act of 1995''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) the willingness of volunteers to offer their services is deterred by potential for liability actions against them and the organizations they serve;

(2) as a result, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, and other civic programs, have been adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs

than would be obtainable if volunteers were participating; and

(4) because Federal funds are expended on useful and cost-effective social service programs, many of which are national in scope, depend heavily on volunteer participation, and represent some of the most successful public-private partnerships, protection of volunteerism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal legislation.

(b) PURPOSE.—The purpose of this Act is to promote the interests of social service program beneficiaries and taxpayers and to sustain the availability of programs, nonprofit organizations, and governmental entities that depend on volunteer contributions by reforming the laws to provide protection from personal financial liability to volunteers serving nonprofit organizations and governmental entities for actions undertaken in good faith on behalf of such organizations.

SEC. 3. PREEMPTION.

This Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional incentives or protections to volunteers, or category of volunteers.

SEC. 4. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS.—Except as provided in subsections (b) and (d), no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by an act or omission of the volunteer on behalf of the organization or entity if—

(1) the volunteer was acting within the scope of his or her responsibilities in the nonprofit organization or governmental entity at the time of the act or omission;

(2) if appropriate or required, the volunteer was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State undertaken within the scope of his or her responsibilities in the nonprofit organization or governmental entity; and

(3) the harm was not caused by willful and wanton misconduct by the volunteer.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS WITH RESPECT TO ORGANIZATIONS.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION.—Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to harm caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—If the laws of a State limit volunteer liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this Act:

(1) A State law that requires the organization or entity to adhere to risk management procedures, including mandatory training of volunteers.

(2) A State law that makes the organization or entity liable for the acts or omissions of its volunteers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that the limitation of liability does not apply if the volunteer was operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or vehicle owner to possess an operator's license or to maintain insurance.

(4) A State law that the limitation of liability does not apply if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(5) A State law that the limitation of liability shall apply only if the nonprofit organization or governmental entity provides a financially secure source of recovery for individuals who suffer harm as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

SEC. 5. DEFINITIONS.

For purposes of this Act—

(1) the term ''economic losses'' means objectively verifiable monetary losses, including past and future medical expenses, loss of past and future earnings, cost of obtaining replacement services in the home (including child care, transportation, food preparation, and household care), cost of making reasonable accommodations to a personal residence, loss of employment, and loss of business or employment opportunities;

(2) the term ''harm'' includes physical, nonphysical, economic, and noneconomic losses;

(3) the term ''noneconomic losses'' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature;

(4) the term ''nonprofit organization'' means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(5) the term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession; and

(6) the term ''volunteer'' means an individual performing services for a nonprofit organization or a governmental entity who does not receive—

(A) compensation (other than reimbursement or allowance for expenses actually incurred); or

(B) any other thing of value in lieu of compensation,

in excess of $300 per year, and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

SEC. 6. EFFECTIVE DATE.

This Act applies to any claim for harm caused by an act or omission of a volunteer filed on or after the date of enactment of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such date of enactment.

AMERICAN TORT REFORM ASSOCIATION,
Washington, DC.

VOLUNTEER LIABILITY

In October 1983, Craig Fredborg celebrated his birthday by climbing Box Springs Mountain, overlooking Riverside, California. To his companions' horror, Fredborg slipped on a boulder and plummeted some 90 feet, sustaining severe spinal injuries.

Alerted that Fredborg lay helpless on the slope, Walter Walker, now 54, and his son Kevin, 31, and teammates from the volunteer Riverside Mountain Rescue Unit scrambled to aid a physician and a paramedic in mounting a ticklish nighttime helicopter evacuation. Over the last 30 years, the unit's volunteers have saved hundreds of lives. But for their troubles, the Walkers and the others involved in the emergency mission were sued two years later by the victim, who asked $12 million in damages, claiming that 'reckless and negligent' rescue techniques had caused him to become a quadriplegic.

The lawsuit eventually was dropped. But not before the Walkers lost a lot of hours from their family printing business giving depositions and meeting with defense attorneys provided them by the county sheriff's department. Perhaps the most significant consequence of the suit, says Walker, is that meticulous documentation and planning procedures have been instituted in its wake to forestall future liability claims. 'Probably we were a little weak in that,' he concedes. Nevertheless, he adds, 'It definitely has slowed us down in getting the team into the field . . . Concern about liability exposure has complicated how we look at every mission.' ''—David O. Weber, ''A Thousand Points of Fright?'', Insurance Review, February 1991.

A man who was high on LSD was rescued by a student, after he had jumped from a 30 foot dockside bar into a seven foot pool of water. The man suffered a broken neck and was left paralyzed for life. However, he subsequently sued both the school and the student. The judge eventually threw the case out, but unfortunately, this is just another prime example of a waste of tax payers money.—Mississippi Press, May 2, 1993.

''Amateur referees at softball diamonds, high school stadiums and college field houses are finding that their decisions can trigger major-league lawsuits.'' An Iowa souvenir company faced with a suddenly devalued inventory challenged the last-second foul call of a part-time Big Ten basketball official with a $175,000 negligence suit. The official eventually won his court battle, but only after a costly two-year fight that went all the way to the Iowa Supreme Court.

''Some of our people got to the point where they were just afraid to work because of the threat of lawsuits,'' says Dottie Lewis of the Southwest Officials Association in Dallas. The Association provides officials for scholastic games.

A New Jersey umpire was sued by a catcher who was hit in the eye by a softball while playing without a mask; he complained that the umpire should have lent him his. The catcher walked away with a $24,000 settlement.—The Wall Street Journal, Friday, August 11, 1989.

58% of the principals responding to a survey sponsored by the National Association of Secondary School Principals said that they had noticed a difference in the kinds of school programs being offered in schools because of liability concerns, and the use of non-faculty volunteers was affected. Typically, parent volunteers assist schools with tutoring, science programs, class trips and social activities.—1989 Survey Members of the National Association of Secondary School Principals.

NATIONAL COALITION FOR VOLUNTEER PROTECTION

Academy of Medicine of Columbus and Franklin County, Air Force Association, Alabama Forestry Association, Alabama Oilmens Association, Alabama Textile Manufacturers Association, Alliance for Fire and Emergency Management, American Association of Blood Banks, American Association

of Equine Practitioners, American Association of Museums, American Association of Nurserymen, American Association of Occupational Health Nurses, American Chamber of Commerce Executives, American College of Emergency Physicians—National Office.

American College of Healthcare Executives, American Diabetes Association Kentucky Affiliate, American Hardware Manufacturers Association, American Horse Council Incorporated, American Horticultural Therapy Association, American Industrial Hygiene Association, American Institute of Architects North Carolina Chapter, American Physical Therapy Association California Chapter, American Physical Therapy Association Louisiana Chapter, American Production and Inventory Control Society, American Red Cross, American Society of Anesthesiologists, American Society of Association Executives, American Society of Mechanical Engineers Washington Office, American Society of Safety Engineers.

American Tort Reform Association, Anchorage Convention and Visitors Bureau, Arizona Academy of Family Physicians, Arizona Cable Television Association, Arizona Contractors Association, Arizona Motor Transport Association, Arkansas Hospital Association, Arkansas Hospitality Association, Arkansas Pharmacists Association, Arthritis Foundation National Office, Associated Builders and Contractors of Wisconsin Incorporated.

Associated California Loggers, Associated Industries of Massachusetts, Association Management Services, Association of Graphic Communications, Baton Rouge Apartment Association, Beacon Consulting Group, Building Industry Association of Tulare/Kings Counties Incorporated, California Association of Employers, California Association of Marriage and Family Therapists, California Chamber of Commerce, California Dental Association, California Independent Petroleum Association, California Society of Enrolled Agents, Catholic Health Association, Chicagoland Chamber of Commerce.

Childrens Alliance, Colorado Society of Association Executives, Community and Economic Development Association of Cook County Incorporated, Community Associations Institute, Connecticut Association of Not for Profit Providers for the Aging, Council of Community Blood Centers, Eastern Building Material Dealers Association, Fazio International Ltd, Financial Managers Society Incorporated, Florida Nurserymen and Growers Association Incorporated, Florida Optometric Association, General Federation of Womens Clubs, Greater Washington Society of Association Executives, Home Builders Association Holland Area, Home Builders Association of Kentucky.

Howe and Hutton Limited, Illinois Lumber and Material Dealers Association Incorporated, Independent Insurance Agents of Arkansas, Independent Insurance Agents of Virginia, Independent Sector, International Association for Financial Planning, Iowa and Nebraska Equipment Dealers Association, Iowa Bankers Association, Iowa Society of Certified Public Accountants, Kansas City Area Hospital Association, Kentucky Automobile Dealers Association Incorporated, Kentucky Derby Festival Incorporated, Kentucky Grocers Association, Kentucky Medical Association, Literacy Volunteers of America.

Long Island Convention and Visitors Bureau, MACU Association Group, Maine Association of Broadcasters, Maryland State Dental Association, Massachusetts Association of Rehabiitation Facilities, Mechanical Contractors Association of America Incorporated St. Louis Chapter, Metropolitan Detroit Plumbing and Mechanical Contractors Association, Michigan Chamber of Commerce, Michigan Dental Association, Michigan Pork Producers Association, Midwest Equipment Dealers Association Incorporated, Minnesota Automobile Dealers Association, Minnesota Electrical Association, Mississippi Malt Beverage Association.

Mississippi Optometric Association, Missouri Association of Homes for the Aging, Missouri Automobile Dealers Association, Modular Building Institute, National Association for Campus Activities, National Association of Hosiery Manufacturers, National Electrical Contractors Association St. Louis Chapter, National Electronic Distributors Association, National Federation of Nonprofits, National Glass Association, National Parent Teachers Association, National Small Business United, National Society of Professional Engineers, National Student Nurses Association, Nevada Association of Realtors.

Nevada Society of Certified Public Accountants, North American Equipment Dealers Association, Ohio Lumberman's Association, Ohio Osteopathic Association, Ohio Society of Association Executives, Ohio Society of Certified Public Accountants, Oklahoma Public Employees Association, Professional Meetings and Association Services, Public Risk Management Association, Recreation and Welfare Association, Relationship Management Incorporated, Religious Conference Management Association, Smith Bucklin and Associates Incorporated Washington Office, Soroptimist International of the Americas.

South Dakota Dental Association and Foundation, Texas Association of Nurserymen Incorporated, Texas Land Title Association, Texas Oil Marketers Association, Towing and Recovery Association of America, United States Hang Gliding Association, United States Pony Clubs, United Way of America, Utah Mechanical Contractors Association, Virginia Society of Association Executives, Water Environment Federation, Western Retail Implement and Hardware Association, Wisconsin Home Organization, Wisconsin League of Financial Institutions Ltd, Wisconsin Ready Mixed Concrete Association, Wisconsin Restaurant Association, Wisconsin Wholesale Beer Distributors Association, YMCA of the USA.

150 Members as of November 27, 1995.

WASHINGTON LEGAL FOUNDATION,
Washington, DC, December 16, 1994.

UNFAIR LAWSUITS THREATEN VOLUNTEERS

(By William J. Cople III)[1]

Volunteer service is under assault from an unlikely quarter—the civil justice system. Like so many others, volunteers and their service organizations have been swept into the courts to face potential liability in civil suits. Under the rule of law, our actions are judged by common standards of conduct. This provides the basis for the courts to recognize rights and afford remedies to those who claim to be aggrieved. But civil justice should not be used recklessly to inhibit beneficial conduct that may involve some amount of risk. In order for volunteer service to survive and prosper, the civil justice system must find an equilibrium under which it recognizes and protects personal and property rights without stifling the volunteer spirit so necessary to a vital and self-reliant community.

Efforts to achieve this balance have been hindered by the civil justice system itself. Both federal and state courts seem to be trapped in a disturbing pattern of recognizing novel rights and enlarging the scope of existing rights in an effort to redress a multitude of real and perceived wrongs and injuries. The courts have regrettably found rights, and corresponding remedies, to exist in cases involving grievances that are trivial or mundane and in cases where acts or omissions were not previously understood to be a legal wrong. In other cases, judges and juries have found serious injuries and other matters of grave concern to deserve recompense, even though the legal duty was uncertain or the causal connection to the harm was attenuated.

As a result, the value of rights that historically have been recognized in the courts as a proper subject of redress has been debased by according them respect no greater than the most tenuous rights now being recognized. Moreover, the expansion of potential liability may diminish desirable and beneficial conduct, such as the willingness to serve as a volunteer. In the past, the courts seem to have understood that some circumstances, even ones of tragic proportion, are simply caused by accident or misfortune, and not necessarily by culpable conduct on the part of any other person. Yet, this now has become an unacceptable conclusion. Every conceivable circumstance in which we deal and interact with each other seems to create a victim. This has spawned the civil litigation clogging the courts, as every victim of circumstances seeks compensation by shifting the blame for those circumstances to someone else.

An unfortunate effect of this civil litigation is to heighten the risks of volunteer service. In thousands of service organizations, volunteers give freely of their time and effort to support activities that they believe to be worthwhile for a host of personal reasons. This is done without expectation of compensation or other remuneration of any kind. Nonetheless, many volunteer organizations have been forced by the growing threat of civil litigation to purchase and maintain liability insurance or other forms of legal indemnity covering volunteers for their services.

Even with insurance coverage, the increasing risk of litigation no doubt has a chilling effect on the willingness and enthusiasm of volunteers to donate their time and effort. Many volunteers may think twice before becoming involved, while others may continue to participate, but curtail their services to those activities that seem relatively risk-free. Still others may cease to be a volunteer, out of an abundance of caution and justifiable aversion to being caught up in civil litigation. Quantifying the effects of increased risk of civil liability on volunteer service will have to await empirical evidence. It is fair to say, however, that volunteers themselves have become victims of the civil justice system. The increasing propensity to enlarge the universe of rights and award compensation, often in stunning amounts, may be to the detriment of volunteer service.

This danger was illustrated recently in a personal injury lawsuit brought against volunteers serving a local council of the Boy Scouts of America. In a case brought in Oregon state court, Powell v. Boy Scouts of America, et al., a youth seriously injured in an activity sponsored by Scouting sued the Boy Scouts and its adult volunteers for negligence.

The Boy Scouts of America is a national volunteer service organization, chartered by the U.S. Congress in 1916, pursuant to 36 U.S.C. §§21–29. Acting primarily through its volunteers, the Boy Scouts is dedicated to the training of youth in accordance with long-established Scouting ideals and principles. Id. §23. The Boy Scouts operates

[1] William J. Cople III is a partner with the Washington, D.C. law firm of Spriggs & Hollingsworth and serves pro bono as the General Counsel of the National Capital Area Council of the Boy Scouts of America.

through several hundred local Scout councils. Community organizations within each Council, including churches, schools, and civic groups, among others, conduct Scouting programs and activities. The availability of these programs and activities depends upon individual volunteers willing to devote considerable time and effort in providing adult supervision for participating Scouts. These volunteers provide their time and resources to support the Council and the local organizations. They not only develop and plan the Scouting activities, but also raise the funds in the community necessary to support them. Without these volunteers, the Boy Scouts would be deprived of its principal resource for carrying out its national charter as a youth service organization.

In the Powell case, several adults in Portland, Oregon volunteered to supervise an outing of the Sea Explorers, a Scouting unit in the Boy Scouts' Cascade Pacific Council. In a tragic accident, one of the young men participating in the Sea Explorer outing suffered a paralyzing injury in a rough game of touch football. The injured youth, who was 16 years of age at the time of the accident, broke his neck during the football game and is now quadriplegic. At least one of the adult volunteers apparently knew that the boys were throwing a football around, but neither observed the game in which the boy was injured.

Based on this incident, the injured youth filed a personal injury lawsuit against the Boy Scouts and the Columbia Pacific Council (predecessor to Cascade Pacific Council) in Multnomah County Circuit Court, Oregon. The suit alleged that the youth's injury was foreseeable and preventable, and that the Boy Scouts and its volunteers negligently failed to supervise him adequately during the Sea Explorer outing.

The Court dismissed the original lawsuit, evidently based on an insufficient nexus between the Boy scouts and the youth's injury. Subsequently, the injured young man filed his personal injury lawsuit directly against two of the adult volunteers who participated in the Sea Explorer outing. Following trial, an Oregon jury entered a verdict against the two adult volunteers, finding them liable for some $7 million. In one of the largest monetary verdicts in Oregon, the jury awarded $4.89 million dollars for future care and lost earnings plus $2.14 million dollars for pain and suffering. In accordance with Oregon state law, the amount of the verdict will be reduced by the proportionate negligence, approximately one-third, that the jury assigned to the injured youth for his own negligent conduct. The Oregon Circuit Judge presiding at trial also reduced the amount awarded by the jury for pain and suffering to $500,000, reflecting a statutory limit on noneconomic damages that may be awarded in personal injury suits in Oregon.

The Oregon jury's verdict in this case against the Sea Explorer adult volunteers brings the civil justice dilemma into striking focus. The case was born of a tragic accident in which a young man's life and future were forever changed by a debilitating permanent injury. But this tragedy may have been compounded, not alleviated, by finding culpability and imposing liability on the adult volunteers under circumstances suggesting an enlargement of the volunteers' legal duty. The jury seemingly held the volunteers to a standard of care requiring them constantly to supervise the youth entrusted to their charge, even for activities which under other circumstances may routinely be permitted without such meticulous oversight.

Any parent entrusting their children to the care and supervision of another should expect and demand that all reasonable and prudent care be taken in discharging that responsibility. However, this does not mean that this duty of care must be carried out in such an extraordinary manner that only constant supervision of the youth in their care, regardless of age and other factors, will suffice for volunteers to satisfy their legal responsibility. Certainly, the circumstances surrounding tragic incidents should be carefully examined. All relevant facts and circumstances should be given due weight and consideration in judging whether an adult volunteer has adequately met the responsibility to supervise a child entrusted to his care. But circumstances will nonetheless occur where senseless tragedies happen without anyone being legally to blame. As in the case of other legal duties, adequate supervision should mean reasonable and prudent conduct as required under the circumstances as they existed at the time. Organizations serving the youth in our community, as well as those fulfilling other beneficent purposes, should not be forced into the role of guaranteeing a safe harbor free of all risk. Likewise, neither should volunteers be held a standard that may be infeasible, or even unattainable.

To choose otherwise would mean that the civil justice system needs to resolve every mishap and inexplicable tragedy by identifying someone to bear legal responsibility for a victim of those circumstances. This may, or may not, have happened in the case of the Multnomah County Circuit Court jury's verdict against the Scout volunteers. But the circumstances of the case, and the available evidence that has been reported, seem to suggest that the jury overreached in an effort to assign blame.

As is the case of the Oregon verdict against the Sea Explorer volunteers, there are a great many cases involving injury to person, property, or other rights, which are anything but trivial. In fact, their dimensions may be so tragic that such cases motivate judges or juries to find fault and assign blame where it might otherwise hesitate and decline to do so. The judgments entered in such cases, however, have other serious consequences. They obscure the standards of conduct under which we should expect to comport ourselves. This expectation of being able to determine, before we act, whether we are engaging in conduct that is right or wrong is a critical component to civil justice. Moreover, when civil litigation affords redress to every injury, regardless of whether the circumstances justify it under the rule of law, those rights that are long established and highly prized are commensurately demeaned. If virtually every injury is entitled to compensation, then the most important rights become lost in the sea of compensable grievances that the courts recognize. Finally, we need to underscore that a legal judgment entered in a single case can have a multitude of consequences extending far beyond that case itself. This surely is a reason for concern in the case of volunteers to service organizations.

The Boy Scouts afford their volunteers certain insurance liability coverage or other indemnity for their acts or omissions that may occur in the course of providing services as a Scouting volunteer. This coverage is far from unlimited. Similarly, other youth service and charitable organizations may also be able to provide such insurance coverage for their volunteers, but still others may not. Even with insurance coverage available, many of the most talented and energetic volunteers may eschew volunteer service, fearing that their good intentions will buy themselves a lawsuit. This is a particularly invidious effect, which is difficult to measure and even harder to correct. Existing and prospective volunteers may refuse to participate in many organizations out of a genuine concern with accepting an unreasonable risk of potential liability. Volunteers who might otherwise be motivated to serve may be deterred from doing so based solely on this concern for liability.

The Supreme Court of the United States aptly characterized the problem in *Parratt* v. *Taylor* 451 U.S. 527, 101 S. Ct. 1908 (1981). In Parratt, a prisoner, who lost his mail order hobby materials when normal procedures for receipt of mail packages were not followed, brought a federal civil rights case for the alleged deprivation of a Constitutional right. In its decision in that case, the Court seemed to forewarn the civil justice system that not every wrong is entitled to redress as a violation of Constitutional rights because ''[i]t is hard to perceive any logical stopping place for such a line of reasoning.'' *Id.* at 544. The Court's observation, though made in the context of a civil rights suit more than ten years ago, is equally salient today. The civil justice system should not recognize a legal right for every victim of circumstances. The rule of law should be used to define our standards of conduct and promote consistency and reasonable expectations in their application. The case involving the Sea Explorer volunteers in Oregon serves to reveal a truth. Despite the best of intentions, when misused or used in unpredictable ways, the civil justice system ends up serving no one, least of all those who volunteer.●

By Mr. LAUTENBERG:

S. 1436. A bill to amend the Federal Water Pollution Control Act to allow certain privately owned public treatment works to be treated as publicly owned treatment works, and for other purposes; to the Committee on the Environment and Public Works.

THE MUNICIPAL WASTEWATER TREATMENT FACILITY PRIVATE INVESTMENT ACT OF 1995

Mr. LAUTENBERG. Mr. President, I rise to introduce the Municipal Wastewater Treatment Private Investment Act. This bill will remove an impediment to private investment in municipal wastewater treatment facilities and in doing so, will improve water quality, provide increased fiscal flexibility to local governments, and create jobs.

Mr. President, our Nation's waters are a priceless resource. They provide recreational opportunities, habitat for fish and wildlife, and drinking water among other uses. But we cannot assure our citizens that our waterways will be clean unless we have adequate wastewater treatment facilities.

And our wastewater treatment needs are staggering. According to the 1992 EPA National Needs Survey, it will cost the United States $112 billion to build necessary wastewater treatment facilities. My State of New Jersey's wastewater treatment needs alone are $4.759 billion. This includes close to $2 billion for wastewater treatment plants necessary for compliance with the Clean Water Act and an estimated $1.29 billion to reduce discharges of bacteria, garbage and other floatable debris, and other untreated waste from combined sewer overflows. The remaining needs are to construct new sewers and repair existing sewers.

Federal dollars are necessary but insufficient to build these facilities. The

Senate VA/HUD appropriations bill includes $1.5 billion for State revolving loan funds. This funding level alone is insufficient to pay the costs local communities will have to bear to comply with the Clean Water Act. In addition, State revolving loan assistance will have to address other water quality needs such as storm water and nonpoint source pollution.

Local communities are looking increasingly to privatization of local governmental programs as a way to pay for these programs. This is an obvious way for them to minimize the costs associated with Federal requirements, which are eating into their budgets. And the Federal Government should do everything possible to assist these efforts.

In 1992, President Bush issued Executive Order 12803, which made it easier for local governments to privatize facilities that have received Federal financing—including wastewater treatment facilities. EPA Administrator Carol Browner has expressed her support to continue these efforts. In a letter she wrote to Mr. Edward Limbach, vice president of the American Water Works Co. in Voorhees, NJ, Ms. Browner said:

> [W]e need to provide communities the opportunity to work more closely with the private sector in financing environmental infrastructure. Local officials are in the best position to develop capital financing structures that meet their particular needs. We find that communities throughout the Nation are taking the lead in ''reinventing government'' and acknowledging the ability of private capital to enhance public investment. The EPA is committed to supporting these communities and allowing them flexibility in financing the infrastructure systems needed to achieve the environmental protection our citizens demand.

EPA has an initiative underway to encourage private investment in wastewater treatment facilities.

I urge the Congress to join with the administration in providing flexibility to local officials struggling to address the wastewater needs of this country. One problem identified by EPA which requires legislation concerns the phrase ''publicly owned treatment works'' or [POTWs]. This is the phrase used in the Clean Water act to identify what we all know to be municipal sewage facilities. Under the act, POTWs, treating municipal waste, are required to provide a level of treatment known as secondary treatment. However, if a private company offered to provide the same municipal waste services to the same community, it would have to meet a different treatment standard only because it is not a publicly owned treatment work.

Mr. President, the level of wastewater treatment should be based on the quality of the receiving water, or a national technology standard—it should not turn on the tax status of the owner of the sewer pipe.

My bill would define publicly owned treatment works to include wastewater facilities which are privatized or jointly owned by public and private partners. The legislation would remove the uncertainty regarding the environmental standards governing privately owned wastewater treatment facilities providing municipal wastewater services. It would require the same environmental standards for municipal wastewater treatment facilities owned in whole or in part by private investors as would apply to publicly owned treatment works. Communities and their citizens should not face an additional burden imposed by the Federal Government simply because they are developing innovative means to pay for a clean environment.

This bill would have numerous positive benefits. Perhaps most importantly, it would lead to more construction of wastewater treatment facilities. According to a report done by NatWest Washington Analysis, potential private investment in municipal wastewater treatment facilities could reach $2 billion a year. This would double the Federal investment in wastewater facilities.

To the extent that this investment is in new facilities, there will be more treatment facilities and cleaner water. The legislation also would help private capital flow into wastewater systems facing upgrades, expansions and new requirements.

Under the legislation, private and public/private facilities would have to comply with all of the same requirements that publicly owned facilities must comply with. Industrial facilities discharging into sewers and treatment plants, whether public or private, would continue to be subject to the pretreatment requirements of the Clean Water Act.

The legislation also will lead to additional jobs. According to a study prepared by Apogee Research, every $1 billion spent on wastewater facility investment generates 34,200 to 57,400 jobs.

The bill also would mean more capital investment to protect and prolong the extensive Federal investment in existing structures.

Privatization gives local governments which must comply with the Clean Water Act an additional fiscal tool for construction and maintenance of these facilities. It provides equitable treatment of communities that choose to pursue alternative financing on their own rather than depending on limited Federal funds.

Mr. President, this bill will help the private sector provide the infrastructure financing which is essential for economic growth. It will give local governments with limited financial resources another tool to address their budgetary problems. It will generate jobs. And it will improve the quality of the Nation's waters.

This proposal is endorsed by the National Association of Water Companies, the National Council for Public-Private Partnership, the Utility and Transportation Contractors Association of New Jersey, the National Utility Contractors Association, and the Water and Wastewater Equipment Manufacturers Association.

I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be included in the RECORD.

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

S. 1436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Municipal Wastewater Treatment Facility Private Investment Act of 1995''.

SEC. 2. FINDINGS.

Congress finds that—

(1) municipal wastewater treatment construction needs exceed $100,000,000,000;

(2) Federal assistance for State revolving loan programs will provide funding for only a portion of the municipal wastewater treatment facilities;

(3) increasing the amount of funds invested by the private sector in municipal wastewater treatment facilities would—

(A) help address the funding shortfall referred to in paragraph (2);

(B) stimulate economic growth;

(C) lead to an increase in the construction of wastewater treatment facilities and jobs;

(D) result in a cleaner environment; and

(E) provide a greater degree of fiscal flexibility for local governments in meeting Federal mandates; and

(4) the most effective way to encourage an increase in the level of involvement of the private sector in the provision of municipal wastewater services is to provide for the uniform regulation of municipal wastewater treatment plants without regard to whether the wastewater treatment plants are publicly or privately owned or under the control of a public and private partnership.

SEC. 3. PUBLICLY OWNED TREATMENT WORKS DEFINED.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following new paragraphs:

''(21) As used in titles I, III, and IV, and this title, the term 'publicly owned treatment works' means a device or system used in the collection, storage, treatment, recycling, or reclamation of municipal wastewater (or a mixture of municipal wastewater and industrial wastes of a liquid nature) with respect to which all or part of the device or system—

''(A) was constructed and is owned or operated by a State or municipality;

''(B) was constructed, owned, or operated by a State or municipality and the ownership has been transferred (in whole or in part) to a private entity that is a regulated utility or that has in effect a contract with a State or municipality to receive municipal wastewater (or a mixture of municipal wastewater and industrial wastes of a liquid nature) from sewers, pipes, or other conveyances, if the facility is used in a manner prescribed in the matter preceding subparagraph (A) by the private entity; or

''(C) is owned or operated by a private entity that is a regulated utility or that has in effect a contract with a State or municipality to receive municipal wastewater (or a mixture of municipal wastewater and industrial wastes of a liquid nature) from sewers, pipes, or other conveyances within a service area that would otherwise be served by the

State or municipality, if the facility is used in a manner prescribed in the matter preceding subparagraph (A).

''(22) The term 'regulated utility' means a person, firm, or corporation with respect to which—

''(A) a State water pollution control agency grants a license to own or operate (or both) a wastewater treatment facility; and

''(B) a State regulates the fees or other charges of the utility.''.

By Mr. THURMOND:

S. 1437. A bill to provide for an increase in funding for the conduct and support of diabetes-related research by the National Institutes of Health; to the Committee on Labor and Human Resources.

THE DIABETES RESEARCH ACT

Mr. THURMOND. Mr. President, I am pleased to rise today, along with my able colleague Senator SIMON, to introduce the Diabetes Research Act. Diabetes is a chronic, and often fatal, disease affecting more than 14 million Americans. Billions of dollars are spent annually to care for those afflicted by this disease. It is the fourth leading cause of death in the United States and a major cause of kidney disease, heart disease, amputation, and adult blindness. Scientists tell us that medical research holds a cure for diabetes, yet the problem persists.

In February of this year, I attended the Capitol Summit on Diabetes Research where leading scientists from around the Nation presented a comprehensive plan to direct diabetes research to a cure by the turn of the century. Recent evidence indicates that we are on the verge of uncovering new prevention, screening, and treatment procedures that will dramatically improve diabetes therapy and lead to a cure in the very near future.

The bill I am introducing today will substantially increase the funds available to the National Institutes of Health for diabetes research. I believe that at this critical juncture in the fight to end diabetes, it is imperative that we provide additional funding to our scientists who are on the verge of finding a cure. Every year, over $100 billion is spent caring for the 14 million citizens suffering with the complications of this devastating disease. This bill increases the authorization by $315 million for diabetes research. In light of the emotional and financial burden that diabetes brings to our country, I believe that this bill represents a prudent, invaluable investment in our Nation's future. I urge my colleagues to join me in cosponsoring this critical legislation so that we can end diabetes, and end the pain that this disease brings to its sufferers and their loved ones.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Diabetes Research Act of 1995''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Diabetes is a serious health problem in America.

(2) More than 14,000,000 Americans suffer from diabetes.

(3) Diabetes is the fourth leading cause of death in America, taking the lives of 162,000 people annually.

(4) Diabetes disproportionately affects minority populations, especially African-Americans, Hispanics, and Native Americans.

(5) Diabetes is the leading cause of new blindness, affecting up to 39,000 Americans each year.

(6) Diabetes is the leading cause of kidney failure requiring dialysis or transplantation, affecting up to 13,000 Americans each year.

(7) Diabetes is the leading cause of nontraumatic amputations, affecting 54,000 Americans each year.

(8) The cost of treating diabetes and its complications are staggering for our Nation.

(9) Diabetes accounted for health expenditures of $105,000,000,000 in 1992.

(10) Diabetes accounts for over 14 percent of our Nation's health care costs.

(11) Federal funds invested in diabetes research over the last two decades has led to significant advances and, according to leading scientists and endocrinologists, has brought the United States to the threshold of revolutionary discoveries which hold the potential to dramatically reduce the economic and social burden of this disease.

(12) The National Institute of Diabetes and Digestive and Kidney Diseases supports, in addition to many other areas of research, genetic research, islet cell transportation research, and prevention and treatment clinical trials focusing on diabetes. Other research institutes within the National Institutes of Health conduct diabetes-related research focusing on its numerous complications, such as heart disease, eye and kidney problems, amputations, and diabetic neuropathy.

SEC. 3. NATIONAL INSTITUTES OF HEALTH; INCREASED FUNDING REGARDING DIABETES.

With respect to the conduct and support of diabetes-related research by the National Institutes of Health—

(1) in addition to any other authorization of appropriations that is available for such purpose for the fiscal year involved, there are authorized to be appropriated for such purpose such sums as may be necessary for each of the fiscal years 1996 through 2000; and

(2) of the amounts appropriated under paragraph (1) for such purpose for a fiscal year, the Director of the National Institutes of Health shall reserve—

(A) not less than $155,000,000 for such purpose for the National Institute of Diabetes and Digestive and Kidney Diseases; and

(B) not less than $160,000,000 for such purpose for the other national research institutes.

Mr. SIMON. Mr. President, during this National Diabetes Awareness Month, I am pleased to join my colleague Senator STROM THURMOND in introducing the Diabetes Research Act of 1995, a bill to authorize increased funding for diabetes research. It is identical to legislation introduced in the House earlier this year by Representative ELIZABETH FURSE and Representative GEORGE R. NETHERCUTT, Jr.

Information from the National Institute of Diabetes and Digestive and Kidney Diseases shows there has been a dramatic increase recently in the number of Americans with diabetes—almost a 50 percent increase since 1983. About 15 million Americans now have diabetes, and an estimated half of them do not know they have the disease.

Diabetes is one of the leading causes of death by illness in the United States. It can lead to blindness, kidney failure, heart disease, stroke, and nerve damage. And it affects minority groups two to three times more frequently than others.

The rapid increase is taking place primarily in type II diabetes—adult-onset diabetes—which makes up 95 percent of cases. This type of diabetes is usually diagnosed at age 51, and with increasing numbers of Americans in this age range, we can expect an even higher incidence of diabetes in the future.

The diabetes-related costs to the Nation each year are estimated at over $100 million. And each day, thousands of Americans are facing blindness, amputation of extremities, and heart disease as a result of the disease.

We need to make research in this area a priority, and that is the purpose of the $315 million increase in NIH funding in this bill. The good news is, diabetes research is making great strides, and additional effort has an excellent chance of providing breakthrough results, saving thousands of lives, improving the lives of millions more and saving billions of health care dollars.

I invite my colleagues' support for this legislation.

ADDITIONAL COSPONSORS

S. 581

At the request of Mr. FAIRCLOTH, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 581, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 978

At the request of Mrs. HUTCHISON, the names of the Senator from Missouri [Mr. BOND], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Utah [Mr. BENNETT], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Wyoming [Mr. THOMAS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Missouri [Mr. ASHCROFT], the Senator from Minnesota [Mr. GRAMS], the Senator from

Massachusetts [Mr. KERRY], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 978, a bill to facilitate contributions to charitable organizations by codifying certain exemptions from the Federal securities laws, to clarify the inapplicability of antitrust laws to charitable gift annuities, and for other purposes.

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of S. 978, supra.

S. 1183

At the request of Mr. HATFIELD, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1183, a bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act], to revise the standards for coverage under the Act, and for other purposes.

S. 1228

At the request of Mr. D'AMATO, the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

S. 1316

At the request of Mr. BAUCUS, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1316, a bill to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act''), and for other purposes.

At the request of Mr. KEMPTHORNE, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1316, supra.

At the request of Mr. CHAFEE, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1316, supra.

At the request of Mr. FRIST, his name was added as a cosponsor of S. 1316, supra.

At the request of Mr. KYL, his name was added as a cosponsor of S. 1316, supra.

At the request of Mr. MACK, his name was added as a cosponsor of S. 1316, supra.

S. 1429

At the request of Mr. DOMENICI, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1429, a bill to provide clarification in the reimbursement to States for federally funded employees carrying out Federal programs during the lapse in appropriations between November 14, 1995, through November 19, 1995.

SENATE RESOLUTION 196—RELATIVE TO THE DEATH OF THE REVEREND RICHARD HALVERSON

Mr. DOLE (for himself, Mr. DASCHLE, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FORD, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. NUNN, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

S. RES. 196

Whereas, the Reverend Dr. Richard Halverson became the 60th Senate Chaplain on February 2, 1981, and faithfully served the Senate for 14 years as Senate Chaplain;

Whereas, Dr. Halverson for more than 40 years was an associate in the International Prayer Breakfast Movement and Chairman of the Board of World Vision and President of Concerned Ministries;

Whereas, Dr. Halverson was the author of several books, including ''A Day at a Time'', ''No Greater Power'', ''We the People'', and ''Be Yourself * * * and God's''; and

Whereas, Dr. Halverson was graduated from Wheaton College and Princeton Theological Seminary, and served as a Presbyterian minister throughout his professional life, including being the senior pastor at Fourth Presbyterian Church of Bethesda, Maryland: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Reverend Dr. Richard Halverson, late the Chaplain of the United States Senate.

Resolved, That the Secretary transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses or adjourns today, it recess or adjourn as a further mark of respect to the memory of the deceased.

AMENDMENTS SUBMITTED

THE SAFE DRINKING WATER ACT AMENDMENTS OF 1995

CHAFEE (AND OTHERS) AMENDMENT NO. 3068

Mr. CHAFEE (for himself, Mr. KEMPTHORNE, Mr. BAUCUS, Me. REID, Mr. GORTON, and Ms. SNOWE) proposed an amendment to the bill (S. 1316) to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act''), and for other purposes; as follows:

On page 19, line 23, insert ''(or, in the case of a privately-owned system, demonstrate that there is adequate security)'' after ''source of revenue''.

On page 20, line 24, insert ''and'' after ''fund;''.

On page 21, strike lines 1 through 4.

On page 21, line 5, strike ''(6)'' and insert ''(5)''.

On page 42, line 16, strike ''title'' and insert ''section, and, to the degree that an Agency action is based on science, in carrying out this title,''.

On page 69, line 24, strike ''level,'' and insert ''level or treatment technique,''.

On page 69, line 25, insert ''or point-of-use'' after ''point-of-entry''.

On page 70, line 1, strike ''controlled by the public water system'' and insert ''owned, controlled and maintained by the public water system or by a person under contract with the public water system''.

On page 70, line 6, strike ''problems.'' and insert ''problems. The Administrator shall not include in the list any point-of-use treatment technology, treatment technique, or other means to achieve compliance with a maximum contaminant level or treatment technique requirement for a microbal contaminant (or an indicator of a microbial contaminant). If the American National Standards Institute has issued product standards applicable to a specific type of point-of-entry or point-of-use treatment device, individual units of that type shall not be accepted for compliance with a maximum contaminant level or treatment technique requirement unless they are independently certified in accordance with such standards.''

Beginning on page 165, line 20, strike all through line page 166, line 2, and insert the following:

''(i) IN GENERAL.—For purposes of subparagraph (A), a connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection, if—

''(I) the water is used exclusively for purposes other than residential uses (consisting of drinking, bathing, and cooking, or other similar uses);''.

On page 166, line 3, strike ''(aa)'' and insert ''(II)''.

On page 166, line 15, strike ''(bb)'' and insert ''(III)''.

Beginning on page 167, line 5, strike all through page 167, line 19.

On page 168, line 1, strike ''and'' and insert ''or''.

On page 168, lines 2 and 3, strike ''(I) and (II)'' and insert ''(II) and (III)''.

On page 168, line 3, strike ''and'' and insert ''or''.

On page 168, strike lines 4 through 6 and insert the following:

''(C) TRANSITION PERIOD.—A water supplier that would be a public water system only as a result of modifications made to this paragraph by the Safe Drinking Water Act Amendments of 1995 shall not be considered a public water system for purposes of the Act until the date that is two years after the date of enactment of this subparagraph, if during such two-year period the water supplier complies with the monitoring requirements of the Surface Water Treatment Rule and no indicator of microbial contamination is exceeded during that period. If a water supplier does not serve 15 service connections (as defined in subparagraphs (A) and (B)) or 25 people at any time after the conclusion of the two-year period, the water

supplier shall not be considered a public water system.''.

On page 178, line 21, strike ''180-day''.

On page 179, lines 6 and 7, strike ''180-day''.

On page 179, line 15, strike ''effect.'' and insert ''effect or 18 months after the notice is issued pursuant to this subparagraph, whichever is later.''.

On page 195, after line 20, insert the following:

''(e) PREVENTION AND CONTROL OF ZEBRA MUSSEL INFESTATION OF LAKE CHAMPLAIN.—

''(1) FINDINGS.—Section 1002(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701(a)) is amended—

''(A) by striking ''and'' at the end of paragraph (3)'

''(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

''(C) by adding at the end the following new paragraph:

''(5) the zebra mussel was discovered on Lake Champlain during 1993 and the opportunity exists to act quickly to establish zebra mussel controls before Lake Champlain is further infested and management costs escalate.''.

''(2) EX OFFICIO MEMBERS OF AQUATIC NUISANCE SPECIES TASK FORCE.—Section 1201(c) of such Act (16 U.S.C. 4721(c)) is amended by inserting '', the Lake Champlain Basin Program,'' after ''Great Lakes Commission''.

''(3) AQUATIC NUISANCE SPECIES PROGRAM.—Subsections (b)(6) and (i)(1) of section 1202 of such Act (16 U.S.C. 4722) is amended by inserting '', Lake Champlain,'' after ''Great Lakes'' each place it appears.

''(4) AUTHORIZATION OF APPROPRIATIONS.—Section 1301(b) of such Act (16 U.S.C. 4741(b)) is amended—

''(A) in paragraph (3), by inserting '', and the Lake Champlain Research Consortium,'' after ''Laboratory''; and

''(B) in paragraph (4)(A)—

''(i) by inserting after ''(33 U.S.C. 1121 et seq.)'' the following: ''and grants to colleges for the benefit of agriculture and the mechanic arts referred to in the first section of the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 322)''; and

''(ii) by inserting ''and the Lake Champlain basin'' after ''Great Lakes region''.

On page 195, after line 20, insert the following:

''(f) SOUTHWEST CENTER FOR ENVIRONMENTAL RESEARCH AND POLICY.—

''(1) ESTABLISHMENT OF CENTER.—The Administrator of the Environmental Protection Agency shall take such action as may be necessary to establish the Southwest Center for Environmental Research and Policy (hereinafter referred to as 'the Center').

''(2) MEMBERS OF THE CENTER.—The Center shall consist of a consortium of American and Mexican universities, including New Mexico State University; the University of Utah; the University of Texas at El Paso; San Diego State University; Arizona State University; and four educational institutions in Mexico.

''(3) FUNCTIONS.—Among its functions, the Center shall—

''(A) conduct research and development programs, projects and activities, including training and community service, on U.S.-Mexico border environmental issues, with particular emphasis on water quality and safe drinking water;

''(B) provide objective, independent assistance to the EPA and other Federal, State and local agencies involved in environmental policy, research, training and enforcement, including matters affecting water quality and safe drinking water throughout the southwest border region of the United States; and

''(C) help to coordinate and facilitate the improvement of environmental policies and programs between the United States and Mexico, including water quality and safe drinking water policies and programs.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator $10,000,000 for each of the fiscal years 1996 through 2003 to carry out the programs, projects and activities of the Center. Funds made available pursuant to this paragraph shall be distributed by the Administrator to the university members of the Center located in the United States.''.

On page 195, after line 20, insert the following:

''(g) ESTROGENIC SUBSTANCES SCREENING PROGRAM.—

''(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall develop a screening program, using appropriate validated test systems, to determine whether certain substances may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect as the Administrator may designate.

''(2) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this subsection, after obtaining review of the screening program described in paragraph (1) by the scientific advisory panel established under section 25(d) of the Act of June 25, 1947 (chapter 125), and the Science Advisory Board established by section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), the Administrator shall implement the program.

''(3) SUBSTANCES.—In carrying out the screening program described in paragraph (1), the Administrator shall provide for the testing of all active and inert ingredients used in products described in section 103(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603(e)), and may provide for the testing of any other substance if the Administrator determines that a widespread population may be exposed to the substance.

''(4) EXEMPTION.—Notwithstanding paragraph (3), the Administrator may, by regulation, exempt from the requirements of this subsection a biologic substance or other substance if the Administrator determines that the substance does not have any effect in humans similar to an effect produced by a naturally occurring estrogen.

''(5) COLLECTION OF INFORMATION.—

''(A) IN GENERAL.—The Administrator shall issue an order to a person that manufactures a substance for which testing is required under this subsection to conduct testing in accordance with the screening program described in paragraph (1), and submit information obtained from the testing to the Administrator, within a time period that the Administrator determines is sufficient for the generation of the information.

''(B) FAILURE TO SUBMIT INFORMATION.—

''(i) SUSPENSION.—If a person referred to in subparagraph (A) fails to submit the information required under such subparagraph within the time period established by the order, the Administrator shall issue a notice of intent to suspend the sale or distribution of the substance by the person. Any suspension proposed under this subparagraph shall become final at the end of the 30-day period beginning on the date that the person receives the notice of intent to suspend, unless during that period a person adversely affected by the notice requests a hearing or the Administrator determines that the person referred to in subparagraph (A) has complied fully with this paragraph.

''(ii) HEARING.—If a person requests a hearing under clause (i), the hearing shall be conducted in accordance with section 554 of title 5, United States Code. The only matter for resolution at the hearing shall be whether the person has failed to submit information required under this paragraph. A decision by the Administrator after completion of a hearing shall be considered to be a final agency action.

''(iii) TERMINATION OF SUSPENSIONS.—The Administrator shall terminate a suspension under this subparagraph issued with respect to a person if the Administrator determines that the person has complied fully with this paragraph.

''(6) AGENCY ACTION.—In the case of any substance that is found to have a potential adverse effect on humans as a result of testing and evaluation under this subsection, the Administrator shall take such action, including appropriate regulatory action by rule or by order under statutory authority available to the Administrator, as is necessary to ensure the protection of public health.

''(7) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of this subsection, the Administrator shall prepare and submit to Congress a report containing—

''(A) the findings of the Administrator resulting from the screening program described in paragraph (1);

''(B) recommendations for further testing and research needed to evaluate the impact on human health of the substances tested under the screening program; and

''(C) recommendations for any further actions (including any action described in paragraph (6)) that the Administrator determines are appropriate based on the findings.''.

CHAFEE (AND OTHERS) AMENDMENT NO. 3069

Mr. CHAFEE (for himself, Mr. KEMPTHORNE, Mr. BAUCUS, and Mr. REID) proposed an amendment to the bill, S. 1316, supra, as follows:

Beginning on page 61, line 11, strike all through page 62, line 16, and insert:

''(A) ADDITIONAL RESEARCH.—Prior to promulgating a national primary drinking water regulation for sulfate the Administrator and the Director of the Centers for Disease Control shall jointly conduct additional research to establish a reliable dose-response relationship for the adverse health effects that may result from exposure to sulfate in drinking water, including the health effects that may be experienced by groups within the general population (including infants and travelers) that are potentially at greater risk of adverse health effects as the result of such exposure. The research shall be conducted in consultation with interested States, shall be based on the best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices and shall be completed not later than 30 months after the date of enactment of this paragraph.

(B) PROPOSED AND FINAL RULE.—Prior to promulgating a national primary drinking water regulation for sulfate and after consultation with interested States, the Administration shall publish a notice of proposed rulemaking that shall supersede the proposal published in December, 1994. For purposes of the proposed and final rule, the Administrator may specify in the regulation requirements for public notification and options for the provision of alternative water supplies to populations at risk as a means of complying with the regulation in lieu of a best available treatment technology or other means. The Administrator shall, pursuant to the authorities of this subsection and after notice and opportunity for public comment, promulgate a final national primary drinking

water regulation for sulfate not later than 48 months after the date of enactment of this paragraph.''.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 3070

Mr. MURKOWSKI (for himself, Mr. CHAFEE, Mr. KEMPTHORNE, Mr. BAUCUS, and Mr. REID) proposed an amendment to the bill, S. 1316, supra, as follows:

On page 195, after line 20, insert the following:

''(g) GRANTS TO ALASKA TO IMPROVE SANITATION IN RURAL AND NATIVE VILLAGES.—

''(1) IN GENERAL.—The Administrator of the Environmental Protection Agency may make grants to the State of Alaska for the benefit of rural and Native villages in Alaska to pay the Federal share of the cost of—

''(A) the development and construction of water and wastewater systems to improve the health and sanitation conditions in the villages; and

''(B) training, technical assistance, and educational programs relating to the operation and management of sanitation services in rural and Native villages.

''(2) FEDERAL SHARE.—The Federal share of the cost of the activities described in paragraph (1) shall be 50 percent.

''(3) ADMINISTRATIVE EXPENSES.—The State of Alaska may use an amount not to exceed 4 percent of any grant made available under this subsection for administrative expenses necessary to carry out the activities described in paragraph (1).

''(4) CONSULTATION WITH THE STATE OF ALASKA.—The Administrator shall consult with the State of Alaska on a method of prioritizing the allocation of grants under paragraph (1) according to the needs of, and relative health and sanitation conditions in, each eligible village.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for each of the fiscal years 1996 through 2003 to carry out this subsection.

CHAFEE (AND OTHERS) AMENDMENT NO. 3071

Mr. CHAFEE (for himself, Mr. KEMPTHORNE, Mr. BAUCUS, Mr. REID, Mr. GORTON, and Mrs. MURRAY) proposed an amendment to the bill, S. 1316, supra, as follows:

On page 64, after line 5, insert the following:

''(a) FILTRATION CRITERIA.—Section 1412(b)(7)(C)(i) is amended by adding at the end thereof the following: ''Not later than 18 months after the date of enactment of the Safe Drinking Water Act Amendments of 1995, the Administrator shall amend the criteria issued under this clause to provide that a State exercising primary enforcement responsibility for public water systems may, on a case-by-case basis, establish treatment requirements as an alterative to filtration in the case of systems having uninhabited, undeveloped watersheds in consolidated ownership, and having control over access to, and activities in, those watersheds, if the State determines (and the Administrator concurs) that the quality of the source water and the alternative treatment requirements established by the State ensure significantly greater removal efficiencies of pathogenic organisms for which national primary drinking water regulations have been promulgated or that are of public health concern than would be achieved by the combination of filtration and chlorine disinfection (in compliance with this paragraph and paragraph (8)).''.

On page 64, line 6, strike ''(a)'' and insert ''(b)''.

On page 64, line 31, strike ''(b)'' and insert ''(c)''.

CHAFEE (AND OTHERS) AMENDMENT NO. 3072

Mr. CHAFEE (for himself, Mr. KEMPTHORNE, Mr. BAUCUS, Mr. REID, Mr. DOMENICI, Mr. BINGAMAN, Mr. KYL, and Mrs. FEINSTEIN) proposed an amendment to the bill S. 1316, supra, as follows:

On page 195, after line 20, insert the following:

''(h) ASSISTANCE TO COLONIAS.—

''(1) DEFINITIONS.—As used in this subsection—

''(A) ELIGIBLE COMMUNITY.—The term 'eligible community' means a low-income community with economic hardship that—

''(i) is commonly referred to as a colonia;

''(ii) is located along the United States-Mexico border (generally in an unincorporated area); and

''(iii) lacks basic sanitation facilities such as a safe drinking water supply, household plumbing, and a proper sewage disposal system.

''(B) BORDER STATE.—The term 'border State' means Arizona, California, New Mexico and Texas.

''(C) TREATMENT WORKS.—The term 'treatment works' has the meaning provided in section 212(2) of the Federal Water Pollution Control Act (33 U.S.C. 1292(2)).

''(2) GRANTS TO ALLEVIATE HEALTH RISKS.—The Administrator of the Environmental Protection Agency and the heads of other appropriate Federal agencies are authorized to award grants to any appropriate entity or border State to provide assistance to eligible communities for—

''(A) the conservation, development, use and control (including the extension or improvement of a water distribution system) of water for the purpose of supplying drinking water; and

''(B) the construction or improvement of sewers and treatment works for wastewater treatment.

''(3) USE OF FUNDS.—Each grant awarded pursuant to paragraph (2) shall be used to provide assistance to one or more eligible community with respect to which the residents are subject to a significant health risk (as determined by the Administrator or the head of the Federal agency making the grant) attributable to the lack of access to an adequate and affordable drinking water supply system or treatment works for wastewater.

''(4) OPERATION AND MAINTENANCE.—The Administrator and the heads of other appropriate Federal agencies, other entities or border States are authorized to use funds appropriated pursuant to this subsection to operate and maintain a treatment works or other project that is constructed with funds made available pursuant to this subsection.

''(5) PLANS AND SPECIFICATIONS.—Each treatment works or other project that is funded by a grant awarded pursuant to this subsection shall be constructed in accordance with plans and specifications approved by the Administrator, the head of the Federal agency making the grant, or the border State in which the eligible community is located. The standards for construction applicable to a treatment works or other project eligible for assistance under title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) shall apply to the construction of a treatment works or project under this subsection in the same manner as the standards apply under such title.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal years 1996 through 2003.''.

THOMAS (AND SIMPSON) AMENDMENT NO. 3073

Mr. KEMPTHORNE (for Mr. THOMAS, for himself and Mr. SIMPSON) proposed an amendment to the bill, S. 1316, supra; as follows:

On page 7, line 23 after ''the State).'' And the following: ''*Provided further,* in nonprimacy States, the Governor shall determine which State agency will have the authority to establish assistance priorities for financial assistance provided with amounts deposited into the State loan fund.''

BOND AMENDMENT NO. 3074

Mr. KEMPTHORNE (for Mr. BOND) proposed an amendment to the bill, S. 1316, supra; as follows:

On page 111, line 22 insert: ''except that the Administrator may provide for an extension of not more than 2 years if, after submission and review of appropriate, adequate documentation from the State, the Administrator determines that the extension is necessary and justified''.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 3075

Mr. KEMPTHORNE (for Mr. MURKOWSKI for himself, Mr. STEVENS, Mr. KEMPTHORNE, Mr. BAUCUS, and Mr. REID) proposed an amendment to the bill, S. 1316, supra; as follows:

On page 28, line 3, before the period, insert ''(including, in the case of the State of Alaska, the needs of Native villages (as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)))''.

CHAFEE (AND OTHERS) AMENDMENT NO. 3076

Mr. CHAFEE (for himself, Mr. KEMPTHORNE, Mr. BAUCUS, and Mr. REID) proposed an amendment to the bill, S. 1316, supra; as follows:

Beginning on page 179, line 16, strike section 28 of the bill and renumber subsequent sections accordingly.

CHAFEE (AND OTHERS) AMENDMENT NO. 3077

Mr. CHAFEE (for himself, Mr. KEMPTHORNE, Mr. BAUCUS, Mr. REID, Mr. D'AMATO, and Mr. MOYNIHAN) proposed an amendment to the bill, S. 1316, supra; as follows:

On page 168, line 7, strike ''GROUND WATER PROTECTION'' and insert ''WATERSHED AND GROUND WATER PROTECTION''.

On page 173, after line 7, insert the following:

''(g) WATERSHED PROTECTION DEMONSTRATION PROGRAM.—

''(1) The heading of section 1443 (42 U.S.C.) is amended to read as follows:

''grants for state and local programs

''(2) Section 1443 (42 U.S.C. is amended by adding at the end thereof the following:

''(e) WATERSHED PROTECTION DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—

''(A) ASSISTANCE FOR DEMONSTRATION PROJECTS.—The Administrator is authorized

to provide technical and financial assistance to units of State or local government for projects that demonstrate and assess innovative and enhanced methods and practices to develop and implement watershed protection programs including methods and practices that protect both surface and ground water. In selecting projects for assistance under this subsection, the Administrator shall give priority to projects that are carried out to satisfy criteria published and under section 1412(b)(7)(C) or that are identified through programs developed and implemented pursuant to section 1428.

''(B) MATCHING REQUIREMENTS.—Federal assistance provided under this subsection shall not exceed 35 percent of the total cost of the protection program being carried out for any particular watershed or ground water recharge area.

''(2) NEW YORK CITY WATERSHED PROTECTION PROGRAM.—

''(A) IN GENERAL.—Pursuant to the authority of paragraph (1), the Administrator is authorized to provide financial assistance to the State of New York for demonstration projects implemented as part of the watershed program for the protection and enhancement of the quality of source waters of the New York City water supply system. Demonstration projects which shall be eligible for financial assist shall be certified to the Administration by the State of New York as satisfying the purposes of this subsection and shall include those projects that demonstrate, assess, or provide for comprehensive monitoring, surveillance, and research with respect to the efficacy of phosphorus offsets or trading, wastewater diversion, septic system siting and maintenance, innovative or enhanced wastewater treatment technologies, innovative methodologies for the control of storm water runoff, urban, agricultural, and forestry best management practices for controlling nonpoint source pollution, operator training, compliance surveillance and that establish watershed or basin-wide coordinating, planning or governing organizations. In certifying projects to the Administrator, State of New York shall give priority to these monitoring and research projects that have undergone peer review.

''(C) REPORT.—Not later than 5 years after the date on which the Administrator first provides assistance pursuant to this paragraph, the Governor of the State of New York shall submit a report to the Administrator on the results of projects assisted.

''(3) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this subsection for each of fiscal years 1997 through 2003 including $15,000,000 for each of such fiscal years for the purposes of providing assistance to the State of New York, to carry out paragraph (2).''.

On page 171, line 21, strike ''20,000,000'' and insert ''15,000,000''.

On page 171, line 24, strike ''35,000,000'' and insert '''30,000,000''.

On page 172, line 3, strike ''20,850,000'' and insert ''15,000,000''

On page 2, in the material following line 6, strike ''Sec. 25. Ground water protection.'' and insert ''Sec. 25. Watershed and ground water protection.''.

BOXER (AND OTHERS) AMENDMENT NO. 3078

Mrs. BOXER (for herself, Mr. DASCHLE, Mr. LAUTENBERG, and Mr. KOHL) proposed an amendment to the bill, S. 1316, supra; as follows:

Section 20, Page 140, line 11, add at the end the following new subparagraph:

(F) CONSUMER CONFIDENCE REPORTS.—

(i) IN GENERAL.—The Administrator shall issue regulations within three years of enactment of the Safe Drinking Water Act Amendments of 1995 to require each community water system to issue a consumer confidence report at least once annually to its water consumers on the level of contaminants in the drinking water purveyed by that system which pose a potential risk to human health. The report shall include, but not be limited to: information on source, content, and quality of water purveyed; a plainly worded explanation of the health implications of contaminants relative to national primary drinking water regulations or health advisories; information on compliance with national primary drinking water regulations; and information on priority unregulated contaminants to the extent that testing methods and health effects information are available (including levels of cryptosporidium and radon where states determine that they may be found).

(ii) COVERAGE.—Subsection (i) shall not apply to community water systems serving fewer than 10,000 persons or other systems as determined by the Governor, provided that such systems inform their customers that they will not be complying with Subsection (i). The state may by rule establish alternative requirements with respect to the form and content of consumer confidence reports

CHAFEE (AND OTHERS) AMENDMENT NO. 3079

Mr. CHAFEE (for himself, Mr. KEMPTHORNE, Mr. BAUCUS, and Mr. REID) proposed an amendment to the bill, S. 1316, supra; as follows:

On page 132, line 5, strike ''methods.'' and insert ''methods. Information requirements imposed by the Administrator pursuant to the authority of this subparagraph that require monitoring, the establishment or maintenance of records or reporting, by a substantial number of public water systems (determined in the sole discretion of the administrator), shall be established by regulation as provided in clause (ii).''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITEE ON LABOR AND HUMAN RESOURCES

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on S. 1423, Occupational Safety and Health Reform and Reinvention Act, during the session of the Senate on Wednesday, November 29, 1995, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, November 29, 1995, at 4:30 p.m. to hold a closed briefing regarding intelligence matters.

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

JOINT COMMITTEE ON THE LIBRARY

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Joint Committee on the Library be allowed to meet during the session of the Senate Wednesday, November 29, 1995, at 9:30 a.m. to conduct an oversight hearing of the Library of Congress.

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

SUBCOMMITEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, November 29, 1995, at 10 a.m., to hold a hearing on franchise relocation in professional sports.

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

SUBCOMMITEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, November 29, 1995, at 2 p.m.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. KEMPHORNE. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, November 29, 1995, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to consider the administration's implementation of section 2001 of the Funding Recessions Act of 1995.

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

SUBCOMMITTEE ON IMMIGRATION

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Subcommittee on Immigration of the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Wednesday, November 29, 1995, at 9:30 a.m. in SR385.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT ON THE DISTRICT OF COLUMBIA

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Governmental Affairs, be permitted to meet during a session of the Senate on Wednesday, November 29, 1995, at 9:30 a.m., to hold a hearing on S. 1224, the Administrative Dispute Resolution Act of 1995.

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

ADDITIONAL STATEMENTS

INTERSTATE COMMERCE COMMISSION SUNSPUTE RESOLUTION ACT OF 1995.

● Mr. SPECTER. Mr. President, I have sought recognition to speak in support

of the Interstate Commerce Commission Sunset Act of 1995 (S. 1396), which provides for the orderly transfer of the residual functions of the Interstate Commerce Commission to an independent Intermodal Surface Transportation Board within the Department of Transportation.

Pennsylvania is a rail-dependent State, and both shippers and railroads are in agreement that there should be no regulatory gap between the Commission and its successor agency during which no agency of the Federal Government has jurisdiction to enforce the Interstate Commerce Act. The fiscal year 1996 Transportation appropriations bill, H.R. 2002 (Pub. L. No. 104–50), provides no funding for the Commission effective December 31, 1995, making passage of the sunset legislation and a prompt House-Senate conference necessary to avoid disruption in the rail industry.

I am pleased to note that the managers' amendments included language that I have worked on and supported, which is designed to ensure that this legislation maintains the balance between the rights and remedies of carriers and shippers incorporated into the Staggers Rail Act of 1980, which provided new market freedoms to this industry. Several provisions in the reported bill could be interpreted as reregulating certain aspects of the railroad industry. These provisions, if left untouched, could undermine the Staggers Act reforms, which have worked well for both shippers and railroads. Therefore, I wish to thank Chairman PRESSLER, the distinguished Senator from South Dakota, and Senator EXON, the ranking minority member, who have worked closely with me, Senator SANTORUM, Senator MACK, and other Senators, in a bipartisan manner to finalize language that maintains a deregulated environment for our vital railroad industry as we streamline Government and provide for an orderly transition from the Interstate Commerce Commission to the Intermodal Surface Transportation Board.●

LAST RESPECTS TO PRIME MINISTER RABIN

● Mr. SIMON. Mr. President, I had the honor to speak at a tree planting across from the White House, a ceremony honoring the late Prime Minister Yitzhak Rabin, conducted by the Jewish National Fund.

It was the first time a tree had been planted in the area of the White House honoring a foreign leader.

My hope is that all parties in the Middle East, as well as other nations, including the United States, will do everything we can to pursue Yitzhak Rabin's dream of peace, a practical peace where neighbors can get along and trade and have normal discourse.

At the funeral tribute to Prime Minister Rabin in Israel, which I watched on television, nothing was more moving than the tribute of his teenage granddaughter, Noa Ben-Artzi Philosof.

You would have to be hard-hearted indeed not to have tears come to your eyes as she made this moving tribute to him.

I was proud of President Clinton's tribute, and I thought King Hussein and President Mubarak also did an excellent job.

But for those who may not have heard or read the tribute of Prime Minister Rabin's granddaughter, I ask that it be printed in the RECORD.

The tribute follows:

[Translated and transcribed by the New York Times]

A GRANDDAUGHTER'S FAREWELL

(By Noa Ben-Artzi Philosof)

Please excuse me for not wanting to talk about the peace. I want to talk about my grandfather.

You always awake from a nightmare, but since yesterday (Sunday) I was continually awakening to a nightmare. It is not possible to get used to the nightmare of life without you. The television never ceases to broadcast pictures of you, and you are so alive that I can almost touch you—but only almost, and I won't be able to anymore.

Grandfather, you were the pillar of fire in front of the camp and now we are left in the camp alone, in the dark; and we are so cold and so sad.

I know that people talk in terms of a national tragedy, and of comforting an entire nation, but we feel the huge void that remains in your absence when grandmother doesn't stop crying.

Few people really knew you. Now they will talk about you for quite some time, but I feel that they really don't know just how great the pain is, how great the tragedy is; something has been destroyed.

Grandfather, you were and still are our hero. I wanted you to know that every time I did anything, I saw you in front of me.

Your appreciation and your love accompanied us every step down the road, and our lives were always shaped after your values. You, who never abandoned anything, are now abandoned. And here you are, my ever-present hero, cold, alone, and I cannot do anything to save you. You are missed so much.

Others greater than I have already eulogized you, but none of them ever had the pleasure I had to feel the caresses of our warm, soft hands, to merit your warm embrace that was reserved only for us, to see your half-smile that always told me so much, that same smile which is no longer, frozen in the grave with you.

I have no feelings of revenge because my pain and feelings of loss are so large, too large. The ground has been swept out from below us, and we are groping now, trying to wander about in this empty void, without any success so far.

I am not able to finish this; left with no alternative. I say goodbye to you, hero, and ask you to rest in peace, and think about us, and miss us, as down here we love you so very much. I imagine angels are accompanying you now and I ask them to take care of you, because you deserve their protection.●

MARINE CORPS ANNIVERSARY OBSERVANCE

● Mr. WARNER. Mr. President, I attended the Marine Corps Anniversary Observance at the Marine Corps War Memorial. The speaker at those ceremonies was our colleague from New Hampshire, BOB SMITH. As a former marine, I was very impressed with Senator SMITH's remarks, and I ask that they be printed in the RECORD for all—Marines and those who wish they were—to read.

The remarks follow:

REMARKS OF SENATOR BOB SMITH—MARINE CORPS 220TH BIRTHDAY

Thank you very much, General Krulak. Secretary Perry, Secretary Dalton, General Shalikashvili, Senator WARNER, Colonel Dotter, and distinguished guests. It is a great honor to join with you all today in commemorating the 220th birthday of the United States Marine Corps. Before we begin, I want to take this opportunity to commend you personally, General Krulak, on the superb readiness of your troops, and for your outstanding leadership as commandant of the Marine Corps.

It is fitting that today's commemoration coincides with the observance of Veterans Day. Indeed, as our Nation pauses to reflect upon the historical sacrifices of its warriors, what better place for us to congregate that here at this great shrine. What better way to honor our Nation's veterans than to celebrate 220 years of Marine Corps history.

As you know, I was not a marine. However, I took my share of ''incoming'' on the floor of the U.S. Senate fighting the battle for those M1A1 tanks and MPS ships, and I am proud of it. I am a marine in spirit, and I have a letter from General Mundy to prove it.

The Marine Corps was created on November 10, 1775 when the Continental Congress decreed that two battalions of Marines be organized under the direction of Captain Samuel Nicholas, the first commandant.

Recruitment procedures being somewhat different back then, the Marines were recruited at Tun Tavern in Philadelphia. Although their indoctrination was not quite as rigorous as a trip through San Diego, Parris Island, or Quantico, these pioneering Marines made history by launching an amphibious landing at New Providence Island in the Bahamas, capturing a British fort and securing its arms and powder for Washington's Army. They later went on to fight at such locations as Trenton, Morristown. Penobscot Bay, and Fort Mifflin.

In the two centuries since those colonial battles, the size and structure of the Marine Corps has evolved, doctrine has changed, and areas of operational responsibility have expanded. The corps has emerged as a truly global force, deploying to Central and South America, Europe, Asia, and the Middle East, with the status of being the first to fight.

But what has never changed, and what continues to distinguish the United States Marine Corps from any other fighting force in the world, is its unique culture and character.

The Marine Corps is rich with tradition, its men and women strong on character and conviction. Honor discipline, valor, and fidelity are the corps virtues; dedication, sacrifice, and commitment its code. To those who willingly join this elite society, service is not merely an occupation, it is a way of life. Once a marine, always a marine.

It is this way of life, this absolute, unwavering commitment to duty, honor, and country, that has distinguished the United States Marine Corps from every other fighting force in history. And it is this selfless dedication, manifested through uncountable examples of battlefield valor, that has preserved our freedom and enabled our nation to prosper.

But there have been costs. Tremendous costs. Look at the costs of Iwo Jima. Between February 19th and March 26th 1945, nineteen-thousand Americans were wounded

and seven thousand were killed in the campaign to capture that strategic four mile island. Against tremendous adversity, our marines persevered and prevailed in this critically important campaign. Four of the men depicted in this memorial died within days of raising the flag.

But those of us who have served in the Armed Forces and gone to war know that freedom is never free. We knew it when we enlisted, we know it today. So many of our brave soldiers, sailors, airmen, and marines have perished in defense of freedom. So many more have been wounded or disabled. Each of us has suffered the loss of a fallen comrade or loved one.

This veterans day has a very special significance for me. For it was 50 years ago that I lost my father on active duty during World War II. He was a naval aviator who flew combat missions in the South Pacific.

He knew the risks, he knew them well. And he accepted them. The stakes were too high not to. My father gave his life in service to his Nation. And on this very special occasion, when I am so honored to join with you today, I want to pay tribute to my father and mother who, together, rest on a quiet little hillside in Arlington Cemetery. Like my dad, my mother never wavered in her love of country, even when she saw her only two sons depart for Vietnam.

Freedom is never free.

But some things are worth fighting for. Some universal principles of freedom, of morality, of human dignity, and of right and wrong must be defended, no matter what the costs. And through thick and thin, the United States Marine Corps has answered the Nation's call, remaining true to its convictions and determined in its vow to be most ready when the Nation is least ready.

Whether it be the colonial battles at new providence island and Trenton, or the historic campaigns at Belleau Wood, Guadalcanal, Iwo Jima, and Inchon, the marines have always delivered for our Nation for the cause of freedom.

And today, whether rescuing American citizens in Rwanda, maintaining the watch off Somalia, conducting migrant rescue and security operations in the Caribbean and ashore in Jamaica, Cuba, and Haiti, responding to crises in the Persian gulf, or rescuing downed pilots in Bosnia, the Marine Corps continues to deliver on its commitment to the American people and the United States Constitution. They even survived the media onslaught when they landed in Somalia.

When I think back upon the uncountable acts of heroism and sacrifice by our marines, I am always reminded of the words of Admiral Chester Nimitz following the battle of Iow Jima.

From the fleet, Admiral Nimitz concluded, and I quote, ''Among the Americans who served on Iwo Island, uncommon valor was a common virtue.'' Unquote.

Let me briefly provide an example of the kind of valor to which Admiral Nimitz was referring. On February 23, 1945, a young marine corporal named Hershel Williams earned the Congressional Medal of Honor at Iwo Jima. When marine tanks were unable to open a lane for the infantry through a network of concrete pillboxes and buried mines, Corporal Williams struck out on his own to suppress the Japanese onslaught.

Corporal Williams fought desperately for 4 hours, covered by only 4 riflemen, preparing demolition charges and using a flamethrower to wipe out multiple enemy positions.

On one occasion, he daringly mounted a pillbox under heavy fire, inserting the nozzle of his flamethrower through the air vent, and destroying the enemy guns that were ravaging our troops.

According to the Medal of Honor description, Corporal Williams' unyielding determination and extraordinary heroism in the face of ruthless enemy resistance were directly instrumental in neutralizing one of the most fanatically defended Japanese strongholds, enabling his company to reach its objective.

This is the kind of uncommon valor that Admiral Nimitz was talking about. But one does not have to reach back into history to find heroism. It is right here in front of, and around me, today. The highest decorations that our Nation bestows are worn on the chest of many of you here today. It is you who carry the torch of freedom, and you who continue the legacy of Corporal Williams and the millions of other marines who have served our Nation. And you do it willingly, sometimes without receiving the credit you so richly deserve.

Though the world remains dangerous, and the future uncertain, there is one constant that we as Americans can take great pride and comfort in. That is the fact that our United States Marine Corps remains on station, throughout the world, 24 hours a day, 365 days a year, every year, defending our freedom and preserving our security.

The honor, the dedication, the sacrifice, and, yes, the uncommon valor of every marine who has served before lives on through those of you who stand watch today. As we honor this history, we should pause to reflect upon the 275 Marine Corps soldiers who are still listed as POW/MIA from Vietnam, Korea, and other wars. They are always in our hearts.

I know that my friends in the Navy, Army, and Air Force will understand when I take the liberty of saying to General Krulak and all members of the Marine Corps—past, present and future—Semper fi.

Thank you very much.●

CHINA-UNITED STATES TIES WARM A BIT AS CHINA-TAIWAN RELATIONS CHILL

Mr. SIMON. Mr. President, I have felt for some time that the United States made a mistake in recognizing the People's Republic of China and derecognizing Taiwan, sometimes referred to as the Republic of China.

My position for a long time was that we should recognize both Chinas, as we recognized both Germanys. That did not prevent East Germany and West Germany from uniting as one country.

But when the mistake was made of playing the China card, in large measure in response to the Soviet Union and its perceived threat, we had set up a situation that potentially could mean military trouble in Asia.

The New York Times carried a story on Saturday, November 18, by Patrick E. Tyler that talks about an improvement in United States ties but a worsening of China-Taiwan ties.

I am concerned about any leadership that could emerge in dictatorial China that might be a threat to the free Government of Taiwan.

I hope that our military leaders and our diplomatic leaders will not pussyfoot around in making clear that there would be serious repercussions if China were to invade Taiwan.

I ask that the article be printed in the RECORD.

The article follows:

CHINA-U.S. TIES WARM A BIT AS CHINA-TAIWAN RELATIONS CHILL

(By Patrick E. Tyler)

BEIJING, Nov. 17.—China and the United States made new progress today in resuming a program of high-level military contacts by agreeing to an exchange of visits of their top military officers next year.

But American defense officials visiting here this week reported that during private conversations they encountered trenchant rhetoric and signs of unrelenting determination by Beijing's military and civilian leaders to undermine the rule of the President of Taiwan, Lee Teng-hui.

In recent days, China has restated its intention to use all means, including military intimidation and force if necessary, to end what Beijing considers a drive by Mr. Lee to achieve independence for Taiwan.

Mr. Lee insists he is only seeking greater international recognition for the island, which has been estranged from the mainland since the nationalists fled there after their defeat by the Communists in 1949.

As three days of talks ended, the Pentagon was receiving reports that China had begun a new military exercise off its southeastern coast near Taiwan, military officials here said.

It followed a Taiwanese drill earlier in the week intended to demonstrate the island's ability to repulse an invasion from the mainland.

The visit of the American delegation led by Joseph S. Nye, the Assistant Secretary of Defense for International Security Affairs, was the first by American military officials since the diplomatic rift that followed a White House decision to allow Mr. Lee to make a private visit to the United States in June.

And it demonstrated that United States-China relations are recovering at a time of unremitting military tension across the Taiwan Strait that could lead to another rupture in relations and, perhaps, military conflict.

''The Chinese have a military operation starting right now,'' an official traveling with Mr. Nye said tonight. ''And what is clear is that China is brushing off military plans and operational contingencies that they haven't thought about since the 1950's. This is an issue we are very concerned about.''

Mr. Nye and officials traveling with him said that communication between China and the United States is improving in some areas, but ''there was no give whatsoever'' on Taiwan, one official said.

''Every single person referred to Taiwan, and their point was that every Chinese is united on this question,'' the official said.

''It was interesting because they made a comparison with our system. They said you may have differences in your Congress, but in China we are all united that there is only one China and Taiwan is part of China.''

Chinese military leaders, during extensive closed door talks with the American delegation, engaged in ''subtle exploration'' of how the United States would respond in the event of a military crisis over Taiwan, one official said.

But the American officials refused to discuss United States contingency planning. ''We stand for peaceful resolution of disputes across the Taiwan Strait,'' Mr. Nye said at a news conference today.

Any use of force by China against Taiwan ''would be a serious mistake'' and, he added, continued military exercises near Taiwan ''are not helpful.''

Mr. Nye announced that the Chinese Defense Minister, Gen. Chi Haotian, would visit Washington next year and that Gen. John

Shalikashvili, Chairman of the Joint Chiefs of Staff, would pay a reciprocal visit to Beijing.

Visits by American and Chinese warships to each other's ports will also resume, Mr. Nye said.●

CHARITABLE GIVING PROTECTION ACT

● Mr. D'AMATO. Mr. President, I am pleased to be a cosponsor of S. 978, the Charitable Giving Protection Act of 1995, introduced by Senators HUTCHISON and DODD.

Charitable organizations serve a vital and unique role in meeting the needs of the American people. Religious, educational, benevolent, fraternal, and other charitable organizations depend on donations to fund their operations. Congress must see to it that charitable giving is encouraged to ensure that these critical donations continue.

Charitable gift annuities enable individuals to make a donation to charity and receive lifetime interest payments based on the donation's return. The SEC has determined that these types of donations do not involve an investment strategy and thus are not securities that would otherwise have to be registered.

Recently, however, a lawsuit has put into question whether charitable income funds need to be registered under the Federal securities laws. The threat of litigation would deter individuals from making this type of donation and prevent charitable organizations from raising funds in this manner. S. 978 will allow charitable institutions to continue raising vital funds through special investments and charitable gift annuities—without the threat of litigation.

The Charitable Giving Protection Act clarifies that the charitable income funds are not required to register under the Federal securities laws. This legislation would codify the longstanding SEC practice of exempting charitable organizations from registration requirements.

This legislation maintains critical investor protection provisions of the Federal securities laws. It does not exclude charitable organizations from the antifraud or disclosure provisions of the Federal securities laws. These important investor provisions must be retained to protect individuals who make the donations to charitable organizations.

This legislation provides the appropriate relief to charities so they can raise and manage their money without compromising investor protections. The chief watchdog of the securities markets, the SEC, also supports the goals of this legislation. During House Commerce Committee hearings on a companion bill, the SEC's Director of the Division of Investment Management, Barry Barbash, testified: ''the Commission believes that the Philanthropy Protection Act provides an appropriate level of investor protection while not encumbering charitable organizations with the burdens of full compliance with the securities laws.''

I am pleased to be a cosponsor of S. 978. Last night, the House companion bills, H.R. 2145, the Philanthropy Protection Act and H.R. 2525, the Charitable Gift Annuity Antitrust Relief Act of 1995 passed by a unanimous vote of the House of Representatives. I urge the Senate to act quickly on this important legislation.●

HONORING SHIM KANAZAWA, KINJI KANAZAWA, AND SPARK M. MATSUNAGA

● Mr. INOUYE. Mr. President, I would like to honor three extraordinary gifted individuals who share many things in common: love of country and an undying commitment to serve their fellow citizens. Shim and Kinji Kanazawa and our beloved colleague, the late Spark M. Matsunaga are to be commended for the time, effort and many years of outstanding service that they have given to improving the quality of life for the people of Hawaii. They are indeed role models that many can only hope to emulate.

The eldest of 11 children of Torazo and Saki Rusaki, Shimeiji, or Shim as she is more familiarly known, was born in Kamuela, HI. She attended schools in Waimea, Hilo, and Boston.

At the time when World War II broke out, Shim assisted the Swedish Vice-Consulate, which had the responsibility for protecting the interests of resident Japanese aliens. She advised the Vice-Consulate to provide a variety of services including assistance with business and personal affairs, reuniting internees with their families, arranging for transportation, and escorting many to the faraway camps. The American Red Cross later awarded Shim a special citation for the care and compassion she displayed to those she assisted.

In 1946, while working for the Veterans Administration, Shim met her husband, Kinji. The following year they were married and immediately moved to Boston where Kinji attended law school and Shim studied at the Chamberlain School of Design and Retailing. Upon completion of their studies, they returned to Honolulu and Shim continued her work for the betterment of the community.

Shim served as an active volunteer member of many organizations including the Lawyers Wives Club, for which she served as president, and the Commission on Children and Youth. Shim was the first nisei woman to serve on the board of Aloha United Way, and the first woman director and chair to serve on the board of Kuakini Medical Center. She was appointed by former Gov. William Quinn to chair the Life and Law Committee to study laws affecting family life and youth, which spearheaded the creation of the Family Court. Shim actively participated on the Elder Affairs Policy Advisory Board and chaired the Commission on Aging. She was also the driving force in the planning of Hawaii's participation in the White House Conference on Aging, serving as chair in 1981 and 1995, and for more than 10 years, Shim has been an active board member of the Moiliili Community Center.

In 1990, on behalf of the Moiliili Hongwanji Mission, Shim applied for a grant from the National Federation of Interfaith Volunteer Caregiver and founded Project Dana, which developed into a very successful program of volunteer caregiving for the frail elderly. Today, she serves on the Robert Wood Johnson Faith in Action National Advisory Committee and is a trustee/treasurer of the National Federation of Interfaith Volunteer Caregivers.

Shim's extraordinary efforts to care for and serve the community has earned her many honors. On May 13, 1990, the Board of Regents of the University of Hawaii at Manoa bestowed upon her the honorary degree of Humane Letters for her deep concern and humanitarian efforts to improve the quality of life for all people. On April 12, 1995, our State Senate honored Shim for her devoted and exemplary service to the people of Hawaii, and on May 11, 1995, the Public Schools Foundation honored her for her more than 20 years of continuous service as a full time executive volunteer at the local and national level.

Kinji Kanazawa is the son of Sakijiro and Haru Kanazawa. He was born and raised in Moiliili with his twin brother Kanemi and five older sisters. Kinji attended Kuhio Elementary, Washington Intermediate, McKinley High School, and the University of Hawaii at Manoa. Kinji worked in real estate, and during World War II, for the Federal War Housing Administration which built about 1,000 temporary homes in Manoa Valley. After the war, he attended Boston University Law School.

Kinji headed the State Real Estate Commission, taught at the University of Hawaii, and operated his own real estate school where he trained over 6,000 agents. On April 3, 1995, he was duly admitted as an Attorney and Counselor of the Supreme Court of the United States of America.

Kinji is credited with saving the Moiliili Community Center during World War II, when most Japanese-owned land was confiscated by the Government under martial law. The military governor refused to allow the Moiliili Community Association to acquire the Japanese Language School unless the Japanese Board of Directors was replaced by caucasians. Kinji persuaded several caucasian community leaders to become board members. As soon as the emergency was over, they willingly resigned to enable the former Moiliili leaders to become board members. Kinji and I recently co-chaired the Capitol Fund Drive to construct the Weinberg Building which is now the Thrift Shop. He has continuously led the board of trustees of the Moiliili Community Center for the past 50

years. Kinji has also served the Moiliili Hongwanji Mission as the president of the temple organization for over 22 years.

The late Spark M. Matsunaga was born on October 8, 1916, on the Island of Kauai, to Kingoro and Chiyono Matsunaga, who had emigrated from Japan to work on a sugar plantation. He worked at many jobs through high school and graduated with honors from the University of Hawaii, where he received a degree in education.

At the time World War II broke out, Spark was a second lieutenant in the U.S. Army. When President Roosevelt permitted the formation of all-Japanese units, Spark became a member of the 100th Infantry Battalion, which later became a part of the 442nd Regimental Combat Team. Whatever assignments Spark received, he performed with skill and bravery. He fought in the historic battles of Monte Cassino, Anzio and the liberation of Rome. He was wounded twice and earned the Bronze Star Medal for heroism.

Using the GI bill, Spark went to Harvard Law School and received his law degree. He went to work as an assistant prosecuting attorney in Honolulu and was elected to the Territorial House of Representatives from 1954 to 1959, and serving as majority leader in 1959.

In 1962, Spark came to Washington and served in the U.S. House of Representatives for seven terms. In 1976, he was elected to the U.S. Senate. He served with much distinction as a member of the Finance Committee, where he was a ranking member, and chairman of the Subcommittee on Taxation and Debt Management; on the Labor and Human Resources Committee, and chairman of its Subcommittee on Aging; and on the Veterans' Affairs Committee.

Spark will always be respected for his outstanding legislative record that fulfilled his visions of peace, international cooperation, and assistance to those in need. He had always wanted to be remembered as a friend of peacemakers. He never forgot the horrors of war. He was determined that our Nation would devote itself to the pursuit of peace. In 1984, Spark's 22 years of lobbying efforts resulted in the establishment of the U.S. Institute for Peace.

As a ranking member of the Veterans' Affairs Committee, Spark's imprint could be seen on virtually every major bill that passed the committee. In 1987, he engaged in efforts to establish a veterans medical center in Hawaii, to care for the aging and ailing military veterans. At that time, I committed myself to carrying on Spark's endeavor and ask that the veterans hospital would forever bear his name, in remembrance of his contributions on behalf of our Nation's veterans. I am pleased to report today, the Congress has appropriated approximately one-third of the total funds to establish the Spark M. Matsunaga Department of Veterans Affairs Medical Center, and I remain hopeful that Spark's endeavor will someday become a reality.

Spark was indeed a voice of compassion for the homeless, as well as the physically and mentally ill. When it may have been unpopular to do so, he waged a campaign for justice for Americans of Japanese ancestry who were interned during World War II. Spark went from office to office seeking cosponsors for a measure authorizing an apology and monetary reparations for Japanese-Americans whose patriotism was questioned. This measure was enacted in 1988.

I will always remember Spark for these achievements, his friendly personality and love of Japanese poetry.

Shim and Kinji Kanazawa's and the late Spark M. Matsunaga's extraordinary lifelong contributions to the State of Hawaii and to our Nation will not be forgotten.●

IMMIGRATION: WHERE TO GO FROM HERE

● Mr. ABRAHAM. Mr. President, I would like to bring to the attention of my Senate colleagues a piece that appeared in the November 27 edition of the Wall Street Journal entitled ''Immigration: Where to Go From Here?'' In this piece, the Journal asked a panel of opinion-makers—ranging from Jack Kemp to former New York Mayor Edward Koch to our colleague BEN NIGHTHORSE CAMPBELL—about the impact of legal immigration on America's society and economy. I think that the views expressed in this article will be helpful to my colleagues as we debate immigration reform in the coming months. I ask that the article be printed in the RECORD.

The article follows:

[From the Wall Street Journal, Nov. 27, 1995]

IMMIGRATION: WHERE TO GO FROM HERE

Jack Kemp is a co-director of Empower America, a conservative advocacy organization.

Some immigration policies badly need reform, especially those having to do with illegal immigration. Under the 1986 immigration reform act, for example, it's illegal to hire an undocumented alien, and hard and costly even to hire a legal one. By contrast, the law allows, and in many cases legally mandates, payment of welfare, medical, education and other benefits.

A better, more American, policy would be to make it easy for immigrants to work—for example, with a generous guest worker program and low-cost i.d. for participants. We can design a policy that would be just and would create better incentives, but would make it harder to get welfare payments. For instance, the U.S. could more readily accept immigrants who take a pledge not to go on welfare (a pledge many have already taken).

With such policies, we not only can ''afford'' to keep the golden door open; we will attract the same type of dynamic men and women who historically helped build this immigrant nation. Let's agree to reform the welfare state and not allow America to be turned into a police state.

Edward I. Koch is a former mayor of New York City.

The U.S. continues to benefit from the influx of legal immigrants. Just to take a few examples: In Silicon Valley, one out of every three engineers and microchip designers is foreign born; in Miami, Cuban immigrants have revitalized a once decaying city; and in New York, foreign nationals serve as CEOs of banking institutions, as senior managers of international companies, and as investors and entrepreneurs.

What the restrictionist legislative proposals seem to ignore is the critical distinction between legal and illegal immigration. The number of legal immigrants we admit each year is limited and manageable. Fewer than 25,000 immigrants received labor certifications (the prerequisite for obtaining permanent resident status based on job skills) last year.

Under existing law, legal immigrants must establish when coming here that they have sufficient assets to sustain themselves or that they have a job with a salary that will ensure their not becoming dependent on welfare. Lacking these two, they are required to provide an affidavit from a sponsor, usually a family member, who will be legally responsible to make sure the immigrant and his family will never become public charges. These commitments should be made enforceable.

I do not believe that the U.S. would be the world's only superpower if not for the super energy provided by the annual influx of legal immigrants. I don't want to change that.

Stephen H. Legomsky is a professor of international and comparative law at Washington University School of Law, St. Louis.

The U.S. has two venerable traditions. One is to admit immigrants; the other is to complain that today's immigrants are not of the same caliber as yesterday's. In actuality, today's immigrants are just as resourceful as their predecessors, and they are more vital to American industry and to the American consumer than ever before. Imported laborers used to be valued mainly for their muscle. In today's high-tech global economy, brainpower has become the more valuable resource. American companies and universities compete with their foreign counterparts for the world's greatest minds. Why donate this talent to our global competitors when we can use it ourselves?

Yes, immigrants take jobs. But they also create jobs by consuming goods and services, lending their expertise to newly vibrant American export companies, starting businesses and revitalizing cities.

Yes, some immigrants receive welfare. But immigrants also pay taxes—income, sales, property, gasoline and Social Security. For federal, state and local governments combined, immigrants actually generate a net fiscal surplus.

Of course, immigration does far more than this. It reunites husbands with wives and parents with children. It enriches us culturally. It is, ultimately, the quintessential American value.

Peter Brimelow is the author of ''Alien Nation: Common Sense About America's Immigration Disaster'' (Random House).

Immigration policy is broke and needs fixing. The perverse selectivity of the 1965 Immigration Act has resulted in an inflow vastly larger and more unskilled than promised. Moreover, in the lull since the 1890–1920 immigration wave, the American welfare state was invented. Its interaction with mass immigration is paradoxical. At the turn of the century, 40% of all immigrants went home, basically because they failed in the work force. Now immigrants are significantly into welfare (9.1% vs. 7.4% for native-born Americans, maybe 5% for native-born whites). And net immigration is some 90%.

The real economic question about immigration, however, is: Is it necessary? Does it do anything for the native-born that they could not do for themselves? Here there is a consensus: no. Indeed, the best estimate of the post-1965 influx's benefit to the native-born, by University of California, San Diego economist George J. Borjas, is that it is nugatory: perhaps one-tenth of 1% of gross domestic product in total. America is being transformed for—nothing.

Current legislation usefully reduces numbers. But irresponsible politicians and pundits will prevent a full Canadian-style reorientation to favoring immigrants with skills and cultural compatibility such as English proficiency, or giving consideration to guest workers, before the inevitable backlash compels a total cut-off.

Gregory Fossedal is founder and CEO of the Alexis de Tocqueville Institution, Arlington, VA.

Immigrants pay $25 billion more in federal taxes than they use in services, according to an Urban Institute estimate. Preliminary data on patents, small business startups, and city and state unemployment all indicate immigrants generate net output and jobs. For a smaller budget deficit we should run a people surplus.

Some want to ''skim the cream''—letting in lots of engineers and millionaires, but fewer family members, refugees and ''low-skilled'' immigrants. Tempting, but the brilliant Indian and Chinese programmers working for Microsoft often have wives or husbands or parents. Many American executives need an affordable au pair: And the George Soroses or Any Groves of tomorrow often have nothing when they come. They bus tables or clean hotel rooms before they build Fortune 500 companies. It's a mistake for Vice President Al Gore to try to out-think capital markets. Why should Sen. Alan Simpson be smarter than the labor market?

We should sharpen the programmatic distinction between being in the U.S. and being a U.S. citizen. Make it easy to work or travel—but confer government benefits on citizens, not on people who merely happen to be here (a change included in the House welfare reform). This would end the shibboleth that immigrants are costly, and ease legitimate concern that America is losing its English-speaking core. Then there would be support for the reform we really need—to let in more immigrants.

Barbara Jordan chairs the U.S. Commission on Immigration Reform.

It is because we benefit from lawful immigration that reform is necessary. The bipartisan USCIR recommends a comprehensive strategy to deter illegal immigration: better border management; more effective enforcement of labor and immigration laws; benefits policies consistent with immigration goals: prompt removal of criminal aliens. Most illegal aliens come for jobs, so reducing that magnet is key. Employers need tools to verify work authorization that fight fraud and discrimination, reduce paperwork and protect privacy. The most promising option: electronic validation of the Social Security number all workers already provide after they are hired.

A well-regulated legal immigration system sets priorities. Current policy does not. More than one million nuclear families are separated, awaiting visas that will not be available for years. We recommend using extended family visas to clear this backlog. Unskilled foreign workers are admitted while many of our own unskilled can't find jobs. We recommend eliminating this category. A failed regulatory system prevents timely hiring of skilled foreign professionals even when employers demonstrate an immediate need. We recommend a simpler, less costly system based on market forces. We still have a Cold War refugee policy. To maintain our commitment to refugees, we should rethink our admissions criteria.

These reforms will further the national interest.

Scott McNealy is chairman and CEO, Sun Microsystems Inc., Palo Alto, Calif.

Sun Microsystems is an American success story, a company that has benefited profoundly from the employment of highly skilled legal immigrants. Founded in 1982 by individuals from three countries—Vinod Khosla (India), Any Bechtolsheim (Germany), and Bill Joy and myself (U.S.)—today Sun has more than $6 billion in annual revenues and more than 15,500 employees worldwide. Our latest technology effort was headed by an Indian national and worked on by about 2,000 employees from around the world.

While illegal immigration is a problem that needs to be addressed, there are very real benefits to the U.S. economy from the employment of highly skilled legal immigrants.

The legislation that is moving through Congress today, if approved, will hurt Sun, and the industry. With at least half of our revenue earned outside the U.S., and the bulk of our R&D conducted inside the U.S., we need to hire the best and brightest engineers and scientists, regardless of their place of birth, to stay globally competitive. And even though Sun is devoting considerable resources both to training our employees and to educating students from kindergarten through university, we are still confronted with a shortage of U.S. workers with state-of-art, leading-edge engineering knowledge. We must be able to hire highly skilled legal immigrants now or we may miss a product cycle in this fast-paced industry. Miss one product cycle, you're seriously hurt; miss two, you're history.

If Sun loses its ability to compete and recruit globally, our employees and shareholders lose and ultimately the U.S. loses.

George E. Pataki is the governor of New York.

In my hometown of Peekskill, N.Y., where my immigrant grandparents lived, the homes and flats that were rented by immigrants from Hungary, Italy and Ireland in the early 20th century are now rented by new immigrants from Peru, Mexico and East Asia. In the early morning you can see many of these new immigrants waiting for rides and for work as they begin their long days as gardeners and laborers. Their work ethic and their dreams for a better future parallel the work ethic of America's earlier immigrants.

While the federal government must improve the policing of our borders and assure that immigration is in fact legal, Congress must avoid the temptation to pass restrictive measures like California's Proposition 187. This is America, not Fortress America.

Let those who share our values as Americans—hard work, individual responsibility and a love for this country—continue to strengthen our unique nation.

Ben Nighthorse Campbell is a Republican senator from Colorado.

One weakness of our immigration policy is that we continually give amnesty to the illegal immigrants, undermining the legal process and the intent of the law. But, generally, immigrants still contribute more than they take out. Many of them do jobs no American will do for any wage. Immigrants from Southeast Asia go into inner cities and help rejuvenate them by operating small restaurants and motels. And most of them, to my knowledge, have no problems with the law. The first thing they do when they get here is to find a job and get to work.

If my ancestors on the Indian side had the same anti-immigrant attitude that many Americans do now, those very same people who now criticize immigrants wouldn't be here themselves.

But, having said all that, I recognize you must have control of your borders. You cannot have an open-door policy for anybody and everybody. It becomes a national security and national health problem when we give up having some control.

Dr. Ruth Westheimer is the author of, ''Sex for Dummies'' (IDG Books, paperback).

When I was 10 years old, I was permitted to immigrate to Switzerland while my parents and grandmother were not. The net effect was that I survived the Holocaust and they didn't. If we in the U.S. are going to call ourselves followers of the Judeo-Christian ethic, then we have a moral obligation not to shut the doors to those who are being persecuted.

Now while I am not an economist, I also think that we benefit a lot more than we admit from a constant flow of new laborers. When I first came here, I was able to find a job as a housemaid for a dollar an hour, which saved my life. Now I employ a housekeeper who comes from the Philippines, and to me she is a lifesaver. We all benefit from the Mexican workers who pick our fruits and vegetables, and from the Korean grocers who stay open all night selling them. If we try to keep new immigrants from joining us, we will only be cutting off our collective nose to spite our selfish face.●

PRESIDENTS OF ARMENIA AND TURKEY MEET IN NEW YORK

● Mr. SIMON. Mr. President, I receive the Armenian Mirror-Spectator regularly, a weekly publication circulated primarily in the United States.

There are two items of interest in the October 28 issue. And the headings on the two items tell much of the story. One is ''Presidents of Armenia and Turkey Meet in New York,'' and the other is ''Armenia Suggests Normalization of Ties With Turkey.''

The animosities of decades and, sometimes, centuries have to be diminished in our world. One of those that hurts both Armenia and Turkey is the historic difficulties between these two peoples.

I urge both countries to continue to move along this path toward reconciliation.

And I ask that the two articles be printed in the RECORD.

The articles follow:

[From the Armenian Mirror-Spectator, Oct. 28, 1995]

PRESIDENTS OF ARMENIA AND TURKEY MEET IN NEW YORK

(By Florence Avakian)

UNITED NATIONS, NY.—On Monday, October 23, a private meeting took place between Turkish President Suleyman Demirel and Armenian President Levon Der Petrossian and their aides at the Turkish Mission to the United Nations in New York. The meeting at the Turkish UN headquarters, which is across the street from the United Nations, underscored the importance that Armenia puts on improved relations with Turkey.

Just before the Demirel-Der Petrossian meeting, the Turkish President had met privately with Azerbaijani President Geidar

Aliyev, also at the Turkish Mission to the United Nations. Following the Demirel-Aliyev meeting, the two leaders came out for a photo opportunity with the more than 60 Turkish and Azeri media representatives. This correspondent, who was the only Armenian journalist present, asked the Turkish President:

FA: Mr. Demirel, do you have plans to have a trilateral meeting with Presidents Der Petrossian and Aliyev?

SD: No, that will not happen. We are having bilateral meetings with each other. At this time, there is no need to have a summit. Armenia and Azerbaijan don't have a common ground or agreement in order to have a three-way summit.

When the President of Armenia arrived for his meeting with the Turkish leader, the Demirel-Aliyev meeting was still in progress. He waited on another floor of the Turkish Mission until the Azeri President left. Following the more than half hour meeting between the Armenian and Turkish heads of state, the two also came out for a photo op with the press.

Speaking in Armenian with an English interpreter, President Der Petrossian commented, ''We are using all the opportunities to achieve peace. During our meeting today, the issue of settlement of the Naǵorno Karabaǵh conflict was discussed as well as the issues connected with bilateral relations between Armenia and Turkey. I think that the common understanding is to allow the resumption of military activities in Naǵorno Karabaǵh.

''At the same time it is necessary for all parties to express good will and to find constructive compromise and solutions to the conflict. There are details that are to be settled and discussed during the negotiating process. And it's not only Lachin, but there are tens of issues in which the parties' opinions differ from each other. Tomorrow, the same issues will be discussed with Mr. Aliyev.''

This last statement was in reference to a private meeting between the Armenian and Azeri Presidents which was scheduled to take place on Tuesday morning, October 24, at 9:30 am, at the United Nations headquarters.

Following the two bilateral meetings, the Turkish President held a press conference with only the Turkish press, intended for public consumption in Turkey. The Turkish press representative summarized the information for this correspondent after the briefing.

Demirel had reportedly said, without elaborating, that after the dismemberment of the Soviet Union, the importance of Turkey had increased. Concerning the Caucasus, he said that it was Turkey's second foreign policy priority, after the war in the former Yuǵoslavia, and that the Karabaǵh conflict hurts not only Armenia and Azerbaijan, but also Turkey and Georǵia. His statement reportedly was that when one neighbor is hurt, all are hurt. The Caucasus conflict cannot be resolved by force, he said, and that peace will open new opportunities.

The Turkish press representative continued the Turkish President's comments which included the statement that Turkey does not have designs against its neighbors, and that Armenia and Azerbaijan will reach peace through the Minsk Group. Demirel reportedly stated that he wants ''1.4 million Azeris to return to their homes.''

In answer to a question by this correspondent three weeks ago, Former Turkish Foreign Minister, Erdal Inonu, at a press conference at the United Nations, used the figure of one million Azeri refugees. (It is interesting to note, as I reported at that time, that the International Red Cross puts the figure of refugees resulting from the Caucasus conflict at 1.1 million, 350,000 of which are Armenian refugees from Baku, Sumgait and Karabagh.)

The Turkish President also mentioned that he had cancelled his meeting with President Clinton in Washington because of the government crisis in Turkey. However, he said that President Clinton, at the Presidents' dinner at the United Nations, told him that he is supporting Turkey. To this, Demirel thanked Clinton for his support on the oil and terror issues. The United States has supported Turkey on the Kurdish question. One of the most vocal protest groups outside the United Nations were the Kurds asking for freedom and self-determination.

The Turkish crisis which brought down the Ciller government resulted in the Turkish President returning to Turkey on the evening of Monday, October 23. It was widely expected that on Tuesday, October 24, Demirel would appoint a new government, and set a new date for elections. Reportedly, he has asked Tansu Ciller to remain as Prime Minister. Reliable sources also say that Hikmet Cetin, who held the post before, will replace Erdal Inonu as the next foreign minister.

[From the Armenian Mirror-Spectator, Oct. 28, 1995]

ARMENIA SUGGESTS NORMALIZATION OF TIES WITH TURKEY

ANKARA, TURKEY.—The Armenian Parliament speaker this week called for an end to decades of mistrust and hostilities with Turkey and proposed to establish bilateral diplomatic and commercial ties.

Babken Ararktsian, who is currently in Istanbul as term president of the Parliamentary Assembly of the Black Sea Economic Cooperation (PABSEC), told local reporters that Armenia was ready to tear down the wall between Turkey and Armenia which has been there for the past 70 years.

''Relations should be bilateral. They should not be influenced by third countries,'' he said.

Turkey has never established diplomatic ties with Armenia because of Armenia's repeated charges that Turks massacred 1.5 million Armenians during the First World War as well as its seven-year war with Azerbaijan over the Nagorno Karabagh enclave.

Turkey had supported Azerbaijan and cut off all air and overland border crossings to Armenia at the height of the war in 1993.

An air corridor between eastern Turkey and Yerevan, capital of Armenia, was reopened only this year.

Ararktsian said Armenia was ready to open its borders to allow Turkish trucks carrying goods to transit to the Caucasus and to the Turkic republics in Central Asia.

''Big perspectives exist for the future of economic ties between the two countries,'' he added.●

INTERSTATE COMMERCE COMMISSION SUNSET ACT

The text of the bill (H.R. 2539) as passed by the Senate on November 28, 1995, is as follows:

Resolved, That the bill from the House of Representatives (H.R. 2539) entitled ''An Act to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Interstate Commerce Commission Sunset Act of 1995''.

SEC. 2. AMENDMENT OF TITLE 49.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. TABLE OF SECTIONS.

The table of sections for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Amendment of title 49.
Sec. 3. Table of sections.

TITLE I—TERMINATION OF THE INTERSTATE COMMERCE COMMISSION AND FEDERAL MARITIME COMMISSION; REPEAL OF OBSOLETE AND UNNECESSARY PROVISIONS OF LAW

SUBTITLE A—TERMINATIONS

Sec. 101. Agency terminations.
Sec. 102. Savings provisions.
Sec. 103. References to the ICC in other laws.
Sec. 104. Transfer of functions.
Sec. 105. References to the FMC in other laws.

SUBTITLE B—REPEAL OF OBSOLETE, ETC., PROVISIONS

Sec. 121. Repeal of provisions.
Sec. 122. Coverage of certain entities under other, unrelated Acts not affected.

TITLE II—INTERMODAL SURFACE TRANSPORTATION BOARD

SUBTITLE A—ORGANIZATION

Sec. 201. Amendment to subchapter I.
Sec. 202. Administrative support.
Sec. 203. Reorganization.
Sec. 204. Transition plan for Federal Maritime Commission functions.

SUBTITLE B—ADMINISTRATIVE

Sec. 211. Powers.
Sec. 212. Commission action.
Sec. 213. Service of notice in Commission proceedings.
Sec. 214. Service of process in court proceedings.
Sec. 215. Study on the authority to collect charges.
Sec. 216. Federal Highway Administration rulemaking.
Sec. 217. Transport vehicles for off-road, competition vehicles.
Sec. 218. Destruction of motor vehicles or motor vehicle facilities; wrecking trains.

TITLE III—RAIL AND PIPELINE TRANSPORTATION

Sec. 301. General changes in references to Commission, etc.
Sec. 302. Rail transportation policy.
Sec. 303. Definitions.
Sec. 304. General jurisdiction.
Sec. 305. Railroad and water transportation connections and rates.
Sec. 306. Authority to exempt rail carrier and motor carrier transportation.
Sec. 307. Standards for rates, classifications, etc.
Sec. 308. Standards for rates for rail carriers.
Sec. 309. Authority for carriers to establish rates, classifications, etc.
Sec. 310. Authority for carriers to establish through routes.
Sec. 311. Authority and criteria for prescribed rates, classifications, etc.
Sec. 312. Authority for prescribed through routes, joint classifications, etc.
Sec. 313. Antitrust exemption for rate agreements.
Sec. 314. Investigation and suspension of new rail rates, etc.
Sec. 315. Zone of rail carrier rate flexibility.
Sec. 316. Investigation and suspension of new pipeline carrier rates, etc.
Sec. 317. Determination of market dominance.
Sec. 318. Contracts.
Sec. 319. Government traffic.
Sec. 320. Rates and liability based on value.

Sec. 321. Prohibitions against discrimination by common carriers.
Sec. 322. Facilities for interchange of traffic.
Sec. 323. Liability for payment of rates.
Sec. 324. Continuous carriage of freight.
Sec. 325. Transportation services or facilities furnished by shipper.
Sec. 326. Demurrage charges.
Sec. 327. Transportation prohibited without tariff.
Sec. 328. General elimination of tariff filing requirements.
Sec. 329. Designation of certain routes.
Sec. 330. Authorizing construction and operation of railroad lines.
Sec. 331. Authorizing action to provide facilities.
Sec. 332. Authorizing abandonment and discontinuance.
Sec. 333. Filing and procedure for applications to abandon or discontinue.
Sec. 334. Exceptions.
Sec. 335. Railroad development.
Sec. 336. Providing transportation, service, and rates.
Sec. 337. Use of terminal facilities.
Sec. 338. Switch connections and tracks.
Sec. 339. Criteria.
Sec. 340. Rerouting traffic on failure of rail carrier to serve public.
Sec. 341. Directed rail transportation.
Sec. 342. War emergencies; embargoes.
Sec. 343. Definitions for subchapter III.
Sec. 344. Depreciation charges.
Sec. 345. Records, etc.
Sec. 346. Reports by carriers, lessors, and associations.
Sec. 347. Accounting and cost reporting.
Sec. 348. Securities, obligations, and liabilities.
Sec. 349. Equipment trusts.
Sec. 350. Restrictions on officers and directors.
Sec. 351. Limitation on pooling and division of transportation or earnings.
Sec. 352. Consolidation, merger, and acquisition of control.
Sec. 353. General procedure and conditions of approval for consolidation, etc.
Sec. 354. Rail carrier procedure for consolidation, etc.
Sec. 355. Employee protective arrangements.
Sec. 356. Authority over noncarrier acquirers.
Sec. 357. Authority over intrastate transportation.
Sec. 358. Tax discrimination against rail transportation property.
Sec. 359. Withholding State and local income tax by certain carriers.
Sec. 360. General authority for enforcement, investigations, etc.
Sec. 361. Enforcement.
Sec. 362. Attorney General enforcement.
Sec. 363. Rights and remedies.
Sec. 364. Limitation on actions.
Sec. 365. Liability of common carriers under receipts and bills of lading.
Sec. 366. Liability when property is delivered in violation of routing instructions.
Sec. 367. General civil penalties.
Sec. 368. Civil penalty for accepting rebates from common carrier.
Sec. 369. Rate, discrimination, and tariff violations.
Sec. 370. Additional rate and discrimination violations.
Sec. 371. Interference with railroad car supply.
Sec. 372. Record keeping and reporting violations.
Sec. 373. Unlawful disclosure of information.
Sec. 374. Consolidation, merger, and acquisition of control.
Sec. 375. General criminal penalty.
Sec. 376. Financial assistance for State projects.
Sec. 377. Status of AMTRAK and applicable laws.
Sec. 378. Rail-shipper Transportation Advisory Council.

TITLE IV—MOTOR CARRIER, WATER CARRIER, BROKER, AND FREIGHT FORWARDER TRANSPORTATION

SUBTITLE A—ADDITION OF PART B

Sec. 401. Enactment of part B of subtitle IV, title 49, United States Code.

SUBTITLE B—MOTOR CARRIER REGISTRATION AND INSURANCE REQUIREMENTS

Sec. 451. Amendment of section 31102.
Sec. 452. Amendment of section 31138.
Sec. 453. Self-insurance rules.
Sec. 454. Safety fitness of owners and operators.

TITLE V—AMENDMENTS TO OTHER LAWS

Sec. 501. Federal Election Campaign Act of 1971.
Sec. 502. Agricultural Adjustment Act of 1938.
Sec. 503. Agricultural Marketing Act of 1946.
Sec. 504. Animal Welfare Act.
Sec. 505. Title 11, United States Code.
Sec. 506. Clayton Act.
Sec. 507. Consumer Credit Protection Act.
Sec. 508. National Trails System Act.
Sec. 509. Title 18, United States Code.
Sec. 510. Internal Revenue Code of 1986.
Sec. 511. Title 28, United States Code.
Sec. 512. Migrant and Seasonal Agricultural Worker Protection Act.
Sec. 513. Title 39, United States Code.
Sec. 514. Energy Policy Act of 1992.
Sec. 515. Railway Labor Act.
Sec. 516. Railroad Retirement Act of 1974.
Sec. 517. Railroad Unemployment Insurance Act.
Sec. 518. Emergency Rail Services Act of 1970.
Sec. 519. Regional Rail Reorganization Act of 1973.
Sec. 520. Railroad Revitalization and Regulatory Reform Act of 1976.
Sec. 521. Alaska Railroad Transfer Act of 1982.
Sec. 522. Merchant Marine Act, 1920.
Sec. 523. Service Contract Act of 1965.
Sec. 524. Federal Aviation Administration Authorization Act of 1994.
Sec. 525. Fiber drum packaging.
Sec. 526. Termination of certain maritime authority.
Sec. 527. Certain commercial space launch activities.
Sec. 528. Use of highway funds for Amtrak-related projects and activities.
Sec. 529. Violation of grade-crossing laws and regulations.

TITLE VI—AUTHORIZATION

Sec. 601. Authorization of appropriations.

TITLE VII—MISCELLANEOUS PROVISION

Sec. 701. Pay of Members of Congress and the President during Government shutdowns.

TITLE VIII—EFFECTIVE DATE

Sec. 801. Effective Date.

TITLE I—TERMINATION OF THE INTERSTATE COMMERCE COMMISSION AND FEDERAL MARITIME COMMISSION; REPEAL OF OBSOLETE AND UNNECESSARY PROVISIONS OF LAW

Subtitle A—Terminations

SEC. 101. AGENCY TERMINATIONS.

(a) INTERSTATE COMMERCE COMMISSION.—Upon the transfer of functions under this Act to the Intermodal Surface Transportation Board and to the Secretary of Transportation, the Interstate Commerce Commission shall terminate.

(b) FEDERAL MARITIME COMMISSION.—Effective January 1, 1997, the Federal Maritime Commission shall terminate.

SEC. 102. SAVINGS PROVISIONS.

(a) IN GENERAL.—All orders, determinations, rules, regulations, licenses, and privileges which are in effect at the time this Act takes effect, shall continue in effect according to their terms, insofar as they involve regulatory functions to be retained by this Act, until modified, terminated, superseded, set aside, or revoked in accordance with law by the Transportation Board (to the extent they involve the functions transferred to the Intermodal Surface Transportation Board under this Act) or by the Secretary (to the extent they involve functions transferred to the Secretary under this Act), or by a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS; APPLICATIONS.—

(1) The provisions of this Act shall not affect any proceedings or any application for any license pending before the Interstate Commerce Commission at the time this Act takes effect, insofar as those functions are retained and transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Transportation Board and the Secretary are authorized to provide for the orderly transfer of pending proceedings from the Interstate Commerce Commission.

(c) ACTIONS IN LAW COMMENCED BEFORE ENACTMENT.—Except as provided in subsection (e)—

(1) the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect, and,

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) CONTINUANCE OF ACTIONS AGAINST OFFICERS.—No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Interstate Commerce Commission shall abate by reason of the enactment of this Act. No cause of action by or against the Interstate Commerce Commission, or by or against any officer thereof in his official capacity, shall abate by reason of enactment of this Act.

(e) SUBSTITUTION OF TRANSPORTATION BOARD AS PARTY.—Any suit by or against the Interstate Commerce Commission begun before enactment of this Act shall be continued, insofar as it involves a function retained and transferred under this Act, with the Transportation Board (to the extent the suit involves functions transferred to the Transportation Board under this Act) or the Secretary (to the extent the suit involves functions transferred to the Secretary under this Act) substituted for the Commission.

SEC. 103. REFERENCES TO THE ICC IN OTHER LAWS.

(a) FUNCTIONS.—With respect to any functions transferred by this Act and exercised after the effective date of the Interstate Commerce Commission Sunset Act of 1995, reference in any other Federal law to the Interstate Commerce Commission shall be deemed to refer to—

(1) the Intermodal Surface Transportation Board, insofar as it involves functions transferred to the Transportation Board by this Act; and

(2) the Secretary of Transportation, insofar as it involves functions transferred to the Secretary by this Act.

(b) OTHER REFERENCES.—Any other reference in any law, regulation, official publication, or other document to the Interstate Commerce Commission as an agency of the United States Government shall be treated as a reference to the Transportation Board.

SEC. 104. TRANSFER OF FUNCTIONS.

(a) TO TRANSPORTATION BOARD.—Except as otherwise provided in this Act and the amendments made by this Act, those personnel, property, and records employed, used, held, available, or to be made available in connection with a function transferred to the Transportation Board by this Act shall be transferred to the

Transportation Board for use in connection with the functions transferred, and unexpended balances of appropriations, allocations, and other funds of the Interstate Commerce Commission shall also be transferred to the Transportation Board.

(b) TO SECRETARY.—Except as otherwise provided in this Act and the amendments made by this Act, those personnel, property, and records employed, used, held, available, or to be made available in connection with a function transferred to the Secretary by this Act shall be transferred to the Secretary for use in connection with the functions transferred.

(c) SEPARATED EMPLOYEES.—Notwithstanding all other laws and regulations, the Department of Transportation shall place all Interstate Commerce Commission employees separated from the Commission as a result of this Act on the DOT reemployment priority list (competitive service) or the priority employment list (excepted service).

SEC. 105. REFERENCES TO THE FMC IN OTHER LAWS.

Effective January 1, 1997, reference in any other Federal law to the Federal Maritime Commission shall be deemed to refer to the Transportation Board.

Subtitle B—Repeal of Obsolete, Etc., Provisions

SEC. 121. REPEAL OF PROVISIONS.

The following provisions are repealed:

(1) Section 10101 (relating to transportation policy) and the item relating thereto in the table of sections of chapter 101 are repealed.

(2) Section 10322 (relating to Commission action and appellate procedure in nonrail proceedings) and the item relating thereto in the table of sections of chapter 103 are repealed.

(3) Section 10326 (relating to limitations in rulemaking proceedings related to rail carriers) and the item relating thereto in the table of sections of chapter 103 are repealed.

(4) Section 10327 (relating to Commission action and appellate procedure in rail carrier proceedings) and the item relating thereto in the table of sections of chapter 103 are repealed.

(5) Section 10328 (relating to intervention) and the item relating thereto in the table of sections of chapter 103 are repealed.

(6) Subchapter III of chapter 103 (relating to joint boards) and the items relating thereto in the table of sections of such chapter are repealed.

(7)(A) Subchapter IV of chapter 103 (relating to Rail Services Planning Office) and the items relating thereto in the table of sections of such chapter are repealed.

(B) Section 24505(b) of title 49, United States Code, is amended to read as follows:

''(b) OFFER REQUIREMENTS.—A commuter authority making an offer under subsection (a)(2) of this section shall show that it has obtained access to all rail property necessary to provide the additional commuter rail passenger transportation.''.

(8) Subchapter V of chapter 103 (relating to Office of Rail Public Counsel) and the items relating thereto in the table of sections of such chapter are repealed.

(9) Section 10502 (relating to express carrier transportation) and the item relating thereto in the table of sections of chapter 105 are repealed.

(10) Section 10504 (relating to exempt rail mass transportation) and the item relating thereto in the table of sections of such chapter are repealed.

(11) Subchapter II, III, and IV of chapter 105 (relating to freight forwarder service) and the items relating thereto in the table of sections of such chapter are repealed.

(12) Section 10705a (relating to joint rate surcharges and cancellations) and the item relating thereto in the table of sections of chapter 107 are repealed.

(13) Section 10710 (relating to elimination of discrimination against recyclable materials) and the item relating thereto in the table of sections of chapter 107 are repealed.

(14) Section 10711 (relating to effect of certain sections on rail rates and practices) and the item relating thereto in the table of sections of chapter 107 are repealed.

(15) Section 10712 (relating to inflation-based rate increases) and the item relating thereto in the table of sections of chapter 107 are repealed.

(16) Subchapter II (relating to special circumstances) of chapter 107 (except for sections 10721 and 10730) and the items relating thereto in the table of sections of chapter 107 (except for the subchapter caption and the items relating to sections 10721 and 10730) are repealed.

(17) Section 10743 (relating to payment of rates) and the item relating thereto in the table of sections of chapter 107 are repealed.

(18) Section 10746 (relating to transportation of commodities manufactured or produced by a rail carrier) and the item relating thereto in the table of sections of chapter 107 are repealed.

(19) Section 10748 (relating to transportation of livestock by rail carrier) and the item relating thereto in the table of sections of chapter 107 are repealed.

(20) Section 10749 (relating to exchange of services and limitation on use of common carriers by household goods freight forwarders) and the item relating thereto in the table of sections of chapter 107 are repealed.

(21) Section 10751 (relating to business entertainment expenses) and the item relating thereto in the table of sections of chapter 107 are repealed.

(22) Section 10764 (relating to arrangements between carriers) and the item relating thereto in the table of sections of chapter 107 are repealed.

(23) Section 10765 (relating to water transportation under arrangements with certain other carriers) and the item relating thereto in the table of sections of chapter 107 are repealed.

(24) Section 10766 (relating to freight forwarder traffic agreements) and the item relating thereto in the table of sections of chapter 107 are repealed.

(25) Section 10767 (relating to billing and collecting practices) and the item relating thereto in the table of sections of chapter 107 are repealed.

(26) Subchapter V of chapter 107 (relating to valuation of property) and the items relating thereto in the table of sections of chapter 107 are repealed.

(27)(A) Section 10908 (relating to discontinuing or changing interstate train or ferry transportation) and the item relating thereto in the table of sections of chapter 109 are repealed.

(B) Subsection (d) of section 24705 of title 49, United States Code, is repealed.

(28) Section 10909 (relating to discontinuing or changing train or ferry transportation in one State) and the item relating thereto in the table of sections of chapter 109 are repealed.

(29) Subchapter II (relating to other carriers and motor carrier brokers) of chapter 109 and the items relating thereto in the table of sections of chapter 109 are repealed.

(30) Section 11102 (relating to classification of carriers) and the item relating thereto in the table of sections of chapter 111 are repealed.

(31) Section 11105 (relating to protective services) and the item relating thereto in the table of sections of chapter 111 are repealed.

(32) Section 11106 (relating to identification of motor vehicles) and the item relating thereto in the table of sections of chapter 111 are repealed.

(33) Section 11107 (relating to leased motor vehicles) and the item relating thereto in the table of sections of chapter 111 are repealed.

(34) Section 11108 (relating to water carriers subject to unreasonable discrimination in foreign transportation) and the item relating thereto in the table of sections of chapter 111 are repealed.

(35) Section 11109 (relating to loading and unloading motor vehicles) and the item relating thereto in the table of sections of chapter 111 are repealed.

(36) Section 11110 (relating to household goods carrier operations) and the item relating thereto in the table of sections of chapter 111 are repealed.

(37) Section 11111 (relating to use of citizen band radios on buses) and the item relating thereto in the table of sections of chapter 111 are repealed.

(38) Section 11126 (distribution of coal cars) and the item relating thereto in the table of sections of chapter 111 are repealed.

(39) Section 11127 (relating to service of household freight forwarders) and the item relating thereto in the table of sections of chapter 111 are repealed.

(40) Section 11142 (relating to uniform accounting system for motor carriers) and the item relating thereto in the table of sections of chapter 111 are repealed.

(41) Section 11161 (relating to railroad accounting principles board) and the item relating thereto in the table of sections of chapter 111 are repealed.

(42) Section 11162 (relating to cost accounting principles) and the item relating thereto in the table of sections of chapter 111 are repealed.

(43) Section 11163 (relating to implementation of cost accounting principles) and the item relating thereto in the table of sections of chapter 111 are repealed.

(44) Section 11164 (relating to certification of rail carrier cost accounting systems) and the item relating thereto in the table of sections of chapter 111 are repealed.

(45) Section 11167 (relating to report) and the item relating thereto in the table of sections of chapter 111 are repealed.

(46) Section 11168 (relating to authorization of appropriations) and the item relating thereto in the table of sections of chapter 111 are repealed.

(47) Section 11304 (relating to security interest in certain motor vehicles) and the item relating thereto in the table of sections of chapter 113 are repealed.

(48) Section 11321 (relating to limitation on ownership of certain water carriers) and the item relating thereto in the table of sections for chapter 113 are repealed.

(49) Section 11323 (relating to limitation on ownership of other carriers by household goods freight forwarders) and the item relating thereto in the table of sections for chapter 113 are repealed.

(50) Section 11345a (relating to motor carrier procedures for consolidation, merger, and acquisition of control) and the item relating thereto in the table of sections of chapter 113 are repealed.

(51) Section 11346 (relating to expedited rail carrier procedures for consolidation, merger, and acquisition of control) and the item relating thereto in the table of sections of chapter 113 are repealed.

(52) Section 11349 (relating to temporary operating approval for transactions involving motor and water carriers) and the item relating thereto in the table of sections of chapter 113 are repealed.

(53) Section 11350 (relating to responsibility of the Secretary of Transportation in certain transactions) and the item relating thereto in the table of sections of chapter 113 are repealed.

(54) Subchapter IV of chapter 113 (relating to financial structure) and the items relating thereto in the table of sections of chapter 113 are repealed.

(55) Section 11502 (relating to conferences and joint hearings with State authorities) and the item relating thereto in the table of sections of chapter 115 are repealed.

(56) Section 11503a (tax discrimination against motor carrier transportation property) and the item relating thereto in the table of sections of chapter 115 are repealed.

(57) Section 11505 (relating to State action to enjoin carriers from certain actions) and the

item relating thereto in the table of sections of chapter 115 are repealed.

(58) Section 11506 (relating to registration of motor carriers by a State) and the item relating thereto in the table of sections of chapter 115 are repealed.

(59) Section 11507 (relating to prison-made property governed by State law) and the item relating thereto in the table of sections of chapter 115 are repealed.

(60) Section 11704 (relating to action by a private person to enjoin abandonment of service) and the item relating thereto in the table of sections of chapter 117 are repealed.

(61) Section 11708 (relating to private enforcement) and the item relating thereto in the table of sections of chapter 117 are repealed.

(62) Section 11709 (relating to liability for issuance of securities by certain carriers) and the item relating thereto in the table of sections of chapter 117 are repealed.

(63) Section 11711 (relating to dispute settlement program for household goods carriers) and the item relating thereto in the table of sections of chapter 117 are repealed.

(64) Section 11712 (relating to tariff reconciliation rules for motor common carriers of property) and the item relating thereto in the table of sections of chapter 117 are repealed.

(65) Section 11902a (relating to penalties for violations of rules relating to loading and unloading motor vehicles) and the item relating thereto in the table of sections of chapter 119 are repealed.

(66) Section 11905 (relating to transportation of passengers without charge) and the item relating thereto in the table of sections of chapter 119 are repealed.

(67) Section 11906 (relating to evasion of regulation of motor carriers and brokers) and the item relating thereto in the table of sections of chapter 119 are repealed.

(68) Section 11908 (relating to abandonment of service by household goods freight forwarders) and the item relating thereto in the table of sections of chapter 119 are repealed.

(69) Section 11911 (relating to issuance of securities, etc.) and the item relating thereto in the table of sections of chapter 119 are repealed.

(70) Section 11913a (relating to accounting principles violations) and the item relating thereto in the table of sections of chapter 119 are repealed.

(71) Section 11917 (relating to weight-bumping in household goods transportation) and the item relating thereto in the table of sections of chapter 119 are repealed.

SEC. 122. COVERAGE OF CERTAIN ENTITIES UNDER OTHER, UNRELATED ACTS NOT AFFECTED.

Notwithstanding any provision of this Act, an entity that is, or is treated as, an employer under the Railroad Retirement Act, the Railroad Unemployment Insurance Act, or the Railroad Retirement Tax Act under subtitle IV of title 49, United States Code, as in effect on the day before the date of enactment of this Act, shall continue to be covered as employers under those Acts.

TITLE II—INTERMODAL SURFACE TRANSPORTATION BOARD

Subtitle A—Organization

SEC. 201. AMENDMENT TO SUBCHAPTER I.

(a) AMENDMENT.—Subchapter I of chapter 103 is amended to read as follows:

''SUBCHAPTER I—ESTABLISHMENT

''§ 10301. Establishment of Transportation Board

''(a) ESTABLISHMENT.—There is hereby established within the Department of Transportation the Intermodal Surface Transportation Board.

''(b) MEMBERSHIP.—(1) Members of the Transportation Board shall be appointed by the President, by and with the advice and consent of the Senate. The Transportation Board shall consist of 3 members until January 1, 1997, not more than 2 of whom shall be members of the same political party. Beginning on January 1, 1997, the Transportation Board shall consist of 5 members, no more than 3 of whom shall be members of the same political party.

''(2) At any given time, at least 2 members of the Transportation Board shall be individuals with professional standing and demonstrated knowledge in the fields of rail or motor transportation or transportation regulation or agriculture, and at least 1 member shall be an individual with professional or business experience in the private sector. Effective January 1, 1997, at least 2 members shall be individuals with professional standing and demonstrated knowledge in the fields of maritime transportation or its regulation.

''(3) The term of each member of the Transportation Board shall be 5 years and shall begin when the term of the predecessor of that member ends. An individual appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed, shall be appointed for the remainder of that term. When the term of office of a member ends, the member may continue to serve until a successor is appointed and qualified, but for a period not to exceed 1 year. The President may remove a member for neglect of duty or malfeasance in office.

''(4)(A) On the effective date of this section, the members of the Interstate Commerce Commission shall become members of the Transportation Board, to serve for a period of time equal to the remainder of the term for which they were originally appointed to the Interstate Commerce Commission.

''(B) Effective January 1, 1997, two Federal Maritime Commission commissioners shall become members of the Board to serve terms expiring December 31, 1997, and December 31, 2000. The two members shall be selected in order of the expiration date of their Commission term, beginning with the term having the latest expiration date; provided, however, that the two members added under this subsection may not be from the same political party. The longer Board term shall be filled by the member having the later Federal Maritime Commission term expiration date. Effective January 1, 1997, the rights of any Federal Maritime Commission commissioner other than those designated under this paragraph to remain in office is terminated.

''(5) No individual may serve as a member of the Transportation Board for more than 2 terms. In the case of an individual appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed, such individual may not be appointed for more than 1 additional term.

''(6) A member of the Transportation Board may not have a pecuniary interest in, hold an official relation to, or own stock in or bonds of, a carrier providing transportation by any mode and may not engage in another business, vocation, or employment.

''(7) A vacancy in the membership of the Transportation Board does not impair the right of the remaining members to exercise all of the powers of the Transportation Board. The Transportation Board may designate a member to act as Chairman during any period in which there is no Chairman designated by the President.

''(c) CHAIRMAN.—(1) There shall be at the head of the Transportation Board a Chairman, who shall be designated by the President from among the members of the Transportation Board. The Transportation Board shall be administered under the supervision and direction of the Chairman. The Chairman shall receive compensation at the rate prescribed for level III of the Executive Schedule under section 5314 of title 5.

''(2) Subject to the general policies, decisions, findings, and determinations of the Transportation Board the Chairman shall be responsible for administering the Transportation Board. The Chairman may delegate the powers granted under this paragraph to an officer, employee, or office of the Transportation Board. The Chairman shall—

''(A) appoint and supervise, other than regular and full time employees in the immediate offices of another member, the officers and employees of the Transportation Board, including attorneys to provide legal aid and service to the Transportation Board and its members, and to represent the Transportation Board in any case in court;

''(B) appoint the heads of major offices with the approval of the Transportation Board;

''(C) distribute Transportation Board business among officers and employees and offices of the Transportation Board;

''(D) prepare requests for appropriations for the Transportation Board and submit those requests to the President and Congress with the prior approval of the Transportation Board; and

''(E) supervise the expenditure of funds allocated by the Transportation Board for major programs and purposes.

''§ 10302. Functions

''(a) INTERSTATE COMMERCE COMMISSION FUNCTIONS.—Except as otherwise provided in the Interstate Commerce Commission Sunset Act of 1995, or the amendments made thereby, the Transportation Board shall perform all functions that, immediately before the effective date of such Act, were functions of the Interstate Commerce Commission or were performed by any officer or employee of the Interstate Commerce Commission in the capacity as such officer or employee.

''(b) FEDERAL MARITIME COMMISSION FUNCTIONS.—On January 1, 1997, the Transportation Board shall perform all functions that, on that date, were functions of the Federal Maritime Commission or were performed by any officer or employee of the Federal Maritime Commission in the capacity as such officer or employee.

''§ 10303. Administrative provisions

''(a) EXECUTIVE REORGANIZATION.—For purposes of chapter 9 of title 5, United States Code, the Transportation Board shall be deemed to be an independent regulatory agency and an establishment of the United States Government.

''(b) OPEN MEETINGS.—For purposes of section 552b of title 5, United States Code, the Transportation Board shall be deemed to be an agency.

''(c) INDEPENDENCE.—In the performance of their functions, the members, employees, and other personnel of the Transportation Board shall not be responsible to or subject to the supervision or direction of any officer, employee, or agent of any other part of the Department of Transportation.

''(d) REPRESENTATION BY ATTORNEYS.—Attorneys designated by the Chairman of the Transportation Board may appear for, and represent the Transportation Board in, any civil action brought in connection with any function carried out by the Transportation Board pursuant to this subtitle or as otherwise authorized by law.

''(e) ADMISSION TO PRACTICE.—Subject to section 500 of title 5, the Transportation Board may regulate the admission of individuals to practice before it and may impose a reasonable admission fee.

''(f) BUDGET REQUESTS.—In each annual request for appropriations by the President, the Secretary of Transportation shall identify the portion thereof intended for the support of the Transportation Board and include a statement by the Transportation Board—

''(1) showing the amount requested by the Transportation Board in its budgetary presentation to the Secretary and the Office of Management and Budget; and

''(2) an assessment of the budgetary needs of the Transportation Board.

''(g) DIRECT TRANSMITTAL TO CONGRESS.—The Transportation Board shall transmit to Congress copies of budget estimates, requests, and information (including personnel needs), legislative recommendations, prepared testimony for

congressional hearings, and comments on legislation at the same time they are sent to the Secretary of Transportation. An officer of an agency may not impose conditions on or impair communications by the Transportation Board with Congress, or a committee or member of Congress, about the information.

"§ 10304. Annual report

''The Transportation Board shall annually transmit to the Congress a report on its activities.''.

(b) CONFORMING AMENDMENT.—The items relating to subchapter I of chapter 103 in the table of sections of such chapter are amended to read as follows:

''SUBCHAPTER I—ESTABLISHMENT

''Sec.
''10301. Establishment of Transportation Board.
''10302. Functions.
''10303. Administrative provisions.
''10304. Annual report.''.

SEC. 202. ADMINISTRATIVE SUPPORT.

The Secretary of Transportation shall provide administrative support for the Transportation Board.

SEC. 203. REORGANIZATION.

The Chairman of the Transportation Board may allocate or reallocate any function of the Transportation Board, consistent with this title and subchapter I of chapter 103, as amended by section 201 of this title, among the members or employees of the Transportation Board, and may establish, consolidate, alter, or discontinue in the Transportation Board any organizational entities that were entities of the Interstate Commerce Commission or the Federal Maritime Commission, as the Chairman considers necessary or appropriate.

SEC. 204. TRANSITION PLAN FOR FEDERAL MARITIME COMMISSION FUNCTIONS.

The Chairman of the Intermodal Surface Transportation Board and the Chairman of the Federal Maritime Commission shall meet within 90 days of enactment of this Act to develop a plan for the orderly transition of the functions of the Federal Maritime Commission to the Transportation Board, including appropriate funding levels for the operations associated with the functions of the Federal Maritime Commission transferred to the Transportation Board, and shall submit such a plan to the Director of the Office of Management and Budget and to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than 6 months after the enactment of this Act.

Subtitle B—Administrative

SEC. 211. POWERS.

Section 10321 is amended—

(1) by striking ''Interstate Commerce Commission'' in subsection (a) and inserting in lieu thereof ''Transportation Board'';

(2) striking subsection (b) and inserting the following:

''(b) The Transportation Board may obtain from carriers providing transportation and service subject to this part, and from persons controlling, controlled by, or under common control with those carriers to the extent that the business of that person is related to the management of the business of those carriers, information the Transportation Board decides is necessary to carry out this part.'';

(3) in subsection (c)(1), by striking ''Commission, an individual Commissioner, an employee board, and an employee delegated to act under section 10305 of this title'' and inserting in lieu thereof ''Transportation Board'';

(4) by striking paragraph (2) of subsection (c);

(5) by redesignating paragraph (3) of subsection (c) as paragraph (2); and

(6) by striking ''Commission'' each place it appears and inserting in lieu thereof ''Transportation Board''.

SEC. 212. COMMISSION ACTION.

(a) AMENDMENTS.—Section 10324 is amended—

*(1) in the section heading, by striking ''**Commission**'' and inserting in lieu thereof ''**Transportation Board**'';*

(2) by striking ''Interstate Commerce Commission'' in subsection (a) and inserting in lieu thereof ''Transportation Board'';

(3) by striking ''Commission'' each place it appears in subsection (b) and inserting in lieu thereof ''Transportation Board'';

(4) by striking subsection (c); and

(5) by adding at the end the following new subsections:

''(c) The Transportation Board may, at any time on its own initiative because of material error, new evidence, or substantially changed circumstances—

''(1) reopen a proceeding;

''(2) grant rehearing, reargument, or reconsideration of an action of the Transportation Board; or

''(3) change an action of the Transportation Board.

An interested party may petition to reopen and reconsider an action of the Transportation Board under this subsection under regulations of the Transportation Board.

''(d) Notwithstanding this subtitle, an action of the Transportation Board under this section is final on the date on which it is served, and a civil action to enforce, enjoin, suspend, or set aside the action may be filed after that date.''.

(b) CONFORMING AMENDMENT.—The item relating to section 10324 in the table of sections of chapter 103 is amended by striking ''Commission'' and inserting in lieu thereof ''Transportation Board''.

SEC. 213. SERVICE OF NOTICE IN COMMISSION PROCEEDINGS.

(a) AMENDMENTS.—Section 10329 is amended—

*(1) by striking ''**Commission**'' in the section heading;*

(2) by striking ''Interstate Commerce Commission'' in subsection (a) and inserting in lieu thereof ''Transportation Board'';

(3) striking ''(1)'' in subsection (a) and by striking paragraph (2) of subsection (a);

(4) striking ''subchapter I of'' in subsection (a);

(5) striking the second sentence in subsection (b);

(6) striking ''(1) in subsection (c) and by striking paragraphs (2) and (3);

(7) striking ''notices of the Commission shall be served as follows: (1) A'' in subsection (c) and inserting ''a'';

(8) by striking '', express, sleeping car,'' in subsection (c)(1);

(9) by striking ''Secretary of the'' in subsection (c);

(10) in subsection (d)—

(A) by striking '', express, sleeping car,''; and

(B) by striking ''who filed the tariff'';

(11) by striking subsection (e); and

(12) by striking ''Commission'' each place it appears and inserting in lieu thereof ''Transportation Board''.

(b) CONFORMING AMENDMENT.—The item relating to section 10329 in the table of sections of chapter 103 is amended by striking ''Commission''.

SEC. 214. SERVICE OF PROCESS IN COURT PROCEEDINGS.

Section 10330 is amended—

(1) by striking ''Interstate Commerce Commission'' in subsection (a) and inserting in lieu thereof ''Transportation Board'';

(2) by striking ''subchapter I of'' in the first sentence of subsection (a);

(3) by striking ''Secretary of the Commission'' in subsection (a) and inserting in lieu thereof ''Transportation Board'';

(4) by striking subsection (b); and

(5) by redesignating subsection (c) as subsection (b).

SEC. 215. STUDY ON THE AUTHORITY TO COLLECT CHARGES.

In addition to other user fees that the Transportation Board may impose, the Transportation Board shall complete, within 6 months after the date of enactment of this Act, a study on the authority necessary to assess and collect fees and annual charges in any fiscal year in amounts equal to all of the costs incurred by the Transportation Board in that fiscal year.

SEC. 216. FEDERAL HIGHWAY ADMINISTRATION RULEMAKING.

(a) ADVANCE NOTICE.—The Federal Highway Administration shall issue an advance notice of proposed rulemaking dealing with a variety of fatigue-related issues (including 8 hours of continuous sleep after 10 hours of driving, loading and unloading operations, automated and tamper-proof recording devices, rest and recovery cycles, fatigue and stress in longer combination vehicles, fitness for duty, and other appropriate regulatory and enforcement countermeasures for reducing fatigue-related incidents and increasing driver alertness) not later than March 1, 1996.

(b) RULEMAKING.—The Federal Highway Administration shall issue a notice of proposed rulemaking dealing with such issues within one year after the advance notice described in subsection (a) is published, and shall issue a final rule dealing with those issues within 2 years after that date.

SEC. 217. TRANSPORT VEHICLES FOR OFF-ROAD, COMPETITION VEHICLES.

Section 31111(b)(1) is amended—

(1) by striking ''or'' at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting a semicolon and ''or''; and

(3) by adding at the end thereof the following:

''(E) imposes a limitation of less than 46 feet on the distance from the kingpin to the center of the rear axle on trailers used exclusively or primarily in connection with motorsports competition events.''.

SEC. 218. DESTRUCTION OF MOTOR VEHICLES OR MOTOR VEHICLE FACILITIES; WRECKING TRAINS.

(a) DESTRUCTION OF MOTOR VEHICLES OR MOTOR VEHICLE FACILITIES.—Section 33 of title 18, United States Code, is amended by adding at the end the following new undesignated paragraph:

''Whoever is convicted of a crime under this section involving a motor vehicle that, at the time the crime occurred, carried high-level radioactive waste (as that term is defined in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)), or spent nuclear fuel (as that term is defined in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)), shall be imprisoned for not less than 30 years.''.

(b) WRECKING TRAINS.—Section 1992 of title 18, United States Code, is amended—

(1) by inserting after the fourth undesignated paragraph the following:

''Whoever is convicted of any such crime that involved a train that, at the time the crime occurred, carried high-level radioactive waste (as that term is defined in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)), or spent nuclear fuel (as that term is defined in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)), shall be imprisoned for not less than 30 years.''.

TITLE III—RAIL AND PIPELINE TRANSPORTATION

SEC. 301. GENERAL CHANGES IN REFERENCES TO COMMISSION, ETC.

Subtitle IV is amended—

(1) by striking ''Interstate Commerce Commission'' each place it appears (including chapter and section headings) and inserting ''Intermodal Surface Transportation Board'';

(2) by striking ''Commission'' each place it appears in reference to the Interstate Commerce Commission (including chapter and section headings) and inserting ''Transportation Board'';

(3) by striking ''Commissioner'' each place it appears in reference to a member of the Interstate Commerce Commission (including chapter and section headings) and inserting ''Transportation Board member'';

(4) by striking ''Commissioners'' each place it appears in reference to members of the Interstate Commerce Commission (including chapter and section headings) and inserting ''Transportation Board members'';

(5) by striking ''this subtitle'' each place it appears and inserting ''this part'';

(6) by inserting ''PART A—RAIL AND PIPELINE CARRIERS'' after ''SUBTITLE IV—INTERSTATE COMMERCE'';

(7) by inserting before section 10101 the following:

''PART B—MOTOR CARRIERS, WATER CARRIERS, BROKERS, AND FREIGHT FORWARDERS

''Chapter	''SEC.
''131. General provisions	13101
''133. Administrative provisions	13301
''135. Jurisdiction	13501
''137. Rates	13701
''139. Registration	13901
''141. Operations of carriers	14101
''143. Finance	14301
''145. Federal-State relations	14501
''147. Enforcement; investigations; rights; remedies	14701
''149. Civil and criminal penalties	14901

''PART A—RAIL AND PIPELINE CARRIERS''.

SEC. 302. RAIL TRANSPORTATION POLICY.

Section 10101a is amended by—

(1) striking ''and'' after the semicolon in paragraph (14);

(2) striking the period at the end of paragraph (15) and inserting a semicolon and ''and''; and

(3) adding at the end the following:

''(16) to provide for the expeditious handling and resolution of all proceedings required or permitted to be brought under the provisions of this subtitle.''.

SEC. 303. DEFINITIONS.

Section 10102 is amended by—

(1) striking paragraphs (1), (2), (5), (6) (8) through (18), (19), (25), (27), and (30) through (33);

(2) redesignating the remaining paragraphs as paragraphs (1) through (11), respectively;

(3) striking paragraph (2) (as redesignated) and inserting:

''(2) 'common carrier' means a pipeline carrier and a rail carrier;'';

(4) inserting ''common carrier'' after ''railroad'' in paragraph (6) (as redesignated);

(5) striking '', fare,'' in paragraph (8) (as redesignated);

(6) striking ''of passengers or property, or both,'' in paragraph (10)(A) (as redesignated) and inserting ''of property,''; and

(7) striking ''passengers and'' in paragraph (10)(B) (as redesignated).

SEC. 304. GENERAL JURISDICTION.

Section 10501 is amended by—

(1) striking ''Subject to this chapter and other law, the'' in subsection (a), and inserting ''The'';

(2) inserting ''of property'' after ''transportation'' in subsection (a);

(3) striking ''express carrier, sleeping car carrier,'' in subsection (a)(1);

(4) striking ''passengers or'' in subsection (b)(1);

(5) by striking ''or'' at the end of subsection (b)(1);

(6) by striking the period at the end of subsection (b)(2) and inserting a semicolon and ''or'';

(7) by adding at the end of subsection (b) the following:

''(3) transportation by a commuter authority, as defined in section 24102 of this title, except for sections 11103, 11104, and 11503.'';

(8) striking ''subchapter'' in subsection (c) and inserting ''chapter'' and by striking ''(1) the transportation is deemed to be subject to the jurisdiction of the Commission pursuant to section 11501(b)(4)(B) of this title, or (2)'' in subsection (c); and

(9) striking ''(b)'' after ''section 11501'' in subsection (d).

SEC. 305. RAILROAD AND WATER TRANSPORTATION CONNECTIONS AND RATES.

Section 10503 is amended by—

(1) striking ''passengers or'' each place it appears in subsection (a)(2); and

(2) striking ''passengers,'' in subsection (a)(2)(B).

SEC. 306. AUTHORITY TO EXEMPT RAIL CARRIER AND MOTOR CARRIER TRANSPORTATION.

Section 10505 is amended by—

(1) striking ''rail carrier and motor carrier'' from the section heading;

(2) striking subsection (a) and inserting the following:

''(a) In a matter subject to the jurisdiction of the Intermodal Surface Transportation Board under this chapter, the Transportation Board shall exempt a person, class of persons, or a transaction or service from the application of a provision of this title in whole or in part within 180 days after the filing of an application for an exemption, when the Transportation Board finds that the application of that provision in whole or in part—

''(1) is not necessary to carry out the transportation policy of section 10101 or section 10101a of this title; and

''(2) either (A) the transaction or service is of limited scope, or (B) the application of a provision of this title is not needed to protect shippers from the abuse of market power.'';

(3) striking subsection (d) and inserting the following:

''(d) The Transportation Board shall revoke an exemption in whole or in part, to the extent that application of a provision of this title to the person, class, or transportation is necessary to carry out the transportation policy of section 10101a of this title. The Transportation Board shall conclude a proceeding under this subsection within 180 days. In acting upon a request for revocation, the Transportation Board shall consider the availability of other economic transportation alternatives, in addition to any other competitive factors it deems relevant. If a request for revocation under this subsection is accompanied by a complaint seeking monetary damages for a violation of a provision of this title by a railroad, and the Transportation Board does not render a final decision on such request within 180 days after the filing of the revocation request and complaint, then any monetary damages which the Transportation Board may award at the conclusion of the proceeding shall be calculated from no later than the 181st day following the filing of the revocation request and complaint if the Transportation Board finds that such failure to render a final decision within 180 days is due in substantial part to dilatory practices of the railroad.'';

(4) striking subsection (f) and inserting the following:

''(f) The Transportation Board may exercise its authority under this section to exempt transportation that is provided by a carrier as a part of a continuous intermodal movement.''; and

(5) striking subsection (g) and inserting the following:

''(g) The Transportation Board may not exercise its authority under this section to relieve a carrier of its obligation to protect the interests of employees as required by this part.''.

SEC. 307. STANDARDS FOR RATES, CLASSIFICATIONS, ETC.

Section 10701 is amended by—

(1) redesignating subsection (c) as subsection (b);

(2) striking ''subchapter I or III of chapter 105'' in subsection (b) as so redesignated and inserting ''chapter 105'';

(3) striking ''the jurisdiction of the Commission under either of those subchapters'' in subsection (b) as so redesignated and inserting ''jurisdiction either under chapter 105 of this part or under part B of this subtitle''; and

(4) striking subsections (d) through (f).

SEC. 308. STANDARDS FOR RATES FOR RAIL CARRIERS.

Section 10701a is amended by—

(1) striking ''subchapter I of'' in subsection (a);

(2) striking ''lesser of the percentages described in clauses (i) and (ii) of section 10707a(e)(2)(A) of this title'' in subparagraphs (2)(A)(i) and (2)(B)(i) of subsection (b), and inserting ''percentage described in section 10707a(d)(1)''; and

(3) adding at the end of subsection (b) the following:

''(4)(A) Within 1 year after the date of enactment of the Interstate Commerce Commission Sunset Act of 1995, the Transportation Board shall complete the Interstate Commerce Commission non-coal rate guidelines proceeding pending on the date of enactment of the Interstate Commerce Commission Sunset Act of 1995 to establish a simplified and expedited method for determining the reasonableness of challenged rail rates in those cases in which a full stand-alone cost presentation is too costly given the value of the case.

''(B) Within 6 months after that date of enactment, the Transportation Board shall establish procedures to ensure expeditious handling of challenges to the reasonableness of railroad rates. The procedures shall include appropriate measures for avoiding delay in the discovery and evidentiary phases of such proceedings and for ensuring prompt disposition of motions and interlocutory administrative appeals.

''(C) In a proceeding to challenge the reasonableness of a railroad rate, other than a proceeding arising under section 10707 of this title, the Transportation Board shall make its determination as to the reasonableness of the challenged rate—

''(i) within 6 months after the close of the administrative record if the determination is based upon a stand-alone cost presentation, or

''(ii) within 3 months after the close of the administrative record if the determination is based upon the methodology adopted by the Board pursuant to paragraph (4)(A).''.

SEC. 309. AUTHORITY FOR CARRIERS TO ESTABLISH RATES, CLASSIFICATIONS, ETC.

Section 10702 is amended by—

(1) beginning with ''service,'' in paragraph (2) of subsection (a) striking all that follows and inserting ''service.''; and

(2) striking subsections (b) and (c).

SEC. 310. AUTHORITY FOR CARRIERS TO ESTABLISH THROUGH ROUTES.

Section 10703 is amended by—

(1) striking '', express, sleeping car,'' in paragraph (1) of subsection (a);

(2) striking paragraphs (3) and (4) of subsection (a); and

(3) replacing ''Commission under subchapter I, II (insofar as motor carriers of property are concerned), or III of'' in subsection (b) with ''Transportation Board under''.

SEC. 311. AUTHORITY AND CRITERIA FOR PRESCRIBED RATES, CLASSIFICATIONS, ETC.

Section 10704 is amended by—

(1) striking ''subchapter I of'' and ''(including a maximum or minimum rate, or both)'' in the first sentence of subsection (a)(1);

(2) striking ''subchapter'' in the first sentence of subsection (a)(2) and inserting ''chapter'';

(3) striking the third sentence of subsection (a)(2);

(4) striking paragraph (3) of subsection (a) and redesignating paragraph (4) as (3);

(5) striking ''within 180 days after the effective date of the Staggers Rail Act of 1980 and'' and ''thereafter'' in subsection (a)(3), as redesignated;

(6) striking subsections (b), (c), (d) and (e);

(7) redesignating subsection (f) as subsection (b);

(8) striking ''on its own initiative or'' in subsection (b) as redesignated; and

(9) striking the last sentence of subsection (b), as redesignated.

SEC. 312. AUTHORITY FOR PRESCRIBED THROUGH ROUTES, JOINT CLASSIFICATIONS, ETC.

Section 10705 is amended by—

(1) striking ''subchapter I, II (except a motor common carrier of property), or III of'', and ''(including maximum or minimum rates or both)'' in paragraph (1) of subsection (a);

(2) striking paragraph (3) of subsection (a);

(3) striking subsections (b) and (h) and redesignating subsections (c) through (g) as subsections (b) through (f);

(4) striking ''or (b)'' and '', water carrier, or motor common carrier of property'' in subsection (b), as redesignated;

(5) striking ''tariff'' in subsection (d), as redesignated, and inserting ''proposed rate change'';

(6) striking '', water common carrier, or motor common carrier of property'' in subsection (d), as redesignated;

(7) striking ''or (b)'' and ''on its own initiative or'' in the first sentence of subsection (e)(1) as redesignated;

(8) striking ''if the proceeding is brought on complaint or within 18 months after the commencement of a proceeding on the initiative of the Commission'' in the second sentence of subsection (e)(1), as redesignated; and

(9) striking ''subsection (f)'' in subsection (f), as redesignated, and inserting ''subsection (e)''.

SEC. 313. ANTITRUST EXEMPTION FOR RATE AGREEMENTS.

Section 10706 is amended by—

(1) striking subsection (a)(3)(B);

(2) redesignating paragraphs (3)(C) and (D) of subsection (a) as paragraphs (3)(B) and (C);

(3) striking ''consider'' in subsection (a)(3)(B)(ii)(II), as redesignated, and inserting ''considered'';

(4) striking ''subchapter I of'' in subsection (a)(5)(A);

(5) striking ''the effective date of the Staggers Rail Act of 1980'' in subsection (a)(5)(C), and inserting ''October 1, 1980,'';

(6) striking subsections (b), (c), and (d) and redesignating subsections (e) through (g) as subsections (b) through (d);

(7) striking the first sentence of subsection (c), as redesignated, and inserting ''The Transportation Board may review an agreement approved under subsection (a) of this section and shall change the conditions of approval or terminate it when necessary to comply with the public interest.'';

(8) striking ''subsection (a), (b), or (c) of this section.'' in subsection (d), as redesignated and inserting ''subsection (a).''; and

(9) striking subsections (h) and (i).

SEC. 314. INVESTIGATION AND SUSPENSION OF NEW RAIL RATES, ETC.

Section 10707 is amended by—

(1) striking the first sentence of subsection (a) and inserting ''When a new individual or joint rate or individual or joint classification, rule, or practice related to a rate is proposed by a rail carrier providing transportation subject to the jurisdiction of the Intermodal Surface Transportation Board under chapter 105 of this title, the Transportation Board may begin a proceeding, on complaint of an interested party, to determine whether the proposed rate, classification, rule, or practice violates this part.'';

(2) striking subsection (d)(3) and redesignating subsection (d)(4) as (d)(3);

(3) striking ''or section 10761'' in subsection (d)(3), as redesignated; and

(4) striking ''the Commission shall, by rule, establish standards and procedures permitting a rail carrier to '' in subsection (d)(3), as redesignated, and inserting ''a rail carrier may''.

SEC. 315. ZONE OF RAIL CARRIER RATE FLEXIBILITY.

Section 10707a is amended by—

(1) striking ''Commencing with the fourth quarter of 1980, the'' in subsection (a)(2)(B) and inserting ''The'';

(2) striking ''subchapter I of chapter 105 of this title may'' in subsection (b)(1) and inserting ''chapter 105 of this title is authorized to'';

(3) inserting a period after ''involved'' in paragraph (1) of subsection (b) and striking the remainder of the paragraph;

(4) striking ''may not'' in subsection (b)(3) and inserting ''is not authorized to'';

(5) striking ''(A)'' and ''or (B) inflation based rate increases under section 10712 of this title applicable to that rate'' in subsection (b)(3);

(6) striking subsections (c), (d) and (e), redesignating subsections (f), (g), and (h) as subsections (d), (e), and (f), and inserting after subsection (b) the following:

''(c) In determining whether a rate is reasonable, the Transportation Board shall consider, among other factors, evidence of the following:

''(1) the amount of traffic which is transported at revenues which do not contribute to going concern value and efforts made to minimize such traffic;

''(2) the amount of traffic which contributes only marginally to fixed costs and the extent to which, if any, rates on such traffic can be changed to maximize the revenues from such traffic; and

''(3) the carrier's mix of rail traffic to determine whether one commodity is paying an unreasonable share of the carrier's overall revenues.''; and

(7) by striking subsection (d), as redesignated, and inserting the following:

''(d)(1) A finding by the Board that a rate increase exceeds the increase authorized under this section does not establish a presumption that (A) the rail carrier proposing such rate increase has or does not have market dominance over the transportation to which the rate applies, or (B) the proposed rate exceeds or does not exceed a reasonable maximum.

''(2)(A) If a rate increase authorized under this section in any year results in a revenue-variable cost percentage for the transportation to which the rate applies that is equal to or greater than 20 percentage points above the revenue-variable cost percentage applicable under section 10709(d) of this title, the Transportation Board may on complaint of an interested party, begin an investigation proceeding to determine whether the proposed rate increase violates this subtitle.

''(B) In determining whether to investigate or not to investigate any proposed rate increase that results in a revenue-variable cost percentage for the transportation to which the rate applies that is equal to or greater than the percentage described in subparagraph (A) of this paragraph (without regard to whether such rate increase is authorized under this section), the Transportation Board shall set forth its reasons therefor, giving due consideration to the following factors:

''(i) the amount of traffic which is transported at revenues which do not contribute to going concern value and efforts made to minimize such traffic;

''(ii) the amount of traffic which contributes only marginally to fixed costs and the extent to which, if any, rates on such traffic can be changed to maximize the revenues from such traffic; and

''(iii) the impact of the proposed rate or rate increase on the attainment of the national energy goals and the rail transportation policy under section 10101a of this title, taking into account the railroads' role as a primary source of energy transportation and the need for a sound rail transportation system in accordance with the revenue adequacy goals of section 10704 of this title.

This subparagraph shall not be construed to change existing law with regard to the nonreviewability of such determination.''.

SEC. 316. INVESTIGATION AND SUSPENSION OF NEW PIPELINE CARRIER RATES, ETC.

Section 10708 is amended by—

(1) striking subsection (a)(1) and inserting the following:

''(a)(1) The Intermodal Surface Transportation Board may begin a proceeding to determine the lawfulness of a proposed rate, classification, rule, or practice on application of an interested party when a new individual or joint rate or individual or joint classification, rule, or practice affecting a rate is proposed by a pipeline carrier subject to the Transportation Board's jurisdiction under chapter 105 of this part.'';

(2) striking ''an express, sleeping car, or'' in the third sentence of subsection (b) and inserting ''a''; and

(3) striking subsections (d) through (g).

SEC. 317. DETERMINATION OF MARKET DOMINANCE.

Section 10709 is amended by—

(1) adding at the end of subsection (a) the following: ''In making a determination under this section, the Transportation Board shall consider the availability of other economic transportation alternatives, in addition to any other competitive factors it deems relevant.'';

(2) striking ''subchapter I of'' in the first sentence of subsection (b); and

(3) striking subsection (d) and inserting the following:

''(d) DETERMINATIONS OF RATE CHALLENGES.—

''(1) 180 PERCENT SAFE HARBOR.—In making a determination under this section, the Transportation Board shall find that the rail carrier establishing the challenged rate does not have market dominance over the transportation to which the rate applies if such rail carrier proves that the rate charged results in a revenue-variable cost percentage for such transportation that is less than 180 percent.

''(2) METHODOLOGY.—For purposes of determining the revenue-variable cost percentage for a particular transportation, variable costs shall be determined by using the carrier's costs, calculated using the Uniform Railroad Costing System (or an alternative cost finding methodology adopted by the Transportation Board in lieu thereof), with use of the current cost of capital for calculating the return on investment, and indexed quarterly to account for current wage and price levels in the region in which the carrier operates.

''(3) BURDEN OF PROOF; REBUTTAL.—A rail carrier may meet its burden of proof under this subsection by so establishing its variable costs, but a shipper may rebut that showing by evidence of such type, and in accordance with such burden of proof, as the Transportation Board may prescribe.

''(4) NO PRESUMPTIONS CREATED.—A finding by the Transportation Board that a rate charged by a rail carrier results in a revenue-variable cost percentage for the transportation to which the rate applies that is equal to or greater than 180 percent does not establish a presumption that—

''(A) such rail carrier has or does not have market dominance over such transportation, or

''(B) the proposed rate exceeds or does not exceed a reasonable maximum.''.

SEC. 318. CONTRACTS.

Section 10713 is amended by—

(1) striking ''subchapter I of'' in the first sentence of subsection (a);

(2) striking subsection (b)(1) and inserting the following:

''(b)(1) A summary of each contract for the transportation of agricultural products, including grain as defined in section 3 of the United States Grain Standards Act (7 U.S.C. 75) and products thereof, entered into under this section shall be filed with the Transportation Board,

containing such nonconfidential information as the Transportation Board prescribes. The Transportation Board shall publish special rules for such contracts in order to assure that the essential terms of the contract are available to the general public. The parties to any such contract shall supply a copy of the full contract to the Transportation Board upon request.'';

(3) striking ''in tariff format'' in subparagraphs (A) and (C) of subsection (b)(2);

(4) striking subsection (b)(2)(D);

(5) striking ''other than a contract for the transportation of agricultural commodities (including forest products and paper),'' in subsection (d)(2)(A) and inserting ''for the transportation of agricultural commodities,'';

(6) strike ''only'' in (d)(2)(A)(i);

(7) striking ''the case of a contract for the transportation of agricultural commodities (including forest products and paper), in'' in subsection (d)(2)(B);

(8) inserting ''of agricultural commodities'' after ''filed by a shipper'' in subsection (d)(2)(B);

(9) striking the last sentence of subsection (d)(2)(B);

(10) striking ''A contract that is approved by the Commission'' in subsection (i)(1) and inserting ''In any contract entered into after the effective date of the Interstate Commerce Commission Sunset Act of 1995, if the shipper in writing expressly waives all rights and remedies under this part for the transportation covered by the contract, a contract entered into'';

(11) striking subsections (l) and (m); and

(12) striking ''(including forest products but not including wood pulp, wood chips, pulpwood or paper)'' in subsection (i)(1).

SEC. 319. GOVERNMENT TRAFFIC.

The text of section 10721 is amended to read as follows:

''A carrier providing transportation or service for the United States Government may transport property or individuals for the United States Government without charge or at a rate reduced from the applicable commercial rate. Section 3709 of the Revised Statutes (41 U.S.C. 5) does not apply when transportation for the United States Government can be obtained from a carrier lawfully operating in the area where the transportation would be provided.''.

SEC. 320. RATES AND LIABILITY BASED ON VALUE.

Section 10730 is amended by—

(1) striking subsections (a) and (b);

(2) striking ''(c)'';

(3) striking ''rail carrier'' and inserting ''carrier''; and

(4) striking ''subchapter I of''.

SEC. 321. PROHIBITIONS AGAINST DISCRIMINATION BY COMMON CARRIERS.

Section 10741 is amended by—

(1) striking ''subchapter I of'' in subsection (a);

(2) striking subsection (c) and inserting the following:

''(c) A carrier providing transportation subject to the jurisdiction of the Transportation Board under chapter 105 of this title may not subject a freight forwarder providing service subject to jurisdiction under part B of this subtitle to unreasonable discrimination whether or not the freight forwarder is controlled by that carrier.'';

(3) striking ''subchapter I of'' in subsection (e);

(4) striking subsection (f)(1) and inserting the following: ''(1) contracts under section 10713 of this title;'';

(5) striking paragraphs (2), (3), and (5) of subsection (f) and redesignating paragraph (4) as paragraph (2); and

(6) striking ''paragraphs (2), (3), and (4)'' in subsection (f) and inserting ''paragraph (2)''.

SEC. 322. FACILITIES FOR INTERCHANGE OF TRAFFIC.

Section 10742 is amended by—

(1) striking ''subchapter I or III of'' and ''passengers and''; and

(2) striking ''either of those subchapters.'' and inserting ''Part A or B of this subtitle.''.

SEC. 323. LIABILITY FOR PAYMENT OF RATES.

Section 10744 is amended by—

(1) striking '', motor, or water common'' in the first sentence of subsection (a)(1);

(2) striking ''or express'' in the first sentence of subsection (b);

(3) striking ''subtitle'' in the first sentence of subsections (a)(1) and (b) and inserting ''part'';

(4) striking paragraph (2) of subsection (c) and renumbering paragraph (3) as paragraph (2); and

(5) striking ''or express'' in subsection (c)(2), as redesignated.

SEC. 324. CONTINUOUS CARRIAGE OF FREIGHT.

Section 10745 is amended by striking ''subchapter I of''.

SEC. 325. TRANSPORTATION SERVICES OR FACILITIES FURNISHED BY SHIPPER.

Section 10747 is amended by—

(1) striking the first and second sentences and inserting the following: ''A carrier providing transportation or service subject to the jurisdiction of the Intermodal Surface Transportation Board under chapter 105 of this title may establish a charge or allowance for transportation or service for property when the owner of the property, directly or indirectly, furnishes a service related to or an instrumentality used in the transportation or service. The Transportation Board may prescribe the maximum reasonable charge or allowance paid for such service or instrumentality furnished.''; and

(2) striking ''on its own initiative or'' in the last sentence.

SEC. 326. DEMURRAGE CHARGES.

Section 10750 is amended by striking ''subchapter I of''.

SEC. 327. TRANSPORTATION PROHIBITED WITHOUT TARIFF.

Section 10761 is amended to read as follows:

''§ 10761. Transportation of agricultural products prohibited without tariff

''Except when providing transportation by contract as provided in this subtitle, a carrier providing transportation of agricultural products, including grain as defined in section 3 of the United States Grain Standards Act (7 U.S.C. 75) and products thereof, and fertilizer and components thereof, subject to the jurisdiction of the Intermodal Surface Transportation Board under chapter 105 of this title shall provide that transportation only if the rate for the transportation is contained in a tariff that is in effect under this subchapter. A carrier subject to this subsection may not charge or receive a different compensation for that transportation than the rate specified in the tariff whether by returning a part of that rate to a person, giving a person a privilege, allowing the use of a facility that affects the value of that transportation, or another device.''.

SEC. 328. GENERAL ELIMINATION OF TARIFF FILING REQUIREMENTS.

Section 10762 is amended to read as follows:

''§ 10762. General elimination of tariff filing requirements

''(a) Except as provided in section 10713 of this title, a carrier providing transportation of agricultural products including grain as defined in section 3 of the United States Grain Standards Act (7 U.S.C. 75) and products thereof, and fertilizer and components thereof, subject to the jurisdiction of the Intermodal Surface Transportation Board under chapter 105 of this title shall publish, keep open and retain for public inspection, and immediately furnish to an entity requesting the same, tariffs containing its rates for the transportation of such commodities and its classifications, rules, and practices related to such rates. Tariffs are not required for any other commodity.

''(b)(1) Within 180 days after the enactment of the Interstate Commerce Commission Sunset Act of 1995, the Intermodal Surface Transportation Board shall prescribe the form and manner of publishing, keeping open, furnishing to the public, and retaining for public inspection tariffs under this section. The Transportation Board may prescribe specific charges to be identified in a tariff required under this section to be published, kept open, furnished to the public, or retained for public inspection, but those tariffs must identify plainly—

''(A) the places between which property will be transported;

''(B) privileges given and facilities allowed; and

''(C) any rules that change, affect, or determine any part of the published rate.

''(2) A joint tariff published by a carrier under this section shall identify the carriers that are parties to it.

''(c)(1) When a carrier proposes to change a rate for transportation subject to this section, or a classification, rule, or practice related to such rate, the carrier shall publish, transmit, and keep open for public inspection a notice of the proposed change as required under subsections (a) and (b) of this section.

''(2) A notice published under this subsection shall plainly identify the proposed change or new or reduced rate and indicate its proposed effective date. A proposed rate change resulting in an increased rate or a new rate shall not become effective for 20 days after the notice is published and a proposed rate change resulting in a reduced rate shall not become effective for 1 day after the notice is published, except that a contract authorized under section 10713 of this title shall become effective in accordance with the provisions of such section.

''(d) The Transportation Board may reduce the notice period of subsection (c) of this section if cause exists. The Transportation Board may change the other requirements of this section if cause exists in particular instances or as they apply to special circumstances.

''(e) Acting in response to a complaint or on its own motion, the Transportation Board may reject a tariff published under this section if that tariff violates this section or a regulation of the Transportation Board carrying out this section.''.

SEC. 329. DESIGNATION OF CERTAIN ROUTES.

Section 10763 is amended by striking ''subchapter I of'' in subsection (a)(1).

SEC. 330. AUTHORIZING CONSTRUCTION AND OPERATION OF RAILROAD LINES.

Section 10901 is amended by—

(1) striking ''subchapter I of'' in subsection (a); and

(2) adding at the end the following new subsection:

''(f) SPECIAL RULE FOR NON-CLASS I TRANSACTIONS.—For all transactions involving Class II freight rail carriers, Class III freight rail carriers and non-carriers, that are not owned or controlled by a Class I rail carrier and that are not a commuter, switching or terminal railroad, which propose to acquire, construct, operate, or provide transportation over a railroad line pursuant to this section, the Transportation Board may, consistent with the public interest, require an arrangement for the protection of the interest of railroad employees who are adversely affected by the transaction not to exceed one year's salary per adversely affected employee and protection no less than required by sections 2 through 5 of the Worker Adjustment and Retraining Act, unless the adversely affected employees or their representatives and the parties to the transaction agree otherwise.''.

SEC. 331. AUTHORIZING ACTION TO PROVIDE FACILITIES.

Section 10902 is amended by striking ''subchapter I of'' in the first sentence.

SEC. 332. AUTHORIZING ABANDONMENT AND DISCONTINUANCE.

Section 10903 is amended by striking ''subchapter I of'' in subsection (a).

SEC. 333. FILING AND PROCEDURE FOR APPLICATIONS TO ABANDON OR DISCONTINUE.

Section 10904 is amended by—

(1) striking ''subchapter I of'' in subsection (a)(2);

(2) striking subsection (d)(2);

(3) striking ''(1)'' in subsection (d); and

(4) striking ''the application was approved by the Secretary of Transportation as part of a plan or proposal under section 333(a)–(d) of this title, or'' in subsection (e)(3).

SEC. 334. EXCEPTIONS.

Section 10907 is amended by striking ''subchapter I of'' in subsection (a).

SEC. 335. RAILROAD DEVELOPMENT.

Section 10910 is amended by—

(1) striking paragraph (2) of subsection (a) and inserting the following:

''(2) 'railroad line' means any line of railroad.'';

(2) striking ''the effective date of the Staggers Rail Act of 1980'' in subsection (g)(2), and inserting ''October 1, 1980,''; and

(3) striking subsection (k) and inserting the following:

''(k) The Transportation Board shall maintain such regulations and procedures as may be necessary to carry out the provisions of this section.''.

SEC. 336. PROVIDING TRANSPORTATION, SERVICE, AND RATES.

Section 11101 is amended to read as follows:

''§ 11101. Providing transportation, service, and rates

''(a) A carrier providing transportation or service subject to the jurisdiction of the Intermodal Surface Transportation Board under chapter 105 of this title shall provide the transportation or service on reasonable request.

''(b) Notwithstanding any other provision of this title, a rail carrier providing transportation service subject to the jurisdiction of the Transportation Board under chapter 105 of this title shall provide, on reasonable written request, common carrier rates and other common carrier service terms of the type requested for specified services between specified points. The response by a rail carrier to a request for such rates or other service terms shall be in writing, or shall be available electronically, and forwarded to the requesting person no later than 30 days after receipt of the request. A rail carrier shall not refuse to respond to a reasonable request under this subsection on grounds that the movement at issue is subject at the time a request is made to a contract entered into under section 10713 of this title.

''(c) Common carrier rates and service terms provided pursuant to subsection (b) of this section shall be subject to the provisions of this title.

''(d) A rail carrier may not increase any common carrier rates, or change any common carrier service terms, provided pursuant to subsection (b) unless at least 20 days' written or electronic notice is first provided to the person that, within the previous 12 months, made a written or electronic request for the issue rate or service. Any such increases or changes shall be subject to provisions of this subtitle.''.

SEC. 337. USE OF TERMINAL FACILITIES.

Section 11103 is amended by striking ''subchapter I of'' in subsection (a).

SEC. 338. SWITCH CONNECTIONS AND TRACKS.

Section 11104 is amended by striking ''subchapter I of'' in subsection (a).

SEC. 339. CRITERIA.

Section 11121 is amended by—

(1) striking ''subchapter I of'' in subsection (a)(1);

(2) striking subsection (a)(2) and inserting the following:

''(2) The Transportation Board may require a rail carrier to file its car service rules with the Transportation Board.'';

(3) striking '', 11127,'' in subsection (b); and

(4) adding at the end the following:

''(c) The Transportation Board shall consult, as it deems necessary, with the National Grain Car Council on matters within the charter of that body.''.

SEC. 340. REROUTING TRAFFIC ON FAILURE OF RAIL CARRIER TO SERVE PUBLIC.

Section 11124 is amended by striking ''subchapter I of'' in subsection (a).

SEC. 341. DIRECTED RAIL TRANSPORTATION.

Section 11125 is amended by striking ''subchapter I of'' in subsection (a).

SEC. 342. WAR EMERGENCIES; EMBARGOES.

Section 11128 is amended by—

(1) striking ''sections 11123(a)(4) and 11127(a)(1)(C)'' and inserting ''section 11123(a)'' in subsection (a)(1); and

(2) striking ''subchapter I of'' in subsection (a)(2).

SEC. 343. DEFINITIONS FOR SUBCHAPTER III.

Section 11141 is amended to read as follows:

''§ 11141. Definitions

''In this subchapter—

''(1) 'carrier' and 'lessor' include a receiver or trustee of a carrier and lessor respectively.

''(2) 'lessor' means a person owning a railroad or a pipeline that is leased to and operated by a carrier providing transportation subject to the jurisdiction of the Intermodal Surface Transportation Board under chapter 105 of this title.

''(3) 'association' means an organization maintained by or in the interest of a group of carriers providing transportation or service subject to the jurisdiction of the Intermodal Surface Transportation Board that performs a service, or engages in activities, related to transportation under this part.''.

SEC. 344. DEPRECIATION CHARGES.

Section 11143 is amended by—

(1) striking ''subchapter I or III of''; and

(2) striking ''and may, for a class of carriers providing transportation subject to its jurisdiction under subchapter II of that chapter,''.

SEC. 345. RECORDS, ETC.

Section 11144 is amended by—

(1) striking '', brokers,'' in subsection (a)(1);

(2) striking ''or express'' and ''subchapter I of'' in subsection (a)(2);

(3) striking '', broker,'' in subsection (b)(1);

(4) striking ''broker,'' in subsection (b)(2)(A);

(5) striking ''or express'' in subsection (b)(2)(C);

(6) redesignating subsection (d) as subsection (c); and

(7) striking ''brokers,'' in subsection (c), as redesignated.

SEC. 346. REPORTS BY CARRIERS, LESSORS, AND ASSOCIATIONS.

Section 11145 is amended by—

(1) striking ''brokers,'' in subsection (a)(1);

(2) striking ''or express,'' in subsection (a)(2);

(3) striking ''broker,'' in the first sentence of subsection (b)(1);

(4) striking the second sentence of subsection (b)(1); and

(5) striking subsection (c).

SEC. 347. ACCOUNTING AND COST REPORTING.

Section 11166 is amended by—

(1) striking ''subchapter I of'' in the first sentence of subsection (a);

(2) striking the third sentence of subsection (a); and

(3) striking ''the cost accounting principles established by the Transportation Board or under generally accepted accounting principles or the requirements of the Securities and Exchange Commission'' in subsection (b) and inserting ''the appropriate cost accounting principles''.

SEC. 348. SECURITIES, OBLIGATIONS, AND LIABILITIES.

Section 11301(a)(1) is amended by—

(1) striking ''or sleeping car''; and

(2) striking ''subchapter I of''.

SEC. 349. EQUIPMENT TRUSTS.

Section 11303 is amended by adding at the end thereof the following:

''(c) The Transportation Board shall collect, maintain and keep open for public inspection a railway equipment register consistent with the manner and format maintained at the time of enactment of the Interstate Commerce Commission Sunset Act of 1995.

''(d) A mortgage, lease, equipment trust agreement, conditional sales agreement, or other instrument evidencing the mortgage, lease, conditional sale, or bailment of or security interest in railroad cars, locomotives, or other rolling stock, or accessories used on such railroad cars, locomotives, or other rolling stock (including superstructures and racks), or any assignment thereof, which—

''(1) is duly constituted under the laws of a country other than the United States; and

''(2) relates to property that bears the reporting marks and identification numbers of any person domiciled in or corporation organized under the laws of such country,

shall be recognized with the same effect as having been filed under this section.

''(e) Interests with respect to which documents are filed or recognized under this section are deemed perfected in all jurisdictions, and shall be governed by applicable State or foreign law in all matters not specifically governed by this section.''.

SEC. 350. RESTRICTIONS ON OFFICERS AND DIRECTORS.

Section 11322 is amended by—

(1) redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(2) inserting before subsection (b), as redesignated, the following:

''(a) In this section ''carrier'' means a rail carrier providing transportation subject to the jurisdiction of the Intermodal Surface Transportation Board under chapter 105 of this title (except a street, suburban, or interurban electric railway not operated as a part of a general railroad system of transportation), and a corporation organized to provide transportation by rail carrier subject to that chapter.'';

(3) striking ''as defined in section 11301(a)(1) of this title'' in subsection (b) as redesignated; and

(4) striking ''subsection (a)'' and inserting ''subsection (b)'' in subsection (c), as redesignated.

SEC. 351. LIMITATION ON POOLING AND DIVISION OF TRANSPORTATION OR EARNINGS.

Section 11342 is amended by—

(1) striking ''subchapter I, II, or III of'' in the first sentence of subsection (a);

(2) striking ''Except as provided in subsection (b) for agreements or combinations between or among motor common carriers of property, the'' in the second sentence of subsection (a) and inserting ''The''; and

(3) striking subsections (b) and (d) and redesignating subsections (c) and (e) as subsections (b) and (c), respectively.

SEC. 352. CONSOLIDATION, MERGER, AND ACQUISITION OF CONTROL.

Section 11343 is amended by—

(1) inserting ''(except a pipeline carrier)'' after ''involving carriers'' in subsection (a);

(2) striking ''subchapter I (except a pipeline carrier), II, or III of'' in subsection (a);

(3) striking paragraph (1) of subsection (d) and striking ''(2)'' in paragraph (2); and

(4) striking subsection (e).

SEC. 353. GENERAL PROCEDURE AND CONDITIONS OF APPROVAL FOR CONSOLIDATION, ETC.

Section 11344 is amended by—

(1) striking the third sentence in subsection (a);

(2) striking ''subchapter I of that chapter'' in the last sentence of subsection (a) and inserting ''chapter 105'';

(3) striking paragraph (2) of subsection (b) and striking ''(1)'' in the first paragraph of subsection (b);

(4) striking ''transaction.'' at the end of the second sentence of subsection (c) and inserting

''transaction, including the divestiture of parallel tracks or requiring the granting of trackage rights and access to other facilities. Any trackage rights and related conditions imposed to alleviate anticompetitive effects of the transaction shall provide for operating terms and compensation levels to ensure that such effects are alleviated.'';

(5) striking the fourth sentence of subsection (c);

(6) striking ''When a rail carrier is involved in the transaction, the'' in the last sentence of subsection (c) and inserting ''The'';

(7) striking the last two sentences of subsection (d); and

(8) striking subsection (e).

SEC. 354. RAIL CARRIER PROCEDURE FOR CONSOLIDATION, ETC.

Section 11345 is amended by—

(1) striking ''subchapter I of'' in the first sentence of subsection (a);

(2) inserting '', including comments by the Secretary of Transportation and the Attorney General,'' before ''may be filed'' in the first sentence of subsection (c)(1);

(3) striking the last two sentences of subsection (c)(1);

(4) inserting '', including comments by the Secretary of Transportation and the Attorney General,'' before ''may be filed'' in the first sentence of subsection (d)(1); and

(5) striking the last two sentences of subsection (d)(1).

SEC. 355. EMPLOYEE PROTECTIVE ARRANGEMENTS.

Section 11347 is amended by striking ''or section 11346'' in the first sentence.

SEC. 356. AUTHORITY OVER NONCARRIER ACQUIRERS.

Section 11348(a) is amended by striking all after the colon and inserting ''sections 504(f) and 10764, subchapter III of chapter 111, and sections 11301, 11901(e), and 11909.''.

SEC. 357. AUTHORITY OVER INTRASTATE TRANSPORTATION.

Section 11501 is amended by—

(1) striking subsections (a), (e), (g) and (h) and redesignating subsections (b), (c), (d), and (f) as subsections (a), (b), (c) and (d), respectively;

(2) striking paragraphs (2) through (6) of subsection (a), as redesignated;

(3) striking ''(1)'' and ''subchapter I of'' in subsection (a), as redesignated;

(4) striking ''subchapter I of'' in subsection (b), as redesignated;

(5) striking ''subchapter I of'' in subsection (c)(1), as redesignated;

(6) striking ''subsection (a) of this section and'' in subsection (c)(2), as redesignated; and

(7) striking the first sentence of subsection (d), as redesignated, and inserting the following: ''The Transportation Board may take action under this section only after a full hearing.''.

SEC. 358. TAX DISCRIMINATION AGAINST RAIL TRANSPORTATION PROPERTY.

Section 11503 is amended by—

(1) striking ''subchapter I of'' in subsection (a)(3); and

(2) striking ''subchapter I of'' in subsection (b)(4).

SEC. 359. WITHHOLDING STATE AND LOCAL INCOME TAX BY CERTAIN CARRIERS.

Section 11504 is amended by—

(1) striking ''subchapter I of'' in subsection (a);

(2) striking subsections (b) and (c) and redesignating subsection (d) as subsection (b); and

(3) striking '', motor, and motor private'' and ''subsection (a) or (b) of'' in subsection (b), as redesignated.

SEC. 360. GENERAL AUTHORITY FOR ENFORCEMENT, INVESTIGATIONS, ETC.

Section 11701 is amended by—

(1) striking '', broker or freight forwarder'' in the second and fourth sentences of subsection (a);

(2) striking the third sentence of subsection (a);

(3) striking the first 2 sentences of subsection (b) and inserting the following: ''A person, including a governmental authority, may file with the Transportation Board a complaint about a violation of this part by a carrier providing transportation or service subject to the jurisdiction of the Transportation Board under this part. The complaint must state the facts that are the subject of the violation.''; and

(4) striking ''subchapter I of'' in the last sentence of subsection (b).

SEC. 361. ENFORCEMENT.

Section 11702 is amended by—

(1) striking ''(a)'' in subsection (a);

(2) striking paragraphs (4) through (6) of subsection (a);

(3) striking ''or 10933'' in paragraph (1);

(4) striking paragraph (2) and inserting the following:

''(2) to enforce subchapter III of chapter 113 of this title and to compel compliance with an order of the Transportation Board under that subchapter; and''

(5) striking ''subchapter I of'' in paragraph (3);

(6) striking the semicolon at the end of paragraph (3) and inserting a period; and

(7) striking subsection (b).

SEC. 362. ATTORNEY GENERAL ENFORCEMENT.

Section 11703 is amended by striking ''or permit'' wherever it appears in subsection (a).

SEC. 363. RIGHTS AND REMEDIES.

Section 11705 is amended by—

(1) striking ''or a freight forwarder'' in subsection (a);

(2) striking subsection (b)(1) and inserting the following:

''(b)(1) A carrier providing transportation or service subject to the jurisdiction of the Transportation Board under chapter 105 of this title is liable to a person for amounts charged that exceed the applicable rate for the transportation or service.'';

(3) striking ''subparagraph I or III of'' in subsection ((b)(2);

(4) striking subsection (b)(3);

(5) striking ''subchapter I or III of'' in the first sentence of subsection (c)(1);

(6) striking the second sentence of subsection (c)(1);

(7) striking ''subchapter I or III of'' in the second sentence of subsection (c)(2);

(8) striking ''subchapter I or III of'' in the first sentence of subsection (d)(1); and

(9) striking '', or (D) if a water carrier, in which a port of call on a route operated by that carrier is located'' and inserting ''or'' before ''(C)'' in the fourth sentence of subsection (d)(1).

SEC. 364. LIMITATION ON ACTIONS.

Section 11706 is amended by—

(1) striking subsection (a) and inserting the following:

''(a) A carrier providing transportation or service subject to the jurisdiction of the Intermodal Surface Transportation Board under chapter 105 of this title must begin a civil action to recover charges for the transportation or service provided by the carrier within 3 years after the claim accrues.'';

(2) striking the first sentence of subsection (b) and inserting ''A person must begin a civil action to recover overcharges under section 11705(b)(1) of this title within 3 years after the claim accrues.'';

(3) striking ''subchapter I or III of'' in the last sentence of subsection (b);

(4) striking ''(1)'' in subsection (c);

(5) striking paragraph (2) of subsection (c); and

(6) striking ''(c)(1)'' in the second sentence of subsection (d) and inserting ''(c)''.

SEC. 365. LIABILITY OF COMMON CARRIERS UNDER RECEIPTS AND BILLS OF LADING.

(a) Section 11707 is amended by—

(1) striking ''(a)(1)'' in subsection (a) and inserting ''(a)'';

(2) striking paragraph (2) of subsection (a);

(3) striking ''subchapter I, II, or IV of'' and ''and a freight forwarder'' in the first sentence of subsection (a), as amended;

(4) striking ''or freight forwarder'' in the second sentence of subsection (a), as amended;

(5) striking ''subchapter I, II, or IV'' in the second sentence of subsection (a), as amended, and inserting ''chapter 105 or subject to jurisdiction under part B of this subtitle'';

(6) striking '', except in the case of a freight forwarder,'' in the third sentence of subsection (a), as amended;

(7) striking ''diverted under a tariff filed under subchapter IV of chapter 107 of this title.'' in the third sentence of subsection (a), as amended, and inserting ''diverted.'';

(8) striking ''or freight forwarder'' in the fourth sentence of subsection (a);

(9) striking ''and freight forwarder'' in subsection (c)(1), and striking ''filed with the Commission'';

(10) striking paragraph (3) of subsection (c) and redesignating paragraph (4) as paragraph (3);

(11) striking ''or freight forwarder'' wherever it appears in subsection (e); and

(12) striking ''or freight forwarder's'' in subsection (e)(2).

(b) The index for chapter 117 is amended by striking out the item relating to section 11707 and inserting in lieu thereof the following:

''Sec. 11707. Liability of Carriers under receipts and bills of lading.''.

SEC. 366. LIABILITY WHEN PROPERTY IS DELIVERED IN VIOLATION OF ROUTING INSTRUCTIONS.

Section 11710 is amended by striking ''subchapter I of'' in subsection (a)(1).

SEC. 367. GENERAL CIVIL PENALTIES.

Section 11901 is amended by:

(1) striking ''subchapter I of'' in subsection (a) and subsection (b);

(2) striking subsection (c) and subsections (g) through (l), and redesignating subsections (d) through (f) as (c) through (e), respectively, and subsection (m) as (f);

(3) striking ''11127'' in subsection (d), as redesignated;

(4) striking ''(1)'' in subsection (d), as redesignated, and striking paragraph (2) of that subsection;

(5) striking ''subchapter I of'' each place it appears in subsection (e), as redesignated;

(6) striking ''(1)'' in subsection (f), as redesignated, and striking paragraph (2) of that subsection; and

(7) striking ''subsections (a)-(f) of'' in subsection (f), as redesignated.

SEC. 368. CIVIL PENALTY FOR ACCEPTING REBATES FROM COMMON CARRIER.

Section 11902 is amended by striking ''contained in a tariff filed with the Commission under subchapter IV of chapter 107 of this title''.

SEC. 369. RATE, DISCRIMINATION, AND TARIFF VIOLATIONS.

Section 11903 is amended by striking ''under chapter 107 of this title'' in subsection (a).

SEC. 370. ADDITIONAL RATE AND DISCRIMINATION VIOLATIONS.

Section 11904 is amended by—

(1) striking subsections (b) through (d);

(2) striking ''(a)(1)'' in subsection (a) and inserting ''(a)'';

(3) redesignating paragraphs (2) and (3) of subsection (a) as subsections (b) and (c), respectively;

(4) striking ''(A)'' and ''(B)'' in subsection (b), as redesignated, and inserting ''(1)'' and ''(2)'', respectively;

(5) striking ''subchapter I of'' in subsections (b) and (c), as redesignated; and

(6) striking 'under chapter 107 of this title'' in subsection (b), as redesignated.

SEC. 371. INTERFERENCE WITH RAILROAD CAR SUPPLY.

Section 11907 is amended by striking ''subchapter I of'' in subsections (a) and (b).

SEC. 372. RECORD KEEPING AND REPORTING VIOLATIONS.

Section 11909 is amended by—

(1) striking subsections (b) through (d);

(2) striking ''subchapter I of'' in subsection (a); and

(3) striking ''(a)'' in subsection (a).

SEC. 373. UNLAWFUL DISCLOSURE OF INFORMATION.

Section 11910 is amended by—

(1) striking paragraphs (2) through (4) of subsection (a);

(2) striking ''(a)(1)'' in subsection (a) and inserting ''(a)'';

(3) striking ''(A)'' and ''(B)'' in subsection (a) and inserting ''(1) and ''(2)'', respectively;

(4) striking ''subchapter I of'' in subsections (a) and (d); and

(5) striking ''or broker'' in subsection (b).

SEC. 374. CONSOLIDATION, MERGER, AND ACQUISITION OF CONTROL.

Section 11912 is amended by striking out ''11346,''.

SEC. 375. GENERAL CRIMINAL PENALTY.

Section 11914 is amended by—

(1) striking subsections (b) through (d);

(2) striking ''(a)'' in subsection (a);

(3) striking ''subchapter I of'' in the first sentence; and

(4) striking ''11321(a) or'' in the last sentence.

SEC. 376. FINANCIAL ASSISTANCE FOR STATE PROJECTS.

Section 22101 is amended by striking ''subchapter I of'' in the first sentence of subsection (a).

SEC. 377. STATUS OF AMTRAK AND APPLICABLE LAWS.

Section 24301 is amended by striking ''subchapter I of'' in subsections (c)(2)(B) and (d).

SEC. 378. RAIL-SHIPPER TRANSPORTATION ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Chapter 103 is amended by adding at the end thereof the following:

''SUBCHAPTER VI. RAIL—SHIPPER TRANSPORTATION ADVISORY COUNCIL

§ 10391. Rail—Shipper Transportation Advisory Council

''(a) ESTABLISHMENT; MEMBERSHIP.—There is established the Rail-Shipper Transportation Advisory Council (hereinafter in this section referred to as the ''Council'') to be composed of 15 members appointed by the Chairman of the Transportation Board, after recommendation from carriers and shippers, within 60 days after the date of enactment of the Interstate Commerce Commission Sunset Act of 1995. The members of the Council shall be appointed as follows:

''(1) The members of the Council shall be appointed from among citizens of the United States who are not regular full-time employees of the United States and shall be selected for appointment so as to provide as nearly as practicable a broad representation of the various segments of the rail and rail shipper industry.

''(2) Nine of the members shall be appointed from senior executive officers of organizations engaged in the railroad and rail shipping industry, which 9 members shall be the voting members of the Council. Council action and Council positions shall be determined by a majority vote of the members or by a majority vote of a quorum thereof. A majority of such voting members shall constitute a quorum. Of such 9 voting members—

''(A) at least 4 shall be representative of small shippers (as determined by the Chairman); and

''(B) at least 4 shall be representative of small railroads (Class II or III).

''(3) The remaining 6 members of the Council shall serve in a non-voting advisory capacity only, but shall be entitled to participate in Council deliberations. Of the remaining members—

''(A) 3 shall be from Class I railroads; and

''(B) 3 shall be from large shipper organizations (as determined by the Chairman).

''(4) The Secretary of Transportation and the members of the Transportation Board shall serve as ex officio members of the Council. The Council shall not be subject to the Federal Advisory Committee Act. A list of the members appointed to the Council shall be forwarded to the Chairmen and ranking members of the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure.

''(5) Each ex officio member of the Council may designate an alternate, who shall serve as a member of the Council whenever the ex officio member is unable to attend a meeting of the Council. Any such designated alternate shall be selected from individuals who exercise significant decision-making authority in the Federal agency involved.

''(b) TERM OF OFFICE.—The members of the Council shall be appointed for a term of office of three years, except that of the members first appointed—

''(1) 5 members shall be appointed for terms of 1 year, and

''(2) 5 members shall be appointed for terms of 2 years,

as designated by the Chairman at the time of appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office. Vacancies on the Council shall be filled in the same manner in which the original appointments were made. No member of the Council shall be eligible to serve in excess of two consecutive terms.

''(c) ELECTION AND DUTIES OF OFFICERS.—The Council Chairman and Vice Chairman and other appropriate officers of the Council shall be elected by and from the voting members of the Council. The Council Chairman shall serve as the Council's executive officer and shall direct the administration of the Council, assign officer and committee duties, and shall be responsible for issuing and communicating the reports, policy positions and statements of the Council. In the event that the Council Chairman is unable to serve, the Vice Chairman shall act as Council Chairman.

''(d) EXPENSES.—The members of the Council shall receive no compensation for their services as such, but upon request by the Council Chairman, based on a showing of significant economic burden, the Secretary of Transportation or the Chairman may provide reasonable and necessary travel expenses for such individual Council members from Department or Transportation Board funding sources in order to foster balanced representation on the Council. Upon request by the Council Chairman, the Secretary or Chairman may but is not required to pay the reasonable and necessary expenses incurred by the Council in connection with the coordination of Council activities, announcement and reporting of meetings, and preparation of such Council documents as are required or permitted by this Act. However, prior to making any funding requests the Council Chairman shall undertake best efforts to fund such activities privately unless he or she reasonably feels such private funding would create irreconcilable conflicts or the appearance thereof, or is otherwise impractical. The Council Chairman shall not request funding from any federal agency unless he or she provides written justification as to why private funding would create such conflict or appearance, or is otherwise impractical. To enable the Council to carry out its functions—

''(1) the Council Chairman may request directly from any Federal department or agency such personnel, information, services, or facilities, on a compensated or uncompensated basis, as he or she determines necessary to carry out the functions of the Council;

''(2) each Federal department or agency may, in their discretion, furnish the Council with such information, services, and facilities as the Council Chairman may request to the extent permitted by law and within the limits of available funds; and

''(3) Federal agencies and departments may, in their discretion, detail to temporary duty with the Council, such personnel as the Council Chairman may request for carrying out the functions of the Council, each such detail to be without loss of seniority, pay, or other employee status.

''(e) MEETINGS.—The Council shall meet at least semi-annually and shall hold such other meetings as deemed prudent by and at the call of the Council Chairman. Appropriate federal facilities, where available, may be used for such meetings. Whenever the Council, or a committee of the Council, considers matters that affect the jurisdictional interests of Federal agencies that are not represented on the Council, the Council Chairman may invite the heads of such agencies, or their alternates, to participate in the deliberations of the Council.

''(f) FUNCTIONS AND DUTIES; ANNUAL REPORT.—The Council shall advise the Secretary, Chairman, and relevant Congressional transportation policy oversight committees with respect to rail transportation policy issues it deems significant, with particular attention to issues of importance to small shippers and small railroads, including car supply, rates, competition, and effective procedures for addressing legitimate shipper and other claims. To the extent the Council addresses specific grain car issues, it shall coordinate such activities with the Grain Car Council. The Secretary and Chairman shall work in cooperation with the Council to provide research, technical and other reasonable support in developing any documents provided for hereby. The Council shall endeavor to develop within the private sector mechanisms to prevent or identify and effectively address obstacles to the most effective and efficient transportation system practicable. The Council shall prepare an annual report concerning its activities and the results of Council efforts to resolve industry issues within the Council structure in lieu of seeking regulatory or legislative relief, and propose whatever regulatory or legislative relief it deems appropriate in the event such efforts are unsuccessful. The Council shall include therein such recommendations as it deems appropriate with respect to the performance of the Secretary and Chairman under this chapter, and with respect to the operation and effectiveness of meetings and industry developments relating to the Council's efforts, and such other information as it deems appropriate. Such annual reports shall be reviewed by the Secretary and Chairman, and shall include the Secretary's and Chairman's views or comments relating to the accuracy of information therein, Council efforts and reasonableness of Council positions and actions and any other aspects of the Council's work as they may deem appropriate. The Council may prepare other reports or develop policy statements as the Council deems appropriate. Each annual report shall cover a fiscal year and shall be submitted to the Secretary and Chairman on or before the thirty-first day of December following the close of the fiscal year. Other such reports and statements may be communicated as the Council deems appropriate.''.

(b) CONFORMING AMENDMENT.—The table of subchapters for chapter 103 is amended by adding at the end thereof the following:

''SUBCHAPTER VI. RAIL AND SHIPPER TRANSPORTATION ADVISORY COUNCIL

''10391. Rail and shipper advisory council.''.

TITLE IV—MOTOR CARRIER, WATER CARRIER, BROKER, AND FREIGHT FORWARDER TRANSPORTATION

Subtitle A—Addition of Part B

SEC. 401. ENACTMENT OF PART B OF SUBTITLE IV, TITLE 49, UNITED STATES CODE.

Subtitle IV is amended by inserting after chapter 119 the following:

''PART B—MOTOR CARRIERS, WATER CARRIERS, BROKERS, AND FREIGHT FORWARDERS

''CHAPTER 131—GENERAL PROVISIONS

''§ 13101. Transportation policy

''(a) To ensure the development, coordination, and preservation of a transportation system that meets the transportation needs of the United States, including the United States Postal Service and national defense, it is the policy of the United States Government to provide for the impartial regulation of the modes of transportation , and—

''(1) in regulating those modes—

''(A) to recognize and preserve the inherent advantage of each mode of transportation;

''(B) to promote safe, adequate, economical, and efficient transportation;

''(C) to encourage sound economic conditions in transportation, including sound economic conditions among carriers;

''(D) to encourage the establishment and maintenance of reasonable rates for transportation, without unreasonable discrimination or unfair or destructive competitive practices;

''(E) to cooperate with each State and the officials of each State on transportation matters; and

''(F) to encourage fair wages and working conditions in the transportation industry;

''(2) in regulating transportation by motor carrier, to promote competitive and efficient transportation services in order to (A) encourage fair competition, and reasonable rates for transportation by motor carriers of property; (B) promote Federal regulatory efficiency in the motor carrier transportation system and to require fair and expeditious regulatory decisions when regulation is required; (C) meet the needs of shippers, receivers, passengers, and consumers; (D) allow a variety of quality and price options to meet changing market demands and the diverse requirements of the shipping and traveling public; (E) allow the most productive use of equipment and energy resources; (F) enable efficient and well-managed carriers to earn adequate profits, attract capital, and maintain fair wages and working conditions; (G) provide and maintain service to small communities and small shippers and intrastate bus services; (H) provide and maintain commuter bus operations; (I) improve and maintain a sound, safe, and competitive privately owned motor carrier system; (J) promote greater participation by minorities in the motor carrier system; and (K) promote intermodal transportation;

''(3) in regulating transportation by motor carrier of passengers (A) to cooperate with the States on transportation matters for the purpose of encouraging the States to exercise intrastate regulatory jurisdiction in accordance with the objectives of this part; (B) to provide Federal procedures which ensure that intrastate regulation is exercised in accordance with this part; and (C) to ensure that Federal reform initiatives enacted by section 31138 of this title and the Bus Regulatory Reform Act of 1995 of 1982 are not nullified by State regulatory actions; and

''(4) in regulating transportation by water carrier, to encourage and promote service and price competition in the non-contiguous domestic trade.

''(b) This part shall be administered and enforced to carry out the policy of this section.

''§ 13102. Definitions

''In this part—

''(1) 'broker' means a person, other than a motor carrier or an employee or agent of a motor carrier, that as a principal or agent sells, offers for sale, negotiates for, or holds itself out by solicitation, advertisement, or otherwise as selling, providing, or arranging for, transportation by motor carrier for compensation.

''(2) 'carrier' means a motor carrier, a water carrier, and a freight forwarder, and, for purposes of sections 13902, 13905, and 13906, the term includes foreign motor private carriers;

''(3) 'contract carriage' means—

''(A) for transportation provided before the date of enactment of the Interstate Commerce Commission Sunset Act of 1995, service provided pursuant to a permit issued under former section 10923 of this subtitle; and

''(B) for transportation provided on or after that date, service provided under an agreement entered into under section 14101(b) of this part;

''(4) ''control'', when referring to a relationship between persons, includes actual control, legal control, and the power to exercise control, through or by (A) common directors, officers, stockholders, a voting trust, or a holding or investment company, or (B) any other means;

''(5) 'foreign motor carrier' means a person (including a motor carrier of property but excluding a motor private carrier)—

''(A)(i) which is domiciled in a contiguous foreign country; or

''(ii) which is owned or controlled by persons of a contiguous foreign country and is not domiciled in the United States; and

''(B) in the case of a person which is not a motor carrier of property, which provides interstate transportation of property by motor vehicle under an agreement or contract entered into with a motor carrier of property (other than a motor private carrier or a motor carrier of property described in subparagraph (A));

''(6) 'foreign motor private carrier' means a person (including a motor private carrier but excluding a motor carrier of property)—

''(A)(i) which is domiciled in a contiguous foreign country; or

''(ii) which is owned or controlled by persons of a contiguous foreign country and is not domiciled in the United States; and

''(B) in the case of a person which is not a motor private carrier, which provides interstate transportation of property by motor vehicle under an agreement or contract entered into with a person (other than a motor carrier of property or a motor private carrier described in subparagraph (A));

''(7) 'freight forwarder' means a person holding itself out to the general public (other than as a pipeline, rail, motor, or water carrier) to provide transportation of property for compensation and in the ordinary course of its business—

''(A) assembles and consolidates, or provides for assembling and consolidating, shipments and performs or provides for break-bulk and distribution operations of the shipments;

''(B) assumes responsibility for the transportation from the place of receipt to the place of destination; and

''(C) uses for any part of the transportation a carrier subject to jurisdiction under part A or part B of this subtitle; but the term does not include a person using transportation of an air carrier subject to part A of subtitle VII of this title;

''(8) 'highway' means a road, highway, street, and way in a State;

''(9) 'household goods' means—

''(A) personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling and similar property, whether the transportation is—

''(i) requested and paid for by the householder, including transportation of property from a factory or store when the property is purchased by the householder with intent to use in his dwelling; or

''(ii) arranged and paid for by another party;

''(B) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments and similar property; except that this subparagraph shall not be construed to include the stock-in-trade of any establishment, whether consignor or consignee, other than used furniture and used fixtures, except when transported as incidental to moving of the establishment, or a portion thereof, from one location to another; and

''(C) articles, including objects of art, displays, and exhibits, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods and similar articles; except that this subparagraph shall not be construed to include any article, whether crated or uncrated, which does not, because of its unusual nature or value, require the specialized handling and equipment usually employed in moving household goods;

''(10) 'household goods freight forwarder' means a freight forwarder of one or more of the following items: household goods, unaccompanied baggage, or used automobiles;

''(11) 'motor carrier' means a person providing motor vehicle transportation for compensation, including foreign motor carriers;

''(12) 'motor private carrier' means a person, other than a motor carrier, transporting property by motor vehicle when—

''(A) the transportation is as provided in section 13501 of this title;

''(B) the person is the owner, lessee, or bailee of the property being transported; and

''(C) the property is being transported for sale, lease, rent, or bailment, or to further a commercial enterprise;

''(13) 'motor vehicle' means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on a highway in transportation, or a combination determined by the Secretary, but does not include a vehicle, locomotive, or car operated only on a rail, or a trolley bus operated by electric power from a fixed overhead wire, and providing local passenger transportation similar to street-railway service;

''(14) 'non-contiguous domestic trade' means motor-water transportation subject to jurisdiction under chapter 135 of this title involving traffic originating in or destined to Alaska, Hawaii, or a territory or possession of the United States;

''(15) 'person', in addition to its meaning under section 1 of title 1, includes a trustee, receiver, assignee, or personal representative of a person;

''(16) 'State' means a State of the United States and the District of Columbia;

''(17) 'transportation' includes—

''(A) a motor vehicle, vessel, warehouse, wharf, pier, dock, yard, property, facility, instrumentality, or equipment of any kind related to the movement of passengers or property, or both, regardless of ownership or an agreement concerning use; and

''(B) services related to that movement, including arranging for, receipt, delivery, elevation, transfer in transit, refrigeration, icing, ventilation, storage, packing, unpacking, and interchange of passengers and property;

''(18) 'United States' means the States of the United States and the District of Columbia;

''(19) 'vessel' means a watercraft or other artificial contrivance that is used, is capable of being used, or is intended to be used, as a means of transportation by water; and

''(20) 'water carrier' means a person providing water transportation for compensation.

''§ 13103. Remedies are cumulative

''Except as otherwise provided in this part, the remedies provided under this part are in addition to remedies existing under another law or at common law.

"CHAPTER 133—ADMINISTRATIVE PROVISIONS

"§ 13301. Powers

''(a) Except as otherwise specified, the Secretary of Transportation shall carry out this part. Enumeration of a power of the Secretary in this part does not exclude another power the Secretary may have in carrying out this part. The Secretary may prescribe regulations in carrying out this part.

''(b) The Secretary may obtain from carriers providing, and brokers for, transportation and service subject to this part, and from persons controlling, controlled by, or under common control with those carriers or brokers to the extent that the business of that person is related to the management of the business of that carrier or broker, information the Secretary decides is necessary to carry out this part.

''(c)(1) The Secretary may subpena witnesses and records related to a proceeding under this part from any place in the United States, to the designated place of the proceeding. If a witness disobeys a subpena, the Secretary, or a party to a proceeding under this part, may petition a court of the United States to enforce that subpena.

''(2) The district courts of the United States have jurisdiction to enforce a subpena issued under this section. Trial is in the district in which the proceeding is conducted. The court may punish a refusal to obey a subpena as a contempt of court.

''(d)(1) In a proceeding under this part, the Secretary may take the testimony of a witness by deposition and may order the witness to produce records. A party to a proceeding pending under this part may take the testimony of a witness by deposition and may require the witness to produce records at any time after a proceeding is at issue on petition and answer.

''(2) If a witness fails to be deposed or to produce records under paragraph (1) of this subsection, the Secretary may subpena the witness to take a deposition, produce the records, or both.

''(3) A deposition may be taken before a judge of a court of the United States, a United States magistrate judge, a clerk of a district court, or a chancellor, justice, or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court, or court of common pleas of any State, or a notary public who is not counsel or attorney of a party or interested in the proceeding.

''(4) Before taking a deposition, reasonable notice must be given in writing by the party or the attorney of that party proposing to take a deposition to the opposing party or the attorney of record of that party, whoever is nearest. The notice shall state the name of the witness and the time and place of taking the deposition.

''(5) The testimony of a person deposed under this subsection shall be taken under oath. The person taking the deposition shall prepare, or cause to be prepared, a transcript of the testimony taken. The transcript shall be subscribed by the deponent.

''(6) The testimony of a witness who is in a foreign country may be taken by deposition before an officer or person designated by the Secretary or agreed on by the parties by written stipulation filed with the Secretary. A deposition shall be filed with the Secretary promptly.

''(e) Each witness summoned before the Secretary or whose deposition is taken under this section and the individual taking the deposition are entitled to the same fees and mileage paid for those services in the courts of the United States.

''(f) For those provisions of this part that are specified to be carried out by the Intermodal Surface Transportation Board, the Transportation Board shall have the same powers as the Secretary has under this section.

"§ 13302. Intervention

''Under regulations of the Secretary of Transportation, reasonable notice of, and an opportunity to intervene and participate in, a proceeding under this part related to transportation subject to jurisdiction under subchapter I of chapter 135 of this title shall be given to interested persons.

"§ 13303. Service of notice in proceedings under this part

''(a) A motor carrier, a broker, or a freight forwarder providing transportation or service subject to jurisdiction under chapter 135 of this title shall designate in writing an agent by name and post office address on whom service of notices in a proceeding before, and of actions of, the Secretary may be made.

''(b) A notice to a motor carrier, broker, or freight forwarder is served personally or by mail on the motor carrier, broker, or freight forwarder or on its designated agent. Service by mail on the designated agent is made at the address filed for the agent. When notice is given by mail, the date of mailing is considered to be the time when the notice is served. If a motor carrier, broker, or freight forwarder does not have a designated agent, service may be made by posting a copy of the notice at the headquarters of the Department of Transportation.

"§ 13304. Service of process in court proceedings

''(a) A motor carrier or broker providing transportation subject to jurisdiction under chapter 135 of this title, including a motor carrier or broker operating within the United States while providing transportation between places in a foreign country or between a place in one foreign country and a place in another foreign country, shall designate an agent in each State in which it operates by name and post office address on whom process issued by a court with subject matter jurisdiction may be served in an action brought against that carrier or broker. The designation shall be in writing and filed with the Department of Transportation and each State may require that an additional designation be filed with it. If a designation under this subsection is not made, service may be made on any agent of the carrier or broker within that State.

''(b) A designation under this section may be changed at any time in the same manner as originally made.

"CHAPTER 135—JURISDICTION

''SUBCHAPTER I—MOTOR CARRIER TRANSPORTATION

"§ 13501. General jurisdiction

''The Secretary of Transportation and the Intermodal Surface Transportation Board have jurisdiction, as specified in this part, over transportation by motor carrier and the procurement of that transportation, to the extent that passengers, property, or both, are transported by motor carrier—

''(1) between a place in—

''(A) a State and a place in another State;

''(B) a State and another place in the same State through another State;

''(C) the United States and a place in a territory or possession of the United States to the extent the transportation is in the United States;

''(D) the United States and another place in the United States through a foreign country to the extent the transportation is in the United States; or

''(E) the United States and a place in a foreign country to the extent the transportation is in the United States; and

''(2) in a reservation under the exclusive jurisdiction of the United States or on a public highway.

"§ 13502. Exempt transportation between Alaska and other States

''To the extent that transportation by a motor carrier between a place in Alaska and a place in another State under section 13501 of this title is provided in a foreign country—

''(1) neither the Secretary of Transportation nor the Intermodal Surface Transportation Board has jurisdiction to impose a requirement over conduct of the motor carrier in the foreign country conflicting with a requirement of that country; but

''(2) the motor carrier, as a condition of providing transportation in the United States, shall comply, with respect to all transportation provided between Alaska and the other State, with the requirements of this part related to rates and practices applicable to the transportation.

"§ 13503. Exempt motor vehicle transportation in terminal areas

''(a)(1) Neither the Secretary of Transportation nor the Intermodal Surface Transportation Board has jurisdiction under this subchapter over transportation by motor vehicle provided in a terminal area when the transportation—

''(A) is a transfer, collection, or delivery;

''(B) is provided by—

''(i) a rail carrier subject to jurisdiction under chapter 105 of this title;

''(ii) a water carrier subject to jurisdiction under subchapter II of this chapter; or

''(iii) a freight forwarder subject to jurisdiction under subchapter III of this chapter; and

''(C) is incidental to transportation or service provided by the carrier or freight forwarder that is subject to jurisdiction under chapter 105 of this title or under subchapter II or III of this chapter.

''(2) Transportation exempt from jurisdiction under paragraph (1) of this subsection is subject to jurisdiction under chapter 105 of this title when provided by such a rail carrier, under subchapter II of this chapter when provided by such a water carrier, and under subchapter III of this chapter when provided by such a freight forwarder.

''(b)(1) Except to the extent provided by paragraph (2) of this subsection, neither the Secretary nor the Transportation Board has jurisdiction under this subchapter over transportation by motor vehicle provided in a terminal area when the transportation—

''(A) is a transfer, collection, or delivery; and

''(B) is provided by a person as an agent or under other arrangement for—

''(i) a rail carrier subject to jurisdiction under chapter 105 of this title;

''(ii) a motor carrier subject to jurisdiction under this subchapter;

''(iii) a water carrier subject to jurisdiction under subchapter II of this chapter; or

''(iv) a freight forwarder subject to jurisdiction under subchapter III of this chapter.

''(2) Transportation exempt from jurisdiction under paragraph (1) of this subsection is considered transportation provided by the carrier or service provided by the freight forwarder for whom the transportation was provided and is subject to jurisdiction under chapter 105 of this title when provided for such a rail carrier, under this subchapter when provided for such a motor carrier, under subchapter II of this chapter when provided for such a water carrier, and under subchapter III of this chapter when provided for such a freight forwarder.

"§ 13504. Exempt motor carrier transportation entirely in one State

''Neither the Secretary of Transportation nor the Intermodal Surface Transportation Board has jurisdiction under this subchapter over transportation, except transportation of household goods, by a motor carrier operating solely within the State of Hawaii. The State of Hawaii may regulate transportation exempt from jurisdiction under this section and, to the extent provided by a motor carrier operating solely within the State of Hawaii, transportation exempt under section 13503 of this title.

''SUBCHAPTER II—WATER CARRIER TRANSPORTATION

"§ 13521. General jurisdiction

''(a) GENERAL RULES.—The Transportation Board has jurisdiction over transportation insofar as water carriers are concerned—

''(1) by water carrier between a place in a State and a place in another State, even if part of the transportation is outside the United States;

''(2) by water carrier and motor carrier from a place in a State to a place in another State, except that if part of the transportation is outside the United States, the Secretary only has jurisdiction over that part of the transportation provided—

''(A) by motor carrier that is in the United States; and

''(B) by water carrier that is from a place in the United States to another place in the United States; and

''(3) by water carrier or by water carrier and motor carrier between a place in the United States and a place outside the United States, to the extent that—

''(A) when the transportation is by motor carrier, the transportation is provided in the United States;

''(B) when the transportation is by water carrier to a place outside the United States, the transportation is provided by water carrier from a place in the United States to another place in the United States before transshipment from a place in the United States to a place outside the United States; and

''(C) when the transportation is by water carrier from a place outside the United States, the transportation is provided by water carrier from a place in the United States to another place in the United States after transshipment to a place in the United States from a place outside the United States.

''(b) DEFINITIONS.—In this section, the terms 'State' and 'United States' include the territories, commonwealths, and possessions of the United States.

''SUBCHAPTER III—FREIGHT FORWARDER SERVICE

''§ 13531. General jurisdiction

''(a) The Secretary of Transportation and the Intermodal Surface Transportation Board have jurisdiction, as specified in this part, over service that a freight forwarder undertakes to provide, or is authorized or required under this part to provide, to the extent transportation is provided in the United States and is between—

''(1) a place in a State and a place in another State, even if part of the transportation is outside the United States;

''(2) a place in a State and another place in the same State through a place outside the State; or

''(3) a place in the United States and a place outside the United States.

''(b) Neither the Secretary nor the Transportation Board has jurisdiction under subsection (a) of this section over service undertaken by a freight forwarder using transportation of an air carrier subject to part A of subtitle VII of this title.

''SUBCHAPTER IV—AUTHORITY TO EXEMPT

''§ 13541. Authority to exempt transportation or services

''(a) In any matter subject to jurisdiction under this chapter, the Secretary of Transportation or the Intermodal Surface Transportation Board, as applicable, shall exempt a person, class of persons, or a transaction or service from the application of a provision of this title, or use this exemption authority to modify a provision of this title, when the Secretary or Transportation Board finds that the application of that provision in whole or in part—

''(1) is not necessary to carry out the transportation policy of section 13101 of this title; and

''(2) either (A) the transaction or service is of limited scope, or (B) the application of a provision of this title is not needed to protect shippers from the abuse of market power.

In a proceeding that affects the transportation of household goods described in section 13102(9)(A), the Secretary or the Transportation Board shall also consider whether the exemption will be consistent with the transportation policy set forth in section 13101 of this title and will not be detrimental to the interests of individual shippers.

''(b) The Secretary or Transportation Board, as applicable, may, where appropriate, begin a proceeding under this section on the Secretary's or Transportation Board's own initiative or on application by an interested party.

''(c) The Secretary or Transportation Board, as applicable, may specify the period of time during which an exemption granted under this section is effective.

''(d) The Secretary or Transportation Board, as applicable, may revoke an exemption, to the extent specified, on finding that application of a provision of this title to the person, class, or transportation is necessary to carry out the transportation policy of section 13101 of this title.

''(e) This exemption authority may not be used to relieve a person (except a person that would have been covered by a statutory exemption under subchapter II or IV of chapter 105 of this title that was repealed by the Interstate Commerce Commission Sunset Act of 1995) from the application of, and compliance with, any law, rule, regulation, standard, or order pertaining to cargo loss and damage; insurance; or safety fitness.

''(f) The Secretary or Transportation Board, as applicable, is prohibited from regulating or exercising jurisdiction over the transportation by water carrier in the non-contiguous domestic trade of any cargo or type of cargo or service which was not subject to regulation by, or under the jurisdiction of, either the Federal Maritime Commission or Interstate Commerce Commission under Federal law in effect on November 1, 1995.

''(g) The Secretary or Transportation Board, as applicable, may not exempt a water carrier from the application of, or compliance with, sections 13801 and 13702 for transportation in the non-contiguous domestic trade.

''CHAPTER 137—RATES AND THROUGH ROUTES

''§ 13701. Requirements for reasonable rates, classifications, through routes, rules, and practices for certain transportation

''(a)(1) A rate, classification, rule, or practice related to transportation or service provided by a carrier subject to jurisdiction under subchapters I or III of chapter 135 of this title for transportation or service involving—

''(i) a movement of household goods described in section 13102(9)(A) of this title, or

''(ii) a joint rate for a through movement with a water carrier, or a rate for a movement by a water carrier, in non-contiguous domestic trade, must be reasonable.

''(2) Through routes and divisions of joint rates for such transportation or service as described in paragraph (1) (i) or (ii) must be reasonable.

''(b) When the Intermodal Surface Transportation Board finds it necessary to stop or prevent a violation of subsection (a), the Transportation Board shall prescribe the rate, classification, rule, practice, through route, or division of joint rates to be applied for such transportation or service.

''(c) A complaint that a rate, classification, rule or practice in the non-contiguous domestic trade violates subsection (a) of this section may be filed with the Transportation Board.

''(d)(1) For purposes of this section, a rate or division of a carrier for service in non-contiguous domestic trade is reasonable if the aggregate of increases and decreases in any such rate or division is not more than 7.5 percent above, or more than 10 percent below, the rate or division in effect 1 year before the effective date of the proposed rate or division.

''(2) The percentage specified in paragraph (1) shall be increased or decreased, as the case may be, by the percentage change in the Producers Price Index, as published by the Department of Labor, that has occurred during the most recent 1-year period before the date the rate or division in question first took effect.

''(3) The Transportation Board shall determine whether any rate or division of a carrier or service in the non-contiguous domestic trade which is not within the range described in paragraph (1) is reasonable if a complaint is filed under subsection (c) of this section or section 13702(f)(5).

''(4) The Transportation Board, upon a finding of violation of subsection (a) or this section, shall award reparations to the complaining shipper or shippers in an amount equal to all sums assessed and collected that exceed the determined reasonable rate, division, rate structure or tariff. The Transportation Board, upon complaint from any governmental agency or authority, shall, upon a finding or violation of subsection (a) of this section, make such orders as are just and shall require the carrier to return, to the extent practicable, to shippers all sums, plus interest, which the Board finds to have been assessed and collected in violation of such subsections.

''(e) Any proceeding with respect to any tariff, rate charge, classification, rule, regulation or service that was pending before the Federal Maritime Commission shall continue to be heard until completion or issuance of a final order thereon under all applicable laws in effect as of that date.

''§ 13702. Tariff requirement for certain transportation

''(a) A carrier subject to jurisdiction under subchapters I or III of chapter 135 of this title may provide transportation or service that is—

''(1) under a joint rate for a through movement in non-contiguous domestic trade, or

''(2) for movement of household goods described in section 13102(9)(A) of this title,

only if the rate for such transportation or service is contained in a tariff that is in effect under this section. A rate contained in a tariff shall be stated in money of the United States. The carrier may not charge or receive a different compensation for that transportation or service than the rate specified in the tariff whether by returning a part of that rate to a person, giving a person a privilege, allowing the use of a facility that affects the value of that transportation or service, or another device.

''(b)(1) A carrier providing transportation or service described in paragraph (1) of subsection (a) shall publish and file with the Intermodal Surface Transportation Board tariffs containing the rates established for such transportation or service. The Transportation Board may prescribe other information that carriers shall include in such tariffs.

''(2) Carriers that publish tariffs under this subsection shall keep them open for public inspection.

''(c) The Transportation Board shall prescribe the form and manner of publishing, filing, and keeping tariffs open for public inspection under subsection (b). The Transportation Board may prescribe specific charges to be identified in a tariff published by a carrier, but those tariffs must identify plainly—

''(1) the carriers that are parties to it;

''(2) the places between which property will be transported;

''(3) terminal charges if a carrier providing transportation or service subject to jurisdiction under subchapter III of chapter 135 of this title;

''(4) privileges given and facilities allowed; and

''(5) any rules that change, affect, or determine any part of the published rate.

''(d) The Transportation Board may permit carriers to change rates, classifications, rules, and practices without filing complete tariffs that cover matter that is not being changed when the Transportation Board finds that action to be consistent with the public interest. Those carriers may either—

''(1) publish new tariffs that incorporate changes, or

''(2) plainly indicate the proposed changes in the tariffs then in effect and kept open for public inspection.

''(e) The Transportation Board may reject a tariff submitted to it by a carrier under subsection (b) if that tariff violates this section or regulation of the Transportation Board carrying out this section.

''(f)(1) A carrier providing transportation described in subsection (a)(2) shall maintain rates and related rules and practices in a published tariff. The tariff must be available for inspection by the Transportation Board and by shippers, upon reasonable request, at the offices of the carrier and of each tariff publishing agent of the carrier.

''(2) A carrier that maintains a tariff and makes it available for inspection as provided in paragraph (1) may not enforce the provisions of the tariff unless the carrier has given notice that the tariff is available for inspection in its bill of lading or by other actual notice to individuals whose shipments are subject to the tariff.

''(3) A carrier that maintains a tariff under this subsection is bound by the tariff except as otherwise provided in this subtitle. A carrier that does not maintain a tariff as provided in this subsection may not enforce the tariff against any individual shipper except as otherwise provided in this subtitle, and shall not transport household goods described in section 13102(9)(A).

''(4) A carrier may incorporate by reference the rates, terms, and other conditions in a tariff in agreements covering the transportation of household goods (except those household goods described in section 13102(9)(A)(i)), if the tariff is maintained as provided in this subsection and the agreement gives notice of the incorporation and of the availability of the tariff for inspection by the commercial shipper.

''(5) A complaint that a rate or related rule or practice maintained in a tariff under this subsection violates section 13701(a) may be filed with the Transportation Board.

''§ 13703. Certain collective activities; exemption from antitrust laws

''(a) AGREEMENTS.—

''(1) AUTHORITY TO ENTER.—A motor carrier providing transportation or service subject to jurisdiction under chapter 135 may enter into an agreement with one or more such carriers to establish—

''(A) through routes and joint rates;

''(B) rates for the transportation of household goods described in section 13102(9)(A);

''(C) classifications;

''(D) mileage guides;

''(E) rules;

''(F) divisions;

''(G) rate adjustments of general application based on industry average carrier costs (so long as there is no discussion of individual markets or particular single-line rates); or

''(H) procedures for joint consideration, initiation, or establishment of matters described in subparagraphs (A) through (G).

''(2) SUBMISSION OF AGREEMENT TO TRANSPORTATION BOARD; APPROVAL.—An agreement entered into under subsection (a) may be submitted by any carrier or carriers that are parties to such agreement to the Transportation Board for approval and may be approved by the Transportation Board only if it finds that such agreement is in the public interest.

''(3) CONDITIONS.—The Transportation Board may require compliance with reasonable conditions consistent with this part to assure that the agreement furthers the transportation policy set forth in section 13101.

''(4) INVESTIGATIONS.—The Transportation Board may suspend and investigate the reasonableness of any classification or rate adjustment of general application made pursuant to an agreement under this section.

''(5) EFFECT OF APPROVAL.—If the Transportation Board approves the agreement or renews approval of the agreement, it may be made and carried out under its terms and under the conditions required by the Transportation Board, and the antitrust laws, as defined in the first section of the Clayton Act (15 U.S.C. 12), do not apply to parties and other persons with respect to making or carrying out the agreement.

''(b) RECORDS.—The Transportation Board may require an organization established or continued under an agreement approved under this section to maintain records and submit reports. The Transportation Board, or its delegate, may inspect a record maintained under this section, or monitor any organization's compliance with this section.

''(c) REVIEW.—The Transportation Board may review an agreement approved under this section, on its own initiative or on request, and shall change the conditions of approval or terminate it when necessary to protect the public interest. Action of the Transportation Board under this section—

''(1) approving an agreement,

''(2) denying, ending, or changing approval,

''(3) prescribing the conditions on which approval is granted, or

''(4) changing those conditions,

has effect only as related to application of the antitrust laws referred to in subsection (a).

''(d) EXPIRATION OF APPROVALS; RENEWALS.—Subject to subsection (c), approval of an agreement under subsection (a) shall expire 3 years after the date of approval unless renewed under this subsection. The approval may be renewed upon request of the parties to the agreement if such parties resubmit the agreement to the Transportation Board, the agreement is unchanged, and the Transportation Board approves such renewal. The Transportation Board shall approve the renewal unless it finds that the renewal is not in the public interest.

''(e) EXISTING AGREEMENTS.—Agreements approved under former section 10706(b) and in effect on the day before the effective date of this section shall be treated for purposes of this section as approved by the Transportation Board under this section beginning on such effective date.

''(f) LIMITATIONS ON STATUTORY CONSTRUCTION.—

''(1) UNDERCHARGE CLAIMS.—Nothing in this section shall serve as a basis for any undercharge claim.

''(2) OBLIGATION OF SHIPPER.—Nothing in this title, the Interstate Commerce Commission Sunset Act of 1995, or any amendments or repeals made by such Act shall be construed as creating any obligation for a shipper based solely on a classification that was on file with the Interstate Commerce Commission or elsewhere on the day before the effective date of this section.

''(g) MILEAGE RATE LIMITATION.—No carrier subject to jurisdiction under subchapter I or III of chapter 135 of this title may enforce collection of its mileage rates or classifications unless such carrier or forwarder maintains its own independent publication of mileage or classification which can be examined by any interested person upon reasonable request or is a participant in a publication of mileages or classifications formulated under an agreement approved under this section.

''(h) SINGLE LINE RATE DEFINED.—In this section, the term 'single line rate' means a rate, charge, or allowance proposed by a single motor carrier that is applicable only over its line and for which the transportation can be provided by that carrier.

''§ 13704. Household goods rates—estimates; guarantees of service

''(a)(1) Subject to the provisions of paragraph (2) of this subsection, a motor carrier providing transportation of household goods subject to jurisdiction under subchapter I of chapter 135 of this title may establish a rate for the transportation of household goods which is based on the carrier's written, binding estimate of charges for providing such transportation.

''(2) Any rate established under this subsection must be available on a nonpreferential basis to shippers and must not result in charges to shippers which are predatory.

''(b)(1) Subject to the provisions of paragraph (2) of this subsection, a motor carrier providing transportation of household goods subject to jurisdiction under subchapter I of chapter 135 of this title may establish rates for the transportation of household goods which guarantee that the carrier will pick up and deliver such household goods at the times specified in the contract for such services and provide a penalty or per diem payment in the event the carrier fails to pick up or deliver such household goods at the specified time. The charges, if any, for such guarantee and penalty provision may vary to reflect one or more options available to meet a particular shipper's needs.

''(2) Before a carrier may establish a rate for any service under paragraph (1) of this subsection, the Secretary of Transportation may require such carrier to have in effect and keep in effect, during any period such rate is in effect under such paragraph, a rate for such service which does not guarantee the pick up and delivery of household goods at the times specified in the contract for such services and which does not provide a penalty or per diem payment in the event the carrier fails to pick up or deliver household goods at the specified time.

''§ 13705. Requirements for through routes among motor carriers of passengers

''(a) A motor carrier of passengers shall establish through routes with other carriers of the same type and shall establish individual and joint rates applicable to them.

''(b) A through route between motor carriers providing transportation of passengers subject to jurisdiction under subchapter I of chapter 135 must be reasonable.

''(c) When the Intermodal Surface Transportation Board finds it necessary to enforce the requirements of this section, the Transportation Board may prescribe through routes and the conditions under which those routes must be operated for motor carriers providing transportation of passengers subject to jurisdiction under subchapter I of chapter 135.

''§ 13706. Liability for payment of rates

''(a) Liability for payment of rates for transportation for a shipment of property by a shipper or consignor to a consignee other than the shipper or consignor, is determined under this section when the transportation is provided by motor carrier under this part. When the shipper or consignor instructs the carrier transporting the property to deliver it to a consignee that is an agent only, not having beneficial title to the property, the consignee is liable for rates billed at the time of delivery for which the consignee is otherwise liable, but not for additional rates that may be found to be due after delivery if the consignee gives written notice to the delivering carrier before delivery of the property—

''(1) of the agency and absence of beneficial title; and

''(2) of the name and address of the beneficial owner of the property if it is reconsigned or diverted to a place other than the place specified in the original bill of lading.

''(b) When the consignee is liable only for rates billed at the time of delivery under subsection (a) of this section, the shipper or consignor, or, if the property is reconsigned or diverted, the beneficial owner is liable for those additional rates regardless of the bill of lading or contract under which the property was transported. The beneficial owner is liable for all rates when the property is reconsigned or diverted by an agent but is refused or abandoned at its ultimate destination if the agent gave the carrier in the reconsignment or diversion order a notice of agency and the name and address of

the beneficial owner. A consignee giving the carrier erroneous information about the identity of the beneficial owner of the property is liable for the additional rates.

"§ 13707. Billing and collecting practices

''(a) A motor carrier subject to jurisdiction under subchapter I of chapter 135 shall disclose, when a document is presented or electronically transmitted for payment to the person responsible directly to the motor carrier for payment or agent of such responsible person, the actual rates, charges, or allowances for any transportation service. No person may cause a motor carrier to present false or misleading information on a document about the actual rate, charge, or allowance to any party to the transaction. When the actual rate, charge, or allowance is dependent upon the performance of a service by a party to the transportation arrangement, such as tendering a volume of freight over a stated period of time, the motor carrier shall indicate in any document presented for payment to the person responsible directly to the motor carrier that a reduction, allowance, or other adjustment may apply.

''(b) The Transportation Board shall promulgate regulations that prohibit a motor carrier subject to jurisdiction under subchapter II of chapter 105 of this title from providing a reduction in a rate for the provision of transportation of property to any person other than—

''(1) the person paying the motor carrier directly for the transportation service according to the bill of lading, receipt, or contract; or

''(2) an agent of the person paying for the transportation.

"§ 13708. Procedures for resolving claims involving unfiled, negotiated transportation rates

''(a) IN GENERAL.—When a claim is made by a motor carrier of property (other than a household goods carrier) providing transportation subject to jurisdiction under subchapter II of chapter 105 of this title (as in effect on the day before the effective date of this section) or subchapter I of chapter 135 of this title, by a freight forwarder (other than a household goods freight forwarder), or by a party representing such a carrier or freight forwarder regarding the collection of rates or charges for such transportation in addition to those originally billed and collected by the carrier or freight forwarder for such transportation, the person against whom the claim is made may elect to satisfy the claim under the provisions of subsection (b), (c), or (d), upon showing that—

''(1) the carrier or freight forwarder is no longer transporting property or is transporting property for the purpose of avoiding the application of this section; and

''(2) with respect to the claim—

''(A) the person was offered a transportation rate by the carrier or freight forwarder other than that legally on file at the time with the Transportation Board or with the former Interstate Commerce Commission, as required, for the transportation service;

''(B) the person tendered freight to the carrier or freight forwarder in reasonable reliance upon the offered transportation rate;

''(C) the carrier or freight forwarder did not properly or timely file with the Transportation Board or with the former Interstate Commerce Commission, as required, a tariff providing for such transportation rate or failed to enter into an agreement for contract carriage;

''(D) such transportation rate was billed and collected by the carrier or freight forwarder; and

''(E) the carrier or freight forwarder demands additional payment of a higher rate filed in a tariff.

If there is a dispute as to the showing under paragraph (1), such dispute shall be resolved by the court in which the claim is brought. If there is a dispute as to the showing under paragraph (2), such dispute shall be resolved by the Intermodal Surface Transportation Board. Pending the resolution of any such dispute, the person shall not have to pay any additional compensation to the carrier or freight forwarder. Satisfaction of the claim under subsection (b), (c), or (d) shall be binding on the parties, and the parties shall not be subject to chapter 149 of this title or chapter 119 of this title, as such chapter was in effect on the date before the date of enactment of the Interstate Commerce Commission Sunset Act of 1995.

''(b) CLAIMS INVOLVING SHIPMENTS WEIGHING 10,000 POUNDS OR LESS.—A person from whom the additional legally applicable and effective tariff rate or charges are sought may elect to satisfy the claim if the shipments each weighed 10,000 pounds or less, by payment of 20 percent of the difference between the carrier's applicable and effective tariff rate and the rate originally billed and paid. In the event that a dispute arises as to the rate that was legally applicable to the shipment, such dispute shall be resolved by the Transportation Board .

''(c) CLAIMS INVOLVING SHIPMENTS WEIGHING MORE THAN 10,000 POUNDS.—A person from whom the additional legally applicable and effective tariff rate or charges are sought may elect to satisfy the claim if the shipments each weighed more than 10,000 pounds, by payment of 15 percent of the difference between the carrier's applicable and effective tariff rate and the rate originally billed and paid. In the event that a dispute arises as to the rate that was legally applicable to the shipment, such dispute shall be resolved by the Transportation Board.

''(d) CLAIMS INVOLVING PUBLIC WAREHOUSEMEN.—Notwithstanding subsections (b) and (c), a person from whom the additional legally applicable and effective tariff rate or charges are sought may elect to satisfy the claim by payment of 5 percent of the difference between the carrier's applicable and effective tariff rate and the rate originally billed and paid if such person is a public warehouseman. In the event that a dispute arises as to the rate that was legally applicable to the shipment, such dispute shall be resolved by the Transportation Board.

''(e) EFFECTS OF ELECTION.—When a person from whom additional legally applicable freight rates or charges are sought does not elect to use the provisions of subsection (b), (c) or (d), the person may pursue all rights and remedies existing under this part or, for transportation provided before the effective date of this section, all rights and remedies that existed under this title on the day before the date of enactment of the Interstate Commerce Commission Sunset Act of 1995.

''(f) STAY OF ADDITIONAL COMPENSATION.—When a person proceeds under this section to challenge the reasonableness of the legally applicable freight rate or charges being claimed by a carrier or freight forwarder described in subsection (a) in addition to those already billed and collected, the person shall not have to pay any additional compensation to the carrier or freight forwarder until the Transportation Board has made a determination as to the reasonableness of the challenged rate as applied to the freight of the person against whom the claim is made.

''(g) NOTIFICATION OF ELECTION.—

''(1) GENERAL RULE.—A person must notify the carrier or freight forwarder as to its election to proceed under subsection (b), (c), or (d). Except as provided in paragraphs (2), (3), and (4), such election may be made at any time.

''(2) DEMANDS FOR PAYMENT INITIALLY MADE AFTER DECEMBER 3, 1993.—If the carrier or freight forwarder or party representing such carrier or freight forwarder initially demands the payment of additional freight charges after December 3, 1993, and notifies the person from whom additional freight charges are sought of the provisions of subsections (a) through (f) at the time of the making of such initial demand, the election must be made not later than the later of—

''(A) the 60th day following the filing of an answer to a suit for the collection of such additional legally applicable freight rate or charges, or

''(B) March 5, 1994.

''(3) PENDING SUITS FOR COLLECTION MADE BEFORE DECEMBER 4, 1993.—If the carrier or freight forwarder or party representing such carrier or freight forwarder has filed, before December 4, 1993, a suit for the collection of additional freight charges and notifies the person from whom additional freight charges are sought of the provisions of subsections (a) through (f), the election must be made not later than the 90th day following the date on which such notification is received.

''(4) DEMANDS FOR PAYMENT MADE BEFORE DECEMBER 4, 1993.—If the carrier or freight forwarder or party representing such carrier or freight forwarder has demanded the payment of additional freight charges, and has not filed a suit for the collection of such additional freight charges, before December 4, 1993, and notifies the person from whom additional freight charges are sought of the provisions of subsections (a) through (f), the election must be made not later than the later of—

''(A) the 60th day following the filing of an answer to a suit for the collection of such additional legally applicable freight rate or charges, or

''(B) March 5, 1994.

''(h) CLAIMS INVOLVING SMALL-BUSINESS CONCERNS, CHARITABLE ORGANIZATIONS, AND RECYCLABLE MATERIALS.—Notwithstanding subsections (b), (c), and (d), a person from whom the additional legally applicable and effective tariff rate or charges are sought shall not be liable for the difference between the carrier's applicable and effective tariff rate and the rate originally billed and paid—

''(1) if such person qualifies as a small-business concern under the Small Business Act (15 U.S.C. 631 et seq.),

''(2) if such person is an organization which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, or

''(3) if the cargo involved in the claim is recyclable materials. In this provision, 'recyclable materials' means waste products for recycling or reuse in the furtherance of recognized pollution control programs.

"§ 13709. Additional motor carrier undercharge provisions

''(a)(1) A motor carrier of property (other than a motor carrier providing transportation in noncontiguous domestic trade) shall provide to the shipper, on request of the shipper, a written or electronic copy of the rate, classification, rules, and practices, upon which any rate agreed to between the shipper and carrier may have been based.

''(2) In those cases where a motor carrier (other than a motor carrier providing transportation of household goods or in noncontiguous domestic trade) seeks to collect charges in addition to those billed and collected which are contested by the payor, the carrier may request that the Transportation Board determine whether any additional charges over those billed and collected must be paid. A carrier must issue any bill for charges in addition to those originally billed within 180 days of the receipt of the original bill in order to have the right to collect such charges.

''(3) If a shipper seeks to contest the charges originally billed, the shipper may request that the Transportation Board determine whether the charges originally billed must be paid. A shipper must contest the original bill within 180 days in order to have the right to contest such charges.

''(4) Any tariff on file with the Interstate Commerce Commission on August 26, 1994, not required to be filed after that date is null and void beginning on that date. Any tariff on file

with the Interstate Commerce Commission on the effective date of the Interstate Commerce Commission Sunset Act of 1995 not required to be filed after that date is null and void beginning on that date.

''(b) If a motor carrier (other than a motor carrier providing transportation of household goods) subject to jurisdiction under subchapter I of chapter 135 of this title had authority to provide transportation as both a motor common carrier and a motor contract carrier and a dispute arises as to whether certain transportation that was provided prior to the effective date of the Interstate Commerce Commission Sunset Act of 1995 was provided in its common carrier or contract carrier capacity and the parties are not able to resolve the dispute consensually, the Transportation Board shall resolve the dispute.

''§ 13710. Alternative Procedure for Resolving Undercharge Disputes

''(a) GENERAL RULE.—It shall be an unreasonable practice for a motor carrier of property (other than a household goods carrier) providing transportation that is subject to jurisdiction of subchapter I of chapter 135 of this title or was subject to jurisdiction under subchapter II of chapter 105 of this title, a freight forwarder (other than a household goods freight forwarder), or a party representing such a carrier or freight forwarder to attempt to charge or to charge for a transportation service the difference between—

''(1) the applicable rate that was lawfully in effect pursuant to a tariff that was filed in accordance with this chapter, or with respect to transportation provided before the effective date of this section in accordance with chapter 107 of this title as in effect on the date the transportation service was provided by the carrier or freight forwarder applicable to such transportation service; and

''(2) the negotiated rate for such transportation service if the carrier or freight forwarder is no longer transporting property between places described in section 13501(1) of this title or is transporting property between places described in section 13501(1) of this title for the purpose of avoiding the application of this section.

''(b) JURISDICTION OF TRANSPORTATION BOARD.—The Intermodal Surface Transportation Board shall have jurisdiction to make a determination of whether or not attempting to charge or the charging of a rate by a motor carrier or freight forwarder or party representing a motor carrier or freight forwarder is an unreasonable practice under subsection (a). If the Transportation Board determines that attempting to charge or the charging of the rate is an unreasonable practice under subsection (a), the carrier, freight forwarder, or party may not collect the difference described in subsection (a) between the applicable rate and the negotiated rate for the transportation service. In making such determination, the Transportation Board shall consider—

''(1) whether the person was offered a transportation rate by the carrier or freight forwarder or party other than that legally on file with the Transportation Board or with the Interstate Commerce Commission, as required, at the time of the movement for the transportation service;

''(2) whether the person tendered freight to the carrier or freight forwarder in reasonable reliance upon the offered transportation rate;

''(3) whether the carrier or freight forwarder did not properly or timely file with the Transportation Board or with the Interstate Commerce Commission, as required, a tariff providing for such transportation rate or failed to enter into an agreement for contract carriage;

''(4) whether the transportation rate was billed and collected by the carrier or freight forwarder; and

''(5) whether the carrier or freight forwarder or party demands additional payment of a higher rate filed in a tariff.

''(c) STAY OF ADDITIONAL COMPENSATION.—When a person proceeds under this section to challenge the reasonableness of the practice of a motor carrier, freight forwarder, or party described in subsection (a) to attempt to charge or to charge the difference described in subsection (a) between the applicable rate and the negotiated rate for the transportation service in addition to those charges already billed and collected for the transportation service, the person shall not have to pay any additional compensation to the carrier, freight forwarder, or party until the Transportation Board has made a determination as to the reasonableness of the practice as applied to the freight of the person against whom the claim is made.

''(d) TREATMENT.—Subsection (a) is an exception to the requirements of section 13702, and for transportation prior to the effective date of the Interstate Commerce Commission Sunset Act of 1995, to the requirements of sections 10761(a) and 10762 of this title as in effect on the date before the date of enactment of the Interstate Commerce Commission Sunset Act of 1995, relating to a filed tariff rate and other general tariff requirements.

''(e) NONAPPLICABILITY OF NEGOTIATED RATE DISPUTE RESOLUTION PROCEDURE.—If a person elects to seek enforcement of subsection (a) with respect to a rate for a transportation or service, section 13708 of this part shall not apply to such rate.

''(f) DEFINITIONS.—For purposes of this section, the term 'negotiated rate' means a rate, charge, classification, or rule agreed upon by a motor carrier or freight forwarder and a shipper through negotiations pursuant to which no tariff was lawfully and timely filed and for which there is written evidence of such agreement.

''§ 13711. Government traffic

''A carrier providing transportation or service for the United States Government may transport property or individuals for the United States Government without charge or at a rate reduced from the applicable commercial rate. Section 3709 of the Revised Statutes (41 U.S.C. 5) does not apply when transportation for the United States Government can be obtained from a carrier lawfully operating in the area where the transportation would be provided.

''§ 13712. Food and grocery transportation

''(a) CERTAIN COMPENSATION PROHIBITED.—Notwithstanding any other provision of law, it shall not be unlawful for a seller of food and grocery products using a uniform zone delivered pricing system to compensate a customer who picks up purchased food and grocery products at the shipping point of the seller if such compensation is available to all customers of the seller on a nondiscriminatory basis and does not exceed the actual cost to the seller of delivery to such customer.

''(b) SENSE OF CONGRESS.—It is the sense of the Congress that any savings accruing to a customer by reason of compensation permitted by subsection (a) of this section should be passed on to the ultimate consumer.

''CHAPTER 139—REGISTRATION

''§ 13901. Requirement for registration

''A person may provide transportation or service subject to jurisdiction under subchapter I or III of chapter 135 of this title or be a broker for transportation subject to jurisdiction under subchapter I of that chapter, only if the person is currently registered under this chapter to provide the transportation or service.

''§ 13902. Registration of motor carriers

''(a)(1) Except as provided in this section, the Secretary of Transportation shall register a person to provide transportation subject to jurisdiction under subchapter I of chapter 135 of this title as a motor carrier if the Secretary finds that the person is willing and able to comply with—

''(A) this part, the applicable regulations of the Secretary and the Intermodal Surface Transportation Board, and any safety requirements imposed by the Secretary,

''(B) the safety fitness requirements established by the Secretary under section 31144 of this title, and

''(C) the minimum financial responsibility requirements established by the Secretary pursuant to sections 13906 and 31128 of this title.

''(2) The Secretary shall consider and, to the extent applicable, make findings on, any evidence demonstrating that the registrant is unable to comply with the requirements of subparagraph (A), (B), or (C) of paragraph (1).

''(3) The Secretary shall find any registrant as a motor carrier under this section to be unfit if the registrant does not meet the fitness requirements under paragraph (1) of this subsection and shall withhold registration.

''(4) The Secretary may hear a complaint from any person concerning a registration under this subsection only on the ground that the registrant fails or will fail to comply with this part, the applicable regulations of the Secretary and the Transportation Board, the safety requirements of the Secretary, or the safety fitness or minimum financial responsibility requirements of paragraph (1) of this subsection.

''(b) MOTOR CARRIERS OF PASSENGERS.—

''(1) REGISTRATION OF PRIVATE RECIPIENTS OF GOVERNMENT ASSISTANCE.—The Secretary shall register under subsection (a)(1) a private recipient of governmental assistance to provide special or charter transportation subject to jurisdiction under subchapter I of chapter 135 as a motor carrier of passengers if the Secretary finds that the recipient meets the requirements of subsection (a)(1), unless the Secretary finds, on the basis of evidence presented by any person objecting to the registration, that the transportation to be provided pursuant to the registration is not in the public interest.

''(2) REGISTRATION OF PUBLIC RECIPIENTS OF GOVERNMENTAL ASSISTANCE.—

''(A) CHARTER TRANSPORTATION.—The Secretary shall register under subsection (a)(1) a public recipient of governmental assistance to provide special or charter transportation subject to jurisdiction under subchapter I of chapter 135 as a motor carrier of passengers if the Secretary finds that—

''(i) the recipient meets the requirements of subsection (a)(1); and

''(ii)(I) no motor carrier of passengers (other than a motor carrier of passengers which is a public recipient of governmental assistance) is providing, or is willing to provide, the transportation; or

''(II) the transportation is to be provided entirely in the area in which the public recipient provides regularly scheduled mass transportation services.

''(B) REGULAR-ROUTE TRANSPORTATION.—The Secretary shall register under subsection (a)(1) a public recipient of governmental assistance to provide regular-route transportation subject to jurisdiction under subchapter I of chapter 135 as a motor carrier of passengers if the Secretary finds that the recipient meets the requirements of subsection (a)(1), unless the Secretary finds, on the basis of evidence presented by any person objecting to the registration, that the transportation to be provided pursuant to the registration is not in the public interest.

''(C) TREATMENT OF CERTAIN PUBLIC RECIPIENTS.—Any public recipient of governmental assistance which is providing or seeking to provide transportation of passengers subject to jurisdiction under subchapter I of chapter 135 shall, for purposes of this part, be treated as a person which is providing or seeking to provide transportation of passengers subject to such jurisdiction.

''(3) INTRASTATE TRANSPORTATION BY INTERSTATE CARRIERS.—A motor carrier of passengers that is registered by the Secretary under subsection (a) is authorized to provide regular-route transportation entirely in one State as a motor carrier of passengers if such intrastate transportation is to be provided on a route over which

the carrier provides interstate transportation of passengers.

''(4) JURISDICTION OVER CERTAIN INTRASTATE TRANSPORTATION.—Any intrastate transportation authorized under this subsection, except as provided in section 14501, shall be deemed to be transportation subject to jurisdiction under subchapter I of chapter 135 of this title until such time, not later than 30 days after the date on which a motor carrier of passengers first begins providing transportation entirely in one State pursuant to this paragraph, as the carrier takes such action as is necessary to establish under the laws of such State rates, rules, and practices applicable to such transportation.

''(5) SPECIAL OPERATIONS.—This subsection shall not apply to any regular-route transportation of passengers provided entirely in one State which is in the nature of a special operation.

''(6) REVOCATION OF AUTHORITY FOR INTRASTATE TRANSPORTATION.—Notwithstanding paragraph (3) of this subsection, intrastate transportation authorized under this subsection may be suspended or revoked by the Secretary under section 13905 of this title at any time.

''(7) PREEMPTION OF STATE REGULATION.—No State or political subdivision thereof and no interstate agency or other political agency of two or more States shall enact or enforce any law, rule, regulation, standard or other provision having the force and effect of law relating to the provision of pickup and delivery of express packages, newspapers, or mail in a commercial zone if the shipment has had or will have a prior or subsequent movement by bus in intrastate commerce and, if a city within the commercial zone, is served by a motor carrier of passengers providing regular-route transportation of passengers subject to jurisdiction under subchapter I of chapter 135 of this title.

''(8) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) PUBLIC RECIPIENT OF GOVERNMENTAL ASSISTANCE.—The term 'public recipient of governmental assistance' means—

''(i) any State,

''(ii) any municipality or other political subdivision of a State,

''(iii) any public agency or instrumentality of one or more states and municipalities and political subdivisions of a State,

''(iv) any Indian tribe,

''(v) any corporation, board, or other person owned or controlled by any entity described in clause (i), (ii), (iii), or (iv), and

which, before, on, or after the effective date of this subsection received governmental assistance for the purchase or operation of any bus.

''(B) PRIVATE RECIPIENT OF GOVERNMENT ASSISTANCE.—The term 'private recipient of government assistance' means any person (other than a person described in subparagraph (A)) who before, on or after the effective date of this paragraph received governmental financial assistance in the form of a subsidy for the purchase, lease, or operation of any bus.

''(c) RESTRICTIONS ON MOTOR CARRIERS DOMICILED IN OR OWNED OR CONTROLLED BY NATIONALS OF A CONTIGUOUS FOREIGN COUNTRY.—

''(1) If the President of the United States, or his or her delegate, determines that an act, policy, or practice of a foreign country contiguous to the United States, or any political subdivision or any instrumentality of any such country is unreasonable or discriminatory and burdens or restricts United States transportation companies providing, or seeking to provide, motor carrier transportation of property or passengers to, from, or within such foreign country, the President, or his or her delegate, may—

''(A) seek elimination of such practices through consultations; or

''(B) notwithstanding any other provision of law, suspend, modify, amend, condition, or restrict operations, including geographical restriction of operations, in the United States by motor carriers of property or passengers domiciled in such foreign country or owned or controlled by persons of such foreign country.

''(2) Any action taken under paragraph (1)(A) to eliminate an act, policy, or practice shall be so devised so as to equal to the extent possible the burdens or restrictions imposed by such foreign country on United States transportation companies.

''(3) The President, or his or her delegate, may remove or modify in whole or in part any action taken under paragraph (1)(A) if the President, or his or her delegate, determines that such removal or modification is consistent with the obligations of the United States under a trade agreement or with United States transportation policy.

''(4) Unless and until the President or his or her delegate makes a determination under paragraphs (1) or (3) above, nothing in this subsection shall affect—

''(A) operations of motor carriers of property or passengers domiciled in any contiguous foreign country or owned or controlled by persons of any contiguous foreign country permitted in the commercial zones along the U.S.-Mexico border as defined at the time of enactment of the Interstate Commerce Commission Sunset Act of 1995; or

''(B) any existing restrictions on operations of motor carriers of property or passengers domiciled in any contiguous foreign country or owned or controlled by persons of any contiguous foreign country or any modifications thereof pursuant to section 6 of the Bus Regulatory Reform Act of 1982.

''(5) Unless the President, or his or her delegate, determines that expeditious action is required, the President shall publish in the Federal Register any determination under paragraphs (1) or (3) together with a description of the facts on which such a determination is based and any proposed action to be taken pursuant to paragraphs (1)(B) or (3) and provide an opportunity for public comments.

''(6) The President may delegate any or all authority under this subsection to the Secretary of Transportation, who shall consult with other agencies as appropriate. In accordance with the directions of the President, the Secretary of Transportation may issue regulations to enforce this subsection.

''(7) Either the Secretary of Transportation or the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this subsection or a regulation prescribed or order issued under this subsection. The court may award appropriate relief, including injunctive relief.

''(8) This subsection shall not affect the requirement for all foreign motor carriers and foreign motor private carriers operating in the United States to fully comply with all applicable laws and regulations pertaining to fitness; safety of operations; financial responsibility; and taxes imposed by section 4481 of the Internal Revenue Code of 1994.

''§ 13903. Registration of freight forwarders

''(a) The Secretary of Transportation shall register a person to provide service subject to jurisdiction under subchapter III of chapter 135 as a freight forwarder, if the Secretary finds that the person is fit, willing, and able to provide the service and to comply with this part and applicable regulations of the Secretary and the Intermodal Surface Transportation Board.

''(b) The freight forwarder may provide transportation as the carrier itself only if the freight forwarder also has been registered to provide transportation as a carrier under this chapter.

''§ 13904. Registration of motor carrier brokers

''(a) The Secretary of Transportation shall register, subject to section 13906(b) of this title, a person to be a broker for transportation of property subject to jurisdiction under subchapter I of chapter 135 of this title, if the Secretary finds that the person is fit, willing, and able to be a broker for transportation and to comply with this part and applicable regulations of the Secretary .

''(b)(1) The broker may provide the transportation itself only if the broker also has been registered to provide the transportation under this chapter.

''(2) This subsection does not apply to a motor carrier registered under this chapter or to an employee or agent of the motor carrier to the extent the transportation is to be provided entirely by the motor carrier, with other registered motor carriers, or with rail or water carriers.

''(c) Regulations of the Secretary shall provide for the protection of shippers by motor vehicle, to be observed by brokers.

''(d) The Secretary may impose on brokers for motor carriers of passengers such requirements for bonds or insurance or both as the Secretary determines are needed to protect passengers and carriers dealing with such brokers.

''§ 13905. Effective periods of registration

''(a) Each registration under section 13902, 13903, or 13904 of this title is effective from the date specified by the Secretary of Transportation and remains in effect for a period of 5 years except as otherwise provided in this section or in section 13906. The Secretary may require any carrier or registrant to provide periodic updating of carrier information.

''(b) On application of the holder, the Secretary may amend or revoke a registration. On complaint or on the Secretary's own initiative and after notice and an opportunity for a proceeding, the Secretary may suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder for willful failure to comply with this part, an applicable regulation or order of the Secretary or of the Intermodal Surface Transportation Board, or a condition of its registration.

''(c)(1) Except on application of the holder, the Secretary may revoke a registration of a motor carrier, freight forwarder, or broker, only after the Secretary has issued an order to the holder under section 14701 of this title requiring compliance with this part, a regulation of the Secretary, or a condition of the registration of the holder, and the holder willfully does not comply with the order.

''(2) The Secretary may act under paragraph (1) of this subsection only after giving the holder of the registration at least 30 days to comply with the order.

''(d)(1) Without regard to subchapter II of chapter 5 of title 5, the Secretary may suspend the registration of a motor carrier, a freight forwarder, or a broker for failure to comply with safety requirements of the Secretary or the safety fitness requirements pursuant to section 13904(c), 13906, or 31144, of this title, or an order or regulation of the Secretary prescribed under those sections.

''(2) Without regard to subchapter II of chapter 5 of title 5, the Secretary may suspend a registration of a motor carrier of passengers if the Secretary finds that such carrier is conducting unsafe operations which are an imminent hazard to public health or property.

''(3) The Secretary may suspend the registration only after giving notice of the suspension to the holder. The suspension remains in effect until the holder complies with those applicable sections or, in the case of a suspension under paragraph (2) of this subsection, until the Secretary revokes such suspension.

''§ 13906. Security of motor carriers, brokers, and freight forwarders

''(a)(1) The Secretary of Transportation may register a motor carrier under section 13902 only if the registering carrier (including a foreign motor carrier, and a foreign motor private carrier) files with the Secretary a bond, insurance policy, or other type of security approved by the Secretary, in an amount not less than such amount as the Secretary prescribes pursuant to, or as is required by, sections 31138 and 31139 of

this title, and the laws of the State or States in which the carrier is operating, to the extent applicable. The security must be sufficient to pay, not more than the amount of the security, for each final judgment against the carrier for bodily injury to, or death of, an individual resulting from the negligent operation, maintenance, or use of motor vehicles, or for loss or damage to property (except property referred to in paragraph (3) of this subsection), or both. A registration remains in effect only as long as the carrier continues to satisfy the security requirements of this paragraph.

''(2) A motor carrier and a foreign motor private carrier and foreign motor carrier operating in the United States (when providing transportation between places in a foreign country or between a place in one foreign country and a place in another foreign country) shall comply with the requirements of sections 13303 and 13304. To protect the public, the Secretary may require any such motor carrier to file the type of security that a motor carrier is required to file under paragraph (1) of this subsection.

''(3) The Secretary may require a registered motor carrier to file with the Secretary a type of security sufficient to pay a shipper or consignee for damage to property of the shipper or consignee placed in the possession of the motor carrier as the result of transportation provided under this part. A carrier required by law to pay a shipper or consignee for loss, damage, or default for which a connecting motor carrier is responsible is subrogated, to the extent of the amount paid, to the rights of the shipper or consignee under any such security.

''(b) The Secretary may register a person as a broker under section 13904 of this title only if the person files with the Secretary a bond, insurance policy, or other type of security approved by the Secretary to ensure that the transportation for which a broker arranges is provided. The registration remains in effect only as long as the broker continues to satisfy the security requirements of this subsection.

''(c)(1) The Secretary may register a person as a freight forwarder under section 13903 of this title only if the person files with the Secretary a bond, insurance policy, or other type of security approved by the Secretary. The security must be sufficient to pay, not more than the amount of the security, for each final judgment against the freight forwarder for bodily injury to, or death of, an individual, or loss of, or damage to, property (other than property referred to in paragraph (2) of this subsection), resulting from the negligent operation, maintenance, or use of motor vehicles by or under the direction and control of the freight forwarder when providing transfer, collection, or delivery service under this part.

''(2) The Secretary may require a registered freight forwarder to file with the Secretary a bond, insurance policy, or other type of security approved by the Secretary sufficient to pay, not more than the amount of the security, for loss of, or damage to, property for which the freight forwarder provides service.

''(3) The freight forwarder's registration remains in effect only as long as the freight forwarder continues to satisfy the security requirements of this subsection.

''(d) The Secretary may determine the type and amount of security filed under this section. A motor carrier may submit proof of qualifications as a self-insurer to satisfy the security requirements of this section. The Secretary shall adopt regulations governing the standards for approval as a self-insurer. Motor carriers which have been granted authority to self-insure as of the date of enactment of the Interstate Commerce Commission Sunset Act of 1995 shall retain that authority unless, for good cause shown and after notice and an opportunity for a hearing, the Secretary finds that the authority must be revoked.

''(e) The Secretary shall promulgate regulations requiring the submission to the Secretary of notices of insurance cancellation sufficiently in advance of actual cancellation so as to enable the Secretary to promptly revoke the registration of any carrier or broker after the effective date of the cancellation. The Secretary shall also prescribe the appropriate form of endorsement to be appended to policies of insurance and surety bonds which will subject the insurance policy or surety bond to the full security limits of the coverage required under this section.

''§ 13907. Household goods agents

''(a) Each motor carrier providing transportation of household goods subject to jurisdiction under subchapter I of chapter 135 of this title shall be responsible for all acts or omissions of any of its agents which relate to the performance of household goods transportation services (including accessorial or terminal services) subject to jurisdiction under subchapter I of chapter 135 of this title and which are within the actual or apparent authority of the agent from the carrier or which are ratified by the carrier.

''(b) Each motor carrier providing transportation of household goods subject to jurisdiction under subchapter I of chapter 135 of this title shall use due diligence and reasonable care in selecting and maintaining agents who are sufficiently knowledgeable, fit, willing, and able to provide adequate household goods transportation services (including accessorial and terminal services) and to fulfill the obligations imposed upon them by this part and by such carrier.

''(c)(1) Whenever the Secretary of Transportation has reason to believe from a complaint or investigation that an agent providing household goods transportation services (including accessorial and terminal services) under the authority of a motor carrier providing transportation of household goods subject to jurisdiction under subchapter I of chapter 135 of this title has violated section 14901(e) or 14912 of this title or is consistently not fit, willing, and able to provide adequate household goods transportation services (including accessorial and terminal services), the Secretary may issue to such agent a complaint stating the charges and containing notice of the time and place of a hearing which shall be held no later than 60 days after service of the complaint to such agent.

''(2) Such agent shall have the right to appear at such hearing and rebut the charges contained in the complaint.

''(3) If such person does not appear at the hearing or if the Secretary finds that the agent has violated section 14901(e) or 14912 of this title or is consistently not fit, willing, and able to provide adequate household goods transportation services (including accessorial and terminal services), the Secretary may issue an order to compel compliance with the requirement that the agent be fit, willing, and able. Thereafter, the Secretary may issue an order to limit, condition, or prohibit such agent from any involvement in the transportation or provision of services incidental to the transportation of household goods subject to jurisdiction under subchapter I of chapter 135 of this title if, after notice and an opportunity for a hearing, the Secretary finds that such agent, within a reasonable time after the date of issuance of a compliance order under this section, but in no event less than 30 days after such date of issuance, has willfully failed to comply with such order.

''(4) Upon filing of a petition with the Secretary by an agent who is the subject of an order issued pursuant to the second sentence of paragraph (3) of this subsection and after notice, a hearing shall be held with an opportunity to be heard. At such hearing, a determination shall be made whether the order issued pursuant to paragraph (3) of this subsection should be rescinded.

''(5) Any agent adversely affected or aggrieved by an order of the Secretary issued under this subsection may seek relief in the appropriate United States court of appeals as provided by and in the manner prescribed in chapter 158 of title 28, United States Code.

''(d) The antitrust laws, as defined in the first section of the Clayton Act (15 U.S.C. 12), do not apply to discussions or agreements between a motor carrier providing transportation of household goods subject to jurisdiction under subchapter I of chapter 135 of this title and its agents (whether or not an agent is also a carrier) related solely to (1) rates for the transportation of household goods under the authority of the principal carrier, (2) accessorial, terminal, storage, or other charges for services incidental to the transportation of household goods transported under the authority of the principal carrier, (3) allowances relating to transportation of household goods under the authority of the principal carrier, and (4) ownership of a motor carrier providing transportation of household goods subject to jurisdiction under subchapter I of chapter 135 of this title by an agent or membership on the board of directors of any such motor carrier by an agent.

''§ 13908. Registration and other reforms

''(a) IN GENERAL.—Within 18 months after the date of enactment of the Interstate Commerce Commission Sunset Act of 1995, the Secretary, in cooperation with the States, industry groups, and other interested parties shall conduct a study to determine whether, and to what extent, the current Department of Transportation identification number system, the single State registration system under section 14505, the registration system contained in this chapter, and the financial responsibility information system under section 13906, should be modified or replaced with a single, on-line Federal system.

''(b) FACTORS TO BE CONSIDERED.—In conducting the rulemaking under subsection (a), the Secretary shall, at a minimum, consider the following factors:

''(1) Funding for State enforcement of motor carrier safety regulations.

''(2) Whether the existing single State registration system is duplicative and burdensome.

''(3) The justification and need for collecting the statutory fee for such system under section 145-5(c)(2)(B)(iv).

''(4) The public safety.

''(5) The efficient delivery of transportation services.

''(6) How, and under what conditions, to extend the registration system to motor private carriers and to carriers exempt under sections 13502, 13503, and 13506.

''(c) FEE SYSTEM.—The Secretary may consider whether to establish, under section 9701 of title 31, a fee system for registration and filing evidence of financial responsibility under the new system under subsection (a).

''(d) DEADLINE.—The Secretary shall conclude the study under this section within 18 months and report to Congress on the findings, together with recommendations for any appropriate legislative changes that may be needed.

''CHAPTER 141—OPERATIONS OF CARRIERS

''SUBCHAPTER I—GENERAL REQUIREMENTS

''§ 14101. Providing transportation and service

''(a) A carrier providing transportation or service subject to jurisdiction under chapter 135 of this title shall provide the transportation or service on reasonable request. In addition, a motor carrier shall provide safe and adequate service, equipment, and facilities.

''(b) A carrier providing transportation or service subject to jurisdiction under chapter 135 of this title may enter into a contract with a shipper, other than a shipper of household goods described in section 13102(9)(A)(i), to provide specified services under specified rates and conditions. If the shipper and carrier in writing expressly waives any or all rights and remedies under this part for the transportation covered

by the contract, the transportation provided under that contract shall not be subject to those provisions of this part, and may not be subsequently challenged on the ground that it violates such provision. The parties may not waive the provisions governing registration, insurance, or safety fitness. The exclusive remedy for any alleged breach of a contract entered into under this subsection shall be an action in an appropriate State court or United States district court, unless the parties otherwise agree.

"§ 14102. Leased motor vehicles

''(a) The Secretary of Transportation may require a motor carrier providing transportation subject to jurisdiction under subchapter I of chapter 135 of this title that uses motor vehicles not owned by it to transport property under an arrangement with another party to—

''(1) make the arrangement in writing signed by the parties specifying its duration and the compensation to be paid by the motor carrier;

''(2) carry a copy of the arrangement in each motor vehicle to which it applies during the period the arrangement is in effect;

''(3) inspect the motor vehicles and obtain liability and cargo insurance on them; and

''(4) have control of and be responsible for operating those motor vehicles in compliance with requirements prescribed by the Secretary on safety of operations and equipment, and with other applicable law as if the motor vehicles were owned by the motor carrier.

''(b) The Secretary shall require, by regulation, that any arrangement, between a motor carrier of property providing transportation subject to jurisdiction under subchapter I of chapter 135 of this title and any other person, under which such other person is to provide any portion of such transportation by a motor vehicle not owned by the carrier shall specify, in writing, who is responsible for loading and unloading the property onto and from the motor vehicle.

"§ 14103. Loading and unloading motor vehicles

''(a) Whenever a shipper or receiver of property requires that any person who owns or operates a motor vehicle transporting property in interstate commerce (whether or not such transportation is subject to jurisdiction under subchapter I of chapter 135 of this title) be assisted in the loading or unloading of such vehicle, the shipper or receiver shall be responsible for providing such assistance or shall compensate the owner or operator for all costs associated with securing and compensating the person or persons providing such assistance.

''(b) It shall be unlawful to coerce or attempt to coerce any person providing transportation of property by motor vehicle for compensation in interstate commerce (whether or not such transportation is subject to jurisdiction under subchapter I of chapter 135 of this title) to load or unload any part of such property onto or from such vehicle or to employ or pay one or more persons to load or unload any part of such property onto or from such vehicle, except that this subsection shall not be construed as making unlawful any activity which is not unlawful under the National Labor Relations Act or the Act of March 23, 1932 (47 Stat. 70; 29 U.S.C. 101 et seq.), commonly known as the Norris-LaGuardia Act.

"§ 14104. Household goods carrier operations

''(a)(1) The Secretary of Transportation may issue regulations, including regulations protecting individual shippers, in order to carry out this part with respect to the transportation of household goods by motor carriers subject to jurisdiction under subchapter I of chapter 135 of this title. The regulations and paperwork required of motor carriers providing transportation of household goods shall be minimized to the maximum extent feasible consistent with the protection of individual shippers.

''(2) Regulations of the Secretary protecting individual shippers shall include, where appropriate, reasonable performance standards for the transportation of household goods subject to jurisdiction under subchapter I of chapter 135 of this title. In establishing performance standards under this paragraph, the Secretary shall take into account at least the following:

''(A) The level of performance that can be achieved by a well-managed motor carrier transporting household goods.

''(B) The degree of harm to individual shippers which could result from a violation of the regulation.

''(C) The need to set the level of performance at a level sufficient to deter abuses which result in harm to consumers and violations of regulations.

''(D) Service requirements of the carriers.

''(E) The cost of compliance in relation to the consumer benefits to be achieved from such compliance.

''(F) The need to set the level of performance at a level designed to encourage carriers to offer service responsive to shipper needs.

''(3) Nothing in this section shall be construed to limit the Secretary's authority to require reports from motor carriers providing transportation of household goods or to require such carriers to provide specified information to consumers concerning their past performance.

''(b)(1) Every motor carrier providing transportation of household goods subject to jurisdiction under subchapter I of chapter 135 of this title may, upon request of a prospective shipper, provide the shipper with an estimate of charges for transportation of household goods and for the proposed services. The Secretary shall not prohibit any such carrier from charging a prospective shipper for providing a written, binding estimate for the transportation and proposed services.

''(2) Any charge for an estimate of charges provided by a motor carrier to a shipper for transportation of household goods subject to jurisdiction under subchapter I of chapter 135 of this title shall be subject to the antitrust laws, as defined in the first section of the Clayton Act (15 U.S.C. 12).

''(c) The Secretary shall issue regulations that provide motor carriers providing transportation of household goods subject to jurisdiction under subchapter I of chapter 135 of this title with the maximum possible flexibility in weighing shipments, consistent with assurance to the shipper of accurate weighing practices. The Secretary shall not prohibit such carriers from backweighing shipments or from basing their charges on the reweigh weights if the shipper observes both the tare and gross weighings (or, prior to such weighings, waives in writing the opportunity to observe such weighings) and such weighings are performed on the same scale.

''SUBCHAPTER II—REPORTS AND RECORDS

"§ 14121. Definitions

''In this subchapter—

''(1) 'carrier' and 'broker' include a receiver or trustee of a carrier and broker, respectively.

''(2) 'association' means an organization maintained by or in the interest of a group of carriers or brokers providing transportation or service subject to jurisdiction under chapter 135 of this title that performs a service, or engages in activities, related to transportation under this part.

"§ 14122. Records: form; inspection; preservation

''(a) The Secretary of Transportation or the Intermodal Surface Transportation Board, as applicable, may prescribe the form of records required to be prepared or compiled under this subchapter by carriers and brokers, including records related to movement of traffic and receipts and expenditures of money.

''(b) The Secretary or Transportation Board, or an employee designated by the Secretary or Transportation Board, may on demand and display of proper credentials—

''(1) inspect and examine the lands, buildings, and equipment of a carrier or broker; and

''(2) inspect and copy any record of—

''(A) a carrier, broker, or association; and

''(B) a person controlling, controlled by, or under common control with a carrier if the Secretary or Transportation Board, as applicable, considers inspection relevant to that person's relation to, or transaction with, that carrier.

''(c) The Secretary or Transportation Board, as applicable, may prescribe the time period during which operating, accounting, and financial records must be preserved by carriers.

"§ 14123. Reports by carriers, brokers, and associations

''(a) The Secretary—

''(1) shall require class I and class II motor carriers (as defined by the Secretary) to file annual reports with the Secretary, including a detailed balance sheet and income statement, information related to the ownership or lease of equipment operated by the motor carrier, and data related to the movement of traffic and safety performance, the form and substance of which shall be prescribed by the Secretary and may vary for different classes of motor carriers;

''(2) may require carriers, freight forwarders, brokers, lessors, and associations, or classes of them as the Secretary may prescribe, to file quarterly, periodic, or special reports with the Secretary and to respond to surveys concerning their operations; and

''(3) shall have the authority upon good cause shown to exempt any party from the financial reporting requirements prescribed by subsection (a)(1) or (a)(2).

''(b) Any request for exemption under paragraph (3) of subsection (a) must demonstrate, at a minimum, that an exemption is required to avoid competitive harm and preserve confidential business information that is not otherwise publicly available. Exemptions shall only be granted for one-year periods.''.

''(c) The Intermodal Surface Transportation Board may require carriers to file special reports containing information needed by the Transportation Board.

"CHAPTER 143—FINANCE

"§ 14301. Security interests in certain motor vehicles

''(a) In this section—

''(1) 'motor vehicle' means a truck of rated capacity (gross vehicle weight) of at least 10,000 pounds, a highway tractor of rated capacity (gross combination weight) of at least 10,000 pounds, a property-carrying trailer or semitrailer with at least one load-carrying axle of at least 10,000 pounds, or a motor bus with a seating capacity of at least 10 individuals.

''(2) 'lien creditor' means a creditor having a lien on a motor vehicle and includes an assignee for benefit of creditors from the date of assignment, a trustee in a case under title 11 from the date of filing of the petition in that case, and a receiver in equity from the date of appointment of the receiver.

''(3) 'security interest' means an interest (including an interest established by a conditional sales contract, mortgage, equipment trust, or other lien or title retention contract, or lease) in a motor vehicle when the interest secures payment or performance of an obligation.

''(4) 'perfection', as related to a security interest, means taking action (including public filing, recording, notation on a certificate of title, and possession of collateral by the secured party), or the existence of facts, required under law to make a security interest enforceable against general creditors and subsequent lien creditors of a debtor, but does not include compliance with requirements related only to the establishment of a valid security interest between the debtor and the secured party.

''(b) A security interest in a motor vehicle owned by, or in the possession and use of, a carrier registered under section 13902 of this title

and owing payment or performance of an obligation secured by that security interest is perfected in all jurisdictions against all general, and subsequent lien, creditors of, and all persons taking a motor vehicle by sale (or taking or retaining a security interest in a motor vehicle) from, that carrier when—

''(1) a certificate of title is issued for a motor vehicle under a law of a jurisdiction that requires or permits indication, on a certificate or title, of a security interest in the motor vehicle if the security interest is indicated on the certificate;

''(2) a certificate of title has not been issued and the law of the State where the principal place of business of that carrier is located requires or permits public filing or recording of, or in relation to, that security interest if there has been such a public filing or recording; and

''(3) a certificate of title has not been issued and the security interest cannot be perfected under paragraph (2) of this subsection, if the security interest has been perfected under the law (including the conflict of laws rules) of the State where the principal place of business of that carrier is located.

''§ 14302. Pooling and division of transportation or earnings

''(a) A carrier providing transportation subject to jurisdiction under subchapter I of chapter 135 of this title may not agree or combine with another such carrier to pool or divide traffic or services or any part of their earnings without the approval of the Intermodal Surface Transportation Board under this section.

''(b) The Transportation Board may approve and authorize an agreement or combination between or among motor carriers of passengers, or between a motor carrier of passengers and a rail carrier of passengers, if the carriers involved assent to the pooling or division and the Transportation Board finds that a pooling or division of traffic, services, or earnings—

''(1) will be in the interest of better service to the public or of economy of operation; and

''(2) will not unreasonably restrain competition.

''(c)(1) Any motor carrier of property may apply to the Transportation Board for approval of an agreement or combination with another such carrier to pool or divide traffic or any services or any part of their earnings by filing such agreement or combination with the Transportation Board not less than 50 days before its effective date. Prior to the effective date of the agreement or combination, the Transportation Board shall determine whether the agreement or combination is of major transportation importance and whether there is substantial likelihood that the agreement or combination will unduly restrain competition. If the Transportation Board determines that neither of these two factors exists, it shall, prior to such effective date and without a hearing, approve and authorize the agreement or combination, under such rules and regulations as the Transportation Board may issue, and for such consideration between such carriers and upon such terms and conditions as shall be found by the Transportation Board to be just and reasonable. If the Transportation Board determines either that the agreement or combination is of major transportation importance or that there is substantial likelihood that the agreement or combination will unduly restrain competition, the Transportation Board shall hold a hearing concerning whether the agreement or combination will be in the interest of better service to the public or of economy in operation and whether it will unduly restrain competition and shall suspend operation of such agreement or combination pending such hearing and final decision thereon. After such hearing, the Transportation Board shall indicate to what extent it finds that the agreement or combination will be in the interest of better service to the public or of economy in operation and will not unduly restrain competition and if assented to by all the carriers involved, shall to that extent, approve and authorize the agreement or combination, under such rules and regulations as the Transportation Board may issue, and for such consideration between such carriers and upon such terms and conditions as shall be found by the Transportation Board to be just and reasonable.

''(2) In the case of an application for Transportation Board approval of an agreement or combination between a motor carrier providing transportation of household goods and its agents to pool or divide traffic or services or any part of their earnings, such agreement or combination shall be presumed to be in the interest of better service to the public and of economy in operation and not to restrain competition unduly if the practices proposed to be carried out under such agreement or combination are the same as or similar to practices carried out under agreements and combinations between motor carriers providing transportation of household goods to pool or divide traffic or service of any part of their earnings approved by the Interstate Commerce Commission before the date of enactment of the Interstate Commerce Commission Sunset Act of 1995.

''(3) The Transportation Board shall streamline, simplify, and expedite, to the maximum extent practicable, the process (including, but not limited to, any paperwork) for submission and approval of applications under this section for agreements and combinations between motor carriers providing transportation of household goods and their agents.

''(d) The Transportation Board may impose conditions governing the pooling or division and may approve and authorize payment of a reasonable consideration between the carriers.

''(e) The Transportation Board may begin a proceeding under this section on its own initiative or on application.

''(f) A carrier may participate in an arrangement approved by or exempted by the Transportation Board under this section without the approval of any other federal, State, or municipal body. A carrier participating in an approved or exempted arrangement is exempt from the antitrust laws and from all other law, including State and municipal law, as necessary to let that person carry out the arrangement.

''(g) Any agreements in operation under the provisions of this title on the date of enactment of the Interstate Commerce Commission Sunset Act of 1995 that are succeeded by this section shall remain in effect until further order of the Transportation Board.

''§ 14303. Consolidation, merger, and acquisition of control of motor carriers of passengers

''(a) APPROVAL REQUIRED.—The following transactions involving motor carriers of passengers subject to jurisdiction under subchapter I of chapter 135 of this title may be carried out only with the approval of the Intermodal Surface Transportation Board:

''(1) Consolidation or merger of the properties or franchises of at least 2 carriers into one operation for the ownership, management, and operation of the previously separately owned properties.

''(2) A purchase, lease, or contract to operate property of another carrier by any number of carriers.

''(3) Acquisition of control of a carrier by any number of carriers.

''(4) Acquisition of control of at least 2 carriers by a person that is not a carrier.

''(5) Acquisition of control of a carrier by a person that is not a carrier but that controls any number of carriers.

''(b) The Board shall approve and authorize a transaction under this section when it finds the transaction is consistent with the public interest. The Board shall consider at least the following:

''(1) The effect of the proposed transaction on the adequacy of transportation to the public.

''(2) The total fixed charges that result from the proposed transaction.

''(3) The interest of carrier employees affected by the proposed transaction.

The Board may impose conditions governing the transaction.

''(c) Within 30 days after an application is filed under this section, the Board shall either publish a notice of the application in the Federal Register or (2) reject the application if it is incomplete.

''(d) Written comments about an application may be filed with the Board within 45 days after notice of the application is published under subsection (c).

''(e) The Board shall conclude evidentiary proceedings by the 240th day after notice of the application is published under subsection (c). The Board shall issue a final decision by the 180th day after the conclusion of the evidentiary proceedings. The Board may extend a time period under this subsection, except that the total of all such extensions with respect to any application shall not exceed 90 days.

''(f) A carrier or corporation participating in or resulting from a transaction approved by the Board under this section, or exempted by the Board from the application of this section pursuant to section 13541, may carry out the transaction, own and operate property, and exercise control or franchises acquired through the transaction without the approval of a State authority. A carrier, corporation, or person participating in that approved or exempted transaction is exempt from the antitrust laws and from all other law, including State and municipal law, as necessary to let that person carry out the transaction, hold, maintain, and operate property, and exercise control or franchises acquired through the transaction.

''(g) This section shall not apply to transactions involving carriers whose aggregate gross operating revenues were not more than $2,000,000 during a period of 12 consecutive months ending not more than 6 months before the date of the agreement of the parties.

''CHAPTER 145—FEDERAL-STATE RELATIONS

''§ 14501. Federal authority over intrastate transportation

''(a) MOTOR CARRIERS OF PASSENGERS.—No State or political subdivision thereof and no interstate agency or other political agency of two or more States shall enact or enforce any law, rule, regulation, standard, or other provisions having the force and effect of law relating to scheduling of interstate or intrastate transportation (including discontinuance or reduction in the level of service) provided by motor carrier of passengers subject to jurisdiction under subchapter I of chapter 135 of this title on an interstate route or relating to the implementation of any change in the rates for such transportation or for charter transportation except to the extent that notice, not in excess of 30 days, of changes in schedules may be required. This subsection shall not apply to intrastate commuter bus operations.

''(b) FREIGHT FORWARDERS AND TRANSPORTATION BROKERS.—

''(1) GENERAL RULE.—Subject to paragraph (2) of this subsection, no State or political subdivision thereof and no intrastate agency or other political agency of two or more States shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law relating to intrastate rates, intrastate routes, or intrastate services of any freight forwarder or transportation broker.

''(2) CONTINUATION OF HAWAII'S AUTHORITY.—Nothing in this subsection and the amendments made by the Surface Freight Forwarder Deregulation Act of 1986 shall be construed to affect the authority of the State of Hawaii to continue to regulate a motor carrier operating within the State of Hawaii.

''(c) MOTOR CARRIERS OF PROPERTY.—

''(1) GENERAL RULE.—Except as provided in paragraphs (2) and (3), a State, political subdivision of a State, or political authority of 2 or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of any motor carrier (other than a carrier affiliated with a direct air carrier covered by section 41713(b)(4) of this title) or any motor private carrier or any transportation intermediary (as defined in sections 13102(1) and 13102(7) of this subtitle) with respect to the transportation of property.

''(2) MATTERS NOT COVERED.—Paragraph (1)—

''(A) shall not restrict the safety regulatory authority of a State with respect to motor vehicles, the authority of a State to impose highway route controls or limitations based on the size or weight of the motor vehicle or the hazardous nature of the cargo, or the authority of a State to regulate motor carriers with regard to minimum amounts of financial responsibility relating to insurance requirements and self-insurance authorization;

''(B) does not apply to the transportation of household goods; and

''(C) does not apply to the authority of a State or a political subdivision of a State to enact or enforce a law, regulation, or other provision relating to the price and related conditions of for-hire motor vehicle transportation by a tow truck, if such transportation is performed—

''(i) at the request of a law enforcement agency; or

''(ii) without the prior consent or authorization of the owner or operator of the motor vehicle.

''(3) STATE STANDARD TRANSPORTATION PRACTICES.—

''(A) CONTINUATION.—Paragraph (1) shall not affect any authority of a State, political subdivision of a State, or political authority of 2 or more States to enact or enforce a law, regulation, or other provision, with respect to the intrastate transportation of property by motor carriers, related to—

''(i) uniform cargo liability rules,

''(ii) uniform bills of lading or receipts for property being transported,

''(iii) uniform cargo credit rules, or

''(iv) antitrust immunity for joint line rates or routes, classifications, and mileage guides,

if such law, regulation, or provision meets the requirements of subparagraph (B).

''(B) REQUIREMENTS.—A law, regulation, or provision of a State, political subdivision, or political authority meets the requirements of this subparagraph if—

''(i) the law, regulation, or provision covers the same subject matter as, and compliance with such law, regulation, or provision is no more burdensome than compliance with, a provision of this part or a regulation issued by the Secretary of Transportation or the Intermodal Surface Transportation Board under this part; and

''(ii) the law, regulation, or provision only applies to a carrier upon request of such carrier.

''(C) ELECTION.—Notwithstanding any other provision of law, a carrier affiliated with a direct air carrier through common controlling ownership may elect to be subject to a law, regulation, or provision of a State, political subdivision, or political authority under this paragraph.

''(4) This subsection shall not apply with respect to the State of Hawaii until August 22, 1997.

''§ 14502. Tax discrimination against motor carrier transportation property

''(a) In this section—

''(1) 'assessment' means valuation for a property tax levied by a taxing district;

''(2) 'assessment jurisdiction' means a geographical area in a State used in determining the assessed value of property for ad valorem taxation;

''(3) 'motor carrier transportation property' means property, as defined by the Secretary of Transportation, owned or used by a motor carrier providing transportation in interstate commerce whether or not such transportation is subject to jurisdiction under subchapter I of chapter 135 of this title; and

''(4) 'commercial and industrial property' means property, other than transportation property and land used primarily for agricultural purposes or timber growing, devoted to a commercial or industrial use and subject to a property tax levy.

''(b) The following acts unreasonably burden and discriminate against interstate commerce and a State, subdivision of a State, or authority acting for a State or subdivision of a State may not do any of them:

''(1) Assess motor carrier transportation property at a value that has a higher ratio to the true market value of the motor carrier transportation property than the ratio that the assessed value of other commercial and industrial property in the same assessment jurisdiction has to the true market value of the other commercial and industrial property.

''(2) Levy or collect a tax on an assessment that may not be made under paragraph (1) of this subsection.

''(3) Levy or collect an ad valorem property tax on motor carrier transportation property at a tax rate that exceeds the tax rate applicable to commercial and industrial property in the same assessment jurisdiction.

''(c) Notwithstanding section 1341 of title 28 and without regard to the amount in controversy or citizenship of the parties, a district court of the United States has jurisdiction, concurrent with other jurisdiction of courts of the United States and the States, to prevent a violation of subsection (b) of this section. Relief may be granted under this subsection only if the ratio of assessed value to true market value of motor carrier transportation property exceeds by at least 5 percent, the ratio of assessed value to true market value of other commercial and industrial property in the same assessment jurisdiction. The burden of proof in determining assessed value and true market value is governed by State law. If the ratio of the assessed value of other commercial and industrial property in the assessment jurisdiction to the true market value of all other commercial and industrial property cannot be determined to the satisfaction of the district court through the random-sampling method known as a sales assessment ratio study (to be carried out under statistical principles applicable to such a study), the court shall find, as a violation of this section—

''(1) an assessment of the motor carrier transportation property at a value that has a higher ratio to the true market value of the motor carrier transportation property than the assessment value of all other property subject to a property tax levy in the assessment jurisdiction has to the true market value of all such other property; and

''(2) the collection of ad valorem property tax on the motor carrier transportation property at a tax rate that exceeds the tax ratio rate applicable to taxable property in the taxing district.

''§ 14503. Withholding State and local income tax by certain carriers

''(a)(1) No part of the compensation paid by a motor carrier providing transportation subject to jurisdiction under subchapter I of chapter 135 of this title or by a motor private carrier to an employee who performs regularly assigned duties in 2 or more States as such an employee with respect to a motor vehicle shall be subject to the income tax laws of any State or subdivision of that State, other than the State or subdivision thereof of the employee's residence.

''(2) In this subsection 'employee' has the meaning given such term in section 31132 of this title.

''(b)(1) In this subsection, an employee is deemed to have earned more than 50 percent of pay in a State or subdivision of that State in which the time worked by the employee in the State or subdivision is more than 50 percent of the total time worked by the employee while employed during the calendar year.

''(2) A water carrier providing transportation subject to the jurisdiction of the Secretary of Transportation under subchapter II of chapter 135 of this title shall file income tax information returns and other reports only with—

''(A) the State and subdivision of residence of the employee (as shown on the employment records of the carrier); and

''(B) the State and subdivision in which the employee earned more than 50 percent of the pay received by the employee from the carrier during the preceding calendar year.

''(3) This subsection applies to pay of a master, officer, or sailor who is a member of the crew on a vessel engaged in foreign, coastwise, intercoastal or noncontiguous trade or in the fisheries of the United States.

''(c) A motor and motor private carrier withholding pay from an employee under subsection (a) of this section shall file income tax information returns and other reports only with the State and subdivision of residence of the employee.

''§ 14504. State tax

''A State or political subdivision thereof may not collect or levy a tax, fee, head charge, or other charge on—

''(1) a passenger traveling in interstate commerce by motor carrier;

''(2) the transportation of a passenger traveling in interstate commerce by motor carrier;

''(3) the sale of passenger transportation in interstate commerce by motor carrier; or

''(4) the gross receipts derived from such transportation.

''§ 14505. Single State registration system

''(a) DEFINITIONS.—In this section, the terms 'standards' and 'amendments to standards' mean the specification of forms and procedures required by regulations of the Secretary to prove the lawfulness of transportation by motor carrier referred to in section 13501.

''(b) GENERAL RULE.—The requirement of a State that a motor carrier, providing transportation subject to jurisdiction under subchapter I of chapter 135 and providing transportation in that State, must register with the State is not an unreasonable burden on transportation referred to in section 13501 when the State registration is completed under standards of the Secretary under subsection (c). When a State registration requirement imposes obligations in excess of the standards of the Secretary, the part in excess is an unreasonable burden.

''(c) SINGLE STATE REGISTRATION SYSTEM.—

''(1) IN GENERAL.—The Secretary shall maintain standards for implementing a system under which—

''(A) a motor carrier is required to register annually with only one State by providing evidence of its Federal registration under chapter 139;

''(B) the State of registration shall fully comply with standards prescribed under this section; and

''(C) such single State registration shall be deemed to satisfy the registration requirements of all other States.

''(2) SPECIFIC REQUIREMENTS.—

''(A) EVIDENCE OF CERTIFICATE; PROOF OF INSURANCE; PAYMENT OF FEES.—Under the standards of the Secretary implementing the single State registration system described in paragraph (1) of this subsection, only a State acting in its capacity as registration State under such single State system may require a motor carrier holding a certificate or permit issued under this part—

''(i) to file and maintain evidence of such certificate or permit;

''(ii) to file satisfactory proof of required insurance or qualification as a self-insurer;

''(iii) to pay directly to such State fee amounts in accordance with the fee system established

under subparagraph (B)(iv) of this paragraph, subject to allocation of fee revenues among all States in which the carrier operates and which participate in the single State registration system; and

''(iv) to file the name of a local agent for service of process.

''(B) RECEIPTS; FEE SYSTEM.—The standards of the Secretary—

''(i) shall require that the registration State issue a receipt, in a form, reflecting that the carrier has filed proof of insurance as provided under subparagraph (A)(ii) of this subsection and has paid fee amounts in accordance with the fee system established under clause (iv) of this subparagraph;

''(ii) shall require that copies of the receipt issued under clause (i) of this paragraph be kept in each of the carrier's commercial motor vehicles;

''(iii) shall not require decals, stamps, cab cards, or any other means of registering or identifying specific vehicles operated by the carrier;

''(iv) shall establish a fee system for the filing of proof of insurance as provided under subparagraph (A)(ii) of this subsection that—

''(I) is based on the number of commercial motor vehicles the carrier operates in a State and on the number of States in which the carrier operates,

''(II) minimizes the costs of complying with the registration system, and

''(III) results in a fee for each participating State that is equal to the fee, not to exceed $10 per vehicle, that such State collected or charged as of November 15, 1991; and

''(v) shall not authorize the charging or collection of any fee for filing and maintaining a certificate or permit under subparagraph (A)(i) of this paragraph.

''(C) PROHIBITED FEES.—The charging or collection of any fee under this section that is not in accordance with the fee system established under subparagraph (B)(iv) of this paragraph shall be deemed to be a burden on interstate commerce.

''(D) LIMITATION ON PARTICIPATION BY STATES.—Only a State which, as of January 1, 1991, charged or collected a fee for a vehicle identification stamp or number under part 1023 of title 49, Code of Federal Regulations, shall be eligible to participate as a registration State under this subsection or to receive any fee revenue under this subsection.

''CHAPTER 147—ENFORCEMENT; INVESTIGATIONS; RIGHTS; REMEDIES

''§ 14701. General authority

''(a) The Secretary of Transportation or the Intermodal Surface Transportation Board, as applicable, may begin an investigation under this part on the Secretary's or the Transportation Board's own initiative or on complaint. If the Secretary or Transportation Board, as applicable finds that a carrier or broker is violating this part, the Secretary or Transportation Board, as applicable, shall take appropriate action to compel compliance with this part. If the Secretary finds that a foreign motor carrier or foreign motor private carrier is violating chapter 139 of this title, the Secretary shall take appropriate action to compel compliance with that chapter. The Secretary or Transportation Board, as applicable, may take action under this subsection only after giving the carrier or broker notice of the investigation and an opportunity for a proceeding.

''(b) A person, including a governmental authority, may file with the Secretary or Transportation Board, as applicable, a complaint about a violation of this part by a carrier providing, or broker for, transportation or service subject to jurisdiction under this part or a foreign motor carrier or foreign motor private carrier providing transportation registered under section 13902 of this title. The complaint must state the facts that are the subject of the violation. The Secretary or Transportation Board, as applicable, may dismiss a complaint that it determines does not state reasonable grounds for investigation and action.

''(c) A formal investigative proceeding begun by the Secretary or Transportation Board under subsection (a) of this section is dismissed automatically unless it is concluded with administrative finality by the end of the third year after the date on which it was begun.

''§ 14702. Enforcement by the regulatory authority

''(a) The Secretary of Transportation or the Intermodal Surface Transportation Board, as applicable, may bring a civil action—

''(1) to enforce section 14103 of this title; or

''(2) to enforce this part, or a regulation or order of the Secretary or Transportation Board, as applicable, when violated by a carrier or broker providing transportation or service subject to jurisdiction under subchapter I or III of chapter 135 of this title or by a foreign motor carrier or foreign motor private carrier providing transportation registered under section 13902 of this title.

''(b) In a civil action under subsection (a)(2) of this section—

''(1) trial is in the judicial district in which the carrier, foreign motor carrier, foreign motor private carrier, or broker operates;

''(2) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

''(3) a person participating with a carrier or broker in a violation may be joined in the civil action without regard to the residence of the person.

''(c) The Transportation Board, through its own attorneys, may bring or participate in any civil action involving motor carrier undercharges.

''§ 14703. Enforcement by the Attorney General

''The Attorney General may, and on request of either the Secretary of Transportation or Intermodal Surface Transportation Board shall, bring court proceedings (1) to enforce this part or a regulation or order of the Secretary or Transportation Board or terms of registration under this part and (2) to prosecute a person violating this part or a regulation or order of the Secretary or Transportation Board or term of registration under this part.

''§ 14704. Rights and remedies of persons injured by carriers or brokers

''(a) A person injured because a carrier or broker providing transportation or service subject to jurisdiction under chapter 135 of this title does not obey an order of the Secretary of Transportation or the Intermodal Surface Transportation Board, as applicable, under this part, except an order for the payment of money, may bring a civil action to enforce that order under this subsection.

''(b)(1) A carrier providing transportation or service subject to jurisdiction under chapter 135 of this title is liable to a person for amounts charged that exceed the applicable rate for transportation or service contained in a tariff filed under section 13702 of this title.

''(2) A carrier or broker providing transportation or service subject to jurisdiction under chapter 135 of this title is liable for damages sustained by a person as a result of an act or omission of that carrier or broker in violation of this part.

''(c)(1) A person may file a complaint with the Transportation Board or the Secretary, as applicable, under section 14701(b) of this title or bring a civil action under subsection (b) (1) or (2) of this section to enforce liability against a carrier or broker providing transportation or service subject to jurisdiction under chapter 135 of this title.

''(2) When the Transportation Board or Secretary, as applicable, makes an award under subsection (b) of this section, the Transportation Board or Secretary, as applicable, shall order the carrier to pay the amount awarded by a specific date. The Transportation Board or Secretary, as applicable, may order a carrier or broker providing transportation or service subject to jurisdiction under chapter 135 of this title to pay damages only when the proceeding is on complaint. The person for whose benefit an order of the Transportation Board or Secretary requiring the payment of money is made may bring a civil action to enforce that order under this paragraph if the carrier or broker does not pay the amount awarded by the date payment was ordered to be made.

''(d)(1) When a person begins a civil action under subsection (b) of this section to enforce an order of the Transportation Board or Secretary requiring the payment of damages by a carrier or broker providing transportation or service subject to jurisdiction under chapter 135 of this title, the text of the order of the Transportation Board or Secretary must be included in the complaint. In addition to the district courts of the United States, a State court of general jurisdiction having jurisdiction of the parties has jurisdiction to enforce an order under this paragraph. The findings and order of the Transportation Board or Secretary are competent evidence of the facts stated in them. Trial in a civil action brought in a district court of the United States under this paragraph is in the judicial district in which the plaintiff resides or in which the principal operating office of the carrier or broker is located. In a civil action under this paragraph, the plaintiff is liable for only those costs that accrue on an appeal taken by the plaintiff.

''(2) All parties in whose favor the award was made may be joined as plaintiffs in a civil action brought in a district court of the United States under this subsection and all the carriers that are parties to the order awarding damages may be joined as defendants. Trial in the action is in the judicial district in which any one of the plaintiffs could bring the action against any one of the defendants. Process may be served on a defendant at its principal operating office when that defendant is not in the district in which the action is brought. A judgment ordering recovery may be made in favor of any of those plaintiffs against the defendant found to be liable to that plaintiff.

''(3) The district court shall award a reasonable attorney's fee as a part of the damages for which a carrier or broker is found liable under this subsection. The district court shall tax and collect that fee as a part of the costs of the action.

''§ 14705. Limitation on actions by and against carriers

''(a) A carrier providing transportation or service subject to jurisdiction under chapter 135 of this title must begin a civil action to recover charges for transportation or service provided by the carrier within 18 months after the claim accrues.

''(b) A person must begin a civil action to recover overcharges within 18 months after the claim accrues. If the claim is against a carrier providing transportation subject to jurisdiction under chapter 135 of this title and an election to file a complaint with the Intermodal Surface Transportation Board or Secretary of Transportation, as applicable, is made under section 14704(c)(1), the complaint must be filed within 3 years after the claim accrues.

''(c) A person must file a complaint with the Transportation Board or Secretary, as applicable, to recover damages under section 14704(b)(2) of this title within 2 years after the claim accrues.

''(d) The limitation periods under subsection (b) of this section are extended for 6 months from the time written notice is given to the claimant by the carrier of disallowance of any part of the claim specified in the notice if a written claim is given to the carrier within those limitation periods. The limitation periods under

subsection (b) of this section and the 2-year period under subsection (c) of this section are extended for 90 days from the time the carrier begins a civil action under subsection (a) of this section to recover charges related to the same transportation or service, or collects (without beginning a civil action under that subsection) the charge for that transportation or service if that action is begun or collection is made within the appropriate period.

''(e) A person must begin a civil action to enforce an order of the Transportation Board or Secretary against a carrier for the payment of money within one year after the date the order required the money to be paid.

''(f) This section applies to transportation for the United States Government. The time limitations under this section are extended, as related to transportation for or on behalf of the United States Government, for 3 years from the date of (1) payment of the rate for the transportation or service involved, (2) subsequent refund for overpayment of that rate, or (3) deduction made under section 3726 of title 31, whichever is later.

''(g) A claim related to a shipment of property accrues under this section on delivery or tender of delivery by the carrier.

''§ 14706. Liability of carriers under receipts and bills of lading

''(a)(1) A carrier providing transportation or service subject to jurisdiction under subchapter I or III of chapter 135 of this title shall issue a receipt or bill of lading for property it receives for transportation under this part. That carrier and any other carrier that delivers the property and is providing transportation or service subject to jurisdiction under subchapter I or III of chapter 135 or chapter 105 of this title are liable to the person entitled to recover under the receipt or bill of lading. The liability imposed under this paragraph is for the actual loss or injury to the property caused by (1) the receiving carrier, (2) the delivering carrier, or (3) another carrier over whose line or route the property is transported in the United States or from a place in the United States to a place in an adjacent foreign country when transported under a through bill of lading and, except in the case of a freight forwarder, applies to property reconsigned or diverted under a tariff filed under section 13702 of this title. Failure to issue a receipt or bill of lading does not affect the liability of a carrier. A delivering carrier is deemed to be the carrier performing the line-haul transportation nearest the destination but does not include a carrier providing only a switching service at the destination.

''(2) A freight forwarder is both the receiving and delivering carrier. When a freight forwarder provides service and uses a motor carrier providing transportation subject to jurisdiction under subchapter I of chapter 135 of this title to receive property from a consignor, the motor carrier may execute the bill of lading or shipping receipt for the freight forwarder with its consent. With the consent of the freight forwarder, a motor carrier may deliver property for a freight forwarder on the freight forwarder's bill of lading, freight bill, or shipping receipt to the consignee named in it, and receipt for the property may be made on the freight forwarder's delivery receipt.

''(b) The carrier issuing the receipt or bill of lading under subsection (a) of this section or delivering the property for which the receipt or bill of lading was issued is entitled to recover from the carrier over whose line or route the loss or injury occurred the amount required to be paid to the owners of the property, as evidenced by a receipt, judgment, or transcript, and the amount of its expenses reasonably incurred in defending a civil action brought by that person.

''(c)(1) A carrier may limit liability imposed under subsection (a) by establishing rates for the transportation of property (other than household goods) under which the liability of the carrier for such property is limited to a value established by written or electronic declaration of the shipper or by a mutual written agreement between the carrier and shipper.

''(2) If loss or injury to property occurs while it is in the custody of a water carrier, the liability of that carrier is determined by its bill of lading and the law applicable to water transportation. The liability of the initial or delivering carrier is the same as the liability of the water carrier.

''(d)(1) A civil action under this section may be brought against a delivering carrier (other than a rail carrier) in a district court of the United States or in a State court. Trial, if the action is brought in a district court of the United States is in a judicial district, and if in a State court, is in a State through which the defendant carrier operates.

''(2)(A) A civil action under this section may be brought against the carrier alleged to have caused the loss or damage, in the judicial district in which such loss or damage is alleged to have occurred.

''(B) A civil action under this section may be brought in a United States district court or in a State court.

''(C) In this section, 'judicial district' means (i) in the case of a United States district court, a judicial district of the United States, and (ii) in the case of a State court, the applicable geographic area over which such court exercises jurisdiction.

''(e) A carrier may not provide by rule, contract, or otherwise, a period of less than 9 months for filing a claim against it under this section and a period of less than 2 years for bringing a civil action against it under this section. The period for bringing a civil action is computed from the date the carrier gives a person written notice that the carrier has disallowed any part of the claim specified in the notice. For the purposes of this subsection—

''(1) an offer of compromise shall not constitute a disallowance of any part of the claim unless the carrier, in writing, informs the claimant that such part of the claim is disallowed and provides reasons for such disallowance; and

''(2) communications received from a carrier's insurer shall not constitute a disallowance of any part of the claim unless the insurer, in writing, informs the claimant that such part of the claim is disallowed, provides reason for such disallowance, and informs the claimant that the insurer is acting on behalf of the carrier.

''(f) A carrier or group of carriers subject to jurisdiction under subchapter I or III of chapter 135 of this title may petition the Transportation Board to modify, eliminate, or establish rates for the transportation of household goods under which the liability of the carrier for that property is limited to a value established by written declaration of the shipper or by a written agreement.

''(g) Within one year after enactment of the Interstate Commerce Commission Sunset Act of 1995, the Secretary shall deliver to the appropriate Congressional authorizing committees a report on the benefit of revising or modifying the terms or applicability of this section, together with any proposed legislation to implement the study's recommendations, if any.

''§ 14707. Private enforcement of registration requirement

''(a) If a person provides transportation by motor vehicle or service in clear violation of section 13901–13904 or 13906 of this title, a person injured by the transportation or service may bring a civil action to enforce any such section. In a civil action under this subsection, trial is in the judicial district in which the person who violated that section operates.

''(b) A copy of the complaint in a civil action under subsection (a) of this section shall be served on the Secretary of Transportation and a certificate of service must appear in the complaint filed with the court. The Secretary may intervene in a civil action under subsection (a) of this section. The Secretary may notify the district court in which the action is pending that the Secretary intends to consider the matter that is the subject of the complaint in a proceeding before the Secretary. When that notice is filed, the court shall stay further action pending disposition of the proceeding before the Secretary.

''(c) In a civil action under subsection (a) of this section, the court may determine the amount of and award a reasonable attorney's fee to the prevailing party. That fee is in addition to costs allowable under the Federal Rules of Civil Procedure.

''§ 14708. Dispute settlement program for household goods carriers

''(a)(1) As a condition of registration under section 13902 or 13903 of this title, a carrier providing transportation of household goods subject to jurisdiction under subchapter I or III of chapter 135 of this title must agree to offer to shippers neutral arbitration as a means of settling disputes between such carriers and shippers of household goods concerning the transportation of household goods.

''(b)(1) The arbitration that is offered must be designed to prevent a carrier from having any special advantage in any case in which the claimant resides or does business at a place distant from the carrier's principal or other place of business.

''(2) The carrier must provide the shipper an adequate notice of the availability of neutral arbitration, including a concise easy-to-read, accurate summary of the arbitration procedure and disclosure of the legal effects of election to utilize arbitration. Such notice must be given to persons for whom household goods are to be transported by the carrier before such goods are tendered to the carrier for transportation.

''(3) Upon request of a shipper, the carrier must promptly provide such forms and other information as are necessary for initiating an action to resolve a dispute under arbitration.

''(4) Each person authorized to arbitrate or otherwise settle disputes must be independent of the parties to the dispute and must be capable, as determined under such regulations as the Secretary of Transportation may issue, to resolve such disputes fairly and expeditiously. The carrier must ensure that each person chosen to settle the disputes is authorized and able to obtain from the shipper or carrier any material and relevant information to the extent necessary to carry out a fair and expeditious decision making process.

''(5) No fee for instituting an arbitration proceeding may be charged the shipper; except that, if the arbitration is binding solely on the carrier, the shipper may be charged a fee of not more than $25 for instituting an arbitration proceeding. In any case in which a shipper is charged a fee under this paragraph for instituting an arbitration proceeding and such dispute is settled in favor of the shipper, the person settling the dispute must refund such fee to the shipper unless the person settling the dispute determines that such refund is inappropriate.

''(6) The carrier must not require the shipper to agree to utilize arbitration prior to the time that a dispute arises.

''(7) The arbitrator may provide for an oral presentation of a dispute concerning transportation of household goods by a party to the dispute (or a party's representative), but such oral presentation may be made only if all parties to the dispute expressly agree to such presentation and the date, time, and location of such presentation.

''(8) The arbitrator must, as expeditiously as possible but at least within 60 days of receipt of written notification of the dispute, render a decision based on the information gathered, except that, in any case in which a party to the dispute fails to provide in a timely manner any information concerning such dispute which the person settling the dispute may reasonably require to resolve the dispute, the arbitrator may

extend such 60-day period for a reasonable period of time. A decision resolving a dispute may include any remedies appropriate under the circumstances, including repair, replacement, refund, reimbursement for expenses, and compensation for damages.

''(c) Materials and information obtained in the course of a decision making process to settle a dispute by arbitration under this section may not be used to bring an action under section 14905 of this title.

''(d) In any court action to resolve a dispute between a shipper of household goods and a motor carrier providing transportation or service subject to jurisdiction under subchapter I or III of chapter 135 of this title concerning the transportation of household goods by such carrier, the shipper shall be awarded reasonable attorney's fees if—

''(1) the shipper submits a claim to the carrier within 120 days after the date the shipment is delivered or the date the delivery is scheduled, whichever is later;

''(2) the shipper prevails in such court action; and

''(3)(A) a decision resolving the dispute was not rendered through arbitration under this section within the period provided under subsection (b)(8) of this section or an extension of such period under such subsection; or

''(B) the court proceeding is to enforce a decision rendered through arbitration under this section and is instituted after the period for performance under such decision has elapsed.

''(e) In any court action to resolve a dispute between a shipper of household goods and a carrier providing transportation, or service subject to jurisdiction under subchapter I or III of chapter 135 of this title concerning the transportation of household goods by such carrier, such carrier may be awarded reasonable attorney's fees by the court only if the shipper brought such action in bad faith—

''(1) after resolution of such dispute through arbitration under this section; or

''(2) after institution of an arbitration proceeding by the shipper to resolve such dispute under this section but before (A) the period provided under subsection (b)(8) for resolution of such dispute (including, if applicable, an extension of such period under such subsection) ends, and (B) a decision resolving such dispute is rendered.

''(f) The provisions of this section shall apply only in the case of collect-on-delivery transportation of those types of household goods described in section 13102(9)(A) of this title.

''§ 14709. Tariff reconciliation rules for motor carriers of property

''Subject to review and approval by the Intermodal Surface Transportation Board, motor carriers subject to jurisdiction under subchapter I of chapter 135 of this title (other than motor carriers providing transportation of household goods) and shippers may resolve, by mutual consent, overcharge and under-charge claims resulting from incorrect tariff provisions or billing errors arising from the inadvertent failure to properly and timely file and maintain agreed upon rates, rules, or classifications in compliance with section 13702 of this part or sections 10761 and 10762 of this title prior to the effective date of the Interstate Commerce Commission Sunset Act of 1995. Resolution of such claims among the parties shall not subject any party to the penalties for departing from a filed tariff.

''CHAPTER 149—CIVIL AND CRIMINAL PENALTIES

''§ 14901. General civil penalties

''(a) A person required to make a report to the Secretary of Transportation or to the Intermodal Surface Transportation Board, answer a question, or make, prepare, or preserve a record under this part concerning transportation subject to jurisdiction under subchapter I or III of chapter 135 of this title or transportation by a foreign carrier registered under section 13902 of this title, or an officer, agent, or employee of that person that (1) does not make the report, (2) does not specifically, completely, and truthfully answer the question, (3) does not make, prepare, or preserve the record in the form and manner prescribed, (4) does not comply with section 13901 of this title, or (5) does not comply with section 13902(c) of this title is liable to the United States Government for a civil penalty of not less than $500 for each violation and for each additional day the violation continues; except that, in the case of a person who does not have authority under this part to provide transportation of passengers, or an officer, agent, or employee of such person, that does not comply with section 13901 of this title with respect to providing transportation of passengers, the amount of the civil penalty shall not be less than $2,000 for each violation and for each additional day the violation continues.

''(b) A person subject to jurisdiction under subchapter I of chapter 135 of this title, or an officer, agent, or employee of that person, and who is required to comply with section 13901 of this title but does not so comply with respect to the transportation of hazardous wastes as defined by the Environmental Protection Agency pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Congress) shall be liable to the United States for a civil penalty not to exceed $20,000 for each violation.

''(c) In determining and negotiating the amount of a civil penalty under subsection (a) or (d) concerning transportation of household goods, the degree of culpability, any history of prior such conduct, the degree of harm to shipper or shippers, ability to pay, the effect on ability to do business, whether the shipper has been adequately compensated before institution of the proceeding, and such other matters as fairness may require shall be taken into account.

''(d) If a carrier providing transportation of household goods subject to jurisdiction under subchapter I or III of chapter 135 of this title or a receiver or trustee of such carrier fails or refuses to comply with any regulation issued by the Secretary or the Transportation Board relating to protection of individual shippers, such carrier, receiver, or trustee is liable to the United States for a civil penalty of not less than $1,000 for each violation and for each additional day during which the violation continues.

''(e) Any person that knowingly engages in or knowingly authorizes an agent or other person (1) to falsify documents used in the transportation of household goods subject to jurisdiction under subchapter I or III of chapter 135 of this title which evidence the weight of a shipment, or (2) to charge for accessorial services which are not performed or for which the carrier is not entitled to be compensated in any case in which such services are not reasonably necessary in the safe and adequate movement of the shipment, is liable to the United States for a civil penalty of not less than $2,000 for each violation and of not less than $5,000 for each subsequent violation. Any State may bring a civil action in the United States district courts to compel a person to pay a civil penalty assessed under this subsection.

''(f) A person, or an officer, employee, or agent of that person, that knowingly pays accepts, or solicits a reduced rate or rates in violation of the regulations issued under section 13707 of this title is liable to the injured party or the United States for a civil penalty of not less than $5,000 and not more than $10,000 plus 3 times the amount of damages which a party incurs because of such violation.

''(g) Trial in a civil action under subsections (a) through (f) of this section is in the judicial district in which (1) the carrier or broker has its principal office, (2) the carrier or broker was authorized to provide transportation or service under this part when the violation occurred, (3) the violation occurred, or (4) the offender is found. Process in the action may be served in the judicial district of which the offender is an inhabitant or in which the offender may be found.

''§ 14902. Civil penalty for accepting rebates from carrier

''A person—

''(1) delivering property to a carrier providing transportation or service subject to jurisdiction under chapter 135 of this title for transportation under this part or for whom that carrier will transport the property as consignor or consignee for that person from a State or territory or possession of the United States to another State or possession, territory, or to a foreign country; and

''(2) knowingly accepting or receiving by any means a rebate or offset against the rate for transportation for, or service of, that property contained in a tariff required under section 13702 of this title,

is liable to the United States Government for a civil penalty in an amount equal to 3 times the amount of money that person accepted or received as a rebate or offset and 3 times the value of other consideration accepted or received as a rebate or offset. In a civil action under this section, all money or other consideration received by the person during a period of 6 years before an action is brought under this section may be included in determining the amount of the penalty, and if that total amount is included, the penalty shall be 3 times that total amount.

''§ 14903. Tariff violations

''(a) A person that knowingly offers, grants, gives, solicits, accepts, or receives by any means transportation or service provided for property by a carrier subject to jurisdiction under chapter 135 of this title at less than the rate in effect under section 13702 of this title shall be fined at least $1,000 but not more than $20,000, imprisoned for not more than 2 years, or both.

''(b) A carrier providing transportation or service subject to jurisdiction under chapter 135 of this title or an officer, director, receiver, trustee, lessee, agent, or employee of a corporation that is subject to jurisdiction under that chapter, that willfully does not observe its tariffs as required under section 13702 of this title, shall be fined at least $1,000 but not more than $20,000, imprisoned for not more than 2 years, or both.

''(c) When acting in the scope of their employment, the actions and omissions of persons acting for or employed by a carrier or shipper that is subject to subsection (a) or (b) of this section are considered to be the actions and omissions of that carrier or shipper as well as that person.

''(d) Trial in a criminal action under this section is in the judicial district in which any part of the violation is committed or through which the transportation is conducted.

''§ 14904. Additional rate violations

''(a) A person, or an officer, employee, or agent of that person, that—

''(1) knowingly offers, grants, gives, solicits, accepts, or receives a rebate for concession, in violation of a provision of this part related to motor carrier transportation subject to jurisdiction under subchapter I of chapter 135 of this title; or

''(2) by any means knowingly and willfully assists or permits another person to get transportation that is subject to jurisdiction under that subchapter at less than the rate in effect for that transportation under section 13702 of this title,

shall be fined at least $200 for the first violation and at least $250 for a subsequent violation.

''(b)(1) A freight forwarder providing service subject to jurisdiction under subchapter III of chapter 135 of this title, or an officer, agent, or employee of that freight forwarder, that knowingly and willfully assists a person in getting, or willingly permits a person to get, service provided under that subchapter at less than the

rate in effect for that service under section 13702 of this title, shall be fined not more than $500 for the first violation and not more than $2,000 for a subsequent violation.

''(2) A person that knowingly and willfully by any means gets, or attempts to get, service provided under subchapter III of chapter 135 of this title at less than the rate in effect for that service under section 13702 of this title, shall be fined not more than $500 for the first violation and not more than $2,000 for a subsequent violation.

''§ 14905. Penalties for violations of rules relating to loading and unloading motor vehicles

''(a) Any person who knowingly authorizes, consents to, or permits a violation of subsection (a) or (b) of section 14103 of this title or who knowingly violates subsection (a) of such section is liable to the United States Government for a civil penalty of not more than $10,000 for each violation.

''(b) Any person who knowingly violates section 14103(b) of this title shall be fined not more than $10,000, imprisoned for not more than 2 years, or both.

''§ 14906. Evasion of regulation of carriers and brokers

''A person, or an officer, employee, or agent of that person that by any means knowingly and willfully tries to evade regulation provided under this part for carriers or brokers shall be fined at least $200 for the first violation and at least $250 for a subsequent violation.

''§ 14907. Record keeping and reporting violations

''A person required to make a report to the Secretary of Transportation or to the Intermodal Surface Transportation Board, as applicable, answer a question, or make, prepare, or preserve a record under this part about transportation subject to jurisdiction under subchapter I or III of chapter 135 of this title, or an officer, agent, or employee of that person, that (1) willfully does not make that report, (2) willfully does not specifically, completely, and truthfully answer that question in 30 days from the date the Secretary or Transportation Board, as applicable, requires the question to be answered, (3) willfully does not make, prepare, or preserve that record in the form and manner prescribed, (4) knowingly and willfully falsifies, destroys, mutilates, or changes that report or record, (5) knowingly and willfully files a false report or record, (6) knowingly and willfully makes a false or incomplete entry in that record about a business related fact or transaction, or (7) knowingly and willfully makes, prepares, or preserves a record in violation of an applicable regulation or order of the Secretary or Transportation Board shall be fined not more than $5,000.

''§ 14908. Unlawful disclosure of information

''(a)(1) A carrier or broker providing transportation subject to jurisdiction under subchapter I, II, or III of chapter 135 of this title or an officer, receiver, trustee, lessee, or employee of that carrier or broker, or another person authorized by that carrier or broker to receive information from that carrier or broker may not knowingly disclose to another person, except the shipper or consignee, and another person may not solicit, or knowingly receive, information about the nature, kind, quantity, destination, consignee, or routing of property tendered or delivered to that carrier or broker for transportation provided under this part without the consent of the shipper or consignee if that information may be used to the detriment of the shipper or consignee or may disclose improperly to a competitor the business transactions of the shipper or consignee.

''(2) A person violating paragraph (1) of this subsection shall be fined not less than $2,000. Trial in a criminal action under this paragraph is in the judicial district in which any part of the violation is committed.

''(b) This part does not prevent a carrier or broker providing transportation subject to jurisdiction under chapter 135 of this title from giving information—

''(1) in response to legal process issued under authority of a court of the United States or a State;

''(2) to an officer, employee, or agent of the United States Government, a State, or a territory or possession of the United States; or

''(3) to another carrier or its agent to adjust mutual traffic accounts in the ordinary course of business.

''§ 14909. Disobedience to subpenas

''A person not obeying a subpena or requirement of the Secretary of Transportation or the Intermodal Surface Transportation Board to appear and testify or produce records shall be fined not less than $5,000, imprisoned for not more than one year, or both.

''§ 14910. General criminal penalty when specific penalty not provided

''When another criminal penalty is not provided under this chapter, a person that knowingly and willfully violates a provision of this part or a regulation or order prescribed under this part, or a condition of a registration under this part related to transportation that is subject to jurisdiction under subchapter I or III of chapter 135 of this title or a condition of a registration under section 13902 of this title, shall be fined at least $500 for the first violation and at least $500 for a subsequent violation. A separate violation occurs each day the violation continues.

''§ 14911. Punishment of corporation for violations committed by certain individuals

''An act or omission that would be a violation of this part if committed by a director, officer, receiver, trustee, lessee, agent, or employee of a carrier providing transportation or service subject to jurisdiction under chapter 135 of this title that is a corporation is also a violation of this part by that corporation. The penalties of this chapter apply to that violation. When acting in the scope of their employment, the actions and omissions of individuals acting for or employed by that carrier are considered to be the actions and omissions of that carrier as well as that individual.

''§ 14912. Weight-bumping in household goods transportation

''(a) For the purposes of this section, 'weight-bumping' means the knowing and willful making or securing of a fraudulent weight on a shipment of household goods which is subject to jurisdiction under subchapter I or III of chapter 135 of this title.

''(b) Any individual who has been found to have committed weight-bumping shall, for each offense, be fined at least $1,000 but not more than $10,000, imprisoned for not more than 2 years, or both.

''§ 14913. Conclusiveness of rates in certain prosecutions

''When a carrier publishes or files a particular rate under section 13702 or participates in such a rate, the published or filed rate is conclusive proof against that carrier, its officers, and agents that it is the legal rate for that transportation or service in a proceeding begun under section 14902 or 14903 of this title. A departure, or offer to depart, from that published or filed rate is a violation of those sections.''.

Subtitle B—Motor Carrier Registration and Insurance Requirements

SEC. 451. AMENDMENT OF SECTION 31102.

Section 31102(b)(1) is amended by—

(1) striking ''and'' at the end of subparagraph (O);

(2) striking the period at the end of subparagraph (P) and inserting a semicolon and ''and''; and

(3) adding at the end thereof the following:

''(Q) ensures that the State will cooperate in the enforcement of registration and financial responsibility requirements under sections 31140 and 31146 of this title, or regulations issued thereunder.''

SEC. 452. AMENDMENT OF SECTION 31138.

(a) Section 31138(c) is amended by adding at the end thereof the following new paragraph:

''(3) A motor carrier may obtain the required amount of financial responsibility from more than one source provided the cumulative amount is equal to the minimum requirements of this section.''.

(b) Section 31138(e) is amended—

(1) by striking ''or'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; or''; and

(3) by adding at the end the following:

''(4) providing mass transportation service within a transit service area under an agreement with a Federal, State, or local government funded, in whole or in part, with a grant under section 5307, 5310, or 5311, including transportation designed and carried out to meet the special needs of elderly individuals and individuals with disabilities; Provided That, in any case in which the transit service area is located in more than 1 State, the minimum level of financial responsibility for such motor vehicle will be at least the highest level required for any of such States.''.

(c) Section 31139(e) is amended by adding at the end thereof the following:

''(3) A motor carrier may obtain the required amount of financial responsibility from more than one source provided the cumulative amount is equal to the minimum requirements of this section.''.

SEC. 453. SELF-INSURANCE RULES.

The Secretary of Transportation shall continue to enforce the rules and regulations of the Interstate Commerce Commission, as in effect on July 1, 1995, governing the qualifications for approval of a motor carrier as a self-insurer, until such time as the Secretary finds it in the public interest to revise such rules. The revised rules must provide for—

(1) continued ability of motor carriers to qualify as self-insurers; and

(2) the continued qualification of all carriers then so qualified under the terms and conditions set by the Interstate Commerce Commission or Secretary at the time of qualification.

SEC. 454. SAFETY FITNESS OF OWNERS AND OPERATORS.

Section 31144 is amended by—

(1) striking ''In cooperation with the Interstate Commerce Commission, the'' in the first sentence of subsection (a) and inserting ''The'';

(2) by striking ''sections 10922 and 10923'' in that sentence and inserting ''section 13902'';

(3) striking ''and the Commission'' in subsection (a)(1)(C); and

(4) striking subsection (b) and inserting the following:

''(b) FINDINGS AND ACTION ON REGISTRATIONS.—The Secretary shall—

''(1) find a registrant as a motor carrier unfit if the registrant does not meet the safety fitness requirements established under subsection (a) of this section; and

''(2) withhold registration.''.

TITLE V—AMENDMENTS TO OTHER LAWS

SEC. 501. FEDERAL ELECTION CAMPAIGN ACT OF 1971.

Section 401 of the Federal Election Campaign Act of 1971 (2 U.S.C. 451) is amended by—

(1) striking ''Interstate Commerce Commission,'' and inserting ''Intermodal Surface Transportation Board,''; and

(2) striking ''promulgate, within ninety days after the date of enactment of this Act,'' and inserting ''maintain''.

SEC. 502. AGRICULTURAL ADJUSTMENT ACT OF 1938.

Section 201 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1291) is amended by—

(1) striking ''Interstate Commerce Commission'' and inserting ''Intermodal Surface Transportation Board'' each place it appears;

(2) striking ''Commission'', wherever it appears and inserting ''Transportation Board''; and

(3) striking ''Commission's'' in subsection (b) and inserting ''Transportation Board's''.

SEC. 503. AGRICULTURAL MARKETING ACT OF 1946.

Section 203(j) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(j)) is amended by striking ''Interstate Commerce Commission,'' and inserting ''Intermodal Surface Transportation Board,''.

SEC. 504. ANIMAL WELFARE ACT.

Section 15(a) of the Animal Welfare Act (7 U.S.C. 2145(a)) is amended by striking ''Interstate Commerce Commission'' and inserting ''Intermodal Surface Transportation Board''.

SEC. 505. TITLE 11, UNITED STATES CODE.

(a) Section 1164 of title 11, United States Code, is amended by striking ''Commission'' and inserting ''Intermodal Surface Transportation Board''.

(b) Section 1170 of title 11, United States Code, is amended by—

(1) striking ''Commission'' the first time it appears in subsection (b) and inserting ''Intermodal Surface Transportation Board''; and

(2) striking ''Commission'' wherever else it appears and inserting ''Transportation Board''.

(c) Section 1172 of title 11, United States Code, is amended by—

(1) striking ''Commission'' the first time it appears in subsection (b) and inserting ''Intermodal Surface Transportation Board''; and

(2) striking ''Commission'' wherever else it appears and inserting ''Transportation Board''.

SEC. 506. CLAYTON ACT.

The Clayton Act (15 U.S.C. 12 et seq.) is amended by—

(1) striking ''Interstate Commerce Commission'' in the last sentence of section 7 (15 U.S.C. 18) and inserting ''Intermodal Surface Transportation Board'';

(2) inserting a comma and ''Transportation Board,'' after ''such Commission'' in the last sentence of that section;

(3) striking ''Interstate Commerce Commission'' in the first sentence of section 11(a) (15 U.S.C. 21) and inserting ''Intermodal Surface Transportation Board''; and

(4) striking ''Interstate Commerce Commission'' in section 16 (15 U.S.C. 26) and inserting ''Intermodal Surface Transportation Board''.

SEC. 507. CONSUMER CREDIT PROTECTION ACT.

The Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended by—

(1) striking ''Interstate Commerce Commission'' in section 621(b)(4) (15 U.S.C. 1681s) and inserting ''Intermodal Surface Transportation Board'';

(2) inserting a comma and ''and part B of subtitle IV of title 49, United States Code, by the Secretary of Transportation with respect to any common carrier subject to such part;'' in section 621(b)(4) (15 U.S.C. 1681s) after ''those Acts'';

(3) striking ''Interstate Commerce Commission'' in section 704(a)(4) (15 U.S.C. 1691c) and inserting ''Intermodal Surface Transportation Board'';

(4) inserting a comma and ''and part B of subtitle IV of title 49, United States Code, by the Secretary of Transportation with respect to any common carrier subject to such part'' in section 704(a)(4) (15 U.S.C. 1691c) after ''those Acts'';

(5) striking ''Interstate Commerce Commission'' in section 814(b)(4) (15 U.S.C. 1692l) and inserting ''Intermodal Surface Transportation Board''; and

(6) inserting a comma and ''and part B of subtitle IV of title 49, United States Code, by the Secretary of Transportation with respect to any common carrier subject to such part'' in section 814(b)(4) (15 U.S.C. 1692l) after ''those Acts''.

SEC. 508. NATIONAL TRAILS SYSTEM ACT.

The National Trails System Act (16 U.S.C. 1241 et seq.) is amended by—

(1) striking ''Interstate Commerce Commission'' in the first sentence of section 8(d) (16 U.S.C. 1247(d)) and inserting ''Intermodal Surface Transportation Board'';

(2) striking ''Commission'' in the last sentence of section 8(d) (16 U.S.C. 1247(d)) and inserting ''Intermodal Surface Transportation Board''; and

(3) striking ''Interstate Commerce Commission'' in section 9(b) (16 U.S.C. 1248(d)) and inserting ''Intermodal Surface Transportation Board''.

SEC. 509. TITLE 18, UNITED STATES CODE.

Section 6001 of title 18, United States Code, is amended by striking ''Interstate Commerce Commission'' in subsection (1) and inserting ''Intermodal Surface Transportation Board''.

SEC. 510. INTERNAL REVENUE CODE OF 1986.

(a) Section 3231 of the Internal Revenue Code of 1986 (26 U.S.C. 3231) is amended by—

(1) striking ''Interstate Commerce Commission'' in subsection (a) and inserting ''Intermodal Surface Transportation Board''; and

(2) striking subsection (g) and inserting the following:

''(g) CARRIER.—For purposes of this chapter, the term 'carrier' means a rail carrier providing transportation subject to chapter 105 of title 49, United States Code.''.

(b) Section 7701(a) of the Internal Revenue Code of 1986 (26 U.S.C. 7701(a)) is amended by—

(1) striking ''Federal Power Commission'' in paragraph (33)(B) and inserting ''Federal Energy Regulatory Commission'';

(2) striking ''Interstate Commerce Commission'' in paragraph (33)(C)(i) and inserting ''Intermodal Surface Transportation Board'';

(3) striking ''Interstate Commerce Commission'' in paragraph (33)(C)(ii) with ''Federal Energy Regulatory Commission'';

(4) striking ''Interstate Commerce Commission under subchapter III of chapter 105'' in paragraph (33)(F) and inserting ''Secretary of Transportation under subchapter II of chapter 135'';

(5) striking ''subchapter I of'' in paragraph (33)(G); and

(6) striking ''subchapter I of'' in the first sentence of paragraph (33)(H).

SEC. 511. TITLE 28, UNITED STATES CODE.

(a) The heading of chapter 157 of part VI of title 28, United States Code, is amended by striking ''INTERSTATE COMMERCE COMMISSION'' and inserting ''INTERMODAL SURFACE TRANSPORTATION BOARD''.

(b) Section 2321 of title 28, United States Code, is amended by—

(1) striking ''Commission's'' in the section caption and inserting ''Intermodal Surface Transportation Board's''; and

(2) striking ''Interstate Commerce Commission'' in subsections (a) and (b) and inserting ''Intermodal Surface Transportation Board''.

(c) Section 2323 of title 28, United States Code, is amended by—

(1) striking ''Interstate Commerce Commission'' and inserting ''Intermodal Surface Transportation Board''; and

(2) striking ''Commission'', wherever it appears, and inserting ''Transportation Board''.

(d) Section 2341 of title 28, United States Code, is amended by—

(1) striking ''Interstate Commerce Commission'' in paragraph (3)(A);

(2) striking ''and'' in paragraph (3)(C);

(3) striking ''Act.'' in paragraph (3)(D) and inserting ''Act; and''; and

(4) inserting after paragraph (3)(D) the following:

''(E) the Transportation Board, when the order was entered by the Intermodal Surface Transportation Board.''.

(e) Section 2342 of title 28, United States Code, is amended by—

(1) inserting ''or pursuant to part B of subtitle IV of title 49, United States Code'' at the end of paragraph (3)(A); and

(2) striking paragraph (5) and inserting the following:

''(5) all rules, regulations, or final orders of the Intermodal Surface Transportation Board made reviewable by section 2321 of this title; and''.

SEC. 512. MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT.

Section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) is amended by—

(1) striking ''part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.), or any successor provision of'' in paragraph (2)(C) and inserting ''part B of''; and

(2) striking ''part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.), and any successor provision of'' in paragraph (3) and inserting ''part B of''.

SEC. 513. TITLE 39, UNITED STATES CODE.

(a) Section 5005 of title 39, United States Code, is amended by striking ''Interstate Commerce Commission'' in subsection (b)(3) and inserting ''Intermodal Surface Transportation Board''.

(b) Section 5203 of title 39, United States Code, is amended by—

(1) striking subsection (f) and redesignating subsection (g) as subsection (f); and

(2) striking ''Commission'' in subsection (f), as redesignated, and inserting ''Intermodal Surface Transportation Board''.

(c) Section 5207 of title 39, United States Code, is amended by—

(1) striking ''Interstate Commerce Commission'', in both the section caption and subsection (a), and inserting ''Intermodal Surface Transportation Board''; and

(2) striking ''Commission'' wherever it appears and inserting ''Transportation Board''.

(d) Section 5208 of title 39, United States Code, is amended by—

(1) striking ''Commission's'' in subsection (a) and inserting ''Transportation Board's''; and

(2) striking ''Commission'' wherever it appears and inserting ''Transportation Board''.

(e) The index for chapter 52 of title 39, United States Code, is amended by striking out the items relating to section 5207 and inserting in lieu thereof the following:

''5207. Intermodal Surface Transportation Board to fix rates.''.

SEC. 514. ENERGY POLICY ACT OF 1992.

Section 1340 of the Energy Policy Act of 1992 (42 U.S.C. 13369) is amended by striking ''Interstate Commerce Commission'' in subsections (a) and (d) and inserting ''Intermodal Surface Transportation Board''.

SEC. 515. RAILWAY LABOR ACT.

Section 151 of the Railway Labor Act (45 U.S.C. 151) is amended by—

(1) striking ''any express company, sleeping-car company, carrier by railroad, subject to'' in the first paragraph and inserting ''any railroad subject to'';

(2) striking ''Interstate Commerce Commission'' in the first and fifth paragraphs and inserting ''Intermodal Surface Transportation Board''; and

(3) striking ''Commission'', wherever it appears in the fifth paragraph and inserting ''Intermodal Surface Transportation Board''.

SEC. 516. RAILROAD RETIREMENT ACT OF 1974.

Section 1 of the Railroad Retirement Act of 1974 (45 U.S.C. 231) is amended by—

(1) striking subsection (a)(1)(i) and inserting: ''(i) any carrier by railroad subject to chapter 105 of title 49, United States Code;'';

(2) striking ''Interstate Commerce Commission'' in subsection (a)(2)(ii) and inserting ''Intermodal Surface Transportation Board'';

(3) striking ''Board,'' in subsection (a)(2)(ii) and inserting ''Railroad Retirement Board,''; and

(4) inserting ''Intermodal Surface Transportation Board,'' after Interstate Commerce Commission,'' in the first sentence of subsection (o).

SEC. 517. RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) Section 1 of the Railroad Unemployment Insurance Act (45 U.S.C. 351) is amended by—

(1) striking ''Interstate Commerce Commission'' in the second sentence of paragraph (a) and inserting ''Intermodal Surface Transportation Board'';

(2) striking ''Board,'' in the second sentence of paragraph (a) and inserting ''Railroad Retirement Board,''; and

(3) striking paragraph (b) and inserting the following:

''(b) The term 'carrier' means a carrier by railroad subject to chapter 105 of title 49, United States Code.''.

(b) Section 2(h)(3) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(h)(3)) is amended by—

(1) striking ''Interstate Commerce Commission'' and inserting ''Intermodal Surface Transportation Board''; and

(2) striking ''Board,'' and inserting ''Railroad Retirement Board,''.

SEC. 518. EMERGENCY RAIL SERVICES ACT OF 1970.

Section 3 of the Emergency Rail Services Act of 1970 (45 U.S.C. 662) is amended by striking ''Commission'', wherever it appears in subsections (a) and (b), and inserting ''Intermodal Surface Transportation Board''.

SEC. 519. REGIONAL RAIL REORGANIZATION ACT OF 1973.

Section 304 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 744) is amended by—

(1) striking ''Commission'' in subsection (d)(1)(A) and inserting ''Intermodal Surface Transportation Board''; and

(2) striking ''Commission'' wherever else it appears in paragraph (1) or (3) of subsection (d), and in subsections (f) and (g), and inserting ''Transportation Board''.

SEC. 520. RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976.

Section 510 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 830) is amended by striking ''section 20a of the Interstate Commerce Act (49 U.S.C. 20a)'' and inserting ''section 11301 of title 49, United States Code''.

SEC. 521. ALASKA RAILROAD TRANSFER ACT OF 1982.

Section 608 of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1207) is amended by striking ''Interstate Commerce Commission'' wherever it appears in subsections (a) and (c) and inserting ''Intermodal Surface Transportation Board''.

SEC. 522. MERCHANT MARINE ACT, 1920.

(a) Section 8 of Merchant Marine Act, 1920 (46 U.S.C. App. 867) is amended by—

(1) striking ''Interstate Commerce Commission'' in both places that it appears and inserting ''Intermodal Surface Transportation Board''; and

(2) striking ''commission'' and inserting ''board''.

(b) Section 28 of the Merchant Marine Act, 1920 (46 U.S.C. App. 884) is amended by—

(1) striking ''Interstate Commerce Commission'' where it first appears and inserting ''Intermodal Surface Transportation Board''; and

(2) striking ''Interstate Commerce Commission'' wherever else it appears and inserting ''Transportation Board''.

SEC. 523. SERVICE CONTRACT ACT OF 1965.

Section 356(3) of the Service Contract Act of 1965 (41 U.S.C. 356(3)), is amended by striking ''where published tariff rates are in effect''.

SEC. 524. FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994.

Section 601(d) of the Federal Aviation Administration Authorization Act of 1994 (Pub. L. 103–305) is amended by striking all after ''subsection (c)'' and inserting ''shall not take effect as long as section 11501(g)(2) of title 49, United States Code, applies to that State.''.

SEC. 525. FIBER DRUM PACKAGING.

(a) IN GENERAL.—In the administration of chapter 51 of title 49, United States Code, the Secretary of Transportation shall issue a final rule within 60 days after the date of enactment of this Act authorizing the continued use of fiber drum packaging with a removable head for the transportation of liquid hazardous materials if—

(1) the packaging is in compliance with regulations of the Secretary under the Hazardous Materials Transportation Act as such Act was in effect before October 1, 1991;

(2) the packaging will not be used for the transportation of hazardous materials that include materials which are poisonous by inhalation; and

(3) the packaging will not be used in the transportation of hazardous materials from a point in the United States to a point outside the United States, or from a point outside the United States to a point inside the United States.

(b) HAZARDOUS MATERIALS TRANSPORTATION AUTHORIZATION ACT OF 1994.—Section 122 of the Hazardous Materials Transportation Authorization Act of 1994 (49 U.S.C. 5101 note) is repealed.

SEC. 526. TERMINATION OF CERTAIN MARITIME AUTHORITY.

(a) REPEAL OF INTERCOASTAL SHIPPING ACT, 1933.—The Act of March 3, 1933 (Chapter 199; 46 U.S.C. App. 843 et seq.), commonly referred to as the Intercoastal Shipping Act, 1933, is repealed effective September 30, 1996.

(b) REPEAL OF PROVISIONS OF SHIPPING ACT, 1916.—The following provisions of the Shipping Act, 1916, are repealed effective September 30, 1996:

(1) Section 3 (46 U.S.C. App. 804).
(2) Section 14 (46 U.S.C. App. 812).
(3) Section 15 (46 U.S.C. App. 814).
(4) Section 16 (46 U.S.C. App. 815).
(5) Section 17 (46 U.S.C. App. 816).
(6) Section 18 (46 U.S.C. App. 817).
(7) Section 19 (46 U.S.C. App. 818).
(8) Section 20 (46 U.S.C. App. 819).
(9) Section 21 (46 U.S.C. App. 820).
(10) Section 22 (46 U.S.C. App. 821).
(11) Section 23 (46 U.S.C. App. 822).
(12) Section 24 (46 U.S.C. App. 823).
(13) Section 25 (46 U.S.C. App. 824).
(14) Section 27 (46 U.S.C. App. 826).
(15) Section 29 (46 U.S.C. App. 828).
(16) Section 30 (46 U.S.C. App. 829).
(17) Section 31 (46 U.S.C. App. 830).
(18) Section 32 (46 U.S.C. App. 831).
(19) Section 33 (46 U.S.C. App. 832).
(20) Section 35 (46 U.S.C. App. 833a).
(21) Section 43 (46 U.S.C. App. 841a).
(22) Section 45 (46 U.S.C. App. 841c).

SEC. 527. CERTAIN COMMERCIAL SPACE LAUNCH ACTIVITIES.

The licensing of a launch vehicle or launch site operator (including any amendment, extension, or renewal of the license) under chapter 701 of title 49, United States Code, shall not be considered a major Federal action for purposes of section 102(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)) if—

(1) the Department of the Army has issued a permit for the activity; and

(2) the Army Corps of Engineers has found that the activity has no significant impact.

SEC. 528. USE OF HIGHWAY FUNDS FOR AMTRAK-RELATED PROJECTS AND ACTIVITIES.

Notwithstanding any other provision of law, the State of Vermont may use any unobligated funds apportioned to the State under section 104 of title 23, United States Code, to fund projects and activities related to the provision of rail passenger service on Amtrak within that State.

SEC. 529. VIOLATION OF GRADE-CROSSING LAWS AND REGULATIONS.

(a) FEDERAL REGULATIONS.—Section 31310 is amended by adding at the end thereof the following:

''(h) GRADE-CROSSING VIOLATIONS.—

''(1) SANCTIONS.—The Secretary shall issue regulations establishing sanctions and penalties relating to violations, by persons operating commercial motor vehicles, of laws and regulations pertaining to railroad-highway grade crossings.

''(2) MINIMUM REQUIREMENTS.—The regulations issued under paragraph (1) shall, at a minimum, require that—

''(A) the penalty for a single violation is not less than a 60-day disqualification of the driver's commercial driver's license; and

''(B) any employer that knowingly allows, permits, authorized, or requires an employee to operate a commercial motor vehicle in violation of such a law or regulation shall be subject to a civil penalty of not more than $10,000.''.

(b) DEADLINE.—The initial regulations required under section 31310(h) of title 49, United States Code, shall be issued not later than one year after the date of enactment of this Act.

(c) STATE REGULATIONS.—Section 31311(a) is amended by adding at the end thereof the following:

''(18) The State shall adopt and enforce regulations prescribed by the Secretary under section 31310(h) of this title.''.

TITLE VI—AUTHORIZATION

SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out the provisions of this Act, there are authorized to be appropriated—

(1) for the closedown of the Interstate Commerce Commission and severance costs for Interstate Commerce Commission personnel, regardless of whether those severance costs are incurred by the Commission or by the Intermodal Surface Transportation Board, the balance of the $13,379,000 appropriated to the Commission for fiscal year 1996, together with any unobligated balances from user fees collected by the Commission during fiscal year 1996;

(2) for the operations of the Intermodal Surface Transportation Board for fiscal year 1996, $8,421,000, and any fees collected by the Transportation Board pursuant to section 9701 of title 31, United States Code, shall be made available to the Transportation Board; and

(3) for the operations associated with functions transferred from the Interstate Commerce Commission to the Intermodal Surface Transportation Board under this Act, $12,000,000 for each of the fiscal years 1997 and 1998, and any fees collected by the Transportation Board pursuant to section 9701 of title 31, United States Code, shall be made available to the Transportation Board.

TITLE VII—MISCELLANEOUS PROVISION

SEC. 701. PAY OF MEMBERS OF CONGRESS AND THE PRESIDENT DURING GOVERNMENT SHUTDOWNS.

(a) COMPARABLE PAY TREATMENT.—The pay of Members of Congress and the President shall be treated in the same manner and to the same extent as the pay of the most adversely affected Federal employees who are not compensated for any period in which appropriations lapse.

(b) EFFECTIVE DATE.—This section shall take effect December 15, 1995.

TITLE VIII—EFFECTIVE DATE

SEC. 801. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on January 1, 1996.

NOTE

The RECORD of November 28 inadvertently reflects an error in the statement of Mr. PRESSLER that begins on page S17587. The permanent RECORD will be corrected to reflect the following statement.

Mr. PRESSLER. Mr. President, I rise in opposition to the DORGAN amendment. Let me make some general remarks on the issues surrounding antitrust and some of the standards that are used.

First, let me point out that this amendment is an attempt to change the way the ICC looks at the competition among rail carriers.

Changing the standards by which rail mergers are judged is very complicated. The current public interest standard is well established and has been in place for 75 years. Changing them now, particularly while two class one railroads are in a merger proceeding, without fully understanding how these changes affect railroads, shippers, States and even the financial markets, is not the approach we should take without fully understanding what we are doing. Unintended consequences could easily result.

We have one of the most efficient, if not the most efficient, transportation system in the world. A large part of the system is the level of competition that exists between the transportation modes and within the modes. Merely trying to guarantee competition in the rail industry by changing how the ICC looks at competition could easily backfire.

In the last 15 years, there have been roughly a dozen rail mergers, a tremendous increase in concentration when just measured by the number of railroads. However, at the same time, real rates have fallen up to 50 percent with the decreases occurring every year across all major commodity groups and in all major geographic areas.

This cannot just be attributed to deregulation, because without ongoing effective competition, the productivity gains that deregulation made possible for the railroads would not have been passed through to the shippers.

Without fully understanding what we are doing in this area, we could easily turn back this trend, even though we have the best intentions. As a result, I urge that this amendment be defeated. I urge my colleagues to vote against it as well.

Now specifically, the ICC does not apply or follow antitrust law, though it pays very close attention to competitive issues. The rail system is the underpinning of our entire economy, and many rail efficiencies can be achieved only through mergers. The ICC applies a public interest standard, under which the public benefits, competitive or otherwise, of a merger, are balanced against any detriments, again competitive or otherwise, of a merger. This process allows the Commission to approve consolidations, even if they otherwise would violate antitrust laws.

Rather than applying a narrow DOJ-type antitrust analysis, the Commission has consistently looked at all factors in deciding the competitive impact of rail mergers and has found pure concentration measures, such as the number of railroads serving a point, to be too simplistic a standard.

The UP/MKT merger is a good example. In that case, a number of markets went from three railroads to two. Various parties, including the Justice Department, argued that there would be a reduction in competition in those markets and that conditions should be imposed to introduce additional rail competition in them. The Commission rejected these arguments, finding that the continued competition from a strong second railroad, the increase in competition from the merged system's introductions of new single-line routes and other service improvements and other competitive constraints, such as modal and source competition, would keep competition vigorous.

In fact, the Commission was right. Union Pacific, at the request of an agency in California, had studied the rates in these 3-to-2 markets before and after the UP/MKT merger which was consummated in 1988.

What they found was that in all cases, rates had decreased significantly, confirming the Commission's conclusion that competition would be intensified by moving from three railroads, one of which, MKT, was a weak third, to two strong rail competitors.

The evidence is overwhelming that a mere reduction in the number of railroads does not stifle competition and, in fact, can enhance it where the effect is to add to the efficiency of the merged carriers and to their ability to offer new services.

Furthermore, there is ample proof all across the country that where markets are served by two railroads with broad, equivalent networks, rail competition is intense. Perhaps the best example is a precipitous drop in Powder River Basin, WY, coal rates following the entry of CNW into the basin as a competitor, in partnership with UP against Burlington Northern.

This experience of huge declines in the rates for the transportation of Powder River Basin coal is flatly incompatible with any theory that two railroads in a market will collude to keep prices at or near the level where other constraints, such as truck or product competition would cause a loss of traffic. Other examples are the intense two-railroad competition throughout the Southeast, between Norfolk Southern and CSX, and for Seattle/Tacoma and other Washington and Idaho traffic between BN and UP.

The number of railroads alone is not what matters, it is the effect of the merger on competition. Absent some compelling reason for change, which has yet to appear, the current process should stand.

Mr. President, let me make a few more remarks, and if other Senators come to the floor, I will certainly yield to them, but I want to continue to state my opposition to the DORGAN amendment.

Since 1920, due to the unique place railroads hold in our economy, Congress has consistently found that applying a pure antitrust standard to rail mergers is inappropriate.

Railroads carry roughly 40 percent of the freight in this country. These include 67 percent of new autos, 60 percent of coal, 68 percent of pulp and paper, 55 percent of household appliances, 53 percent of lumber, and 45 percent of all food products. Much of this material is delivered on a just-in-time basis.

What is impressive about these numbers is that, unlike the trucking, ship, barge, and aviation industries, which operate over national systems and which are built and/or maintained by Government and open to all operators, the goods that move by rail are transported over fixed, regional systems. Due to the regional nature of railroads, much more interchange occurs than in other modes of transportation. That is, railroads hand off cargo to one another while other modes of transportation have very little of this type of interchange—truck to truck, barge to barge.

As a consequence, there are natural efficiencies in these other modes that do not readily occur in the rail industry. To achieve these types of efficiencies in the rail industry, there must be consolidations. Mergers and consolidations allow the rail industry to maximize the use of its tracks, cut down on interchange points, get the most out of switching yards, consolidate terminals and, in short, provide better service to its customers at the lower cost.

In the past, Congress has recognized that rail consolidations cannot occur if rails are subject to the normal antitrust tests imposed on other businesses. What makes the ICC test different? There are three major components.

The first is the use of the public interest standard. When looking at a merger, the Department of Justice focuses almost exclusively on possible reductions in competition. Under a pure antitrust review, the Justice Department could deny all rail mergers, which is what happened before the public interest standard was adopted. The ICC, on the other hand, takes into account both the public benefits of a merger, in terms of increased efficiencies, better service and enhanced competition, and any harms, in terms of reduced competition and loss of service.

The ICC also has the power to condition mergers to take care of anticompetitive concerns. While the Department of Justice could try to negotiate conditions, it does not have the same power and discretion as the ICC. As a result, the ICC can condition and approve mergers that are in the public interest but might normally fail a review by the Department of Justice.

The second is the open and well-developed process the ICC has for reviewing rail mergers. The process includes discovery, the development of a detailed record and a full and fair opportunity for all affected parties, including Federal agencies, States, localities, shippers, and labor to be heard.

The DOJ process, on the other hand, is a closed informal ex parte process in which DOJ speaks with only those persons it chooses to and hears only the

evidence it chooses to. There is no opportunity for discovery and no opportunity to learn and to respond to what others are saying.

Taken together, these first two points are extremely important. Railroads cannot be duplicated. The lines that exist today are essentially it. While spur lines and short lines may be built, there will be no more railroads built from Chicago to LA or New York to St. Louis, not in the near future at least.

A fair, impartial system bound by rules and precedent where all parties can be heard is important in deciding how these systems are rationalized. A DOJ review is far more subjective. All parties may not be heard and DOJ can decide which types of traffic patterns to look at, thereby making the process unpredictable from one case to another, from one administration to another.

So I think, in looking at this, we have to look at what we are dealing with in the uniqueness of railroads. We will not have more railroad lines built in this country in terms of major routes from Chicago to LA or New York to St. Louis. We will have those remaining. But the question as a public interest standard allows some flexibility on the part of the rulemaking body which will now be in the Department of Transportation.

The third component is the actual approval. The Department of Justice does not approve mergers, it merely indicates whether or not the Government will bring suit to stop it. I think now under the Hart-Scott-Rodino standard, companies can get an opinion before they actually go to the expense of getting together.

The ICC process brings with it a formal approval and preemption of other laws. This is important for a number of reasons. Without formal approval, abandonments or line sales contemplated by a merger will have to be approved by another agency. State laws designed to prevent or hinder mergers will not be preempted. This is particularly important to the free flow of interstate commerce. Further, private parties would not be prohibited from bringing suit to seek conditions or block the transaction.

Finally, the Rail Labor Act would not be preempted. This is critical. Most railroads have 13 different unions with hundreds of different contracts. Absent the preemption of the Rail Labor Act and the imposition of labor protection conditions, the merging carriers would be forced to negotiate implementation agreements with each union under the Rail Labor Act. Because rail transportation is so vital to the economy, this act was created ''to avoid any interruption to commerce.'' The act achieves this goal by obligating management and labor to negotiate using a long, drawn-out process. Using this act to negotiate the implementation of a merger would take years. As a result, without a formal approval, even if a merger were approved by the Department of Justice it would more than likely be years, if ever, before it could be implemented.

At the heart of this debate is, What is best for transportation policy? The more than 500 railroads that are in existence today are an integral part of our country's transportation system and are a linchpin in our economy. We have the best rail system in the world. The long-established national railroad merger policy has served our country well. Absent some compelling reason, there is no basis for gambling with the future of an industry that is so important to our Nation.

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So, Mr. President, at the heart of our debate is, what is best for transportation policy? The more than 500 railroads that are in existence today are an integral part of our country's transportation system and are a linchpin in our economy.

We have the best rail system in the world, although it certainly needs improvements, and the real rail rates are 50 percent lower than when the Staggers Rail Act was passed in 1980, despite a reduction of about two-thirds in the number of major railroads. The long-established national railroad merger policy has served our country well.

Absent some compelling reason, there is no basis for gambling with the future of an industry that is so important to our Nation.

So let me say that I very much admire the intentions of my friend from North Dakota with this amendment. This piece of legislation has been many months in the negotiating stages. My friend from Nebraska first introduced the piece of legislation, and we decided to work as a team. We had in various shippers, railroads, the public, and consulted with State public commissions. We consulted with Governors. We consulted with experts. We developed this piece of legislation that is here on the floor. It is not perfect, but it has been crafted on a bipartisan basis. We also have the support of Senator HOLLINGS, the ranking member, and several of the Republican Senators.

We feel strongly that the public interest test that the ICC has said will go with it to the Department of Transportation, we feel it would be an additional layer of regulation to add to the Department of Justice and to add the antitrust standards which we feel exists anyway, but it would be an unnecessary additional regulatory burden. We are trying to deregulate as much as possible. This amendment would put us not only into a pre-Staggers position, but we never had this much regulation.

Mr. President, we had a similar debate here. I stood in this very place during the consideration of the telecommunications bill, which is now in conference. We debated between the public interest, convenience and necessity standard used by the Federal Communications Commission regarding administrative law cases as opposed to adding an additional Department of Justice review of certain telecommunications, and it was the decision of this body on a rollcall vote not to have the Department of Justice review because it is another layer of regulation.

We are trying to deregulate wherever possible. We are trying in this bill to have a review but not a lot of bureaucracy.

With all due respect, I must strongly oppose the Dorgan amendment. I urge my colleagues to defeat it.

Mr. DORGAN. Mr. President, I greatly respect the opinions of the Senator from South Dakota. I said before, and let me say it again, I think he and Senator EXON and Senator HOLLINGS have done a great job of putting together a bill, and with the exception of my interest in improving it with this amendment, I think that the legislation that they have crafted has great merit.

I want to just respond to two points the Senator from South Dakota made. First of all, my amendment does not actually take the authority for approval and move it from the board and DOT over to the Justice Department. That is not what the amendment does.

The amendment, rather, gives the Justice Department the opportunity to apply the Clayton standard and then advise the Board at DOT of its conclusion with respect to whether this meets the Clayton standard, and requires the Board to give substantial deference to it. The decision will still be made by the Board. That is an important point.

The second point is, the Senator from South Dakota spoke of deregulation. I am probably much less a fan of deregulation than he or some others in this Chamber. There are certain areas in our country where regulation, I think, is critical, where, without regulation, you get price gouging, you get pricing outside of a free market that disadvantages consumers. I will give some examples of that.

While I say this, I am not opposed to all deregulation. Some of it has been

just fine. But the Senator from South Dakota and I come from States that are sparsely populated, and we often, especially in the area of transportation, suffer the consequences of a deregulated environment in which, without competition, they extract prices that are unreasonable.

I used an example of the airline industry in the Commerce Committee that the Senator from South Dakota will recall. I held up a picture of a big Holstein milk cow, called Salem Sue. It is the world's largest cow. It happens to be metal, but it is the largest cow. It sits on a hill about 25 or 30 miles from the airport in Bismarck, ND, if you drive down Interstate 94. I pointed out, if you get on a plane here in Washington, DC—and I admit, there are probably not a lot of folks who have an urgent desire to go see the world's largest cow just for the sake of going to see the largest cow—but if your desire is to go from Washington, DC, to see the world's largest Holstein cow, 30 miles from the Bismarck airport, you will pay more money for that trip than if you get on an airplane in Washington, DC, and fly to London to see Big Ben.

Or, let us decide you want to see Mickey Mouse and decide to fly to Disneyland in Los Angeles. You fly twice as far and pay half as much as getting on an airplane here and flying to Bismarck. Question: Why would that be? Answer: Because we do not have substantial competition. We do not have the kind of competition in the airline industry that you have if you are in Chicago or Los Angeles. There, if you show up at the airport you have dozens of choices, all competing against each other, and the result is attractive choices at lower prices. But, with deregulation in the airline industry, we have fewer carriers, fewer choices, and higher prices.

Now, deregulation is not always a boon to areas of the country that are sparsely populated. When you talk about deregulation with respect to railroad carriers, you must find a way, it seems to me, to provide protections for consumers. My concern about all of this is that the consumers be afforded an opportunity to have a price in the open market system or the free market system that is a fair price. We can foresee circumstances, and we have already seen some in this country, where the prices charged in areas where there is not substantial competition are prices far above those that should be charged.

I mentioned earlier that my amendment is not directed at any carrier or any company or any merger. I mentioned I was interested in the telecommunications legislation, and I rose to offer an amendment including the Department of Justice there. I also have been involved in similar issues.

About 3 weeks ago, I asked the Banking Committee in the Senate to hold hearings on bank mergers. This is not a newfound interest of mine. I was on a program awhile back and they asked me about my interests in having hearings on bank mergers. We were talking about a specific merger where two very large banks were combining and merging to be a much, much larger bank. They said, ''Does that not make sense? Two banks become one and you are able to get rid of a lot of overhead and lay off 6,000 or 8,000 people. Does it not make sense to be more efficient?''

I said, ''Following that logic, it makes sense to have only one bank in America, just one. That way you do not have any duplication. Of course, you do not have any competition either.''

Following this to its extreme, this notion of efficiency without caring much about what it does to the free marketplace and without caring much about what violation occurs to the issue of competition, I suppose you could make a case that in every industry the fewer companies the better, because the fewer companies the more efficient you are going to become. You can lay off people. Of course, it would not be very efficient for consumers, because you can then engage in predatory pricing and no one can do very much about it.

The point I am making is, I am not here because of a railroad or a merger. I have been involved in the issue of bank mergers, calling for hearings at the Senate Banking Committee in recent weeks on that. I have been on the floor on several other merger issues. I hope that the Senate will take a look at this and decide this makes sense. If it does not, at the next opportunity I will again raise this issue.

Frankly, there are not many people in the Senate, or the House, for that matter, who care to talk much about antitrust issues. First of all, it puts most people to sleep. You know, it is better than medicine to put people to sleep. Nobody cares much about it. Nobody understands it much. It is, to some people, just plain theory. But, if you are a shipper and you are somewhere along the line someplace and the company that has captured the competition and is now the only opportunity for you to ship says to you, ''By the way, here is my price; if you do not like it, tough luck,'' all of a sudden, this has more meaning than theory.

If you are a traveler on an airline and you have no competition when you used to, but now the only remaining carrier that bought its competition and became one says to you, ''By the way, here is my price; if you do not like it, do not travel,'' then this is more than theory.

That is what persuades me to believe that in a free market system, if you preach competition but do not care very much about whether meaningful competition exists, or whether we have adequate enforcement of antitrust standards, then in my judgment you do no favor to the free market economy.

I hope people will consider this on its merits and consider that it would be wise for our country and for public policy to ask that this legislation be amended with the amendment I have offered, along with Senator BOND.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, more than 3 years ago I began these daily reports to the Senate to make a matter of record the exact Federal debt as of close of business the previous day.

As of the close of business Tuesday, November 28, the Federal debt stood at exactly $4,989,008,629,825.32. On a per capita basis, every man, woman, and child in America owes $18,938.36 as his or her share of the Federal debt.

It is important to recall, Mr. President, that the Senate this year missed an opportunity to approve a balanced budget amendment to the U.S. Constitution. Regrettably, the Senate failed by one vote in that first attempt to bring the Federal debt under control.

There will be another opportunity in the months ahead to approve such a Constitutional amendment.

THE RETIREMENT OF WILLIAM F. RAINES, JR.

Mr. FORD. Mr. President, William F. Raines, Jr., the administrative assistant to the Architect of the Capitol, is retiring on November 30, 1995, after 43 years of Federal service. Bill began his career with the Office of the Architect of the Capitol as a personnel clerk in February 1956. He steadily advanced in various jobs and in October, 1973, was appointed to the position of administrative assistant to George M. White, the Architect of the Capitol.

As the Architect's administrative assistant, Bill was the management official responsible for that office's human resources, accounting, and procurement divisions and the flag office, and for oversight of the operations of the Senate Restaurants. He also served as the coordinator of the superintendents and supervising engineers of the various buildings under the Architect's jurisdiction, as well as the Capitol grounds. In addition to these duties, Bill acted as adviser and counselor to the Architect and, in effect, served as Mr. White's chief of staff.

Bill was born in Henderson, NC, and attended Henderson High School. He completed his studies at Henderson Business College in July 1955. Prior to his employment with the Architect's Office, Bill worked for Southeastern Construction Co. and Harriet Cotton Mills. He served with the U.S. Coast Guard from February 1952, to August 1954.

Throughout his 43 years of Federal service and especially during the 40 years he served in the Office of the Architect of the Capitol, Bill Raines has distinguished himself as an excellent employee. He has received numerous letters of appreciation and recognition which attest to this fact. His dedication to fulfilling his duties and responsibilities and the exemplary professional manner in which he served will stand as a lasting memory for those who worked with him.

On behalf of Chairman WARNER and the members of the Rules Committee, I wish to extend to Bill Raines our gratitude for his years of service. To Bill and his wife, Myrtle, we extend our best wishes and good health in their retirement years.

20TH ANNIVERSARY OF IDEA

Mr. KENNEDY. Mr. President, today marks the 20th anniversary of the Education for All Handicapped Children Act, now known as the Individuals with Disabilities Education Act (IDEA). I was proud to serve on the committee that approved IDEA in 1975, and I am proud of its successes in the past two decades.

For millions of children with disabilities, IDEA has meant the difference between exclusion and participation, between dependence and independence, between lost potential and learning.

Before IDEA was enacted in 1975, young people with disabilities were often shut away and condemned to life without hope. In 1975, 4 million handicapped children did not receive the help they needed to succeed in school—either because their disabilities were undetected or because schools did not offer the services they needed. Virtually no disabled preschoolers received services. A million school-aged children with disabilities were excluded from public school.

Now, as a result of IDEA, every State in the Nation offers a free appropriate public education to the 5 million children with disabilities, and provides early intervention services to infants and toddlers with disabilities.

In the early 1970's, 95,000 children with disabilities lived in institutional settings. Today, fewer than 6,000 are institutionalized.

Only 33 percent of people with disabilities who grew up before IDEA were competitively employed within 5 years after leaving school. Today, nearly 60 percent of young men and women with disabilities become productive, taxpaying members of society.

In some respects, as we know, IDEA has fallen short. Too many students with disabilities drop out of school and have a high risk of unemployment. Some get in trouble with the law and spend a significant amount of time in jail. Enrollment of students with disabilities in college is still too low.

We need to be more vigilant in our mission to make sure that all these children grow up with the skills they need to get a job and live independently.

Legislation to reauthorize IDEA will be considered by Congress in the coming months, and I look forward to working closely with colleagues on both sides of the aisle to achieve these important goals. The best way for all of us to honor the law's success is to rededicate ourselves to making it even more effective in the future.

YELLOWSTONE COUNTY DUI TASK FORCE

Mr. BAUCUS. Mr. President, I am pleased to take this opportunity to recognize the Yellowstone County DUI task force in my State, Montana. They have been selected by the National Commission Against Drunk Driving to receive their eleventh annual citizen activist award on December 4, 1995.

The accomplishments of the Yellowstone County DUI task force are twofold. Not only did they continue their educational activities, they also worked with State leaders to form a legislative agenda to curb drunk driving. The results of their efforts are apparent. Our State now boasts the most comprehensive DUI legislative package ever passed in a single legislative session.

I would also like to recognize three members of the Yellowstone County DUI task force who were instrumental in bringing about their organization's accomplishments: Diane Stanley, Peter Stanley, and Angie Bentz. They, along with many other tireless workers, have earned the recognition of this body. Congratulations and good work.

THE DEATH OF THE REVEREND DR. RICHARD C. HALVERSON

Mr. HEFLIN. Mr. President, our long-time Senate Chaplain and dear friend, Dr. Richard C. Halverson, has passed away, just 8½ months after his retirement. He retired in March, after more than 14 years of distinguished service to this body. During his tenure as our Chaplain, Dr. Halverson proved himself over and over again not only to be a comforting spiritual guide, but an understanding, knowledgeable counselor. His ministry and support helped us immeasurably as we wrestled with difficult personal, political and policy issues.

Dick Halverson was superb at arranging for guest Chaplains, thereby giving wide representations to the many diverse religious faiths and denominations in our Nation. As Chaplain, he provided pastoral services for Members and our staffs—in particular to staffs, policemen. Every conceivable person that worked in the Senate felt his influence, knew him as a friend. He was a tremendous help to them in their personal problems. His soothing countenance and understanding manner made us feel more at home here in Washington.

Sworn in on February 2, 1981, the Reverend Dr. Richard Halverson was the 60th Senate Chaplain. A native of North Dakota, he was a graduate of Wheaton College and the Princeton Theological Seminary. He held honorary doctoral degrees from Wheaton and Gordon Colleges, and served churches in Kansas City, MO; Coalinga and Hollywood, CA; and for 23 years at his last pastorate at the Fourth Presbyterian Church in Bethesda, MD.

Dr. Halverson was deeply involved as an associate in the international prayer breakfast movement in Washington, and I had the personal pleasure of working directly with him on this project during the time he served here in the Senate. He was involved with the prayer breakfast for almost 40 years. He also served as chairman of the board of World Vision and president of Concern Ministries, and authored several books, including ''A Day at a Time,'' ''Be Yourself . . . and God's,'' ''Between Sundays,'' ''No Greater Power,'' and ''We the People.''

Richard Halverson was an outstanding example of why the Senate has always had a chaplain. He was completely devoted to the Senate and we are grateful for his many years of service. We appreciate him, we will miss him, and we extend our sincerest condolences to his wife Doris, his son Chris, and all their family. Dr. Halverson left his mark on this body, and it is not the same without him. The Senate is better for having had his guidance and wisdom for 14 years, and the Nation and world are better for having had him for all the years of his life. He was a true blessing.

TRIBUTE TO CHAPLAIN HALVERSON

Mr. HATFIELD. Mr. President, last night the U.S. Senate lost one of its greatest servants. Dr. Halverson left us in bodily presence but his spiritual legacy will remain eternal. For 14 years, Dr. Halverson provided guidance and counsel to the Senate as its Chaplain, continually reminding us of the true meaning of leadership. For Dr. Halverson a true leader was first a servant. He reminded us each and every day, as he strolled these halls, of what it means to serve the people around you.

I have said before that Dr. Halverson was one of the most Christlike men I have ever known, and today that sentiment has not changed. Even in failing health, he continued his ministries right to the very end. Those of you who remember him, recall his humble spirit, his compassionate heart, and his penetrating intellect. All of these qualities were supplemented with an uncanny ability to address complex issues with an insightful simplicity that cut to the core of an issue, illuminating the vital components so that even a child could understand.

Dr. Halverson will be profoundly missed. He will be missed by the Senators, but this mournful occasion will impact all who are involved in the business of Congress. Dr. Halverson was not just a pastor to the hundred men and women who serve in this body, but he was a pastor to the police officers, to the custodians, to the food servce workers, to everyone who was fortunate to cross his path. He ministered to all he encountered, indiscriminate of position, background, and stature. He genuinely loved everyone. I cannot recall him ever uttering an ill word toward anyone.

I am deeply saddened by this great loss. Dr. Halverson was my close friend

and brother. Now, Dr. Halverson is experiencing joy and happiness incomprehensible to those of us here on Earth. But until I see him again, I will miss this good and faithful servant. I will miss his warm greetings. I will miss his thoughtful prayers. I will miss his example of humility. Most of all, I will miss being his friend.

PAYING TRIBUTE TO THE LATE REV. RICHARD HALVERSON

Mr. THURMOND. Mr. President, our Senate family lost one of our finest and most respected members yesterday with the passing of the former Senate Chaplain, Reverend Richard Halverson.

As many in this body know, Reverend Halverson ministered to the spiritual needs of Senators, our families, and our staffs for many years. A man who was deeply devoted to his duties as a servant of God, and to his congregation, Reverend Halverson selflessly served the Senate and the Lord almost literally to the end of his life. Despite a lingering illness in his later years, the Reverend was never too tired or sick to spend time with someone who required his guidance and counsel. He was a man who always had a kind word and a positive thought to share with us. I remember, Reverend Halverson would often clip newspaper and magazine articles that he felt were particularly relevant to the issues of religion and morality and send them to Members. Along with these articles, he would include a thoughtful note offering his opinion on the author's thesis, a gesture that not only reminded us that the Reverend was looking after our spiritual well being, but that there are laws and directives as important as those found in the Constitution and code books that should dictate our behavior and conduct as leaders of the Nation. Reverend Halverson was so committed to the cause of restoring and maintaining righteousness in America, he was the only natural choice to author the foreward to the book Right vs. Wrong, written by my good friend and former Chief of Staff, Harry Dent.

I had the pleasure of knowing Reverend Halverson throughout his entire tenure in the Senate, and I can attest that he was one of the most faithful, capable, and dedicated Chaplains to have served the United States Senate. Those of us who were here when Reverend Halverson retired last year felt this Chamber had lost a friend, those of us who are here today know the world has lost a kind and compassionate man.

Reverend Halverson is survived by his wife Doris, and I hope that she knows that each of us joins her in mourning the loss of her husband. While her husband and our friend is gone, he has left a little something of himself with those who knew him and we will never forget the service he rendered, or the man he was.

TRIBUTE TO DR. RICHARD HALVERSON

Mr. COATS. Madam President, 60 years ago, during the holiday season that we are now celebrating, a young man by the name of Richard Halverson, fresh from the humble upbringing in North Dakota, found himself discouraged and lonely in Hollywood, CA—discouraged by his struggles to become an actor, and lonely as he was away from home during Christmas for the first time in his 19 years of life. It was then that Dick Halverson heard a call from the Lord—first, to believe and follow God, and then to preach the Lord's gospel and minister to all who had the great fortune of knowing him.

In 1988, I was privileged to be appointed to the U.S. Senate, filling the vacancy created by the election of then Senator Dan Quayle to the Vice Presidency. Several thoughts occurred to me and my family at that moment, but one of the greatest was that I would have the privilege of serving in the same institution where Rev. Dick Halverson served as Chaplain. My admiration for Dr. Halverson extended then and now beyond the fact that we graduated from the same institution, Wheaton College. My respect for Dick Halverson is based on the way he lived his life every day in humble service to his God.

The American public primarily saw Chaplain Halverson in the role of opening each Senate session with prayer. As he prepared those invocations each day, Pastor Halverson prayed that God would give him the wisdom to speak the Lord's truth in what is known as the world's greatest deliberative body. Without touching on specific bills or legislation, Dr. Halverson prayed that God would lead Members of the Senate in reasoned, respectful debate.

For example, Chaplain Halverson prayed here on the Senate floor, ''God of our fathers, if we separate morality from politics, we imperil our Nation and threaten self-destruction. Imperial Rome was not defeated by an enemy from without; it was destroyed by moral decay from within. Mighty God, over and over again you warned your people, Israel, that righteousness is essential to national health.'' Words of wisdom from a man of great wisdom.

Those of us privileged to know Dr. Halverson also experienced the dedicated and loving service he provided away from the lights of the Senate floor. Washington, DC, is one of the toughest, most intense places anybody can live, especially for those of us who work on Capitol Hill. From overloaded Senate schedules to endless traffic jams, Washington can grind even the strongest individuals—which I think is one of the reasons God gave us Dick Halverson.

Pastor Halverson used to say, ''I never try to be in a hurry.'' While all of us would scurry around from scheduled event to scheduled event, Chaplain Halverson lived that phrase, ''I never try to be in a hurry.'' And he slowed us down. A smile, a hand on the arm, a twinkle in his eye, and the words ''God bless you'' were delivered literally thousands, if not tens of thousands of times to Members of this body.

While our lives can be filled with stress and strife, it was Chaplain Halverson who always had the time to walk back with us to our office, chat with us on the telephone, and when necessary counsel us through our deepest struggles.

The real greatness of Dick Halverson, however, was exhibited in the ways that he provided this selfless service, not just to those of us privileged to serve as elected officials here in the U.S. Senate, but to all who crossed his doorstep or came upon his path. Just ask the Senate staffers, just ask the security guards, just ask the custodians, just ask the cooks in the kitchens, all of whom Dick Halverson knew on a first-name basis.

For Pastor Halverson, we are created equal in the sight of God. Each person is equally important and equally significant. Each personal need conveyed to him by others was serious and substantial regardless of who it was who conveyed that need. Our loss is great and our prayers are with his surviving family.

But for Richard Halverson this is a new day. He has left his post in his Nation's Government to sit in the throne room of the King. He has fought the good fight. He has finished the race and he kept the faith.

Chaplain Halverson once described himself as ''a servant to the public servants.'' Because he served his role so well, we know today with confidence that Dick Halverson is hearing those loving words from the Lord Almighty, ''Well done, good and faithful servant.''

I yield the floor. 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. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

BILL PLACED ON CALENDAR—S. 1432

Mr. LOTT. Madam President, I understand there is a bill on the calendar that is due for its second reading.

The PRESIDING OFFICER. The Senator is correct.

The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1432) to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the Social Security earnings limit for individuals who have attained retirement age, and for other purposes.

Mr. LOTT. I object to further consideration of this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

UNANIMOUS-CONSENT AGREEMENT—H.R. 1058

Mr. LOTT. Madam President, I ask unanimous consent that at 9:30 a.m. on Tuesday, December 5, the Senate receive the conference report to accompany H.R. 1058, the securities litigation bill, and it be considered under the following time agreement: 8 hours equally divided in the usual manner between the chairman and the ranking minority member of the Banking Committee or their designee, with 15 minutes of the majority time under the control of Senator SPECTER, and that following the conclusion or yielding back of time, the Senate proceed to vote on the conference report without any intervening action or debate.

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

RESOLUTION RELATIVE TO THE DEATH OF THE REV. RICHARD HALVERSON, LATE THE CHAPLAIN OF THE U.S. SENATE

Mr. LOTT. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Resolution 196, submitted earlier today by Senators DOLE and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Whereas, the Reverend Dr. Richard Halverson became the 60th Senate Chaplain on February 2, 1981, and faithfully served the Senate for 14 years as Senate Chaplain;

Whereas, Dr. Halverson for more than 40 years was an associate in the International Prayer Breakfast Movement and Chairman of the Board of World Vision and President of Concerned Ministries;

Whereas, Dr. Halverson was the author of several books, including ''A Day at a Time'', ''No Greater Power'', ''We the People'', and ''Be Yourself. . .and God's''; and

Whereas, Dr. Halverson was graduated from Wheaton College and Princeton Theological Seminary, and served as a Presbyterian minister throughout his professional life, including being the senior pastor at Fourth Presbyterian Church of Bethesda, Maryland: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Reverend Dr. Richard Halverson, late the Chaplain of the United States Senate.

Resolved, That the Secretary transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses or adjourns today, it recess or adjourn as a further mark of respect to the memory of the deceased.

Mr. LOTT. Madam President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table and any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 196) was agreed to.

The preamble was agreed to.

SADDLEBACK MOUNTAIN-ARIZONA SETTLEMENT ACT

Mr. LOTT. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 245, S. 1341.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1341) to provide for the transfer of certain lands to the Salt River Pima-Maricopa Indian Community and the city of Scottsdale, Arizona, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Saddleback Mountain-Arizona Settlement Act of 1995''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Salt River Pima-Maricopa Indian Community and the city of Scottsdale, Arizona, have a longstanding interest in a 701-acre tract of land known as the ''Saddleback Property'', that lies within the boundaries of the City and abuts the north boundary of the Salt River Pima-Maricopa Indian Reservation;

(2) the Saddleback Property includes Saddleback Mountain and scenic hilly terrain along the Shea Boulevard corridor in Scottsdale, Arizona, that—

(A) has significant conservation value; and

(B) is of historic and cultural significance to the Community;

(3) in 1989, the Resolution Trust Corporation acquired the Saddleback Property as a receiver for the Sun City Savings and Loan Association;

(4) after the Saddleback Property was noticed for sale by the Resolution Trust Corporation, a dispute between the Community and the City arose concerning the future ownership, use, and development of the Saddleback Property;

(5) the Community and the City each filed litigation with respect to that dispute, but in lieu of pursuing that litigation, the Community and the City negotiated a Settlement Agreement that—

(A) addresses the concerns of each of those parties with respect to the future use and development of the Saddleback Property; and

(B) provides for the dismissal of the litigation;

(6) under the Settlement Agreement, subject to detailed use and development agreements—

(A) the Community will purchase a portion of the Saddleback Property; and

(B) the City will purchase the remaining portion of that property; and

(7) the Community and the City agree that the enactment of legislation by Congress to ratify the Settlement Agreement is necessary in order for—

(A) the Settlement Agreement to become effective; and

(B) the United States to take into trust the property referred to in paragraph (6)(A) and make that property a part of the Reservation.

(b) PURPOSES.—The purposes of this Act are—

(1) to approve and confirm the Settlement, Release, and Property Conveyance Agreement executed by the Community, the City, and the Resolution Trust Corporation;

(2) to ensure that the Settlement Agreement (including the Development Agreement, the Use Agreement, and all other associated ancillary agreements and exhibits)—

(A) is carried out; and

(B) is fully enforceable in accordance with its terms, including judicial remedies and binding arbitration provisions; and

(3) to provide for the taking into trust by the United States of the portion of the Saddleback Property purchased by the Community in order to make that portion a part of the Reservation.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) CITY.—The term ''City'' means the city of Scottsdale, Arizona, which is a municipal corporation in the State of Arizona.

(2) COMMUNITY.—The term ''Community'' means the Salt River Pima-Maricopa Indian Community, which is a federally recognized Indian tribe.

(3) DEDICATION PROPERTY.—The term ''Dedication Property'' means a portion of the Saddleback Property, consisting of approximately 27 acres of such property, that the City will acquire in accordance with the Settlement Agreement.

(4) DEVELOPMENT AGREEMENT.—The term ''Development Agreement'' means the agreement between the City and the Community, executed on September 11, 1995, that sets forth conditions and restrictions that—

(A) are supplemental to the Settlement, Release and Property Conveyance Agreement referred to in paragraph (11)(A); and

(B) apply to the future use and development of the Development Property.

(5) DEVELOPMENT PROPERTY.—The term ''Development Property'' means a portion of the Saddleback Property, consisting of approximately 211 acres, that the Community will acquire in accordance with the Settlement Agreement.

(6) MOUNTAIN PROPERTY.—The term ''Mountain Property'' means a portion of the Saddleback Property, consisting of approximately 365 acres, that the Community will acquire in accordance with the Settlement Agreement.

(7) PRESERVATION PROPERTY.—The term ''Preservation Property'' means a portion of the Saddleback Property, consisting of approximately 98 acres, that the City will acquire in accordance with the Settlement Agreement.

(8) RESERVATION.—The term ''Reservation'' means the Salt River Pima-Maricopa Indian Reservation.

(9) SADDLEBACK PROPERTY.—The term ''Saddleback Property'' means a tract of land that—

(A) consists of approximately 701 acres within the city of Scottsdale, Arizona; and

(B) includes the Dedication Property, the Development Property, the Mountain Property, and the Preservation Property.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(11) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement''—

(A) means the Settlement, Release and Property Conveyance Agreement executed on September 11, 1995, by the Community,

the City, and the Resolution Trust Corporation (in its capacity as the Receiver for the Sun State Savings and Loan Association, F.S.A.); and

(B) includes the Development Agreement, the Use Agreement, and all other associated ancillary agreements and exhibits.

(12) USE AGREEMENT.—The term ''Use Agreement'' means the agreement between the City and the Community, executed on September 11, 1995, that sets forth conditions and restrictions that—

(A) are supplemental to the Settlement, Release and Property Conveyance Agreement referred to in paragraph (11)(A); and

(B) apply to the future use and development of the Mountain Property.

SEC. 4. APPROVAL OF AGREEMENT.

The Settlement Agreement is hereby approved and ratified and shall be fully enforceable in accordance with its terms and the provisions of this Act.

SEC. 5. TRANSFER OF PROPERTIES.

(a) IN GENERAL.—Upon satisfaction of all conditions to closing set forth in the Settlement Agreement, the Resolution Trust Corporation shall transfer, pursuant to the terms of the Settlement Agreement—

(1) to the Secretary, the Mountain Property and the Development Property purchased by the Community from the Resolution Trust Corporation; and

(2) to the City, the Preservation Property and the Dedication Property purchased by the City from the Resolution Trust Corporation.

(b) TRUST STATUS.—The Mountain Property and the Development Property transferred pursuant to subsection (a)(1) shall, subject to sections 6 and 7—

(1) be held in trust by the United States for the Community; and

(2) become part of the Reservation.

(c) LIMITATION ON LIABILITY.—Notwithstanding any other provision of law, the United States shall not incur any liability for conditions, existing prior to the transfer, on the parcels of land referred to in subsection (b) to be transferred to the United States in trust for the Salt River Pima-Maricopa Indian Community.

[(c)] *(d)* RECORDS.—Upon the satisfaction of all of the conditions of closing set forth in the Settlement Agreement, the Secretary shall file a plat of survey depicting the Saddleback Property (that includes a depiction of the Dedication Property, the Development Property, the Mountain Property, and the Preservation Property) with—

(1) the office of the Recorder of Maricopa County, Arizona; and

(2) the Titles and Records Center of the Bureau of Indian Affairs, located in Albuquerque, New Mexico.

SEC. 6. LIMITATIONS ON USE AND DEVELOPMENT.

Upon the satisfaction of all of the conditions of closing set forth in the Settlement Agreement, the properties transferred pursuant to paragraphs (1) and (2) of section 5(a) shall be subject to the following limitations and conditions on use and development:

(1) PRESERVATION PROPERTY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Preservation Property shall be forever preserved in its natural state for use only as a public park or recreation area that shall—

(i) be utilized and maintained for the purposes set forth in section 4(C) of the Settlement Agreement; and

(ii) be subject to the restrictions set forth in section 4(C) of the Settlement Agreement.

(B) SHEA BOULEVARD.—At the sole discretion of the City, a portion of the Preservation Property may be used to widen, reconfigure, repair, or reengineer Shea Boulevard in accordance with section 4(D) of the Settlement Agreement.

(2) DEDICATION PROPERTY.—The Dedication Property shall be used to widen, reconfigure, repair, or reengineer Shea Boulevard and 136th Street, in accordance with sections 4(D) and 7 of the Settlement Agreement.

(3) MOUNTAIN PROPERTY.—Except for the areas in the Mountain Property referred to as Special Cultural Land in section 5(C) of the Settlement Agreement, the Mountain Property shall be forever preserved in its natural state for use only as a public park or recreation area that shall—

(A) be utilized and maintained for the purposes set forth in section 5(C) of the Settlement Agreement; and

(B) be subject to the restrictions set forth in section 5(C) of the Settlement Agreement.

(4) DEVELOPMENT PROPERTY.—The Development Property shall be used and developed for the economic benefit of the Community in accordance with the provisions of the Settlement Agreement and the Development Agreement.

SEC. 7. AMENDMENTS TO THE SETTLEMENT AGREEMENT.

No amendment made to the Settlement Agreement (including any deviation from an approved plan described in section 9(B) of the Settlement Agreement) shall become effective, unless the amendment—

(1) is made in accordance with the applicable requirements relating to the form and approval of the amendment under sections 9(B) and 34 of the Settlement Agreement; and

(2) is consistent with the provisions of this Act.

Mr. MCCAIN. Mr. President, I rise in support of S. 1341, the Saddleback Mountain-Arizona Settlement Act of 1995.

I was very pleased to join with Senator KYL in sponsoring this legislation. Its purpose is to approve an agreement to settle a dispute between the Salt River Pima-Maricopa Indian community and the city of Scottsdale, AZ, over 701 acres of land known as the Saddleback property. This property is currently held by the Resolution Trust Corporation.

The Saddleback property is located in the easternmost part of Scottsdale, abuts 1.7 miles of the northern boundary of the Salt River Indian Reservation, and is undeveloped. Its most distinctive feature is Saddleback Mountain, a striking natural landmark that rises abruptly from the desert floor to a height of 900 feet. Due to its location, high conservation value and other special features, the property's use and disposition are of major importance both to the community and the city.

A dispute arose after the Resolution Trust Corporation, in its capacity as the receiver for the Sun State Savings & Loan Association, acquired the Saddleback property in 1989 and subsequently noticed it for sale. The community submitted the highest cash bid for the property, $6,500,000, conditioned upon being able to develop the flat portion of the property. the city, concerned about the direction that development of the property by the community might follow, sued the Resolution Trust Corporation to acquire the property by eminent domain. The Resolution Trust Corporation then rejected all auction sale bids and determined to transfer the property to Scottsdale through the eminent domain litigation. The community thereupon filed civil rights actions against the city and the Resolution Trust Corporation, seeking damages.

Rather than pursue the litigation, the city, the community and the Resolution Trust Corporation sought to resolve their dispute through negotiation. The result of their efforts is a settlement agreement under which the Resolution Trust Corporation will sell the property to Scottsdale and the community for a total of $6,500,000. The city will pay $636,000 to acquire approximately 98 acres for preservation and 27 acres for future expansion of an important traffic artery, Shea Boulevard. The community will pay $5,864,000 to acquire 576 acres adjoining its reservation, and this land will be added to its reservation. The two lawsuits, which are pending in the U.S. District Court for the District of Arizona, will be dismissed.

Under the settlement agreement, 365 acres of the property to be acquired by the community, including Saddleback Mountain, will be forever preserved in its natural state for use only as a public park and recreation area. Except for a limited number of sites that are of particular historical and cultural significance to the community, the public will have free access to this area. Together with the preservation property to be acquired by the city, it will be jointly managed by the city and the community. The remaining 211 acres to be acquired by the community will be subject to a detailed development agreement with the city, as well as the limitations and restrictions of current community zoning laws.

Enactment of S. 1341 will eliminate any ambiguity as to the enforceability of the settlement agreement, and will ensure that the lands purchased by the Salt River Indian Community will be held in trust by the United States as part of the Salt River Reservation.

The sale of the Saddleback property to the Indian community and the city will realize $6.5 million for the taxpayers, less any closing costs incurred by the Resolution Trust Corporation. No new authorization or expenditure of Federal funds is needed and none is provided by S. 1341.

The Committee on Indian Affairs held a hearing on S. 1341 on October 26, 1995, and on November 7, by voice vote, ordered the bill reported with an amendment. As amended, the bill has the unqualified support of the administration as well as the Salt River Pima-Maricopa Indian community and the city of Scottsdale.

The Saddleback settlement reflects what President Lincoln referred to as the better angels of our nature. Rather than spend time and money on acrimonious litigation, the leaders of the tribal and city governments emphasized their common interests and negotiated their differences in good faith as neighbors. The enhanced mutual respect resulting from this cooperation is a significant byproduct of their efforts.

In particular, I congratulate Ivan Makil, the President of the Salt Water Pima-Maricopa Indian community, and Herb Drinkwater, the mayor of Scottsdale, and their respective councils, for their enlightened leadership in resolving the questions and issues involving the Saddleback property.

As a result of their collective efforts, Saddleback Mountain will be preserved in its natural state in a park setting within what is a rapidly developing urban area. For generations to come, citizens of every stripe will be able to appreciate and enjoy this unique natural monument. Similarly, the Salt River Indian community is assured of always being able to preserve and protect the historic and cultural areas of the mountain that are of great significance to its members.

The Saddleback settlement is a victory for common sense and civility. It is irrefutable evidence that good will and mutual respect are key to finding win-win solutions to complex problems. S. 1341 confirms this victory and this evidence. I strongly urge the Senate to approve it.

Mr. LOTT. I ask unanimous consent the committee amendments be agreed to, the bill be deemed read a third time and passed as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed in the RECORD at the appropriate place.

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

The bill (S. 1341), as amended, was deemed read a third time and passed, as follows:

S. 1341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Saddleback Mountain-Arizona Settlement Act of 1995''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Salt River Pima-Maricopa Indian Community and the city of Scottsdale, Arizona, have a longstanding interest in a 701-acre tract of land known as the ''Saddleback Property'', that lies within the boundaries of the City and abuts the north boundary of the Salt River Pima-Maricopa Indian Reservation;

(2) the Saddleback Property includes Saddleback Mountain and scenic hilly terrain along the Shea Boulevard corridor in Scottsdale, Arizona, that—

(A) has significant conservation value; and

(B) is of historic and cultural significance to the Community;

(3) in 1989, the Resolution Trust Corporation acquired the Saddleback Property as a receiver for the Sun City Savings and Loan Association;

(4) after the Saddleback Property was noticed for sale by the Resolution Trust Corporation, a dispute between the Community and the City arose concerning the future ownership, use, and development of the Saddleback Property;

(5) the Community and the City each filed litigation with respect to that dispute, but in lieu of pursuing that litigation, the Community and the City negotiated a Settlement Agreement that—

(A) addresses the concerns of each of those parties with respect to the future use and development of the Saddleback Property; and

(B) provides for the dismissal of the litigation;

(6) under the Settlement Agreement, subject to detailed use and development agreements—

(A) the Community will purchase a portion of the Saddleback Property; and

(B) the City will purchase the remaining portion of that property; and

(7) the Community and the City agree that the enactment of legislation by Congress to ratify the Settlement Agreement is necessary in order for—

(A) the Settlement Agreement to become effective; and

(B) the United States to take into trust the property referred to in paragraph (6)(A) and make that property a part of the Reservation.

(b) PURPOSES.—The purposes of this Act are—

(1) to approve and confirm the Settlement, Release, and Property Conveyance Agreement executed by the Community, the City, and the Resolution Trust Corporation;

(2) to ensure that the Settlement Agreement (including the Development Agreement, the Use Agreement, and all other associated ancillary agreements and exhibits)—

(A) is carried out; and

(B) is fully enforceable in accordance with its terms, including judicial remedies and binding arbitration provisions; and

(3) to provide for the taking into trust by the United States of the portion of the Saddleback Property purchased by the Community in order to make that portion a part of the Reservation.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) CITY.—The term ''City'' means the city of Scottsdale, Arizona, which is a municipal corporation in the State of Arizona.

(2) COMMUNITY.—The term ''Community'' means the Salt River Pima-Maricopa Indian Community, which is a federally recognized Indian tribe.

(3) DEDICATION PROPERTY.—The term ''Dedication Property'' means a portion of the Saddleback Property, consisting of approximately 27 acres of such property, that the City will acquire in accordance with the Settlement Agreement.

(4) DEVELOPMENT AGREEMENT.—The term ''Development Agreement'' means the agreement between the City and the Community, executed on September 11, 1995, that sets forth conditions and restrictions that—

(A) are supplemental to the Settlement, Release and Property Conveyance Agreement referred to in paragraph (11)(A); and

(B) apply to the future use and development of the Development Property.

(5) DEVELOPMENT PROPERTY.—The term ''Development Property'' means a portion of the Saddleback Property, consisting of approximately 211 acres, that the Community will acquire in accordance with the Settlement Agreement.

(6) MOUNTAIN PROPERTY.—The term ''Mountain Property'' means a portion of the Saddleback Property, consisting of approximately 365 acres, that the Community will acquire in accordance with the Settlement Agreement.

(7) PRESERVATION PROPERTY.—The term ''Preservation Property'' means a portion of the Saddleback Property, consisting of approximately 98 acres, that the City will acquire in accordance with the Settlement Agreement.

(8) RESERVATION.—The term ''Reservation'' means the Salt River Pima-Maricopa Indian Reservation.

(9) SADDLEBACK PROPERTY.—The term ''Saddleback Property'' means a tract of land that—

(A) consists of approximately 701 acres within the city of Scottsdale, Arizona; and

(B) includes the Dedication Property, the Development Property, the Mountain Property, and the Preservation Property.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(11) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement''—

(A) means the Settlement, Release and Property Conveyance Agreement executed on September 11, 1995, by the Community, the City, and the Resolution Trust Corporation (in its capacity as the Receiver for the Sun State Savings and Loan Association, F.S.A.); and

(B) includes the Development Agreement, the Use Agreement, and all other associated ancillary agreements and exhibits.

(12) USE AGREEMENT.—The term ''Use Agreement'' means the agreement between the City and the Community, executed on September 11, 1995, that sets forth conditions and restrictions that—

(A) are supplemental to the Settlement, Release and Property Conveyance Agreement referred to in paragraph (11)(A); and

(B) apply to the future use and development of the Mountain Property.

SEC. 4. APPROVAL OF AGREEMENT.

The Settlement Agreement is hereby approved and ratified and shall be fully enforceable in accordance with its terms and the provisions of this Act.

SEC. 5. TRANSFER OF PROPERTIES.

(a) IN GENERAL.—Upon satisfaction of all conditions to closing set forth in the Settlement Agreement, the Resolution Trust Corporation shall transfer, pursuant to the terms of the Settlement Agreement—

(1) to the Secretary, the Mountain Property and the Development Property purchased by the Community from the Resolution Trust Corporation; and

(2) to the City, the Preservation Property and the Dedication Property purchased by the City from the Resolution Trust Corporation.

(b) TRUST STATUS.—The Mountain Property and the Development Property transferred pursuant to subsection (a)(1) shall, subject to sections 6 and 7—

(1) be held in trust by the United States for the Community; and

(2) become part of the Reservation.

(c) LIMITATION ON LIABILITY.—Notwithstanding any other provision of law, the United States shall not incur any liability for conditions, existing prior to the transfer, on the parcels of land referred to in subsection (b) to be transferred to the United States in trust for the Salt River Pima-Maricopa Indian Community.

(d) RECORDS.—Upon the satisfaction of all of the conditions of closing set forth in the Settlement Agreement, the Secretary shall file a plat of survey depicting the Saddleback Property (that includes a depiction of the Dedication Property, the Development Property, the Mountain Property, and the Preservation Property) with—

(1) the office of the Recorder of Maricopa County, Arizona; and

(2) the Titles and Records Center of the Bureau of Indian Affairs, located in Albuquerque, New Mexico.

SEC. 6. LIMITATIONS ON USE AND DEVELOPMENT.

Upon the satisfaction of all of the conditions of closing set forth in the Settlement Agreement, the properties transferred pursuant to paragraphs (1) and (2) of section 5(a) shall be subject to the following limitations and conditions on use and development:

(1) PRESERVATION PROPERTY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Preservation Property shall be forever preserved in its natural state for use only as a public park or recreation area that shall—

(i) be utilized and maintained for the purposes set forth in section 4(C) of the Settlement Agreement; and

(ii) be subject to the restrictions set forth in section 4(C) of the Settlement Agreement.

(B) SHEA BOULEVARD.—At the sole discretion of the City, a portion of the Preservation Property may be used to widen, reconfigure, repair, or reengineer Shea Boulevard in accordance with section 4(D) of the Settlement Agreement.

(2) DEDICATION PROPERTY.—The Dedication Property shall be used to widen, reconfigure, repair, or reengineer Shea Boulevard and 136th Street, in accordance with sections 4(D) and 7 of the Settlement Agreement.

(3) MOUNTAIN PROPERTY.—Except for the areas in the Mountain Property referred to as Special Cultural Land in section 5(C) of the Settlement Agreement, the Mountain Property shall be forever preserved in its natural state for use only as a public park or recreation area that shall—

(A) be utilized and maintained for the purposes set forth in section 5(C) of the Settlement Agreement; and

(B) be subject to the restrictions set forth in section 5(C) of the Settlement Agreement.

(4) DEVELOPMENT PROPERTY.—The Development Property shall be used and developed for the economic benefit of the Community in accordance with the provisions of the Settlement Agreement and the Development Agreement.

SEC. 7. AMENDMENTS TO THE SETTLEMENT AGREEMENT.

No amendment made to the Settlement Agreement (including any deviation from an approved plan described in section 9(B) of the Settlement Agreement) shall become effective, unless the amendment—

(1) is made in accordance with the applicable requirements relating to the form and approval of the amendment under sections 9(B) and 34 of the Settlement Agreement; and

(2) is consistent with the provisions of this Act.

PHILANTHROPY PROTECTION ACT

Mr. LOTT. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 2519, just received from the House.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2519) to facilitate contributions to charitable organizations by codifying certain exemptions from the Federal securities laws, and for other purposes.

The Senate proceeded to consider the bill.

Mr. PRESSLER. Madam President, I am pleased that the Senate today is taking action on H.R. 2519, the Philanthropy Protection Act, and H.R. 2525, the Charitable Gift Annuity Anti-trust Relief Act. Both bills are very important to our Nation's charitable organizations. These bills deserve our full support.

America's charities are America's inspiration. They serve those in physical and spiritual distress. They educate our children and adults so that they can become self-sufficient. They enrich our lives through music and the arts. They seek cures for diseases that plague humanity. They encourage the preservation of our environment. As our Government finally begins to tighten its fiscal belt, America's charities will be expected to assume an even greater responsibility. As they have done on so many occasions during war and peace, depression and prosperity, America's charities are prepared to answer the call for assistance.

America's charities are a vital foundation of our Nation. However, today, they are under unwarranted and life-threatening assault. As many of my colleagues know, an ominous class action lawsuit in a Federal court in Texas has put American philanthropy in jeopardy. Specifically, this lawsuit disingenuously attempts to apply securities and antitrust laws meant to govern commercial enterprises to fundraising and money-management techniques of charities. This is an application of Federal law never contemplated by Congress.

This lawsuit has been an issue of great concern to this Congress. To their credit, my friends and colleagues from Texas and Connecticut, Senators HUTCHISON and DODD, identified this problem early on and introduced S. 978 to address the issues raised in the lawsuit and clarify the role of the securities laws and the antitrust laws with respect to charitable organizations. I am pleased to be one of a number of bipartisan cosponsors of this legislation. I am even more pleased that the Senate is taking action to pass this legislation. Quick action to enact this legislation would free donors to make year-end gifts without fear of becoming entangled in a stressful, costly lawsuit. Further, enactment of this bill would free charities to do what they do best: serve the people of America. With the beginning of the holiday season—the peak period of charitable giving—passage of this bill could not have come at a better time.

I also would like to commend our colleagues in the House of Representatives. They took action last night and passed both H.R. 2519 and H.R. 2525 unanimously. I applaud the House leadership and the bipartisan sponsors of this bill, including Representatives HYDE, CONYERS, BLILEY, FIELDS, DINGELL and MARKEY, among others, for working together to pass the bill as part of the House's Correction Day calendar.

Action is needed. Millions of dollars of donations that should be going to charitable programs are instead being wasted on attorneys' fees and needless litigation. We must not stand idly by while America's charitable organizations are looted. Both bills make clear that charities that go astray of both the law and the public trust will be held accountable to the full extent of the law. Both bills would end unfair punishment of those charities that play by the rules and pursue their missions in good faith. Both bills restore fairness to the law and remove the cloud over charitable giving. Today, we can send an important signal to our citizens that in their time of need, America's charities will still be there for them and future generations.

Again, I commend my colleagues from Texas and Connecticut, Senators HUTCHISON and DODD, and all the cosponsors of S. 978, for coming together in a demonstration of bipartisan support for America's charities.

I urge all my colleagues to support immediate passage of H.R. 2519 and H.R. 2525.

Mr. LOTT. I ask unanimous consent the bill be considered and deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at appropriate place in the RECORD.

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

The bill (H.R. 2519) was deemed read three times and passed.

CHARITABLE GIFT ANNUITY ANTITRUST RELIEF ACT

Mr. LOTT. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 2525, just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2525) to modify the operation of the antitrust laws, and of State laws similar to the antitrust laws, with respect to charitable gift annuities.

The Senate proceeded to consider the bill.

Mr. LOTT. I ask unanimous consent the bill be considered and deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 2525) was deemed read three times and passed.

ORDERS FOR THURSDAY, NOVEMBER 30, 1995

Mr. LOTT. Madam President, I ask unanimous consent now that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. on Thursday, November 30; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, time for the two leaders be reserved for their use later in the day, and there then be a period for morning business until the hour of 2 p.m. with Senators permitted to speak for up to 5 minutes each; with the following exceptions: Senator

DASCHLE or designee, 60 minutes; Senator THOMAS for 60 minutes.

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

PROGRAM

Mr. LOTT. Madam President, following the morning business on Thursday it will be the intention of the majority leader to turn to any legislative matter that can be cleared for action including the HUD–VA appropriations conference report if received from the House. Therefore votes could occur.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:30 p.m., adjourned until Thursday, November 30, 1995, at 10 a.m.

EXTENSIONS OF REMARKS

CHANGES IN THE MEDICARE PART B PROGRAM FOR FEHBP MEMBERS

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mr. BORSKI. I rise today to express my concern about the proposed changes in the Medicare part B prescription drug benefit program for our Federal employees and retirees.

Effective January 1, 1996, many Federal retirees receiving medical benefits through Blue Cross/Blue Shield will be forced to obtain their prescription drugs from mail-order drug companies or be required to pay an additional 20 percent copayment for their prescription drugs acquired from their neighborhood druggist. As a result, over 1 million of our Nation's seniors may no longer be able to afford to have the convenience and security of receiving their prescription drugs from their neighborhood, preferred-network pharmacies.

On January 1, Federal employees and retirees who receive retail pharmacy benefits from the Medicare part B program of the Federal Employee Health Benefits Program [FEHBP] Blue Cross/Blue Shield standard option will no longer have their 20-percent coinsurance drug deductible waived if they choose to receive their drugs from their local pharmacy. Only those members who receive their prescription drugs through mail-order drug companies will be entitled to retain the waiver available under current law. As a result, many of our Nation's retired Federal employees will no longer be able to afford the safety and convenience of receiving their prescription drugs from their neighborhood druggists.

Mr. Speaker, by raising the cost of prescription drugs by 20 percent, Blue Cross/Blue Shield is economically forcing many of our Nation's seniors into receiving their prescription drugs from anonymous mail-order drug companies. By removing trusted, local druggists from the picture, Blue Cross/Blue Shield is creating a potentially dangerous situation for many of our retired Federal employees.

First, Federal retirees, like most senior citizens, use prescription drugs more frequently than any other age group. Many of the drugs taken by the elderly are so dramatically important that should a senior citizen mistakenly forget to reorder his or her medication, or accidentally spill the medication in the sink, the consequences of not being able to acquire or afford immediate replacement of the prescription would be life threatening.

In addition, senior citizens are more likely to be taking multiple drugs at the same time. Many seniors require the face-to-face attention and recordkeeping provided by pharmacists to ensure that their medications are being properly administered and that there are no adverse reactions among their prescriptions. However, unlike community pharmacies, many mail-order firms do not maintain complete patient medication records, which means that they cannot check for or prevent any potential serious medication problems.

A recent study by the U.S. General Accounting Office [GAO] entitled ''Prescription Drugs and the Elderly'' noted that health practitioners are in agreement that in order for our Nation's elderly to receive safe and effective care, physicians, pharmacists, and patients should all participate in the drug therapy decisionmaking process through increased communication. However, mail-order prescriptions do not allow this type of face-to-face communication and accurate recordkeeping which is essential to prevent dangerous mistakes with prescription drugs.

Finally, Blue Cross/Blue Shield has stated the proposed elimination of the prescription drug waiver for Federal retirees was a result of ''working hard to create a balance between providing an overall comprehensive benefits package for [its FEHBP] members and keeping [its] premiums competitive.''

However, this decision seemingly ignores the fact that increasing the medicinal risk to many seniors by removing local druggists could have a drastic effect on the health care costs for everyone. According to the GAO study, nearly one of four ambulatory elderly patients were taking prescription medication in an inappropriate manner which led to unnecessary adverse reactions and higher medical costs amounting to $20 billion a year. By further increasing the risk of medicinal accident to the elderly, there is no estimate as to the likely increase in medical costs.

Therefore, Mr. Speaker, considering the unnecessary risk that would be imposed on many of our Nation's retired Federal employees as a result of a simple cost-cutting measure, it is unwise and inappropriate to place the protection of the neighborhood pharmacist out of the economic range for many of our Nation's retired Federal employees.

A TRIBUTE TO CLEVELAND ROBINSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to Cleveland Robinson, leader of District 65 of the United Auto Workers Union in New York City who recently passed away. Cleveland Robinson committed his life to economic justice and racial equality. As a union representative, he fought to improve the lives of the mostly black and Hispanic New York City autoworkers whom he represented. Committed to racial justice in the United States and internationally, Mr. Robinson also served as the administrator chairman of the 1963 March on Washington and helped to bring American Labor into the fight against South African apartheid. Mr. Robinson's commitment to justice was deeply held and his contribution to social justice was great.

In memory of Cleveland Robinson and in tribute to the ideals for which he fought, I would like to enter into the CONGRESSIONAL RECORD the following excerpts from a statement by Bernice Powell Jackson from the Civil Rights Journal.

No one could attend Cleveland Robinson's funeral, held at the Cathedral of St. John the Divine in New York City, and not be awed. There was the grandeur of the church, the power of the African drummers leading the procession and there was the procession itself. In it were Jesse Jackson, Andrew Young, Corertta Scott King, David Dinkins and Harry Belafonte. In it were labor leader like Bill Lucy and Owen Bieber and union members whom Cleveland Robinson had spent a life-time representing. In it were church leaders and civic leaders and Robinson family members. In it were the Consul General and Ambassador from Robinson's native Jamaica. It was an awesome moment.

Cleveland Robinson's name is not a household word. Yet, he was a man whose unswerving commitment to the working people of our country led to the improvement of the lives of the 30,000 mostly black and Hispanic workers in small shops and department stores whom he represented. He was a man whose dedication to fighting injustice, especially racial injustice, led him to be a loyal and fearless supporter of the civil rights movements in the United States and the anti-apartheid movement in South Africa.

It was Cleveland Robinson who served as the administrator chairman of the 1963 March on Washington. In her remarks at his funeral, Mrs. King remembered his long-time support for Dr. King and the civil rights movement, dating back to the 1956 Montgomery bus boycott. Indeed, many in the movement knew that you always could count on Cleveland Robinson for moral and financial support and ''troops'' when you confronted racism.

It was the same in the anti-apartheid movement, where Cleveland Robinson played a key role in getting labor support of anti-apartheid activities. He helped to organize the 1986 anti-apartheid rally in New York City where nearly a million marched and let our national leaders know they no longer had public support for U.S. backing of a racist regime. For that reason President Nelson Mandela sent a personal message to Robinson's funeral.

Mr. Robinson's contribution to America was powerful, and I would like to take this moment to honor his memory and to mourn our loss.

TRIBUTE TO TOM LAZZARO

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mrs. MEEK of Florida. Mr. Speaker, I have the privilege of honoring a colleague of mine who is retiring on December 3, 1995. After giving of himself 30 years of continued and dedicated service to the cognitive and affective growth of thousands of students at Miami-Dade Community College, he now seeks a well-deserved retirement from leading and teaching so many of the college's increasing number of prominent alumni.

My good friend, Tom Lazzaro, is among a rare breed of hardy but compassionate leaders of young folks who found themselves learning both from his wise counsel and disarming compassion. Beginning his career at the college in 1964, he genuinely epitomized the dual role of teacher and coach, becoming one of our Nation's premiere college tennis coaches. Highly respected among his peers, he served as president of the National Junior College Athletic Men's Tennis Coaches Association from 1974–1994. He was inducted into three different halls of fame: the National Junior College Athletic Association Men's Tennis in 1992, the Dade County Tennis in 1995 and the Florida Community College Activities Association in this same year.

As the Miami-Dade Community College's north campus tennis coach, he led the Falcon netters for 30 seasons, compiling an astounding .619 career winning percentage of 356 wins and 219 losses. During that time, the Falcon tennis team won three consecutive national championships in 1966, 1967 and 1968, finishing as national runners-up three times and winning seven Florida State tennis titles.

Known throughout Florida as a coach extraordinaire and personal confidante of many a student-athlete at the college, Mr. Lazzaro developed 13 junior college all-American tennis players and went out of his way to obtain for 30 athletes scholarships to various 4-year institutions. It is this commitment to the future success of his students that endeared him to the hundreds of young athletes who chose to learn not only the athletic demands to which they were subjected but also prepared them to pursue with excellence the academic requirements toward furthering their education.

During his teaching career at the college, this native of Hialeah instructed north campus students in health education, tennis, and nautilus training. Married for 42 years, Tom will now enjoy a much-deserved retirement with his wife Joan, along with his seven children and the other grandchildren that make up the burgeoning Lazzaro clan.

HONORING MS. ETHEL HAWS GREEN ON HER 100TH BIRTHDAY

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mr. DIXON. Mr. Speaker, today I rise to honor Ms. Ethel Haws Green on the occasion of her 100th birthday, Saturday December 2, 1995.

Born Alma Ethel Haws on December 2, 1895, in Del Valle, TX, Ethel began her education in the rural schools of Del Valle. She would later obtain her high school diploma from Los Angeles High School, attend Tillotson College, and earn a certificate in fashion design from Los Angeles Trade Tech School. Following the death of her mother, Ethel withdrew from college to assist her father in raising her eight sisters and brothers. While helping to care for her siblings, she worked as a school teacher in Forney, TX.

Ethel's career took many turns as she helped support her family. After leaving Del Valle she worked in Dallas, TX as a waitress and in Chicago, IL as a housekeeper with the Southern Pacific Railroad. While working for the railroad Ethel studied cosmetology, earning her license as a cosmetologist and a promotion from housekeeper to beautician. It was here that she would meet her husband, Richard ''Pap'' Green, who worked as a clerk with the U.S. Postal Service. Ethel and Richard were married in September of 1928 and lived happily together for 55 years.

Mr. and Mrs. Green moved to Los Angeles, CA shortly after they were married. In Los Angeles Ethel began working in a beauty shop. At the shop Ethel met Gladys Owens, with whom she opened her own beauty shop on historic Central Avenue. Several years later, Gladys moved to Chicago and Ethel became the sole proprietor of the establishment. While operating the beauty shop she had the privilege of working with such stars as Lena Horne, Eartha Kitt, and Catherine Dunham. During her career Ethel also worked as a seamstress and a businesswoman. Upon her husband's retirement Ethel spent a decade in the rest home business.

Although Ethel maintained a busy career, she always found time to contribute to her community. Ethel has given direction and made financial contributions to many organizations which provide scholarships to deserving youngsters, such as the Alpha Wives Auxiliary Scholarship Fund, the Cecil Murray Education Center, the Tillotson College Scholarship Fund, and the National Association for the Advancement of Colored People. She continues to participate in a number of civic and social organizations, sharing with them her humor, insight, courage, and love of humankind.

Mr. Speaker, Ethel Haws Green is an inspiration to us all. I ask that you and my colleagues join me in recognizing this wonderful and gracious lady on her 100th birthday.

THANK YOU, DON SMRECAK

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mr. BARCIA. Mr. Speaker, grand events often start from small ones, and keeping them grand requires a special skill. Over the years the Munger Potato Festival has grown from a local event attracting area residents to one which today boasts over 42,000 people who over a 4-day period celebrate the importance of potatoes to the local economy with a carnival, contests, wonderful food, and memories galore. Don Smrecak has served as the chairman of the festival for 10 years, and his tenure will always be fondly remembered.

During his term, the festival grew to its present size. He created a special Kids Day, when children age 5 to 12 are able to participate in games free of charge. Every participant wins a prize for being involved. This follows his work on the parade committee for several years which helped make this parade one of the most attractive of all area events.

Don has been a member of the Munger Volunteer Firemen Corps, the sponsoring organization for the festival, for over 20 years. He continues to serve on various festival committees, as well as serving as the finance chairman of St. Norbert Church in Munger.

Don and his wife Lori have two children, who have been blessed in their family to see the value of giving to one's community. What better lesson could we ask our young people to learn than the importance of being involved as a volunteer to help make your home town an even better place? The Munger Potato Festival has done this by providing an important source of funding for recreational activities and facilities that are used throughout the year in Munger and Merritt Township.

Mr. Speaker, when a town of 1,700 is visited by 42,000, a major impact is felt. The Munger Potato Festival has been vitally important in helping to provide resources to a wonderful small community, and it is because of dedicated, willing people, like Don Smrecak. I urge you and all of our colleagues to join me in thanking Don for his years of service to his community.

BUDGET RECONCILIATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 29, 1995, into the CONGRESSIONAL RECORD.

WHY I OPPOSED THE GINGRICH BUDGET PLAN

Earlier this month, the House considered two different budget reconciliation plans that would balance the federal budget in seven years. The first plan, proposed by Speaker Gingrich, was approved by the House and Senate, but vetoed by President Clinton. I opposed this version. The second plan, drafted by a group of conservative Democrats known as the ''Coalition'', was defeated by the House. I supported this version.

Congress is taking serious steps to address the budget deficit. I support a balanced budget and a line-item veto and have voted for a balanced budget amendment to the U.S. Constitution. I will continue to urge the President and my colleagues in Congress to reach a bipartisan agreement to balance the budget in seven years.

The Gingrich plan.—This budget plan includes the following major provisions:

HEALTH CARE CUTS

The plan would cut back an estimated $270 billion from projected spending in the Medicare program. It would increase Part B premiums paid by beneficiaries; cut back payments to hospitals and doctors; and give beneficiaries a wider choice of health insurance options. The plan also would cut back an estimated $170 billion from the federal share of Medicaid by converting it into a capped block grant to the states, limited the amount of federal funds a state could receive.

TAX BREAKS

The Gingrich budget would provide $245 billion in tax cuts, including: a $500-per-child tax credit for families with incomes up to $110,000; an expanded Individual Retirement Account (IRA); and a reduction in taxes on capital gains income. It also would scale back the Earned Income Tax Credit, which benefits the working poor, by $32 billion.

OTHER CUTS

The plan would reduce spending on welfare by $82 billion by converting the current program into several block grants to the states. It would cut back spending on farm programs by $13.8 billion by reducing export supports and replacing current programs for

major commodities with declining annual cash payments which are not tied to crop prices. It would also increase borrowing costs for college students, and reduce spending on veterans' programs by $6.7 billion.

THE COALITION BUDGET

The conservative ''Coalition'' budget I voted for asks every American to do their fair share with more evenly distributed spending cuts. This plan would reduce spending by more than $850 billion over seven years. It reforms welfare, preserves Medicare and Medicaid for the future, cuts corporate subsidies, and makes farm programs more market-oriented. It also includes a line-item veto and tough enforcement measures.

The Coalition budget is a promising middle ground between the White House and the Speaker's budgets. It eliminates the federal budget deficit in seven years, as the Republicans want, uses realistic cost estimates, ensures that work pays more than welfare, and reduces the burden of the debt, while requiring less drastic cuts in social programs, such as Medicare and Medicaid, because it is without tax breaks. Furthermore, the Coalition budget reduces the deficit right away, while the Gingrich budget adds to the deficit (and the debt) in 1996 and 1997 because the tax breaks are front-loaded.

My position.—I opposed the Republican budget plan for four reasons.

First, the job of balancing the budget is made much more difficult by huge tax breaks. We cannot justify large tax cuts until the budget is balanced—especially when the tax breaks start early and most of the spending cuts are delayed. If and when a surplus does occur, then Congress should pass the tax cuts. It does not make sense to borrow more money to give ourselves a tax cut. My preference would be for a more balanced tax package. A good portion of the Gingrich tax breaks would favor wealthier Americans.

Second, my spending priorities are different. Half of the total savings come from health care and assistance to the poor and elderly. We should not ask the poor to bear more than their share of the burden. The cuts in Medicare and Medicaid are too steep. My preference is for fair, across-the-board cuts in most programs; deep cuts in ''corporate welfare;'' and more modest increases in defense spending. We should also preserve funding for long-term investments in education, research and infrastructure. These are necessary to continue economic growth, increase revenues, and reduce the deficit.

Third, the plan delays most of the tough spending cuts until 2001. Until then, we will have deficits in excess of $100 billion per year. My preference is to reduce spending gradually each year, rather than postponing action.

Fourth, the process for consideration of the bill was flawed. The bill is too large (it runs over two thousand pages) and covers too many important issues. Speaker Gingrich only allowed two hours of debate on the measure, without an opportunity for amendment. This process places too much power in the Speaker's hands and subverts the legislative process.

Conclusion.—I am encouraged by the recent agreement between the President and congressional leaders which establishes a basic framework for negotiations on the budget. The President agreed to support a seven year balanced budget plan and to use Congressional Budget Office assumptions to get there, provided the budget plan is balanced, fair and does not devastate key federal programs, particularly Medicare, Medicaid and education.

The budget clash taking place in Washington today is not just a squabble among politicians who have forgotten their manners. The policy debate reflects a nation at a crossroads and turns on fundamental questions about the size and role of the federal government and whether there should be any safety net for the poor and the elderly.

At the end of the year, if the Republicans refuse to moderate their more extreme demands and if the President's vetoes are sustained, then we will simply have to take the debate to the voters next fall. In the interim, we should not allow the country to be hurt by government shutdowns and high wire management of the national debt.

RETIREMENT OF CALIFORNIA HIGHWAY PATROL COMMISSIONER MAURY HANNIGAN

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mr. CONDIT. Mr. Speaker, I rise today together with my California colleagues NANCY PELOSI, CARLOS MOORHEAD, PETE STARK, FRANK RIGGS, LUCILLE ROYBAL-ALLARD, LYNN WOOLSEY, HENRY WAXMAN, ZOE LOFGREN, WALLY HERGER, ROBERT MATSUI, ANDREA SEASTRAND, HOWARD BERMAN, GEORGE RADONOVICH, ROBERT DORNAN, JANE HARMAN, KEN CALVERT, STEPHEN HORN, ELTON GALLEGLY, JULIAN DIXON, RICHARD POMBO, MATTHEW G. MARTINEZ, CALVIN DOOLEY, HOWARD ''BUCK'' MCKEON, TOM LANTOS, and BOB FILNER to honor a man who has dedicated over 30 years of his life in service to the people of California. This month, Maurice J. (Maury) Hannigan will retire as the commissioner of the California Highway Patrol, a post which he has held meritoriously since 1989.

Commissioner Hannigan was appointed to the California Highway patrol November 30, 1964. He rose swiftly through the ranks of the department serving for 5 years as deputy commissioner before being appointed commissioner. Commissioner Hannigan's tenure has been one of accomplishment, courage, and conviction.

In a demanding job, Commissioner Hannigan has never settled for simply doing the minimum. After receiving his bachelor's degree from Golden Gate University, he continued to seek out further professional development and training becoming a graduate of the University of California Davis Executive Program, the Federal Bureau of Investigation National Academy, and the Federal Bureau of Investigation National Executive Institute. His dedication also extends to the many law enforcement and traffic safety committees on which he serves.

It is indeed an exemplary attitude which has made Commissioner Hannigan determined to make California a safer place to live. In recognition of this determination, Commissioner Hannigan has been the 1994 recipient of the National Safety Council Distinguished Service to Safety Award and the recipient of the J. Stannard Baker Award-Special Recognition/Lifetime Service to Public Safety bestowed by Northwestern University.

We are all sorry to see Commissioner Hannigan leave the California Highway Patrol and in particular the post he has so singularly held for the last 6 years. It is without doubt that his contributions to our California community are far from over. It is with sincere thanks and best wishes for the future that we honor his retirement.

TRIBUTE TO OKALOOSA COUNTY UNDERSHERIFF JERRY ALFORD

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mr. SCARBOROUGH. Mr. Speaker, the citizens of Okaloosa County and the State of Florida will be losing a much beloved and highly respected law enforcement officer on December 31, 1995, when Okaloosa County Undersheriff Jerry Alford retires after four decades of service as a law enforcement officer and public servant. It is a great honor to recognize this dedicated police officer for his service in the field of criminal justice.

At a time when our Nation appears to lack confidence in our Government, and the men and women who fight to enforce the law of the land, it is fitting that today we honor a law enforcement professional who always went to extra mile to protect our citizens while striving to support and defend the Constitution of the United States. Undersheriff Alford has known, better than most, that while trying to protect our quality of life, we must respect the God given rights of freedom.

His overall attitude of public service has been a model in the lives of hundreds of law enforcement officers that he has trained, supervised, and encouraged. His legacy will remind new officers that when at all possible, police officers should go above and beyond the call of duty to assist the citizens with any problem when it's legal, moral, and ethical to do so.

During the past 40 years, Mr. Alford has proven himself a real patriot in the truest sense of the word. In many occasions, he placed his life and limb in jeopardy, in defense of lives and property of others. A man who has always had a vested interest in his country and community, Mr. Alford has served as a U.S. Marine, a Walton County deputy sheriff, a special agent with the State of Florida Beverage Department, and undersheriff with the Okaloosa County Sheriff's Office.

As Mr. Alford departs his active role in the law enforcement community, he can take pride in knowing that he influenced so many people in a positive way. Mr. Alford will always be remembered not only as a committed crime fighter, but a man of principle with a sincere desire to serve his community, State, and Nation.

CONFERENCE REPORT ON S. 440, NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995

SPEECH OF

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 18, 1995

Mr. GREENWOOD. Mr. Speaker, I rise today in support of the conference report to accompany S. 440, the National Highway System Designation Act of 1995. Certain provisions in this report are of particular importance to my constituents and to all of the citizens of

the Commonwealth of Pennsylvania.

Existing regulations implementing the Clean Air Act would force Pennsylvania to accept a centralized, test-only auto emissions inspection and maintenance program in order to be deemed in compliance with that act. The test-only program would require citizens to bounce back and forth between test centers and auto repair garages and would leave auto technicians guessing about whether their work was successful in addressing their customer's problems. The citizens of Pennsylvania voiced their extreme dissatisfaction with such a program when it was proposed by our previous Governor, and the State legislature repealed the statute which provided for that program.

Provisions in this conference report eliminate the arbitrary automatic 50 percent penalty in emissions reductions credit that the regulations would impose on States that preferred a decentralized approach. While I was not a Member of Congress when the 1990 Clean Air Act amendments were enacted, I do not believe that Congress intended to require the one-size-fits all program that these regulations force on the States. The elimination of this penalty would restore to the States the flexibility that Congress intended that they have in creating programs that will make the most sense in their States. Additionally, under the provisions, States like Pennsylvania whose legislature has not yet passed enabling legislation will have 120 days to do so, as well as, to propose accompanying regulations. The Congress is aware of the burden imposed upon Pennsylvania by this timetable since it coincides with the time in which the Pennsylvania legislature must also develop a budget that must be enacted by June 30. The parties to the agreement are aware of Pennsylvania's concerns with the small window and intend to work with them. We also hope that EPA will be flexible in working with Pennsylvania as it develops its plan.

Pennsylvania's current Governor, Tom Ridge, has proposed a decentralized test-and-repair program that he believes can meet the goals of the Clean Air Act without visiting undue hardship and inconvenience on the motorists and auto repair businesses of Pennsylvania. The inspection and maintenance provisions in this conference report would allow Pennsylvania to complete the design and implementation of a program on this decentralized basis and would allow that program to be judged on its actual performance over an 18-month period, rather than by an arbitrary rule.

I believe that reducing ozone pollution and improving the quality of the air that we breathe is of great importance to my constituents and to the rest of the citizens of Pennsylvania. I also believe that the States know what will best work to achieve the goal and should have the latitude to design programs that make sense for their citizens. I believe that these provisions give that needed latitude to Pennsylvania and to other States that are currently wrestling with this problem, and I urge the adoption of the conference report.

SOCIAL SECURITY IS FAR FROM BROKEN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mr. RANGEL. Mr. Speaker, I rise today to enter into the CONGRESSIONAL RECORD an article by Mr. Gus Tyler celebrating the 60th anniversary of the Social Security trust fund and decrying the false prediction that Social Security is on the verge of bankruptcy, Mr. Tyler makes clear that the Social Security trust fund is not running out of money, as many of my colleagues have argued.

The trust fund is strong and will remain strong as long as the American economy is strong. What threatens the trust fund is what threatens the economy: unemployment and a stagnant economy. We need to strengthen the economy not to dismantle Social Security. Moreover, the Social Security system strengthens the American economy by generating buying power and increasing savings. I would like to enter into the CONGRESSIONAL RECORD this statement by Gus Tyler which clearly outlines why we don't need to dismantle Social Security.

TRUST FUND DOESN'T NEED TO BE ''FIXED''

(By Gus Tyler)

The Social Security Trust Fund, which celebrates its 60th birthday this month, will go bust sometime between the year 2020 and 2030. That forecast has been heard so often and from so many authentic voices that the statement is now taken to be a fact. Which it is not.

To head off the imagined disaster, the following remedies are presented: a) raise the payroll tax that funds the system; b) reduce the benefits to retirees; c) do not adjust the benefits to meet the cost of living; d) tax benefits to help balance the budget.

If these cures are applied, they will kill the patient who is not sick.

The Social Security Trust Fund will not run out of funds by 2020 or 2030 unless the United States runs into what amounts to a depression that will continue for a protracted period. And the remedies currently proposed will hasten the coming of precisely such a depression that will not only destroy the Social Security program, but will destroy the country.

Here is the truth about Social Security as set forth simply by an extremely authoritative governmental body known as the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Fund.

The facts that follow are drawn from the 1995 report of this official body to the appropriate persons and agencies in accordance with Section 201(c)(2) of the Social Security Act as amended.

The Report (page 181) submits three scenarios on the future of the Social Security system. One scenario assumes virtually no growth in the economy in the first 75 years of the next century. Another scenario assumes slow growth; a third scenario assumes something between no movement and a slow crawl.

The first scenario—the worst possible case—assumes that the country is in the economic doldrums for about 70 years. By 1996 (next year), the economy will be effectively stagnant, with a growth rate of minus 0.7 percent. That means recession bordering on depression.

The same scenario projects little hope for the future. Growth will be near zilch. And, as a consequence, the Social Security Trust Fund will be facing early bankruptcy. In fact, says the footnote on page 181, ''estimates for later years (after 2030) are not shown because the Funds are estimated to become exhausted in 2030.''

But—and this is a big ''but''—this is only one of three scenarios submitted by the Board of Trustees.

A second scenario assumes an annual growth rate of between 2 and 3 percent a year. That is a very slow growth rate when compared with growth in the years from 1960 to 1964 (4.4 percent) or with growth in the years 1970 to 1974 (3.1 percent) or with 1984 (6.2 percent). A growth rate in the next century—from the year 2000 to 2070—of a mere 2 to 2.5 percent is sluggish.

Yet, according to the report of the trustees, if such a growth rate, albeit slow, continues, by the year 2070, the Social Security Trust Fund will have an income of $22.74 trillion dollars and will have accumulated assets of $98.7 trillion. Yes, ''trillion,'' not billion!

The $98 trillion (roughly $100 trillion) is not as outlandishly huge as it seems. The report for this scenario assumes an annual 3 percent rate of inflation. Over 75 years (from 1995 to 2070), a dollar will lose much of its value, ending up worth about 10 cents in 1995 currency.

Allowing for that factor, the $98 trillion dollar reserve projected for 2070 would only be worth one-tenth that sum—about $10 trillion—in 1995 dollars.

Ten trillion dollars in 1995 currency is, however, no mean sum to have as a reserve in the Social Security Trust Fund. It is twenty times as large as the present reserve of about half a trillion. It is twice as large as the total federal debt this year. It will, as noted above, be replenished in 2070 by an additional $22 trillion and by annual contributions in that dimension in the years to follow.

One of the problems that some insiders were posing a few years ago when this scenario began to unfold was—what to do with all that money? One of the possible answers would be to allocate some of the money in the Old Age and Survivors Fund to the Medicare Fund.

The sums that are projected by this scenario are not the outer limits of what can be realized. The assumption of the ''optimistic'' forecast is that the economy will grow, between now and 2070, at an average rate of about 2.5 percent a year. That is no great shakes. Between 1960 and 1994, it grew at 2.8 percent. And it could have grown faster if the Federal Reserve Board had not been repeatedly checking growth by raising interest rates and limiting the money supply.

Should the economy grow at 3 and 4 percent a year, added trillions would pour into the Social Security and Medicare funds, as well as into the U.S. Treasury.

But, would not such growth beyond, let's say, 3 percent, be inflationary? The report of the Fund trustees says, ''No.'' In 1984, the economy grew at the swift speed of 6.2 percent, but the inflation rate (consumer price index) was only 3.5 percent. Again, in 1994, the economy grew at a lively 4 percent, but the inflation rate was only 2.5 percent.

Perversely, in some of the years of slowest growth, prices rose wildly. In 1990, the economy grew by a feeble 1.2 percent, but prices rose by 5.2 percent. And in 1980, the economy actually shrunk by 0.5 percent, but prices skyrocketed by 13.4 percent.

The reasons for this seemingly contrary behavior are several and make a fitting subject for another article. But the fact remains that rapid growth does not mean inflation and that low or negative growth does not mean lower prices. (All these data are drawn from the above mentioned report, page 56).

In sum, the future of Social Security (and Medicare) is not glum if the economy continues to grow at a reasonable rate. The way to go, then, is to take steps to expand the economy.

But the remedies proposed to ''fix'' the Social Security system that is not broken will break both the security system and the economy. Let us, briefly, consider each of these proposals.

1. Raise the payroll tax. Such a tax would reduce the ''disposable income'' of employees. They and their families will have less with which to buy. In our ''market economy,'' any such shrinkage of the ''market'' has to shrink the economy—less buying, less production, fewer jobs. Right now, retailers and manufacturers are stuck with a pile up of 14 months of consecutive inventory accumulations they cannot sell. To cut buying power of employees would mean more unsold wares.

2. Reduce the benefits. That would have the same effect as raising the tax on employees. Reduced benefits mean reduced buying power. And reduced buying power means reduced production, etc. ad nauseam.

3. Do not increase the benefits to keep up with the rise in the cost of living. This, too, would be a subtle, but effective way to do what 1) and 2) above do more directly. If prices rise and the ability to buy does not rise simultaneously, people buy less. By now, we all know the rest.

4. Tax the Social Security benefits of the ''affluent.'' Such a tax is, in effect, a reduction in benefits. Uncle Sam gives with one hand—the security check—and takes with the other hand, the tax. That would work just like the other bad medicines.

In addition, who are the ''affluent''? Are we talking about a retiree with an income of $25,000 or a retiree with an income of $250,000? To tax the latter would probably not seriously change his or her spending habits; to tax the former will.

What is not generally appreciated about the Social Security system is that it is one of the greatest and most reliable sources of nourishment for the entire American economy. In 1995, some 43 million people will have received about $340 billion with which to buy things and purchase services. Let's assume that in a mean moment of madness, all those payments were discontinued. How long would the American economy be able to sustain itself?

The Social Security system, however, does more than provide the fuel for consumption, it also provides capital for production. Every year, for many years, the security fund has generated multi-billion dollar surpluses. At the end of this year, it will have a reserve of more than half a trillion.

Where does that money go? It goes, just about all of it, to purchase government securities. That frees up other capital for investment in the private sector of the economy.

In this way, the Social Security system strengthens America in two ways: a) it generates buying power; b) it generates savings.

And, if we, as a nation, pursue policies to expand, rather than stunt, growth, the entire economy and U.S. Treasury, whose income is drawn from that economy, will be in better shape and our senior citizens need not worry about either their or their children's future.

TRIBUTE TO REV. KWASI ANTHONY THORNELL

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday November 29, 1995

Mr. DIXON. Mr. Speaker, I rise today to pay tribute and to thank the Reverend Kwasi Anthony Thornell for his wonderful ministry to the citizens of the Washington, DC metropolitan area. On January 1, 1996, the Reverend Thornell will begin another chapter in his ministry as the new Rector of St. Philips Episcopal Church in Columbus, OH. As he prepares to begin a new ministry, I am pleased to have this opportunity to provide this retrospective of his many years of faithful and steadfast ministry in our Nation's Capital.

Father Kwasi—as he is affectionately known by the many whose lives he has touched—has indeed inspired many through his ministry. For over a decade, he has served the National Capital Area faithfully, spreading his message and affection to the young and the old, as well as to the healthy and the infirm. Although he is moving on to continue his ministry in another location, his contributions to the Washington metropolitan community warrant special praise.

Born in Tuskegee, AL, the Reverend Thornell was ordained to the priesthood by Bishop John T. Walker in 1973. He is a candidate for the degree of doctor of ministry at Wesley Seminary and holds a master of divinity degree from the Episcopal Divinity School in Cambridge, MA. He received his undergraduate degree from Alma College in Alma, MI. He is the father of three children.

For over two decades Father Kwasi has been bringing spiritual awareness and hope to communities in Detroit, MI; St. Louis, MO; and our Nation's Capital. In particular, he has been deeply involved in efforts to eradicate violence among our youth. As a matter of course, Father Thornell has an abiding commitment to eradicating the obstacles that perpetuate poverty, illiteracy, and violence. Indeed, in the Washington community, he successfully led and improved the cathedral's tutorial program, and established a similar program at Calvary Episcopal Church. His efforts to stamp out youth violence are well known throughout the Washington metropolitan community, where he currently serves as a project coordinator for the Violence Prevention Initiative for the Foundation for the National Capitol Region.

As the assistant rector of Calvary Episcopal Church, Father Kwasi was very active with youth organizations and worked to extend the church's outreach to the surrounding urban community.

Prior to joining Calvary, the Reverend Thornell spent nearly a decade at the Washington National Cathedral. As canon missioner, he was responsible for pastoral and liturgical duties, and represented the cathedral in areas of urban social justice and outreach ministries. In this regard, Father Thornell was especially effective in bringing a heightened awareness to the problems of youth violence in the community. He participated in numerous forums and outreach efforts established to eliminate the conditions that lead our youth away from the church and into the arms of violence.

While at the cathedral, he also served as interim precentor, responsible for planning and directing religious services, creating liturgies, writing prayers and preparing the Rota. During his tenure, Father Thornell was also actively involved in the church's mission to highlight the evils of apartheid in South Africa. He traveled to that country as a participant in church-sponsored delegations.

Father Kwasi's early years in the ministry were spent as minister and founder of the Alexander Crummell Center for Worship and Learning in Detroit, MI. In St. Louis, he served as the vicar of St. Stephen's Episcopal Church and as the deputy for urban mission for the Episcopal Diocese of Missouri.

Throughout his distinguished and devoted ministry, Father Kwasi has tirelessly worked to improve the socioeconomic condition for the disenfranchised and poor members of the community. He has been a savior for those children seeking a brighter tomorrow, and provided comfort and advice to persons suffering pain, despair, and/or other forms of adversity.

He has used his ministry and the pulpit to deliver powerful, inspiring and relevant sermons, translating God's message into community action. He has done more than just preach the Gospel. He has walked the Gospel, endeavoring to make life just a little better for the children and the downtrodden in our community. He has worked with patients afflicted with HIV-Aids, and those persons suffering from the disease of alcoholism. He is an HIV-Aids education trainer, as well as a trained counselor in alcohol abuse. His has been a ministry filled with hopefulness and a belief that humankind can have a brighter tomorrow if we care for one another.

A man of seemingly boundless energy, The Reverend Thornell has also devoted his time to serve on numerous boards, including RAP, Incorporated; the Church Association for Community Services; Episcopal Caring Response to Aids, Childrens' Defense Fund, and the National African American Clergy HIV/AIDS Task Force.

In addition to serving as president of the District of Columbia Chapter of the Union of Black Episcopalians [UBE], Father Kwasi also is a member of the NAACP, the urban League, the Council of Greater Washington, and the Episcopal Urban Caucus.

Last year, Father Thornell realized a lifelong dream when he starred as a cast member of the production of Fraternity at Washington's historic and renowed Lincoln Theater.

Mr. Speaker, as the Reverend Kwasi Anthony Thornell prepares to carry his profound, wonderful, and inspirational ministry to St. Philips and the greater Columbus community, I am pleased to have this opportunity to salute the many outstanding contributions he has made to the citizens of the Washington metropolitan area. I ask that my colleagues join me in saying thank you and in extending our heartfelt best wishes for continued success as he prepares to begin a new, exciting, and challenging chapter in his selfless ministry as an exceptional servant of our Lord.

ERV WITUCKI: SPUD EXTRAORDINARE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mr. BARCIA. Mr. Speaker, many of our communities have special matters that define their heritage and economic well-being. And many of these communities have developed such a heritage through the efforts of devoted individuals. Munger, MI, is known for its annual Potato Festival that has been held each year since 1954. One man who deserves unqualified recognition for his efforts over the

years is Erv Witucki, who has been a member of the sponsoring organization, the Munger Volunteer Firemen Corps, for the entire 41 years.

Not only has Erv been a member of the sponsoring organization since the festival's inception, he has also served as the festival's chairman for 20 years, from 1960 to 1981, and its co-chairman or honorary chairman for the remaining 21 years. He nurtured the festival's growth from a small, two day local event, to one which attracted over 30,000 people each year as a major regional 4 day event.

I can personally remember going to this event as a small child, and thinking how grand it was. As I grew, so did this festival, so that the image I had of this wonderful event as a child only grew with me. This is because of the hard work of Erv Witucki during those formative years. The impact this festival has had on other young people has been phenomenal because it isn't just for a 4-day celebration of the importance of the production of a key commodity, potatoes, to this town, but an opportunity to raise funds that have an impact on youth throughout the year. Recreation projects such as softball programs, tennis courts, playground equipment and picnic areas, a pavilion and volleyball courts, and an annual Halloween party for children are all the direct result of this festival.

Erv has given to his community. He and his wife Marie have been blessed with 4 children and now 11 grandchildren. He has served as Merritt Township treasurer for 28 years, and has been extremely active with St. Norbert Church in Munger.

Mr. Speaker, the people of Munger are very grateful to Erv Witucki and the others who have volunteered their time and effort to make their community a better place. I urge you and all of our colleagues in joining me in offering thanks to Erv Witucki.

THE GOVERNMENT SHUTDOWN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, November 22, 1995, into the CONGRESSIONAL RECORD.

THE BUDGET BATTLE

As the federal government shut down on November 14, many Hoosiers found themselves angry about the dispute that precipitated the shutdown, unsure about how long it would last, and concerned about how it might affect them.

The shutdown occurred because Congress has not completed action on all of the measures to provide funding for the government during the current fiscal year, which began on October 1. A short-term funding measure, called a continuing resolution (CR), was passed in September and gave Congress until November 14 to enact spending bills. But by that date only three of the thirteen appropriations bills had been signed into law.

Congress and the President have not been able to agree to extend the CR. The congressional leadership attached a number of provisions to the second continuing resolution, including an increase in Medicare premiums. President Clinton objected to these provisions, and vetoed the measure. With my support, Congress then passed a continuing resolution that would keep the government open until December 5 and called for balancing the budget in seven years. However, President Clinton also vetoed this measure.

On November 14, some 800,000 of the federal government's two million civilian employees were furloughed. Many federal government offices were closed, including national parks and museums. New applications for federal benefits, such as Social Security, could not be processed, though payment of Social Security and Medicare benefits continued. The Agriculture and Energy Departments remained open because their funding and been approved. In addition, employees vital to the safety and health of the public, such as air traffic controllers and guards in federal prisons, were kept on duty, as were those on active duty in the military.

A short-term shutdown of the federal government produces plenty of frustration, inconvenience and confusion, but probably little enduring harm. Congress has typically ensured that federal workers receive pay for the time they spend on furlough. However, a longer shutdown could create major problems for many people. Companies with federal contracts, individuals receiving veterans' benefits, and federal employees could see their payments delayed.

In addition, shutting down the government is expensive. Pay for furloughed federal employees is estimated to cost about $150 million per day. The shutdown process itself—preparing plans, notifying employees, securing property and so forth—also carries a price.

But perhaps the greatest cost of the shutdown is that it simply reinforces the cynicism and bitterness so many Americans feel about the federal government, particularly elected officials. They see the shutdown as the result of the partisan bickering and political posturing, and they place blame on leaders of both parties for gridlock.

Complicating the situation further is disagreement on raising the federal debt limit. Treasury Secretary Robert Rubin has taken a number of steps to ensure that the federal government remains below the debt limit, since at that point the government could no longer borrow money to meet its obligations. A default by the federal government could have serious, long-term implications for the American economy, though no one really knows how the markets would react. The big unknown is that much of the debt is held in places abroad where the understanding of American politics is meager. In any event, my view is that we should do everything we can to avoid default. There is no good reason to push the nation to the edge of financial catastrophe.

I agree with those who find the current standoff unnecessary and counterproductive. Both sides are engaging in political theater at the expense of substance. Congress has had several months to complete work on the appropriations bills. Voters expect us to work together to get the government's business done, and we should do so.

The current standoff is essentially not about short-term funding, but about competing views on how to balance the budget. The congressional leadership is trying to use the spending and debt limit legislation, where they have a lot of leverage, to force the President to sign the reconciliation bill—the bigger fight where they have little leverage. This is the most difficult struggle over budget priorities I have seen since I have been in Congress. It is a high-stakes dispute over what the role and the priorities of the federal government should be over the next several years.

The short-term solution to the shutdown of the government may appear manageable, but it is extremely difficult to see the solution to the long-term division between the President and the congressional leadership. The real fight comes when Congress passes the reconciliation bill and the President vetoes it. What is at stake there is the future of Medicare, Medicaid, the welfare system, rules governing the environment, and federal efforts in education, employment training and technology.

We must take several steps to get beyond the current impasse. I believe that sensible compromises are within reach. First, in my view, Congress should enact a ''clean'' continuing resolution and debt limit increase, without extraneous policy provisions. Second, we ought to continue negotiations in an effort to enact the rest of the appropriations bills for the current fiscal year. Third, we must to the extent possible seek agreement on policy issues contained in the reconciliation bill.

I suspect in the end we will not be able to resolve all of these major policy differences in 1995. The way out will be to keep the government operating largely under present policies on these unresolved matters and then have a public debate on the budget between now and the 1996 elections. Both sides would then have an opportunity to clarify exactly what they are for. I think this approach would make the voters much more comfortable.

The question with respect to the shutdown is: do we want a battle or a bill? I believe that Hoosiers want the government to get the people's business done. They are tired of this game of political chicken and are not going to view either party in this debate favorably. Both the President and Congress must seek reasonable solutions, not political points.

DEPENDENTS WITH DISABILITIES FEDERAL LIFE INSURANCE PROTECTION ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mrs. MORELLA. Mr. Speaker, today, I am introducing the Dependents With Disabilities Federal Life Insurance Protection Act of 1995. The bill would permit a Federal retiree over the age of 65 to continue additional optional life insurance coverage when the beneficiary is a person with a disability. In this case, the disability would have to be one which could be expected to last permanently and would prevent an individual from fully providing for himself/herself. The retiree would also be responsible for the total premium, limiting the cost to the Government.

Currently, Federal workers can continue the additional optional life insurance coverage, irrespective of age. However, when these individuals reach age 65 and are retired, the insurance is reduced and then subsequently stopped. There have been cases in which Federal workers have continued working beyond the normal retirement age in an effort to continue this coverage for their dependents with severe disabilities.

Without a provision for a dependent with a disability, upon the retiree's death, the dependent would become a public responsibility, with potential budgetary implications at the national, State, and local levels. This provision would be consistent with the thrust of the 1990 Americans With Disabilities Act [ADA]. The act

encourages persons with disabilities to live in a setting of maximum independence—financially and socially—rather than being relegated to functioning in institutional settings subsidized with public funds.

This bill will help many persons with disabilities continue to have a quality life and will give peace of mind to thousands of Federal retirees, who have dependents with disabilities.

The following are key components of the bill:

The bill amends title 5 to provide that the reduction in additional optional life insurance for Federal retirees shall not apply if the beneficiary is permanently disabled;

The retiree must have designated the person with the disability as the beneficiary prior to retirement;

The payment received can only be used for the care and support of the beneficiary;

The disability of the beneficiary must be one that is expected to last permanently and that would prevent an individual from fully providing for himself/herself;

The retiree is responsible for the full premium;

A payment to the beneficiary will be reduced by the amount of any premiums not paid due to current law;

The Office of Personnel Management will have 1 year from the date of enactment to issue regulations; and

An individual who retired 50 months prior to the enactment of the law can have the additional optional life insurance reinstated at the full percentage.

A TRIBUTE TO MATTHEW J. HAYES

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mr. WELDON of Pennsylvania. Mr. Speaker, I want to take a moment to pay tribute to a gentleman who provided great service to his family, his community, and his country. I was greatly saddened to learn of the passing of Matthew J. Hayes, a constituent of my congressional district and someone for whom I had a great deal of admiration.

Matt Hayes began his public-service career with the Delaware County government in 1977 when he became director of budget management. His outstanding abilities were recognized 2 years later when he was appointed executive director of Delaware County, a post he held for 13 years. I worked closely with Matt in my capacity as chairman of the Delaware County Council. No public servant brought more vigor to a position than Matt, nor did anyone more capacity protect the interests of taxpayers.

In 1992, Matt became chief executive officer of the Delaware County Solid Waste Authority. Again, he approached his position with commitment and determination. His knowledge and negotiating skills helped save the county millions of dollars.

Matt was a certified public accountant and a graduate of Villanova University, where he also served as an adjunct professor of accounting for 8 years. Before joining county government, he had 20 years experience in the private sector in accounting and management, including international financing with a major accounting firm.

Matt was also dedicated to serving his community. He served as treasurer of the Haverford Township Republican Party and was a member of the Haverford Township Parks and Recreation Board. He also served on the finance committee of St. Denis Roman Catholic Church, his home parish in Havertown. He was a board member of the Ardmore Manor Civic Association and a member of the Merwood Civic Association. He was a U.S. Army veteran.

Matt was devoted to his family. He cared deeply about his wife, Marie Purcell Hayes; his children, Matthew, Marie, James, William, and Joseph; and his three grandchildren. I offer my condolences to each to them. Matt will be greatly missed by all of us.

HMONG REFUGEES OF THAILAND

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mr. REED. Mr. Speaker, I rise today to submit for the record a letter I have sent to Secretary of State Christopher on behalf of the Hmong refugees in Thailand. Incidents of human rights abuses, forced repatriation, and retaliation upon their return to Laos continue to be reported. The Hmong community in Rhode Island remains very concerned about this situation, and I believe it is time we work to resolve it. I will be certain to submit for the record any response I receive from the State Department on this urgent matter:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 28, 1995.

Secretary WARREN CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: I write to express my concern about the status of Hmong combat veterans and refugees in Thailand.

You may recall that I wrote last year regarding the plight of the Hmong refugees. At that time, I was assured that additional resources had been committed to UNHCR to provide assistance to and monitor the safety of Hmong refugees, and that the State Department was working with the Thai government to resolve the question of repatriation to non-communist third countries. Thus, I have supported efforts to maintain a fair and responsible U.S. refugee policy that would prevent further persecution of Hmong refugees.

However, I am distressed that this situation has not yet been resolved. The Hmong people were our loyal allies and have been a great asset to our nation. Yet, thousands of Hmong remain in Thailand in refugee camps and continue to be persecuted because of their relationship with the U.S. While I recognize the difficulties in administering a refugee program, cases of forced repatriation, disappearances, and human rights abuses continue to be reported.

I would sincerely appreciate an update on the current status of the Hmong refugees. Specifically, I would like to know: what progress has been made to resettle the remaining Hmong combat veterans and refugees in safe, third countries; what efforts are being made to assist and monitor the safety and welfare of those refugees who have been voluntarily repatriated; have all means of forced repatriation ceased; are there currently immigration slots available for these refugees to come to the United States; is the Thai government cooperating with these efforts; and if not, what action will the State Department take to help the remaining Hmong refugees and ensure that they are not forcibly repatriated?

This issue is of great importance to the Hmong community in Rhode Island. Thank you in advance for your attention to this urgent issue, and I look forward to your response.

Sincerely,

JACK REED,
Member of Congress.

20TH ANNIVERSARY OF NEIGHBORHOOD IMP

k you in advance for your attention to this urgent issue, and I

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mr. KLECZKA. Mr. Speaker, I am honored to have this opportunity to commend the South Side's Milwaukee Christian Center Neighborhood Improvement Project [NIP] on its 20th anniversary.

The South Side's NIP was founded in 1975 as a collaboration of South Side agencies seeking to provide summer jobs for youth under a community development block grant. The organization was formed to harness the considerable energy of area youth in an endeavor that would teach them valuable skills and contribute to the surrounding community.

In 1994, the South Side NIP employed 44 young adults in housing rehabilitation projects. Participants remove unsightly graffiti, paint, provide carpentry services, and roof homes for low-income homeowners. South Side neighborhoods receive a facelift, while youth gain a work ethic and marketable skills.

Sixty-seven homes benefited from no-cost renovations last year. Meanwhile, the 38 young offenders served their community service sentences as graffiti removal team members, cleaning up at over 2,300 dwellings throughout the year.

Young people learn about the real work world through the NIP. They work on a timeclock and are responsible for their tools. Some programs operate based on piecework, which rewards higher productivity with higher pay. Many summer program participants have moved up through the program to become team supervisors. Mentors are drawn from local community centers to provide technical expertise and role models for the youth.

Over the past two decades, the South Side NIP has provided invaluable services to local residents. It truly represents an exemplary investment of CDBG funds. The program benefits not only participants, but also homeowners and neighborhoods. I am pleased to congratulate the Milwaukee Christian Center Neighborhood Improvement Project on its 20th anniversary and wish it continued success in the future.

PERSONAL EXPLANATION

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mrs. FOWLER. Mr. Speaker, due to a family medical emergency, I was not present for rollcall vote Nos. 822 and 823. Had I been present I would have voted ''yes'' on H.R. 2525 and ''yes'' on Senate Concurrent Resolution 33. I request unanimous consent that my statement appear in the RECORD immediately following these rollcall votes.

A TRIBUTE TO WILLIAM KUNSTLER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to attorney William Kunstler who recently passed away. In memory of William Kunstler and in tribute to the ideals for which he fought, I would like to enter into the CONGRESSIONAL RECORD this statement.

Mr. Kunstler was profoundly committed to the fundamentally American ideal of justice for all. As an attorney he fought against racism and for the legal rights of everyone from important political figures to marginal outsiders. His notable achievements included his work with Dr. Martin Luther King and his representation of Adam Clayton Powell and Stokely Carmichael.

To make the ideal of a just America a reality, Mr. Kunstler brought his considerable talents to defend unpopular and sometimes virtually unwinnable cases as a matter of principle. He took on the cases of many of the prisoners charged following the Attica Prison uprising. He took on the case of Wayne Williams, who was convicted of killing young boys in Atlanta, and Colin Ferguson, who was convicted of killing several people on the Long Island railroad. It is these cases that test our commitment to a fair and equitable justice system, and it is with these unpopular cases that William Kunstler proved the depth of his commitment to a fair justice system.

In her tribute to William Kunstler, Bernice Powell Jackson from the Civil Rights Journal noted that William Kunstler was a man who challenged our legal system to be the best and the fairest it could be. In this time of increasing attacks on the rights of the accused, we need to be inspired by Mr. Kunstler's commitment to a fair and equitable justice system. I would like to take this moment to honor his memory.

WORLD FOOD SUPPLIES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mr. HAMILTION. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 15, 1995 into the CONGRESSIONAL RECORD.

FUTURE WORLD FOOD SUPPLIES

The tightening of world food supplies in recent years has led many people to wonder about the long-term food outlook. Will we be facing an era of major shortages driven by world population growth that will mean sharp price increases for some and food scarcity and famine for others? Or will research advances and improved farm productivity be enough to meet the growing world needs? The long-term predictions have important implications for U.S. food and agricultural policy and for Hoosier farmers.

CURRENT SUPPLIES

In recent years, world grain supplies have tightened considerably. The world's grain harvest has not increased in any of the last five years, and since 1992 world grain consumption has exceeded production. Grain stocks carried over from one year to the next are at record lows. In the U.S., lower production, strong export demand, and reforms making farm programs more market oriented have meant that this year—for the first time since World War II—there are basically no surplus stocks in government-owned reserves. The tight supplies have led to steep price increases for wheat, rice, and corn.

LONG-TERM PROJECTIONS

Some people look at the current tight supplies and see things only getting worse. They believe that world population growth, increasingly scarce water and land resources, and the demand for better diets in developing countries will mean an era of major food scarcity. Others are optimistic. They point to advancing farm technology, unused cropland, and potential to modernize farm production in developing countries. On this view, feeding billions more around the world could easily be done.

The U.S. Department of Agriculture (USDA) recently released a major study on the outlook for world food supplies that comes down in between these two views. Looking at the next 10 years, the report sees no looming crisis in food supplies. The report expects production to grow at basically the same rate as population, so grain use per person will remain relatively unchanged. World prices for wheat and rice are expected to lag only slightly behind inflation.

Explaining the increased demand, USDA emphasized the importance of world population growth—from 5.5 billion to 6.6 billion over the next decade—as well as efforts by countries like China to improve their diets. Yet world food production is expected to keep pace, more through higher yields than expanded cropland. Crop yields, however, are expected to grow more slowly than in the past because high-yielding rice and wheat varieties have been widely adopted and no similar research advances are anticipated soon.

FOOD SHORTAGES

While the USDA report projected adequate global food supplies, it also concluded that there will be major food shortages in some parts of the world. And on that score USDA was not optimistic. Currently some 800 million people—15% of the world's population—have inadequate diets, with many of them suffering from severe malnutrition. The study projected that food aid needs will double over the next decade, even under relatively optimistic assumptions of increased food production in the developing countries. The problem of food shortages is largely financial—the inability of poorer countries to buy adequate food.

The world food situation is like a basket half empty and half full. More people are adequately fed than ever before and much more food is available than in past decades. At the same time, there are still more hungry people in the world than ever before, both in absolute numbers and as a percentage of total world population.

AGRICULTURAL RESEARCH

One clear message from the long-term food supply projections is that we need to continue to support agricultural research. The U.S. agricultural research system has been a major reason for the productivity of our farmers, and continued research will be crucial in the years ahead to helping them meet the ever-growing markets for food.

Yet agricultural research faces federal budget cuts. Funding in 1996 will be below this year's level, and Congress will consider various reforms in the months ahead. We need to balance the budget, but deep cuts in agricultural research would be short-sighted.

FARM PROGRAMS

The increasing world food needs also mean that we should reform current federal farm programs to open up more farmland to production. Currently some 15 percent of U.S. cropland is being idled through federal commodity programs designed to help stabilize supplies and through Conservation Reserve programs designed to protect fragile cropland.

Reforms are currently being considered in Congress to reduce government land set-asides, allow farmers to withdraw less-sensitive land from the Conservation Reserve, and allow farmers more planting flexibility to react to world market needs. I support such efforts.

FOOD AID

We also need to improve U.S. food aid programs. since the end of World War II, the U.S. has been the world's bulwark against famine. This year we will provide $1.3 billion in food aid—about 1/10 of 1 percent of the total federal budget. Food aid benefits not just needy people overseas but also U.S. farmers, by providing a market for their current production and by laying the groundwork for future export sales. Of the 50 largest buyers of American farm goods, 43 are countries that formerly received U.S. food aid. Former food aid recipients purchase more than $35 billion in U.S. agricultural products each year. By helping feed the needy we also create major new markets for our exports.

But food aid programs also face budget cuts, and it is clear that we will have to do more with less. That's why recent Clinton Administration efforts to overhaul and ''reinvent'' food aid programs—better coordinating assistance and focusing much more on measuring and managing for results—are a step in the right direction.

CONCLUSION

Long-term projections about global food supplies and needs are very tentative, and are highly sensitive to even the smallest changes in assumptions. The latest projections are generally reassuring for those of us in the U.S., but they also indicate the need for a long-term view in our food and agricultural policies. We must continue to invest in the ability of U.S. farmers to meet the needs of global markets.

IN SUPPORT OF STRONG LOBBYING LEGISLATION

HON. MICHAEL PATRICK FLANAGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mr. FLANAGAN. Mr. Speaker, today is a historic day. Finally, after almost a half century, the House passed and sent to the President a strong lobbying disclosure bill that will

serve to close the various loopholes in current lobbying law and make the rules mean what they are supposed to mean.

Because it was necessary to send to the President a clean bill—any amendment adopted to H.R. 2564 would have ultimately served to kill lobbying reform in Congress for yet another year—Members of Congress were forced to withdraw and vote down a number of well-intended and worthy amendments.

Sadly, one of those withdrawn amendments was offered by the gentleman from Michigan [Mr. DINGELL]. Mr. DINGELL's amendment would have made a step in the right direction in stifling the atrocious lobbying procedure associated with so-called astroturf lobbying in which lobbying firms falsely use a person's name in a telegram or letter in an effort to influence a Member of Congress on pending legislation.

In August, during consideration of H.R. 1555, the Communications Act of 1995, my office received thousands of these computer-generated form telegrams. They were supposedly from my constituents outraged over the telecommunications deregulation and reform legislation. But after my staff and I contacted over 200 of those whose names and addresses that appeared on the telegrams, our results revealed that only a tiny fraction of ''senders''—I am talking about only a handful—even knew their names has been used in this way, and one gentleman had long been deceased.

Mr. DINGELL's amendment to establish a penalty of a fine or up to 1 year imprisonment for lobbying firms who falsely uses a person's name in a computerized telegram or postcard is a necessary step in ending these despicable lobbying techniques. I urge all my colleagues to support it when introduced as free-standing legislation.

While I strongly support Mr. DINGELL's language, I also believe it is important for Congress to enact legislation that would require full disclosure of expenditures on this so-called astroturf lobbying. Neither H.R. 2564 nor the Dingell amendment requires disclosure of expenditures on astroturf lobbying. I believe this important information should be included in the registration and reports filed by lobbyists or organizations that lobby. This could be accomplished through separate legislation which I hope will be introduced this year.

Mr. Speaker, I would like to thank Mr. DINGELL for offering his amendment today and for withdrawing it. I hope we can get together and put our minds to work and introduce a strong lobbying reform bill this year. Mr. CANADY, chairman of the Subcommittee on the Constitution of the full Committee of the Judiciary and lead sponsor of H.R. 2564, is also committed to working on another lobbying bill. With a year left in the 104th Congress, I believe this will be achieved.

ROMANIAN NATIONAL DAY—DECEMBER 1

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mr. SOLOMON. Mr. Speaker, on the eve of Romania's National Day on December 1, I would like to take a few moments to recognize the strides it has made since overthrowing communism just a mere 5 years ago.

Romania, like many of its neighbors, rejoiced when it was finally able to break free of communism and join the West. Having lived through some very rough years of a Stalinist inspired dictatorship, the Romanian people and their government are firmly dedicated to establishing a modern democracy.

Once obtaining its new-found freedoms, Mr. Speaker, Romania went on to achieve a number of firsts. For example, in 1989, Romania became the first country in central Europe to adopt a new Constitution, approved by a new, freely elected Parliament and by national referendum. Romania was also the first country in the region to have three rounds of free elections in 6 years, including parliamentary, presidential, and local. Finally, Romania achieved the distinction of being the first central European nation to join the Partnership for Peace [PFP] on January 26, 1994.

I am pleased to note, Mr. Speaker, that the Romania Government regards its bilateral relationship with the United States to be very special, and is intent on developing an intense cooperation in all fields with the United States—political, military, economic, and cultural. For example, at my invitation on behalf of the Congressional Research Service Task Force on International Parliamentary Programs. Mr. Adrian Nastase, President of the Romanian Parliament—equivalent to our Speaker of the House—is currently leading a delegation to Washington to institute modernization techniques for running the Romanian Parliament.

The Romanian Parliament is currently busy debating a law on political parties, and several other bills—on competition, on real estate promotion, on a forest code, on labor protection—demonstrating that democracy is hard at work in Romania. Ironically enough, when recently asked which issue is currently the most important one before the Romanian Parliament President Nastase answered that the budget has taken precedence before all other political issues. I guess some things do not change from Parliament to Parliament, Mr. Speaker.

Mr. Speaker, the people of Central and Eastern Europe experienced tremendous hope with the fall of the Iron Curtain. The people of these countries and their governments are now facing the sobering challenges to build anew a free and modern state. On the occasion of Romania's National Day, I congratulate Romania for its accomplishments to date and join with my colleagues to wishing Romania well in its future.

HONORING KENNETH R. KORNHAUSER, FRED MILSTEIN, AND LEONARD COOPER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mr. ACKERMAN. Mr. Speaker, I rise today to join with the members of the Suffolk Association for Jewish Educational Services [SAJES] and my constituents in the fifth congressional district as they gather to honor Kenneth R. Kornhauser, Fred Milstein, and Leonard Cooper for distinguished service in advancing the cause of Jewish education in Suffolk County, NY.

Through innovative and creative leadership, Kenneth R. Kornhauser has provided a solid basis of support to the advancement of quality Jewish education. A member of Temple Beth Torah, Kenneth is an involved board member of an array of Jewish organizations that include the Suffolk Y Jewish Community Center, the Gurwin Jewish Geriatric Center, the United Jewish Community Center of Long Island, and SAJES.

Honoree Fred Milstein also is being recognized for his endless dedication to the Suffolk Jewish Community. He has exemplified himself and enhanced the community through his active and effective participation as a member of the Suffolk Jewish Center, and as a board member of SAJES, the Solomon Schechter Day School of Suffolk County, B'nai B'rith, the World Jewish Congress, and the Suffolk Jewish Communal Planning Council.

Extraordinary is a word that befits SAJEs' third honoree, Leonard Cooper. Because of his extraordinary talents for enhancing the Suffolk Jewish Community, SAJES confers upon him an award of special recognition. Leonard has served with great distinction and effectiveness as the first president of the Suffolk Y Jewish Community Center, and he is also a board member of the Gurwin Jewish Geriatric Center. In addition, he has served as campaign chairman for the United Jewish Appeal on eastern Long Island.

Without compensation or demand for recognition, these men have given of their great skills and talents to the uplifting and betterment of our community. It is with great pride that I call upon all my colleagues in the House of Representatives to join me in paying tribute to Kenneth R. Kornhauser, Fred Milstein, and Leonard Cooper. May their good works and selfless deeds serve as an example for all Americans to follow.

PERSONAL EXPLANATION

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mr. COX of California. Mr. Speaker, earlier today, I was unavoidably detained and unable to return to the Capitol in time to record a ''yes'' vote in favor of H.R. 2564, legislation to toughen disclosure rules for lobbyists.

The passage of H.R. 2564—on the heels of last week's landmark vote to completely ban all gifts from lobbyists—adds to this new Congress' already impressive list of achievements in changing the way Washington does business.

On the first day of this Congress, the new Republican majority in the House of Representatives delivered on its promise to drastically cut congressional staff. We have continued to deliver on this pledge, cutting spending in the legislative branch, reducing committee staff by one-third, and completely eliminating three full committees and redistributing their duties.

We have also instituted internal term limits on the Speaker and committee chairmen, and ended the practice of ghost voting in committee, requiring instead that Members themselves be present to vote. And, the crown jewel of our internal reforms thus far—the first Republican bill signed into law by Bill Clinton—was legislation requiring that the laws of the land apply to Congress as well.

While there is still more to be accomplished on our congressional reform agenda, these significant reforms—including H.R. 2564—will do much to end business as usual in Washington, and to restore honesty and integrity to Congress.

CELEBRATING ROMANIA'S INDEPENDENCE DAY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 29, 1995

Mr. MORAN. Mr. Speaker, in a couple of days, on December 1, Romania will celebrate its national day of independence. This 1995 celebration will mark the 77th time the people of that nation have commemorated the founding of their country. Unlike many of the past national days, however, Romania's celebration this year is one that is full of hope for the future.

As many of my colleagues know, earlier this fall, Romania's President, Ion Iliescu, came to Washington to meet with President Clinton. He also met with a number of our colleagues here in the House. The message he carried was simple. Romania is irrevocably marching down the path toward a democratic political system and a free-market economy.

This march has not been an easy one—reversing 40 years of communist rule is difficult. Romanians have borne real economic hardship since the 1989 revolution that overthrew the dictator Ceausescu. Nevertheless, major economic indicators for a healthy Romanian economy appear auspicious. Inflation is expected to be only 29 percent this year, less than half the 1994 rate. There has been more foreign investment, including U.S. investment, during the first 6 months of 1995 than there was in all of the previous 4 years. The agricultural sector, the first sector to benefit from privatization, has produced an almost record crop of wheat, allowing Romania to be a net grain exporter for the first time in years. A new stock exchange has opened, drawing capital to Romania, and the government has initiated a comprehensive privatizaiton scheme empowering individual Romanians to become owners of the country's manufacturing sector.

Taken together, these successes bode well for Romania's economic future—a future we are encouraging through our granting of most-favored-nation status to Romania and by extending to it the benefits of the Generalized System of Preferences Program.

I urge my colleagues to join with me in extending our best wishes to the people of Romania on the occasion of their 77th—annual—day of independence. I also hope my colleagues join with me in acknowledging the progress Romania has made in meeting the twin goals of economic reform and political democratization.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 30, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 1

10:00 a.m.

Foreign Relations

To hold hearings to examine the peace process in the former Yugoslavia.

SD–419

Special on Special Committee

To Investigate Whitewater Development Corporation and Related Matters

To continue hearings to examine certain issues relative to the Whitewater Development Corporation.

SH–216

2:00 p.m.

Appropriations

Defense Subcommittee

To hold hearings to examine certain funding requirements involving United States interests in Bosnia.

SD–192

DECEMBER 5

10:00 a.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings on S. 984, to protect the fundamental right of a parent to direct the upbringing of a child.

SD–226

DECEMBER 6

9:30 a.m.

Labor and Human Resources

To hold joint hearings with the Committee on Small Business on certain issues relating to modifications to the Occupational Safety and Health Act of 1970.

SD–106

Small Business

To hold joint hearings with the Committee on Labor and Human Resources on certain issues relating to modifications to the Occupational Safety and Health Act of 1970.

SD–106

Indian Affairs

To hold oversight hearings on the implementation of the Native American Graves Protection and Repatriation Act (P.L. 101- 601).

SR–485

DECEMBER 14

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 1271, to amend the Nuclear Waste Policy Act of 1982.

SD–366

CANCELLATIONS

NOVEMBER 30

2:00 p.m.

Judiciary

Immigration Subcommittee

Business meeting, to continue to mark up S. 1394, to reform the legal immigration of immigrants and nonimmigrants to the United States.

SR–385

Daily Digest

HIGHLIGHTS

Senate passed Safe Drinking Water Act.

Senate

Chamber Action

Routine Proceedings, pages S17699–S17829

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 1433–1437, and S. Res. 196. **Pages S17775–76**

Measures Reported: Reports were made as follows:

S. 1142, to authorize appropriations for the National Oceanic and Atmospheric Administration, with amendments. (S. Rept. No. 104–178) **Page S17775**

Measures Passed:

Safe Drinking Water Act: By a unanimous vote of 99 yeas (Vote No. 588), Senate passed S. 1316, to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act''), after agreeing to committee amendments, and taking action on amendments proposed thereto, as follows:

Pages S17700–32, S17734–58, S17760–62, S17764–74

Adopted:

(1) Chafee Amendment No. 3068, to authorize listing of point-of-use treatment devices as best available technology, modify loan authorities for the State Revolving Fund program, and to clarify the definition of public water system. **Pages S17727–29**

(2) Chafee Amendment No. 3069, to require additional research prior to the promulgation of a standard for sulfate. **Pages S17729–30**

(3) Murkowski Amendment No. 3070, to authorize the Administrator of the Environmental Protection Agency to make grants to the State of Alaska to improve sanitation in rural and Native villages. **Page S17731**

(4) Chafee Amendment No. 3071, to authorize additional criteria to alternatives to filtration. **Pages S17755–56**

(5) Chafee Amendment No. 3072, to authorize grants for wastewater treatment and drinking water supply to low-income communities with economic hardship located along the United States-Mexico border. **Pages S17756–57**

(6) Kempthorne (for Thomas/Simpson) Amendment No. 3073, to provide that in nonprimacy States the Governor shall determine which State agency will have the authority to establish assistance priorities for financial assistance provided with amounts deposited into the State loan fund. **Page S17760**

(7) Kempthorne (for Bond) Amendment No. 3074, to provide an extension of drinking water regulations when necessary and justified. **Pages S17760–61**

Subsequently, the amendment was modified. **Page S17761**

(8) Kempthorne (for Murkowski/Stevens) Amendment No. 3075, to require that the needs of Native villages in the State of Alaska for drinking water treatment facilities be surveyed and assessed as part of the State survey and assessment. **Page S17761**

(9) Chafee Amendment No. 3076, to strike section 28, assessing environmental priorities, costs, and benefits. **Page S17762**

(10) Chafee Amendment No. 3077, to establish a watershed protection demonstration program, and to provide assistance to the State of New York for demonstration projects for the protection and enhancement of the quality of source waters of the New York City water supply system. **Pages S17764–66**

(11) Chafee Amendment No. 3079, to provide that monitoring requirements imposed on a substantial number of public water systems be established by regulation. **Page S17771**

Rejected:

Boxer Amendment No. 3078, (by 59 yeas to 40 nays (Vote 587), Senate tabled the amendment) to require certain communities water systems to issue a consumer confidence report on the level of contaminants in the drinking water. **Pages S17767–73**

Death of Chaplain Halverson: Senate agreed to S. Res. 196, relative to the death of the Reverend

Richard Halverson, late the Chaplain of the United States Senate. **Page S17825**

Land Transfer: Senate passed S. 1341, to provide for the transfer of certain lands to the Salt River Pima-Maricopa Indian Community and the city of Scottsdale, Arizona, after agreeing to committee amendments. **Pages S17825–28**

Philanthropy Protection Act: Senate passed H.R. 2519, to facilitate contributions to charitable organizations by codifying certain exemptions from the Federal securities laws, clearing the measure for the President. **Page S17828**

Charitable Gift Annuity Antitrust Relief Act: Senate passed H.R. 2525, to modify the operation of the antitrust laws, and of State laws similar to the antitrust laws, with respect to charitable gift annuities, clearing the measure for the President. **Page S17828**

Securities Litigation Reform Act/Conference Report—Agreement: A unanimous-consent time agreement was reached providing for the consideration of the conference report on H.R. 1058, to amend the Federal securities laws to curb certain abusive practices in private securities litigation, on Tuesday, December 5, 1995. **Page S17825**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the report of the Agreement For Cooperation in the Peaceful Uses of Nuclear Energy Between the U.S. and the European Atomic Energy Community; referred to the Committee on Foreign Relations. (PM–99). **Pages S17774–75**

Messages From the President: **Pages S17774–75**

Messages From the House: **Page S17775**

Measures Placed on Calendar: **Page S17775**

Communications: **Page S17775**

Executive Reports of Committees: **Page S17775**

Statements on Introduced Bills: **Pages S17776–82**

Additional Cosponsors: **Pages S17782–83**

Amendments Submitted: **Pages S17783–86**

Authority for Committees: **Page S17786**

Additional Statements: **Pages S17786–92**

Text of H.R. 2539 as Previously Passed: **Pages S17792–S17819**

Record Votes: Two record votes were taken today. (Total—588) **Pages S17773–74**

Adjournment: Senate convened at 10 a.m., and as a further mark of respect to the memory of the late Chaplain of the Senate Reverend Richard Halverson, in accordance with S. Res. 196, adjourned at 7:30 p.m., until 10 a.m., on Thursday, November 30, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S17828–29.)

Committee Meetings

(Committees not listed did not meet)

UNITED STATES-SINO INTELLECTUAL PROPERTY RIGHTS

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs concluded hearings to examine certain issues relating to the United States-Sino Intellectual Property Rights Agreement, after receiving testimony from Charlene Barshefsky, Deputy United States Trade Representative; Steven Metalitz, International Intellectual Property Alliance, Robert W. Holleyman, II, Business Software Alliance, Jason Berman, Recording Industry Association of America, and Jack J. Valenti, Motion Picture Association of America, all of Washington, D.C.

ALTERNATIVE DISPUTE RESOLUTION

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management and the District of Columbia concluded hearings on S. 1224, to make permanent authorizations for and modify certain provisions of the Administrative Dispute Resolution Act of 1989 to encourage Federal agencies to streamline dispute resolution processes through the use of alternative dispute resolution techniques, after receiving testimony from Steven Kelman, Administrator for Federal Procurement Policy, Office of Management and Budget; Peter R. Steenland, Jr., Senior Counsel, Office of Alternative Dispute Resolution, Department of Justice; John A. Wagner, Manager, ADR Services, Federal Mediation and Conciliation Service; Nancy G. Miller, former Senior Attorney, Administrative Conference of the United States; and Philip J. Harter, on behalf of the American Bar Association, Marshall J. Breger, Heritage Foundation, former Chair of the Administrative Conference of the United States, and Gray Castle, Center for Public Resources, all of Washington, D.C.

SPORTS FRANCHISE RELOCATION

Committee on the Judiciary: Subcommittee on Antitrust, Business Rights, and Competition concluded hearings to examine antitrust and competition issues involved in relocation by professional sports franchises, focusing on the degree and appropriateness of competition among cities and other local governments to attract and retain sports teams, the impact of the antitrust laws on the ability of sports leagues

to control franchise movement, and whether a Federal response is appropriate, after receiving testimony from Senators DeWine, Glenn, and Dorgan; Representatives Stokes and Hoke; Mayor Bob Lanier, Houston, Texas; Mayor Michael R. White, Cleveland, Ohio; Paul Tagliabue, National Football League, New York, New York; John A. Moag, Jr., Maryland Stadium Authority, Baltimore; Gary R. Roberts, Tulane University Law School, New Orleans, Louisiana; Stephen F. Ross, University of Illinois, Champaign; and Robert A. Baade, Lake Forest College, Lake Forest, Illinois.

IMMIGRATION REFORM

Committee on the Judiciary: Subcommittee on Immigration approved for full committee consideration an original bill to reform the legal immigration of immigrants and nonimmigrants to the United States. (As approved by the subcommittee, the bill incorporates provisions of S. 269 and S. 1394.)

OSHA REFORM

Committee on Labor and Human Resources: Committee concluded hearings on S. 1423, to make modifications to certain provisions of the Occupational Safety and Health Act of 1970, focusing on civil penalties for paperwork and other nonserious violations, OSHA inspector quotas, and consultation and voluntary protection programs, after receiving testimony from Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health Administration; T. Forrest Fisher, Camden, New Jersey, on behalf of the American College of Occupational and Environmental Medicine; Katherine Gekker, The Huffman Press, Alexandria, Virginia, on behalf of the Printing Industries of America, Inc.; David J. Heller, U S West, Inglewood, Colorado, on behalf of the Labor Policy Association, Inc.; and Linda Chavez-Thompson, AFL–CIO, Washington, D.C.

WHITEWATER

Special Committee To Investigate the Whitewater Development Corporation and Related Matters: Committee resumed hearings to examine issues relative to the Whitewater Development Corporation, receiving testimony from Richard Iorio, Director of Field Investigations, and Jean Lewis, former Criminal Investigator, both of the Resolution Trust Corporation.

Hearings continue tomorrow.

House of Representatives

Chamber Action

Bills Introduced: 8 public bills, H.R. 2684–2691; and 3 resolutions, H. Con. Res. 116, and H. Res. 285–286 were introduced. **Pages H13803–04**

Report Filed: One report was filed as follows: H. Res. 284, providing for the consideration of H.R. 1788, to reform the statutes relating to Amtrak, and to authorize appropriations for Amtrak (H. Rept. 104–370). **Page H13803**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Allard to act as Speaker pro tempore for today. **Page H13733**

Committees To Sit: The following committees and their subcommittees received permission to sit today during proceedings of the House under the 5-minute rule: Committees on Commerce, Government Reform and Oversight, Resources, and Select Intelligence. **Page H13737**

Presidential Message—U.S.-EURATOM Nuclear Energy Use: Read a message from the President wherein he transmits the text of a proposed Agreement for Cooperation in the Peaceful Uses of Nuclear Energy Between the United States of America and the European Atomic Energy Community with accompanying agreed minute, annexes and other attachments—referred to the Committee on International Relations and ordered printed (H. Doc. 104–138). **Pages H13737–38**

Lobbying Disclosure: By a yea-and-nay vote of 421 yeas, Roll No. 828, the House passed H.R. 2564, to provide for the disclosure of lobbying activities to influence the Federal Government. **Pages H13738–50**

The Traficant amendment was offered but subsequently withdrawn that sought to require all lobbyists representing foreign firms or governments to register semi-annually with the Attorney General and provide civil penalties for lobbyists who fail to file or file false or incomplete information. **Pages H13739–44**

Subsequently, S. 1060, a similar Senate-passed bill, was passed in lieu—clearing the measure for the President. H.R. 2564 was laid on the table. **Pages H13745–50**

House then agreed to H. Con Res. 116, directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1060. **Pages H13749–50**

VA–HUD Appropriations: By a yea-and-nay vote of 216 yeas to 208 nays Roll No. 829, the House

agreed to the Obey motion to recommit to the committee of conference the conference report on H.R. 2099, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996; with instructions to the House conferees to insist on the House position on Senate amendment numbered 4 (to provide an additional $213 million in veterans medical care funding). **Pages H13750–64**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H13804–05.

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of the House today and appear on pages H13744–45 and H13763–64. There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned at 6:55 p.m.

Committee Meetings

MISCELLANEOUS MEASURES

Committee on Commerce: Ordered reported the following bills: H.R. 325, amended, to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe; and H.R. 1787, to amend the Federal Food, Drug, and Cosmetic Act to repeal the saccharin notice requirements.

CIVIL SERVICE REFORM

Committee on Government Reform and Oversight: Subcommittee on Civil Service concluded hearings on Civil Service Reform IV: Streamlining Appeals Procedures. Testimony was heard from Timothy Bowling, Associate Director, GAO; Allan Heuerman, Director, OPM; Benjamin Erdreich, Chairman, Merit Systems Protection Board; Gilbert F. Casellas, Chairman, EEOC; Phyllis Segal, Chairwoman, Federal Labor Relations Authority; Kathleen Day Koch, Special Counsel, Office of Special Counsel, the following former officials of the Merit Systems Protection Board: Daniel Levinson, Chairman; and Llewellyn Fischer, General Counsel; and public witnesses.

AMTRAK REFORM AND PRIVATIZATION ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 1788, Amtrak Reform and Privatization Act of 1995. The rule waives all points of order against the consideration of the bill. The rule makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute now printed in the bill, modified by the amendment printed in part 1 of the report of the Committee on Rules. The rule provides for the consideration of the substitute, as modified, by title rather than by section, with the first section and each title considered as read. The rule waives all points of order against the committee amendment in the nature of a substitute, as modified. The rule provides for the consideration of a manager's amendment to be printed in part 2 of the report, which is considered as read, not subject to amendment or to a division of the question, and is debatable for 10 minutes equally divided between the proponent and an opponent. All points of order are waived against the amendment. If adopted, the amendment is considered as part of the base text for further amendment purposes. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the role provides one motion to recommit, with or without instructions. Testimony was heard from Representatives Molinari, Oberstar, and Lipinski.

CONFERENCE REPORTS—CORRECTIONS IN ENROLLMENTS

Committee on Rules: By unanimous consent, vacated its proceedings of Friday, November 17, 1995, by which it ordered reported a rule providing for the adoption of a concurrent resolution correcting the enrollment of two bills (Treasury/Postal Appropriations for fiscal year 1996 and Legislative Branch Appropriations for fiscal year 1996) to reflect a single enrollment.

ETHICS INVESTIGATION

Committee on Standards of Official Conduct: Met in executive session to continue to take testimony regarding the ethics investigation of Speaker Gingrich. Testimony was heard from Elliott Millenson, formerly with Direct Access Diagnostics; and Peter Bewley, Senior Vice President and General Counsel, NovaCare Inc.

DIVERSITY

Permanent Select Committee on Intelligence: Held a hearing on Diversity. Testimony was heard from Robert Bryant, Assistant Director, FBI, Department of Justice; the following officials of the CIA: John M. Deutch, Director; and Nora Slatkin, Executive Director; and the following officials of the Department of Defense: VAdm. J.M. McConnell, USN, Director, NSA; and Lt. Gen. Kenneth A. Minihan, USA, Director, Defense Intelligence Agency.

Joint Meetings

LIBRARY OF CONGRESS

Joint Committee on the Library: Committee held oversight hearings to examine collection security and financial management activities of the Library of Congress, receiving testimony from James Billington, Librarian of Congress, John Rensbarger, Inspector General, and Ken Keeler, Assistant Inspector General for Investigations, all of the Library of Congress; William Gadsby, Director, Government Business Operations Issues, General Government Division, and Robert Gramling, Director, Corporate Audits and Standards, and Rosemary Jellish, Assistant Director, Financial Management Policies and Issues, both of the Accounting and Information Management Division, all of the General Accounting Office; and Robert Featheringham and Michael Kenney, both of Computer Sciences Corporation, Falls Church, Virginia.

Committee recessed subject to call.

EMERGENCY SALVAGE TIMBER SALE PROGRAM

Joint Hearing: Senate Committee on Energy and Natural Resources' Subcommittee on Forests and Public Land Management held joint oversight hearings with the Timber Salvage Task Force of the House Resources Committee on the implementation of section 2001 (relating to emergency salvage of diseased dead timber on Federal forest lands) of the Fiscal Year 1995 Emergency Appropriations Supplemental and Rescissions bill (P.L. 104–19), receiving testimony from James Meissner, Associate Director, Natural Resources Management Issues, and Robert B. Arthur, Senior Evaluator, both of the General Accounting Office; Jack Ward Thomas, Chief, and Dave Hessel, Director of Timber Management, both of the Forest Service, Department of Agriculture; Rolland Schmitten, Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce; Donald Barry, Counselor to the Assistant Secretary for Fish, Wildlife and Parks, and Nancy Hayes, Chief of Staff, Bureau of Land Management, both of the Department of the Interior; Peter Coppelman, Deputy Assistant Attorney General, Department of Justice; and Robert Sanderson, Director, Office of Federal Activities, Environmental Protection Agency.

Hearings were recessed subject to call.

APPROPRIATIONS—COMMERCE/JUSTICE/STATE

Conferees agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 2076, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996.

SECURITIES LITIGATION REFORM

Conferees on Tuesday, November 28, agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 1058, to amend the Federal securities laws to curb certain abusive practices in private securities litigation.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1384)*

S. 395, to authorize and direct the Secretary of the Department of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil. Signed November 28, 1995. (P.L. 104–58)

S. 440, to amend title 23, United States Code, to provide for the designation of the National Highway System. Signed November 28, 1995. (P.L. 104–59)

S. 1328, to amend the commencement dates of certain temporary Federal judgeships. Signed November 28, 1995. (P.L. 104–60)

COMMITTEE MEETINGS FOR THURSDAY, NOVEMBER 30, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Energy and Natural Resources, business meeting, to consider pending calendar business, 9:30 a.m., SD–366.

Committee on Finance, to hold hearings on the nominations of Joseph H. Gale, of Virginia, to be a Judge of the United States Tax Court, Melissa T. Skolfield, of Louisiana, to be an Assistant Secretary of Health and Human Services, Darcy E. Bradbury, of New York, to be an Assistant Secretary, David A. Lipton, of Massachusetts, to be a Deputy Under Secretary, and Jeffrey R. Shafer, of New Jersey, to be an Under Secretary, all of the Department of the Treasury, and David C. Williams, of Illinois, to be Inspector General, Social Security Administration, 10 a.m., SD–215.

Committee on Foreign Relations, to hold hearings on Bilateral Treaties Concerning the Encouragement and Reciprocal Protection of Investment (Treaty Docs. 104–19, 103–36, 103–38, 104–13, 103–35, 104–12, 104–10, 104-14, and 104–11), 10 a.m., SD–419.

Committee on the Judiciary, business meeting, to consider pending calendar business, 10 a.m., SD–226.

Full Committee, to hold hearings on pending nominations, 2 p.m., SD–226.

Select Committee on Intelligence, to hold closed hearings on intelligence matters, 9:30 a.m., SH–219.

Special Committee To Investigate Whitewater Development Corporation and Related Matters, to continue hearings to examine certain issues relative to the Whitewater Development Corporation, 10 a.m., SH–216.

NOTICE

For a Listing of Senate Committee Meetings scheduled ahead, see page E2263 in today's Record.

House

Committee on Commerce, Subcommittee on Commerce, Trade, and Hazardous Materials, to mark up H.R. 2036, Land Disposal Program Flexibility Act of 1995, 2 p.m., 2322 Rayburn.

Subcommittee on Telecommunications and Finance, hearing on H.R. 2131, Capital Markets Deregulation and Liberalization Act of 1995, 10 a.m., 2123 Rayburn.

Committee on House Oversight, to continue discussions on H. Res. 192, providing additional auditing by the House Inspector General, 12 p.m., 1310 Longworth.

Committee on International Relations, hearing on United States Policy Towards Bosnia, 10 a.m., 2172 Rayburn.

Committee on National Security, to continue hearings on the proposed deployment of United States ground forces in Bosnia, 2 p.m., 2118 Rayburn.

Subcommittee on Military Personnel, to continue hearings on the Department of Defense comprehensive review of POW/MIA cases, 10 a.m., 2122 Rayburn.

Committee on Resources, Subcommittee on National Parks, Forests and Lands, oversight hearing on Forest Timber Salvage and Forest Health, 10 a.m., 1324 Longworth.

Committee on Rules, to consider H.R. 1350, Maritime Security Act of 1995, 10:30 a.m., H–313 Capitol.

Committee on Science, Subcommittee on Space and Aeronautics, hearing on Shuttle Single Prime Contract: A Review of NASA's Determination and Findings, 10 a.m., 2318 Rayburn.

Committee on Standards of Official Conduct, executive, to consider pending business, 1 p.m., HT–2M Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, to continue hearings on FAA's Global Positioning (Satellite Navigation) System, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, to mark up the Senior Citizens' Right to Work Act of 1995, 10 a.m., 1100 Longworth.

Next Meeting of the SENATE

10 a.m., Thursday, November 30

Senate Chamber

Program for Thursday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 2 p.m.), Senate may consider any cleared legislative business, including the conference report on H.R. 2099, VA/HUD Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, November 30

House Chamber

Program for Thursday: Consideration of H.R. 1788, Amtrak Reform and Privatization Act of 1995 (open rule, 1 hour of general debate).

Extensions of Remarks, as inserted in this issue

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