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Senate

(Legislative day of Monday, May 1, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray:

Lord God, You are infinite, eternal, unchangeable, and the source of wisdom, holiness, goodness, and truth. Today we want to hold together two Biblical admonitions. We are told that the fear of the Lord is the beginning of wisdom but also that we are not to fear. Help us to distinguish between the humble awe and wonder that opens us to the gift of Your guidance, and the negative panic that so often grips our souls.

Give us a profound reverence in Your presence that keeps us on the knees of our hearts. May we never presume that we are adequate for a day's challenges until we have received Your strength and vision. Give us the confidence that comes from trust in Your reliability and resourcefulness. You never let us down and constantly lift us up.

Lord, liberate us from all minor fears that haunt us: the fear of hidden memories, the fear of imagined failure, and the fear of what is ahead. We may not know what the future holds, but we do know that You hold the future. In the name of Him whose constant watchword is "Fear not, I am with you!" Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. THOMAS. Mr. President, this morning the leader time has been reserved. The Senate will immediately

resume consideration of S. 534, the solid waste disposal bill.

Senators should be aware that rollcall votes will occur this morning at 10 o'clock on invoking cloture on the substitute amendment to the solid waste bill.

As a reminder, Senators will have until 10 o'clock this morning to file any second-degree amendments to the substitute. Further amendments are expected to the bill, therefore, additional rollcall votes are anticipated throughout today's session of the Senate.

The majority leader has indicated that the Senate may also be asked to turn to consideration of H.R. 483, the Medicare select bill.

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The PRESIDING OFFICER (Mr. THOMAS). The Senate will resume consideration of S. 534.

The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 534) to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes.

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

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

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I ask unanimous consent that I be permitted to make an announcement concerning

hearings without regard to the pending bill.

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

FEDERAL PENSION REVIEW HEARINGS

Mr. STEVENS. Mr. President, several months ago there was an expression of interest in the subject of congressional pension reform raised by my good friend from Nevada, Senator BRYAN. His concern about the subject, which was raised here on the floor, was supported by the majority leader, and there was concurrence that it would be appropriate to schedule hearings later in the year on this subject.

Mr. President, to address the concern raised by Senator BRYAN and the majority leader, I wish to announce that the Subcommittee on Post Office and Civil Service, which I chair, has scheduled hearings on Federal pension plans for Monday, May 15, and Monday, May 22, at 2 p.m. They will be held in room 342 of the Dirksen Building.

The May 15 hearing will be devoted to the mechanics of Federal pension plans, including their application to Congress, and a review of proposals for modifying congressional pension coverage. The May 22 hearing will be a broad discussion of Federal plans, and will include a comparison with private sector pension plans. GAO will review the considerable research which they have compiled in this area.

There are several goals to these hearings which include taking a close look at congressional pension coverage; assessing the merits of the differential between this coverage and standard Federal pension coverage; and reviewing the Federal pension systems to determine if changes need to be made which would enhance the current plans, and also protect the financial soundness of these systems.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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I thank the Chair for the opportunity to announce these hearings.

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

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

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The Senate continued with the consideration of the bill.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 10 o'clock having arrived, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the pending committee substitute amendment to S. 534, the solid waste disposal bill

John H. Chafee, Bob Dole, Bob Smith, Jim Jeffords, Hank Brown, Kit Bond, Orrin Hatch, Spencer Abraham, Jon Kyl, Larry E. Craig, Kay Bailey Hutchison, Trent Lott, R.F. Bennett, Pete V. Domenici, Dirk Kempthorne, Jesse Helms.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the pending committee substitute amendment to S. 534, the solid waste disposal bill, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Pennsylvania [Mr. SPECTER] and the Senator from Virginia [Mr. WARNER] are necessarily absent.

Mr. FORD. I announce that the Senator from Rhode Island [Mr. PELL] is necessarily absent.

The PRESIDING OFFICER (Mr. INHOFE). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 50, nays 47, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—50

Abraham	Brown	Coats
Ashcroft	Burns	Cochran
Bennett	Campbell	Cohen
Bond	Chafee	Coverdell

Craig	Hutchison	Packwood
DeWine	Inhofe	Pressler
Dole	Jeffords	Roth
Domenici	Kassebaum	Santorum
Faircloth	Kempthorne	Shelby
Frist	Kyl	Simpson
Gramm	Lott	Smith
Grams	Lugar	Snowe
Grassley	Mack	Stevens
Gregg	McCain	Thomas
Hatch	McConnell	Thompson
Hatfield	Murkowski	Thurmond
Helms	Nickles	

NAYS—47

Akaka	Feingold	Leahy
Baucus	Feinstein	Levin
Biden	Ford	Lieberman
Bingaman	Glenn	Mikulski
Boxer	Gorton	Moseley-Braun
Bradley	Graham	Moynihan
Breaux	Harkin	Murray
Bryan	Heflin	Nunn
Bumpers	Hollings	Pryor
Byrd	Inouye	Reid
Conrad	Johnston	Robb
D'Amato	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
Dodd	Kerry	Simon
Dorgan	Kohl	Wellstone
Exon	Lautenberg	

NOT VOTING—3

Pell	Specter	Warner
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The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. CHAFEE. Mr. President, many people have asked what is going to happen for the remainder of the day. What we would very much like to do is get these amendments disposed of as quickly as possible. I know that many people have plans. We would like to see how many amendments there are around here. I think most of the players are here. If people could tell us who has an amendment, then we could figure where we go from here.

Now, who has an amendment? All right. Senator COATS. We are conscious of his. Senator GORTON. We are conscious of his. That is the same one as Senator MURRAY's, right?

Mr. GORTON. That is correct.

Mr. CHAFEE. Who else? Senator DORGAN has an amendment. I hope people will speak up because we would like to close out the amendments, if possible, if we can get an agreement. Senator BOXER, I am sure, has one. We are not seeking a big list. I know Senator BOXER has an amendment. Senator D'AMATO.

Mr. D'AMATO. I may have some very comprehensive, exhaustive amendments. I hope I do not have to offer them.

Mr. CHAFEE. We hope you do not, too. If you can check with your Cloakroom and see, we will do the same. We want to press this along and hopefully finish today. We know a lot of people have engagements.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I have a very brief statement with regard to the legislation. If you are looking for a few moments of free time, I could do that.

Mr. CHAFEE. If the Senator could withhold for a minute.

Mr. MURKOWSKI. Sure.

Mr. CHAFEE. Is Senator DORGAN ready to go?

This would involve a rollcall vote on Senator DORGAN's amendment, if he proceeds with it.

Mr. MURKOWSKI. My statement is very short and is on the bill.

Mr. CHAFEE. Mr. President, I ask if we could give 30 seconds or 1 minute to the Senator from Alaska to make a statement, and then if I could have the floor again, we will return to Senator DORGAN's amendment.

The PRESIDING OFFICER. The Senator from Alaska [Mr. MURKOWSKI] is recognized.

AMENDMENT NO. 861

Mr. MURKOWSKI. Mr. President, I want to thank Senator CHAFEE, and Senator BAUCUS, the floor managers; Senator SMITH, the subcommittee chairman; and Senator KEMPTHORNE for accepting my amendment last night which extends the efforts of Senator KEMPTHORNE, who amended the interstate waste disposal act to provide for practicable solid waste regulations that take into account the remote nature of Alaska Native villages—that is, relief from covering landfills, controlling access to landfills by an operator, et cetera—to cover all Alaska villages.

This provision is not a blanket exemption from all landfill standards for these facilities; rather, the governor of Alaska will have flexibility to set appropriate standards based on local conditions.

My amendment provides for workable solid waste regulations for all Alaska villages. The problems faced by Native village landfills are the same as those faced by other small, remote villages; both need regulatory relief.

I have a list of Alaskan villages not classified as Native villages" under the Alaska Native Claims Settlement Act. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

NON-ANSCA VILLAGES

Paxson.
Seward.
Chicken.
Seward.
Skwentna.
Healy.
Kupreanof.
Tok.
Elfin Cove.
Siana.
Central.
Medfra.
Wiseman.
Houston.
Willow.
Tonsina.
Northway Junction.
Tenakee Springs.
Circle Hot Springs.
Gustavus.
Coffman Cove.
Ft. Glenn.
Talkeetna.
McCarthy.

Kenny Lake.
Livengood.
Pelican.

PROBLEM

Mr. MURKOWSKI. Landfills in remote areas of Alaska do not have the resources to comply with Federal solid waste management regulations. Many communities have no local government at all, or operate all community services on an annual budget of \$25,000 to \$80,000. If landfills close, the result will be illegal dumping on the lands, or into the rivers, because no other alternatives exist.

Unlike areas in the lower 48 States, if Alaska's village landfills are forced to close for economic reasons, the waste often cannot be disposed of in regional facilities because the necessary transportation infrastructure simply does not exist. Many villages are accessible only by aircraft, or in some cases, seasonal water transportation. Alaska is different from the lower 48 where distances may be great, but communities are connected by road to regional landfills.

Mr. CHAFEE. If Senator DORGAN is ready to go, can we get a time agreement?

Mr. DORGAN. Mr. President, I have no objection to a time agreement. If I might offer the amendment, I will make some remarks, and then we will talk about a time agreement.

Mr. CHAFEE. What about 20 minutes equally divided?

Mr. DORGAN. Let me offer the amendment first and make a few remarks. It is not my intent to prolong it.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield for that purpose?

Mr. CHAFEE. Yes.

AMENDMENT NO. 914

(Purpose: To amend the definition of "municipal solid waste" to include industrial waste regardless of whether the industrial waste is physically and chemically identical to other municipal solid waste)

Mr. DORGAN. Mr. President, I send an amendment 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 North Dakota [Mr. DORGAN] proposes an amendment numbered 914.

The amendment is as follows:

On page 49, line 16, insert the following after "thereof" and before the period: "and any solid waste generated by an industrial facility"

On page 50, strike line 22 and all that follows through page 51, line 2.

Mr. DORGAN. Mr. President, I have an amendment at the desk. My amendment is not particularly complicated, although it might be controversial. My amendment would change this legislation so that the bill includes all solid waste generated by an industrial facility with respect to the definition of waste addressed in this legislation.

Currently, this legislation addresses municipal waste. That is, waste that is

generated by the general public or from a residential, commercial, institutional, or industrial source consisting of certain kinds of materials. That is what constitutes the definition of municipal waste in the bill.

In my judgment, this legislation moves in the right direction in the sense that it gives the States the opportunity to control, to some extent, their own destiny. At the present time, the interstate commerce clause prevents States from having any say at all when somebody decides to load train loads of waste in one jurisdiction and move it to another jurisdiction. The folks who live in the second jurisdiction have no right to say no. They have no right to say, "You can't do that to our neighborhood. You can't bring this waste to our area, because we don't want it." There is no right for them to do that under current law.

This legislation, under certain circumstances, gives the States the opportunity to say no, to decide when they do not want to have additional kinds of municipal waste deposited in their landfills or their waste disposal areas.

The definition of municipal waste in the bill, unfortunately, limits the opportunity for the States to make their views known on the subject of most waste that is moving around the country. Currently, there are 15 million tons of municipal solid waste exported nationwide across borders; 47 States and the District of Columbia, the Canadian Provinces of Ontario and British Columbia, and Mexico exported some portion of their municipal solid waste for disposal in the contiguous United States in 1992; 44 States import some municipal solid waste for disposal; 4 States export more than 1 million tons of municipal solid waste.

But S. 534 applies only to municipal solid waste and does not restrict interstate transportation of industrial waste to the extent that it can be restricted under this bill if the States decided they wanted to try to restrict it. I simply ask the question: Why not include industrial waste? Why would we limit this only to municipal waste? It does not make any sense to me.

The bulk of the waste that is being transported between States is industrial waste. For example, we have a landfill in North Dakota which receives industrial waste. That landfill, Echo Mountain in Sawyer, ND, imports metal grindings, paint waste, water treatment sludge, building demolition material, contaminated soil, liquid and solid waste associated with car manufacturing. None of which would be covered under this legislation in its present form.

The question is, if you are going to give the Governor or you are going to give the State the opportunity to say to those who would bring a stream of waste into their area the right to say no, why would you give them that right with only a small part of the waste? Why not all of the waste? Why

not all of the waste including industrial waste?

That is the proposition I offer in this amendment. The amendment is very simple. With only one line change, my amendment changes the definition of waste so that the bill's provisions would include industrial waste. It is not difficult for anyone to understand. The impact of it is very clear. The impact of it gives the States more rights, and, I think, moves in the direction that is intended in this legislation.

So I start on this issue believing that a problem we have in this country with respect to waste disposal is the stream of waste moving back and forth across borders and the corporations in this country whose business it is to try to find places to put waste. I happen to think that smaller, less populous States who may not want to have an enormous amount of waste transported in for profit, ought to have the right to say, "No, thank you, that is not what we want for our future. We have the right to determine our own future, and this is not what we want."

The committee brings a bill to the floor that says that is the right of the States with respect to one category of waste—municipal. But then they say by omission it is not the right of the States with respect to the broad category of other waste, especially industrial. I say why the inconsistency? If States' rights include the opportunity to say no with respect to the import of municipal waste, why not the same right with respect to industrial waste?

Mr. President, I know that this is a controversial amendment. I know that we will hear that this legislation is a carefully crafted balance and if anything should upset the balance, the whole thing falls. We hear that on every bill that comes to the floor. It is like a loose thread on a \$20 suit, you pull the thread and the arm falls off. We hear that every time there is a bill on the floor of the Senate.

All I am interested in doing is to say that if the philosophy by which this bill is being brought to the floor makes any sense at all, namely that is the States should have the right to say no to the waste flow coming into their States of municipal waste, then that philosophy holds true with respect to industrial waste as well.

I hope that both managers of this bill will stand up and immediately accept this amendment and thank me for offering it and say that it improves this bill immensely, and I will leave the floor a very happy person.

Mr. President, I yield the floor.

Mr. CHAFEE. Mr. President, can we get a time agreement? Will the distinguished Senator agree to 20 minutes equally divided, and if we do not use it, fine?

Mr. DORGAN. That is fine with me, Mr. President.

Mr. CHAFEE. Mr. President, I so ask unanimous consent.

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

Mr. CHAFEE. Mr. President, the Senator was quite right when he said this was a carefully crafted bill. What it is, it is a balance between the exporters and the importers, and the exporters and the importers have agreed—are very close to agreement now—on dealing with municipal solid waste. If you throw a new equation into it, a new element into the equation, such as how many different kinds of wastes are there—oh, there is hazardous waste and there is industrial waste and there is construction and demolition debris—all of these things. We have become experts on waste around here. But we do not know what the volumes are, for example, of this industrial waste that the Senator is talking about. Suppose that added into the numbers that were exported or imported and affected how much the quotas could be that come into each State. This whole bill, clearly, would just drop down. If we want a killer amendment, this is it, Mr. President.

I respect the earnestness of the Senator who offered it, and if he wants to come around sometime later in future years and say now we have worked it out with municipal solid waste, with the import and export restrictions and the volumes and how much there can be in future years and so-called ratchets, that is fine, but not today. We have enough problems with this legislation without adding this element into it.

So I very much hope that my colleagues will reject the amendment.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from North Dakota somewhat sarcastically says—it is not his intention, obviously—that his amendment will not sink the bill as he suggests the managers of the bill will say. The fact is this amendment will sink this bill. The reason is because there is so much construction, demolition material, there is so much sludge, there is so much wastewater treatment, there is so much of this in interstate commerce today.

Many States want to ship this material to another State to help, frankly, with Superfund cleanup or to deal with their waste in a way that makes good sense to their own State, and vice versa. It works both ways. Every State in the Nation ships this material out of State. Every State does and every State receives some.

So if this amendment were to be adopted, the general commerce today of the interstate shipment of construction and demolition material generally, and the other material that is covered by the Senator's amendment, would be severely disrupted and stopped. What then happens?

It is not going to happen because Senators are going to stand up and filibuster this bill because they know that they represent interests in their States who want to be able to ship material through interstate commerce.

It is true that we have to have a balance here. On the one hand, people want to ship waste whenever they want to ship it. The free market system.

On the other hand, governments, particularly State governments and local municipalities, want to protect themselves. They want to enact laws to protect themselves against the free market.

It is the tension that always exists. It is what we try to do around here; namely, we try to find a balance between those two tensions. There is also another tension here, another balance we have to try to pursue. That is between States and the Federal Government.

Our national motto is "e pluribus unum," one out of many. We are many States. We are 50 States. We are not 50 nations. We are 50 States. We are one nation, the Federal system. We are trying to figure out how to craft that balance.

Mr. President, it reminds me very much of something a very wise person said not too many years ago. That is, all of American political thought can be summed up in two sentences. No. 1, get the government off my back; No. 2, there ought to be a law about that.

That is what we are facing here. That is what this question comes down to. Get the government off my back, the opponents of the amendment said, because they want to be able to ship this material, different States, and have interstate commerce. There ought to be a law about that, is what Senators say.

Mr. President, we carefully considered this question in the committee, and we decided that with respect to municipal waste, which is more easily accounted for and which really bothers communities more than industrial waste, that we should set up a system with certain restrictions and certain guidelines. States, under certain circumstances, can restrict the amount of municipal waste that comes into their States. That is what we are doing.

Industrial waste is a whole different category. As I said, and the Senator from Rhode Island said, we really cannot account for it and do not know how much it is. Frankly, I do not see why the Senator from North Dakota is getting so worked up about this, because industrial waste is not really the problem that most States have. It is municipal waste, and also, it is hazardous waste. Hazardous waste is accounted for in an entirely different category and not the subject of this bill.

Mr. President, to sum up, I understand the concerns of the Senator from North Dakota, but it is true that if this amendment passes, there can be a lot of Senators going to come to the floor and say, wait a minute, we are not for this bill. We will vote against this whole bill.

Then what will happen? Then the citizens of North Dakota are not going to be able to limit the imports of out-of-State municipal garbage otherwise

coming into North Dakota. That is because the Supreme Court said North Dakota cannot do that unless this bill passes.

I think the Senator from North Dakota and all Senators want this bill to pass so that States are able to limit municipal trash coming into their own States.

For those reasons and the fundamental reason, just to make it crystal clear, if this amendment is adopted, Senators will come to the floor, and they will be against this bill because it restricts commerce way too much. No bill. And then nobody wins, everybody loses.

I therefore urge the Senate not to adopt this amendment.

Mr. DORGAN. Mr. President, I was right. It is not that I have a crystal ball over here, but I guess the argument is that whether or not this is a good idea if the Senate would adopt this, it will sink the bill. I do not know first hand of the flotation properties of this bill or who constructed it or how long it might float.

I do know that this is a pretty good idea to say if it is a good idea that the Governors ought to have the right to say no on the importation of municipal waste, there is no reason to prevent them from doing the same on industrial waste. If it is a good idea to give the States the opportunity to make their own judgment about some of these things, why is it a good idea to limit it to the smallest part of the waste that is moving around?

Let me tell the Senators as an example, North Dakota imported 73,000 tons of municipal solid waste and 150,000 tons of industrial waste.

Now, if we are saying the Governor or the State ought to have the right to say, "No," under certain circumstances, to a small part of the waste that is moving in, but does not have a similar right with respect to the larger part, I do not understand that. I do not think that holds up philosophically.

The other part of the argument apparently is the claim that industrial waste cannot be included in this bill because there is too much of it. The claim is that if the bill includes industrial waste, we will get a lot of people upset. They will come over here and filibuster, and we do not get a bill.

If industrial waste cannot be included because there is too much of it, I guess that makes my case. If there is too much industrial waste moving between States, that is especially what we ought to be dealing with here on the floor of the Senate.

My own sense is that the opposition to this is not consistent. I feel strongly that if we are going to do this with respect to municipal waste, we also ought to do it with respect to industrial waste, and be consistent. We should decide that States ought to have the right.

It was said a few minutes ago that the mood is "get government off our backs." I understand that mood. But there is another mood out there by some people who say, "I don't want garbage in my backyard. I don't want people to bring garbage into the areas where I have grown up."

This bill gives them the right to reject that in limited circumstances, but does not give them the similar right in the broader circumstances with respect to industrial waste.

I appreciate being called earnest, at least, and I do hope that whether it is on this piece of legislation or at some point in the future, the discussion about waste and its movement in our country that there will be an opportunity for people in the States to make their own judgment about industrial waste as well. If not now, then at some point in the future.

Mr. President I shall not take further time. This is very clear.

I yield back my time, and I ask that we have the yeas and nays on this legislation, or if the Senator from Rhode Island has different objectives.

Mr. CHAFEE. Mr. President, what I really hope is that the Senator will withdraw his amendment. As the Senator knows, we have had no hearings on this. We have arrived at the tonnage limitations that affect importing States and exporting limits.

We have had them agree to this very carefully, through a lot of laborious negotiations. If we add all the tonnage that comes with so-called industrial waste, and nobody knows how to define "industrial waste," then we truly have upset the apple cart.

What can we promise the Senator? I think he has a legitimate request that in the committee we would consider how to handle—I suppose we could get into municipal waste, into construction, demolition debris, also, and maybe that is something we ought to look at in the future.

I do not want to say we will do it immediately if we agree to it. We have a pretty full agenda in that committee.

I say to the Senator that I would agree to having some hearings in the future. I am not saying this calendar year, because this calendar year is really just taken up with all kinds of challenges in the committee including endangered species, Superfund, clean water, plus the other things we have on the agenda.

Mr. DORGAN. Mr. President, this amendment is not a surprise. We have been sending information over to the committee for a couple of years. I filed a bill on this during the last session of Congress, and I have talked to the committee about it.

I certainly respect the views of the two managers of the bill, the Senator from Rhode Island and the Senator from Montana, but I would very much like a vote on my amendment.

Mr. BAUCUS. Mr. President, there is another point here which I think is quite relevant. Very little is known

about industrial waste. Much more is known about municipal waste. That is why we in the committee decided the limits we came up with.

I think it is very, very dangerous to legislate in ignorance. Very dangerous. This body is, I might say, pretty much ignorant when it comes to industrial waste. We do not know the numbers. We did not know the volumes. We do not know enough about the practice, very little about the practice. I think it would be very, very dangerous for this body to legislate in ignorance. We may do that sometimes around here, and we may do it with some frequency around here, but it does not justify it.

For that reason, too, I think it is important that this amendment not be adopted here. There is time to deal with this. There is no huge outcry. My office is not inundated. I daresay the offices of other Senators are not inundated with letters from people at home saying do something about industrial waste.

That is not the cry. What we hear is, "Do something about municipal waste. Do something about garbage." This is not garbage in the traditional sense of the term. This is industrial waste.

In addition, I might underline an earlier point I made. That is, a lot of generators, waste generators around the country, want to avoid Superfund sites, causing industrial waste to go to a site which will then become a Superfund site, so they send the material to sites that have the best environmental technology. Those sites are not always in that same State. Often, they are in adjacent States. So generators want to send material to the site that has the best environmental technology to avoid that site being a Superfund site.

If we were, today, to put more restrictions in, that would make it more difficult for generators of industrial waste to send that material to an environmentally safe site.

For example, I have a letter from the Associated General Contractors of America and a letter from the National Association of Manufacturers, which I would like to put in the RECORD. They basically make the same point opposing this.

I ask unanimous consent to have the letters printed in the RECORD.

There being no objection, the letters were order to be printed in the RECORD, as follows:

THE ASSOCIATED GENERAL
CONTRACTORS OF AMERICA,

Washington, DC, September 30, 1994.

Hon. MAX BAUCUS,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On Wednesday, September 28, the House passed H.R. 4779, the State and Local Government Interstate Waste Control Act of 1994 and it is now pending in the Senate. We understand the Senate will soon consider this legislation and may attempt to broaden the coverage beyond municipal solid waste to include industrial wastes. The Associated General Contractors of America opposes this expansion.

Industrial wastes, particularly from construction projects, are fundamentally dif-

ferent from municipal solid wastes. There are specific regulatory programs requiring proper treatment, storage and disposal of wastes generated by industry using specialized methods at specialized facilities. (The Resource Conservation and Recovery Act of 1976 is one such program.) Not all States have adequate capability to manage industrial wastes. Given the potential of liability under Superfund, generators of industrial waste have great incentive to fully and properly dispose of these wastes. To limit the transfer of industrial wastes may limit the contractor from disposing of the waste at the most environmentally protective facility available, regardless of location. Restrictions on the interstate movement of industrial wastes under this amendment would force contractors to seek management of wastes at facilities that may not meet the most stringent environmental standards.

For these reasons, AGC urges you to oppose any effort to place restrictions on the interstate movement of industrial waste. Thank you for your consideration.

Sincerely,

HEIDI H. STIRRUP,

Director,

Congressional Relations, Environment.

NATIONAL ASSOCIATION

OF MANUFACTURERS,

Washington, DC, September 30, 1994.

Hon. Max Baucus,
U.S. Senate,
Washington, DC.

DEAR SENATOR BAUCUS: The National Association of Manufacturers (NAM) has learned that the Senate will soon consider legislation addressing the interstate movement of municipal solid waste (MSW). The NAM strongly opposes broadening the bill to include industrial and other wastes.

The NAM believes manufacturers need the maximum flexibility in determining the destination of wastes to disposal facilities and that barriers—such as bans on interstate shipment of waste—would prove detrimental to that flexibility.

Many industrial and hazardous wastes require specialized treatment for their proper management. Due to the high cost of building these specialized treatment and disposal facilities, adequate capability does not exist in all states. Generators of industrial wastes must be allowed to safeguard against Superfund liability by sending waste to the highest technology, most environmentally protective facilities available, regardless of their location. Industrial waste generators often incur great cost to ship their waste to a specialized facility so that they can isolate their waste, and therefore their liability, at one location, rather than multiple locations throughout the country. Restrictions on the interstate movement of industrial waste under this bill could cause artificially inflated waste management costs and undue financial burden to manufacturing companies that are implementing waste minimization and recycling programs. Such restrictions also would have an adverse impact on the environment if responsible waste generators are forced to utilize facilities that are ill-equipped to handle their particular types of waste. If companies generating waste are to remain financially liable for the disposal of their waste, then it is critical that the scope of the pending legislation be limited to MSW.

For the above reasons, the NAM urges you and your colleagues to oppose any effort to place restrictions on the interstate movement of industrial waste. Thank you for your consideration of our position. Please do not hesitate to contact Theresa Knieriemen

Larson of our staff at (202) 637-3175 if you have any questions.

Sincerely,

RICHARD SEIBERT, Jr.

Mr. BAUCUS. Mr. President, for that reason, and the basic one that if this is adopted, I do not know what the prospects of the bill will be, I urge that this amendment be defeated.

If there is no Senator seeking time, I move to table the amendment and ask for the yeas and nays.

Mr. DORGAN. Mr. President, I have one additional comment to make, but I prefer to close this debate, if I might. Are there other people on the floor wishing to speak?

The PRESIDING OFFICER. The Chair observes the time has expired for the Senator from Rhode Island. Would the Senator like to yield some of his time to the Senator from New Hampshire? The Senator has 6 minutes remaining.

Mr. CHAFEE. Mr. President, I wonder if we could agree to give the Senator from New Hampshire 2 minutes?

Mr. DORGAN. I have no objection.

Mrs. BOXER. Reserving the right to object, would that add time to the debate? There are some who cannot see a delay in time. I am sorry.

Mr. DORGAN. I yield to the Senator from New Hampshire 2 minutes of my time. I have no interest in prolonging this.

Mr. SMITH. I appreciate that action of the Senator from North Dakota. I am speaking against his amendment, so I would say that is a very generous action.

I say with the greatest respect to the Senator from North Dakota, this is really a killer amendment. We do not know how much industrial waste is shipped nationwide. We have no idea. We have no idea how this amendment is going to affect our national system of disposing of this material. Every State, nationwide, ships industrial waste. There is the potential to adversely affect every single State in the Union. We had a very careful agreement on export and import ratchets in this bill, very carefully crafted. This is going to adversely affect the whole amendment. We just have no idea what the impact would be.

So my concern is that it opens the door to other restrictions on exports, such as incinerator ash, sludges, hazardous waste, asbestos—who knows? That is my main concern. We have not had any hearings. It is just a new issue that is suddenly injected into the debate here, so I strongly urge the amendment be defeated.

I thank my colleague and yield the remainder of my time to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me reiterate something, and then I will be glad to go to a vote.

The real reason here is that there is too much industrial waste. That is, if

you strip away all the arguments, the issue comes down to the claim that there is too much of it so we should not include it. The managers claim that we can only get an agreement on the limited amount, namely municipal waste. The big corporate interests do not want industrial waste included. I understand that. But if you are in a neighborhood or region and folks are bringing industrial waste in by the train car loads, unit train after unit train, it seems to me if Congress says on this little area called municipal waste, you have a right to say something about that, but upon the bigger area of industrial waste, sorry, you do not have any rights, that does not make any sense to me. I think it is philosophically inconsistent.

I understand. I think highly of both managers of this bill. They have done a lot of hard work on this. But this is not a surprise to anybody. We had a hearing in Bismarck, ND, on this very issue under the jurisdiction of the Commerce Committee a couple of years ago. I submitted legislation in the last session of Congress dealing with industrial waste. I have been in touch with the committee on it over time. So this is not a surprise. It is not that we are ignorant about industrial waste. I know how much industrial waste goes into North Dakota versus municipal waste; twice as much industrial as municipal. And if you say the State has a right to say no to municipal but you do not have a right to say no to something twice as big, you have taken away the opportunity for the State to say no on the quantity. That is important to us.

That is the reason I offer my amendment. And I would like a record vote on it.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BAUCUS. Mr. President, I move to table the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment No. 914. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Pennsylvania [Mr. SPECTER] and the Senator from Virginia [Mr. WARNER] are necessarily absent.

Mr. FORD. I announce that the Senator from Georgia [Mr. NUNN] and the Senator from Rhode Island [Mr. PELL] are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "yea."

The PRESIDING OFFICER (Mr. COVERDELL). Are there any other Sen-

ators in the Chamber who desire to vote?

The result was announced—yeas 79, nays 17, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—79

Abraham	Frist	McCain
Akaka	Gorton	McConnell
Ashcroft	Graham	Mikulski
Baucus	Grams	Moseley-Braun
Bennett	Grassley	Moynihan
Biden	Gregg	Murkowski
Bond	Hatch	Murray
Boxer	Hatfield	Nickles
Bradley	Hefflin	Packwood
Brown	Helms	Pressler
Bumpers	Hutchison	Pryor
Burns	Inhofe	Robb
Campbell	Inouye	Rockefeller
Chafee	Jeffords	Roth
Coats	Johnston	Santorum
Cochran	Kassebaum	Sarbanes
Cohen	Kempthorne	Shelby
Coverdell	Kennedy	Simon
Craig	Kerrey	Simpson
D'Amato	Kerry	Smith
DeWine	Kohl	Snowe
Dodd	Kyl	Stevens
Dole	Lautenberg	Thomas
Domenici	Lieberman	Thompson
Faircloth	Lott	Thurmond
Feinstein	Lugar	
Ford	Mack	

NAYS—17

Bingaman	Dorgan	Hollings
Breaux	Exon	Leahy
Bryan	Feingold	Levin
Byrd	Glenn	Reid
Conrad	Gramm	Wellstone
Daschle	Harkin	

NOT VOTING—4

Nunn	Specter
Pell	Warner

So the motion to lay on the table the amendment (No. 914) was agreed to.

Mr. DOLE. Mr. President, I wanted to indicate to my colleagues that we are going to continue voting throughout the day. We are going to try to finish this bill. We will have votes on Monday, and we will have votes next Friday. And we will file cloture again this afternoon on this bill. I hope it can be finished today, but we have to complete our work around here, and we are not moving very quickly. So there will be votes throughout the day.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. We are anxious for people with amendments to bring them up. I think Senator DEWINE had an amendment. Let us see what his decision is on that. But we are pressing for these folks to bring forward their amendments. If they are going to offer them, fine. If they are not going to offer them, would they tell us.

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

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

CUTS IN MEDICARE

Mr. AKAKA. Mr. President, earlier this week House and Senate Republicans unveiled their respective 7-year budget resolutions. The promise of the House resolution—a balanced budget by the year 2002 and tax cuts for wealthy Americans—is being championed by several prominent Senate Republicans. Although the Senate budget resolution contains a Boxer amendment that expresses the sense of Congress that 90 percent of the benefits of potential tax cuts go to the middle class, I have every expectation that the Republican bill will be a windfall for the wealthy. Moreover, the details on how the savings would be achieved are sketchy and are left for authorizing and appropriating committees.

The Senate Budget Committee resolution assumes a \$256 billion cut in Medicare spending over 7 years, but provides no guidelines to the Senate Finance Committee on how these savings will be achieved. This proposed cut is by far the largest Medicare cut in history, and the adverse impact on beneficiaries and providers is clear.

If Medicare cuts of this magnitude are approved, the Department of Health and Human Services estimates that senior citizens' out-of-pocket expenses will increase by \$900 a year or a total of \$3,500 over the 7 years. As 83 percent of Medicare benefits go to beneficiaries with incomes of \$25,000 or less, it is obvious who will be hurt by these cuts, yet the budget remains silent on how it will be done.

In addition, cuts to providers would have serious ramifications on overall health care costs as cuts in provider reimbursement are often passed along to other payers. Provider cuts could also have a potentially devastating impact on urban safety-net hospitals which already bear a disproportionate share of the Nation's growing burden of uncompensated care. These reductions in Medicare payments could also endanger access to care in rural areas. Nearly 10 million Medicare beneficiaries—25 percent of the total—live in rural areas. There is often only a single hospital in their county. Significant cuts in Medicare have the potential of causing rural hospitals to close or increase the number of providers that refuse to treat Medicare beneficiaries.

I was appalled to hear that during markup of the resolution, the Senate Budget Committee, on a party-line vote, rejected two proposals to restore funding to Medicare in lieu of providing tax cuts. Obviously, this massive cut in Medicare funding would be unnecessary if Republicans did not have to pay for a tax cut for wealthy citizens.

We must work to ensure that any effort to extend the solvency of the Medicare trust fund does not put Medicare beneficiaries at risk. And we must protect the program for future enrollees. I support President Clinton's view that the Medicare trust fund must be re-

solved in the context of health care reform.

Mr. President, without comprehensive health care reform, significant cuts in Medicare and Medicaid will seriously harm beneficiaries and the total health care system as costs will be shifted onto families and businesses. Only by focusing on the entire health care delivery system will be able to address issues within Medicare and preserve access for Medicare beneficiaries and underserved populations.

Let me close on this point. While we have heard Members on the other side of the aisle promise to protect Social Security, the GOP budget reaches balance by the year 2002, only by including the Social Security trust funds in the budget calculations.

While I fully recognize the critical need to ensure long-term stability in the Medicare Program and support efforts to balance our budget, I am opposed to using arbitrary cuts in the Medicare Program to finance a tax break for wealthy Americans. I look forward to working with my colleagues on addressing these important issues.

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

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

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The Senate continued with the consideration of the bill.

THE BOTTLE BILL AMENDMENT

Mr. HATFIELD. Mr. President, as the Senate discusses the difficult issue of solid waste management, I would like to point out to my colleagues that 10 States have achieved great success by implementing some form of beverage container deposit system. My home State of Oregon, for example, has had remarkable success with its own bottle bill for over 20 years. Consequently, I am offering the National Beverage Container Reuse and Recycling Act as an amendment to the interstate waste bill.

So often, States serve as laboratories for what later emerges as successful national policies. The State of Oregon and other bottle-bill States have proven that deposit programs are an effective method to deal with beverage containers, which make up the single largest component of waste systems. According to the General Accounting Office, deposit-law States, which account for only 18 percent of the population, recycle 65 percent of all glass and 98 percent of all PET plastic nationwide. That means 82 percent of the population is recycling less than 25 percent of our Nation's beverage container waste.

The amendment I have placed before the Senate today will accomplish national objectives to meet our Nation's massive waste management difficulties. A national deposit system will reduce solid waste and litter, save natural resources and energy, and create a much needed partnership between consumers, industry, and local governments for the betterment of our communities.

As someone who grew up during the Great Depression, I am constantly reminded of the throw-away ethic that has emerged so prominently in this country. In this regard, Oregon's deposit system serves as a much greater role than merely cleaning up littered highways, saving energy and resources, or reducing the waste flowing into our teeming landfills. The bottle bill acts as a tutor. It is a constant reminder of the conservation ethic that is an essential component of any plan to see this country out of its various crises. Each time a consumer returns a can for deposit, the conservation ethic is reaffirmed, and hopefully the consumer will then reapply this ethic in other areas.

As many of my colleagues know, I have a 20-year history on this issue and have been greatly enthused by developments in recent years in promoting the establishment of a national bottle bill. The amendment I filed today is identical to the legislation I introduced last Congress. Although this bill has historically been referred to the Senate Commerce Committee, in recent years significant actions on this measure have come in the Senate Environment and Public Works Committee and the Energy and Natural Resources Committee.

Senator JEFFORDS offered the bill as an amendment to the Resource Conservation and Recovery Act [RCRA] in the Environment and Public Works Committee during the 102d Congress. Even though this attempt failed by a vote of 6 to 10 it was a monumental step forward. Additionally, during that same Congress a hearing was held in the Senate Energy and Natural Resources Committee on the energy conservation implications of beverage container recycling as outlined in that session's bottle bill, S. 2335.

I regret that I continually have come to the Senate floor to force the Senate to take action on this matter, but that seems to be the only effective procedure for moving forward on this bill. For example, during the 1992 Presidential campaign, candidate Bill Clinton declared his support for a national bottle bill. However, once he took office he and a Democratic-controlled Congress were surprisingly silent on the issue in the 103d Congress. Consequently, here I am again offering the Beverage Container Reuse and Recycling Act as an amendment on the Senate floor.

Mr. President, this is an active approach to dealing with solid waste before it becomes waste. It is widely acknowledged that recycling is the wave of the future and this amendment will facilitate the recycling of beverage containers. I firmly believe the time has come for Congress to follow the wise lead of these States and encourage deposit systems on a national level. I strongly urge my colleagues to fully examine the benefits of a national beverage container deposit system and to adopt this amendment.

BOTTLE BILL

Mr. JEFFORDS. Mr. President, a national deposit law is a commonsense, proven method to increase recycling, to save energy, to create jobs, and to decrease waste generation. The experience of 10 States, including Oregon and Vermont, attest to the success of a deposit law or a bottle bill as it is commonly called.

Bottle bills work. These laws have been successful in every State that has one. Recycling rates of over 70 percent have been achieved for beverage containers in the bottle bill States. The rate is over 90 percent in Vermont. Furthermore, jobs have been created by this legislation, not lost, and a majority of Americans support a national deposit law.

There is a misconception in some people's minds that deposit legislation is not compatible with curbside recycling programs. Nothing could be further from the truth. Nine of the 10 States with deposit laws have vibrant curbside recycling programs.

Mr. President, both Senator HATFIELD and I have been working on this issue for more than 20 years. In both of our States, curbside recycling programs are working in tandem with beverage container deposit systems. In today's world, we must make every effort to conserve precious natural resources and reduce our use of energy. I ask my colleagues to support this measure and thank the managers for considering our amendment.

Mr. HATFIELD. Mr. President, I have an amendment at the desk I would like to make a few remarks about. For over two decades, my State of Oregon, and about the same period of time the State of Vermont, have had on the books and in practice what we call the bottle bill. When you buy soft drinks and beer in my State, whether they are in the can or the bottle, you pay a deposit. That deposit becomes an incentive for people to return those bottles and cans rather than dumping them in the garbage and adding to the problem of trash and refuse in this country.

We have found it to be highly successful. At first there was a great deal of concern expressed by merchants about the additional costs of administering this program. There was a great deal of discussion about the possibility of labor being impacted. We have demonstrated, along with a modification or variation on a theme in a

few other States, an effective measure to reduce litter and to recycle the glass from the bottles and the metal from the cans.

I have offered this at a national level for over 20 years and it is very interesting that the beer industry opposes it very strongly. My good friend, the former Senator from Wisconsin, Gaylord Nelson, was the founder of Earth Day. However, every time I introduced the bottle bill, this great environmentalist would be the first to stand and oppose it because it was the beer industry that opposed it in his State. We had the same thing from the soft drink industry; they opposed it.

Now we find there is no longer solid opposition. Joe Coors, of the Coors Breweries, has swung around. I think Hamm's beer—of course Blitz-Weinhard, in our State—is supportive of the proposal. Now one of the largest growing beer producers in the State of Oregon are microbreweries. There is no longer the solid phalanx of opposition.

I have asked, I suppose 100 times, for a hearing. And I have not been able to get a hearing on this bill.

We had a sponsor at one time many years ago, not the Senator from Massachusetts but a Congressman from Massachusetts, and he was urged and persuaded to get off the bill because of the opposition of organized labor in his State. That has been true across this country. There is a lot of misunderstanding on the part of organized labor and others, that this is somehow going to add to their costs or, that it is a beautification issue, not a recycling, refuse, or trash issue. It is all of them.

I had intended to raise the bottle bill as an amendment to this bill from the floor. I rarely raise amendments that have not had hearings. I am a traditionalist, and believe that issues of this kind should go through a hearing process through the committees of jurisdiction. However, I have had private conversation with the chairman of this committee, Senator CHAFEE. I wanted to say to Senator CHAFEE I am not trying to hold up this bill. I support it and I would like to see it enacted into law. Nevertheless, I feel just as strongly about trying to get some kind of a hearing to move the bottle bill through the Congress at some point during my lifetime.

So I would yield to the chairman of the committee at this moment, if he would like to make any comment or give me some assurance of a hearing?

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to pay tribute to the senior Senator from Oregon. He has been persistent in this measure. I do not recall that we ever had a hearing in the committee. But I do recall we had a vote in the committee. As I recall, Senator JEFFORDS, then a member of the committee, raised it so we did have a vote in the committee on it.

Mr. HATFIELD. Right.

Mr. CHAFEE. The vote failed. However, the Senator has been very gracious in his handling of this subject. I would be glad to arrange a hearing for his legislation in our committee.

I just say this, if he could give us a little time? We are chock-a-block in that committee right now. But in due course I certainly will work in a hearing.

Mr. HATFIELD. I appreciate the Senator's commitment and that satisfies my request.

Mr. CHAFEE. Let me say briefly, this. In my State I have always been a supporter of the bottle bill.

But then it turns out that in our recycling efforts, the thing that makes the recycling effort go is the fact that the recycling center is able to earn money from the aluminum cans. It is the big money earner for the recycling center and helps carry everything else.

So in our State, we will not want a bottle bill where you would make a deposit and bring it back to the central place and get your refund because that would deprive our recycling centers of this constant flow of very valuable income. But that may be a unique situation.

Mr. HATFIELD. Mr. President, if the Senator will yield, this was a valid issue, as the Senator described it in his State. However, concerns expressed by other States that there is competition between deposits and other recycling programs have been shown to be overstated. We have had studies, and I will be very happy to produce the records of those studies, indicating that this is not a valid concern, and that instead of being a possible deterrent to the ongoing efforts of recycling, it has become an incentive.

So there should not be this sense of competition between a bill of this kind, in which an individual can return a beverage container to the grocery store and get a refund, or other programs where container are returned to recycling centers. We have recycling centers in our State, as well as this deposit law. I would be happy to refer to those studies in more detail at a hearing.

Mr. President, with that assurance, I see the Senator from Massachusetts. I do not know if he wants to get the floor on this issue. If not, Mr. President, I will not call up my amendment on the desk. I thank the Senator for his assurance and look forward to a hearing on this subject.

Mr. CHAFEE. I thank the Senator very much.

Mr. KERRY. Mr. President, unless somebody is about to propose an amendment or wants to proceed, I would like to proceed as if in morning business for a few minutes.

Mr. CHAFEE. Mr. President, I wonder if the Senator will withhold. We have a couple of amendments we can accept. We can dispose of them. They will take very little time.

AMENDMENT NO. 1070

(Purpose: To include in the definition of "out-of-State municipal waste" waste that is generated outside the United States)

Mr. CHAFEE. Mr. President, on behalf of Senator LEVIN and Senator ABRAHAM, I send an amendment 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 Mr. LEVIN, for himself, and Mr. ABRAHAM, proposes an amendment numbered 1070.

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 49, strike lines 1 through 8 and insert:

(3) The term "out-of-State municipal solid waste" means, with respect to any State, municipal solid waste generated outside of the State. Unless the President determines it is inconsistent with the North American Free Trade Agreement and the General Agreement on Tariffs and Trade, the term shall include municipal solid waste generated outside of the United States. Notwithstanding any other provision of law, generators of municipal solid waste outside the United States shall possess no greater right of access to disposal facilities in a State than United States generators of municipal solid waste outside of that State.

Mr. BAUCUS. Mr. President, our side has reviewed this amendment and we find it acceptable.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1070) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1071

Mr. CHAFEE. Mr. President, I send an amendment 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 Mr. WARNER, proposes an amendment numbered 1071.

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 65, line 6, insert "or related land-fill reclamation" after "services."

Mr. BAUCUS. Mr. President, we have reviewed this amendment, as well, and also urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1071) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. I thank the Senator from Massachusetts. If he wants to proceed, this is a good time to do it.

ORDER OF PROCEDURE

Mr. KERRY. Mr. President, I ask unanimous consent to proceed as if in morning business.

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

THE BUDGET RESOLUTION

Mr. KERRY. Mr. President, last night the Budget Committee, in the wee hours, passed the budget resolution for the U.S. Senate on which we will shortly go to work. There are many, many questionable choices within that resolution. There will be a time, a very fixed time obviously, a minimum number of hours that we have to debate it here on the floor, with a finality for that debate, and it is predetermined. But I would like to just talk for a moment, if I can, about a couple of aspects of that budget as we frame the debate about where we are going in this country.

First, I would like to call the attention of my colleagues to one provision that is in this budget that this Senator finds profoundly disturbing, and that I hope other colleagues will think hard about before we ratify it in the course of the budget process.

A lot of things are being proposed in America today under the banner of deficit reduction. I think there is a unanimity here that we obviously have to reduce the deficit. We are going to be bankrupt if we do not. We cannot continue down the road that we are going on. But there also ought to be an application of common sense to the choices that we make as we do that. Reducing the deficit does not predicate that we simply come in with a machete or a pickax and chop away at things that make sense, while simultaneously leaving out there the things that do not make sense.

One of the items that has fallen under the budget committee's ideological approach to this issue is the Presidential campaign fund. For whatever reasons—I can give you the descriptions that are given, but I think the agenda is considerably different—the committee has chosen to eliminate the mechanism by which Americans for the years since Watergate have funded Presidential elections. That method is to have a checkoff on your tax form with which you decide to give money to the Presidential election fund. It is a voluntary mechanism in America.

But it has been a most important mechanism by which we have freed Presidential politics from the demeaning process of requiring our candidates to raise hundreds of millions of dollars from special interests all across this country.

It has worked, Mr. President. The system has worked. President Ronald Reagan used it. President George Bush used it. I believe President Bush in the course of his career as a Vice President and as a President, used something in the order of \$200 million in order to run for the highest Federal office in this land.

The majority leader, ROBERT DOLE, has used it in the past. Other Presidential candidates in this Senate have used it, Republican and Democrat alike. No one has suggested that system is wrong, corrupt, not working, or not freeing the Presidential process from the rather terrifying money chase that we in the U.S. Senate have to go through. Yet, this Budget Committee, in an effort to try to whack away at the deficit, is going to do away with this campaign financing mechanism.

Mr. President, for the life of me I don't understand why—but I understand the argument that will be made. The argument will be the soft, easy, political sloganeering arguments that, "Gee, politicians should not be getting welfare." It sounds really catchy. And the American taxpayer should not necessarily be paying. That is the argument you are going to hear. But I will bet you that four members of the Republican caucus who are running for President are prepared, in a matter of weeks, to ask for that money and will take it and will use it.

Now, it seems to me, Mr. President, if we cannot remember the lessons of Watergate and remember the degree to which this country felt a revulsion at what happened during that period of time, when stacks of cash and enormous sums of money were changing hands in an effort to try to curry favor and votes in America, if we do not remember that lesson, then we have not learned much about what was wrong with American politics in the course of the last years.

So I hope that before we just accept what the Budget Committee has done, Members will think hard about what is really good for this country in the context of political campaign finance reform. This Senate has twice passed campaign finance reform in the last years. We passed it in 1992, and the House passed it, but President Bush vetoed it. We then passed it again in 1994, but it died mostly because the House of Representatives did not want to take it up.

The bottom line, I think all colleagues will agree, is that we saw a period of scandal in America that brought reform, and it would be irrational now in the face of the extraordinary impact of money in American

politics to suddenly take away our capacity to free both of our candidates, or any major party candidate, from having to go out and raise these extraordinary sums of money which most Americans have come to agree distort the American political process.

That is not the only issue raised in this budget, and we will have ample time in the days ahead to discuss it.

Mr. President, I see that the majority leader is in the Chamber. I do not know if he had an announcement or a procedure.

Mr. DOLE. Announcement. I would like to get back on the bill.

Mr. KERRY. Mr. President, let me just say to the majority leader, I had asked if there were any amendments. There were no amendments, and I allowed whatever amendments were there to be done before speaking. If there is an amendment that is ready to go forward, I am not trying to delay the process or hold up the Senate, but I thought I would call attention to this issue in the absence of that.

Mr. DOLE. I do not have any problem with that.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. If the Senator will yield.

Mr. KERRY. I would like to retain the right to the floor, but I will yield.

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The Senate continued with the consideration of the bill.

Mr. DOLE. I have just seen a list of amendments—10, 12, 13, 14 amendments. I do not know why people are not here offering the amendments. We are going to be here today, and we are going to vote today, if we have to have Sergeant at Arms votes. People who wish to offer their amendments better come to the floor and offer their amendments. We want to finish this bill.

I do not have any problem with the Senator speaking, because, as the Senator from Massachusetts said, there is nobody here to offer an amendment. But I say to my colleagues who have amendments, if you are going to offer them, come to the floor and offer your amendments. We have two managers here who do want to do business. They were here late last night. They were here early this morning. So I hope we can accommodate Senator BAUCUS and Senator CHAFEE and others who have primary responsibility for this legislation. It is important legislation. We ought to finish it, and I hope that by 4 or 5 o'clock we will be finished with the bill.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the majority leader.

LOOKING AT THE FEDERAL BUDGET

Mr. KERRY. Mr. President, I would like to say to my colleagues that the

last time I looked at the Federal budget, which has been many times in the last few days, I did not notice that spending was increasing significantly in the discretionary domestic side of the budget. I did not notice that Americans were coming up to any of us and saying to us, Senator, we have too much drug treatment in America; we ought to cut it so fewer addicts can get treatment.

I did not notice that a lot of people were coming up and saying, it is already easy enough for me to send my kid to school, so why not cut the tax deduction to send our kids to college and make it harder for us to send our kids to school.

I did not notice people were suggesting that our train system is comparable to the Japanese or the Germans or the French, and therefore we ought to be reducing the investment in our railroads.

I did not notice that our colleges and universities were so fat with money that their laboratories, which are 20 and 30 years old in many cases, are state of the art and so they do not need additional Federal funding to increase the science capacity or research of America.

I could run down a long list of things that I do not think Americans are asking us to cut, but, Mr. President, we are cutting them. We are cutting them. And I respectfully suggest we are cutting out of this country the guts of our ability to be able to remain a great country and guarantee that our kids, who are increasingly growing up in a vacuum, are going to have the best education system in the world, the kind of opportunity that we have promised through these years.

We had a period of know-nothingism in America once before, and I am not sure that we are venturing close to a new period of sort of put your head in the sand and pretend—pretend that a 15-year-old kid who has an abusive parent or a drug addict parent and whose other parent is absent, pretend that that kid, who is already at risk and dropped out of school, is somehow suddenly going to be saved by cutting access to the YMCA, YWCA, the Boys and Girls Clubs, Youth Build, the City Years, the AmeriCorps of this country.

That is what we are doing. The one part of the budget that is increasing is entitlements. It is the only part of the Federal budget that is really increasing in real dollars. And the truth is that you are not going to solve that problem just by whacking away at a fixed amount of money when more and more Americans are turning 65, more and more Americans are living longer, and more and more Americans have a right to expect that they are going to get quality medical care.

What will happen if we just lop off several hundred billion out of Medicare? Sure, we will cut out some waste. And, yes, some good entrepreneurs will respond and there will be an increase in managed care and HMO's, and so forth.

But you will take the guts out of teaching hospitals. You will take the guts out of research and development. And those things that have provided the United States with the most extraordinary advanced technology and medical care in the world will suddenly begin to diminish, just like deferred maintenance on a building. Sure, we can cut the maintenance today, and we have been doing that, I might add, in many different sectors. But 5 and 10 years from now, after 10 years of cuts and deferred maintenance, the buildings begin to crumble, the bridges begin to fall down, the sewer systems fall apart, the water treatment facilities are not there.

Mr. President, we have to stop and recognize that there are three deficits in this country. There is a fiscal deficit, but there is also an investment deficit, and there is a spiritual deficit. And we are not going to address the investment deficit, which is critical to dealing with the spiritual deficit, unless we treat all three of them simultaneously. And all this budget that we will be presented does is deal with the fiscal deficit.

What do I mean when I say an investment deficit? Well, Mr. President, let me give you one example: railroads. The United States is ranked 34th in the world in our investment in our railroads. We are just behind Ecuador and Bolivia and just ahead of Bangladesh. And there are only seven countries I think with railroads that are behind us—34th in the world.

Now, I can tell you that in Boston, in New England, along most of the eastern seaboard and much of the west coast now, and in other parts of this country, rail transportation is essential to moving millions of people to their jobs, taking the burden off of our highways, and yet, we are disinvesting in those railroads, Mr. President.

France has its TGF, Japan has a bullet train. And instead of thinking about how we are going to provide millions of jobs for Americans building an adequate transportation system, we are disinvesting.

No country on this planet has a railroad system that does not have a subsidy. There is not a country in the world that does not subsidize its railroad system. And yet the House of Representatives has zeroed out—zeroed out—money for support of railroads.

Now I can give you dozens of other examples like that. Global climate change. We do not know all the answers. We know that there is a phenomenon taking place. We do not have a complete understanding of it. We need to have an understanding of it, because the consequences could be cataclysmic. And yet we are cutting that research.

The Coast Guard, the admiral in charge of the Coast Guard told me they

have a \$600 million capital expenditure requirement just to keep their ships running properly to stay current with the demand—Cuba, Haiti, fishing enforcement, drug trafficking. But, Mr. President, we are not providing that money. We have cut significantly the amount that they need.

Science and research. There is not a public university in this country that is not struggling to have the capacity to be able to raise the standards of learning for our children. And yet, we are going to have a harder time than ever before in providing the wherewithal for those universities and for those entities to carry on to meet that high standard.

Mr. President, there are so many examples like this that it defies the imagination.

The last time I looked, this was a very rich country. And not only is it a very rich country, but it is a country that is increasingly seeing a huge division growing between those who have and those who do not.

From 1940 to 1950 to 1960 to 1970, Americans all grew simultaneously, at every sector of American society. If you were at the lowest quintile of earnings in America, your income grew in 10 years by 138 percent. If you were in the next two quintiles from 1940 to 1980, for 40 years, if you were in those middle two quintiles, you grew at 98, 99 percent over a 10-year period. And if you were in the top quintile, Mr. President, you grew at about 98 percent.

In the last 12 years in America, the bottom quintile went down 18 percent, the next quintile went down 4 percent, and the top quintile went up 105 percent.

Now, while income has become tougher and tougher for the average American to earn, they have been witnessing the phenomenon of globalization and technology, where more and more the labor of human hands and hearts is not applied to work. You have automation, robotics, artificial intelligence, and technology advancements which are what provide most of the productivity increases of this country.

It is very clear that America is not going to compete, by and large, except for niches here and there with low-wage, low-scale jobs. Increasingly, Americans are being forced into low-wage, low-scale service sector jobs. And we are not increasing the manufacturing base of this country in a way that creates the high value-added jobs that allows an American to earn more money and be able to move up the ladder.

That, Mr. President, accounts for most of the anger that we feel in America today; that, coupled with the accompanying disintegration of families and communities.

Now that gets you to the spiritual deficit.

Mr. President, in 1965, our colleague, PAT MOYNIHAN, warned us about what happens in America when children are

having children out of wedlock—children born into a single-person family. In 1965, Senator MOYNIHAN told us of a 27-percent-out-of-wedlock birth rate in the inner city. He was accused of being a racist. Most of America put its head in the sand and did not pay much attention.

Today that 27 percent is 80 percent. Thirty-six percent of all American children are born out of wedlock.

And I ask my colleagues how they think they are going to deal with a 15- or 16-year-old kid who has already dropped out of high school, who does not relate to their home, who has no organized religion, who does not have in his or her life any of the normal ingredients of teaching values—family, church, synagogue, school—how are you going to reach that 15-year-old in order to prevent that 15-year-old from becoming the next inhabitant of a \$50,000-a-year jail cell?

I am not proposing to my colleagues that Government ought to do it or that Government is the solution. But I do know that Government can make a difference in helping to create a framework which will allow those kids to have a shot. And that framework can be the support that we give to non-profit entities, the support that we give to a boys club, a girls club, support we give to the YouthBuilds, the Americorps and other efforts that try to intervene where there has been such a total failure otherwise.

As I listen to my colleagues in the House and elsewhere, they say, "Well, it is the family's responsibility. Cut it off and people are going to have to take care of themselves."

The problem is, Mr. President, that this country already has a track record of doing that. In the 1920's, 1930's, 1860's, 1870's and 1880's, we saw what happened when everybody was left to their own devices. That is when we had sweatshops. That is when we had slums and squalor. That is when we had no ability to cure half of these things.

The truth is, Mr. President, that over the course of the last years, in the last 40 years, particularly, in America, we have learned that some of these interventions truly make a difference in the lives of our communities and of our kids.

I respectfully suggest that the U.S. Senate, the House, the Congress, the country, are on their way to creating a clash unlike any we have ever known before in this country.

The summer job money has been cut. Let me ask you: What are those kids going to do this summer in the heat of New York City or Los Angeles or Detroit or Chicago or Boston when they have no job? The Government said, "We don't care. We're taking the money away. Go fend for yourself."

But we all know that the economy, historically, carries 6 percent unemployment or more. So even though we, the leadership, know that America is going to have at least 6 percent of its country unemployed, are we still going

to say, "Go take care of yourself," and cut them off? What are they going to do?

So I think, Mr. President, we are heading for a cropper. I remember the 1960's, when I came back from Vietnam. I can remember people out in the streets with guns. I remember cars being overturned. I remember bombs. I remember firestorms of automobiles burning. I respectfully suggest that we better stop and think carefully about the consequences of the steps we take and the choices we make.

Those children that PAT MOYNIHAN talked about in 1965 turned 15 and 16 in 1980. All you have to do is go and look at the increase of juvenile violence in America in 1980, and you can begin to project what those children born today in the 80-percent category are going to do in the year 2010 when they turn 15 and 16.

The increase of murder among juveniles is up 250, 260 percent. There were 29,000 juveniles murdered in America in the last 10 years, and 4,000 juveniles are currently under arrest charged with murder. The highest level of murders in America today are juveniles between the ages of 14 and 25 who are murdering other juveniles between the ages of 14 and 25.

I absolutely guarantee you, it is incapable, unavoidable, incontrovertible that if you have a kid born today in a country that is providing less work, in a country where information and education are more important to your ability to work than ever before, in a country where it will be harder for these kids to get that education, not easier, there is an absolute predictability to what those kids will be like 15 and 16 years from today.

Mr. President, I used to prosecute some of those kids. I used to be a prosecutor, and I talked to some of them back then. It was OK, you could have a conversation and you could learn something about what they felt and about their anger. In the last 2 years, I have spent time going to some of the at-risk programs that we are now running, which are the last link between these kids and total loss. I have never, ever in my life heard such a level of anger that is without explanation. They cannot explain it to you. They do not know where it is coming from. But you can hear those kids talk about being runaways in Florida or New York, about how they left their families at age 10, 11, 12.

Mr. President, do you know that the median age of handgun ownership, or gun ownership, in America today, the median age of first-time gun ownership is 12½ years old?

So as we think about the budget choices that we are going to face over the course of this next 1½ or 2 weeks, it is my prayer that we are not going to put our heads in the sand and ignore the other two deficits this country faces: The investment deficit and the spiritual deficit.

In the end, I have no question that Government is not even the right entity to "deal with the spiritual" or attempt to. But Government needs to understand the connection with those entities that should be doing it, or can be doing it, and their capacity to do it, in the world that we are creating.

Government needs to be an empowerer of the local community to reach these children. For example, in Brockton, MA, there is a Boys and Girls Club, but only 10 percent of the kids in that community get access to that club. Simple question: What happens to the other 90 percent of those kids? They are out on the streets, nobody is there, there is no connection.

That is our responsibility, it seems to me, to try to empower the communities to be able to help create the civic reaction that will begin to deal with these children. And the ultimate response will come from churches and synagogues, spiritual organizations, nonprofit agencies, schools, and parents, but you have to have a place to begin. You have to start somewhere. It seems to me, that if you have a kid sitting in front of you who is 12 or 13 years old and they are already dabbling in drugs, and they are already in trouble at home, and they are already disconnected to the school, we have a fundamental choice: Are we going to turn our back on that kid and cut that kid off, or are we going to try to channel that child toward some group or organization that will bring the child in, embrace the child with a notion that the child has a stake in the community and the community cares? I think this budget is draconian with respect to those efforts. I am not sure how in the next days, given the choices we have, we are going to fix it.

Mr. President, none of what I am saying should be interpreted to mask over the deficit that we do face on the fiscal side. I am prepared to make tough choices about cuts that we ought to make and even reordering priorities to try to balance the budget, which I think we ought to do. But nobody has ever convinced me of why we absolutely have to do that in 6 years versus 8 or versus 10 years. Nobody has convinced me that there is some economic virtue in picking a target date that is so arbitrary that may wind up cutting capacity to meet other needs that we have.

One other point, Mr. President. Increasingly in America, we are seeing the cash economy of this country grow. It is now, I am told, about a \$600 billion economy. That means that we are losing annually about \$100 billion of revenue because people just choose not to pay taxes. In fact, as a nation, we have gone from voluntary compliance in our income tax of 96 percent down to 81 percent. Each loss of a point of voluntary compliance is the loss of \$5 billion of revenue. So your good tax-paying, hard-working family that is earning \$25,000, \$30,000 a year and paying their taxes is slugging it out to

make ends meet, to pay for fire, police, schools, roads, everything we do, while an increasing number of American citizens are getting away with not paying their taxes.

We have a choice. I read in the newspaper the other day that we are going to have a new thing called a lifestyle audit, and people in America are now going to be able to anticipate the IRS jumping into their driveways and asking them why there is a certain kind of car in their driveway, how they manage to go ski somewhere, what their vacation style is, why they eat at certain restaurants, and that is the way we are going to supposedly enforce the Tax Code. I do not think Americans are going to tolerate an IRS gestapo-like entity of people intrusively moving into their lives.

So, Mr. President, if we are really going to make this system work and recapture that cash economy, we have to talk about changing the tax structure of this country and moving away from a dependency on income and into consumption where it is the only place that you can begin to shift to a reflection of what the cash transaction is while simultaneously, I think, increasing people's savings and moving in a new direction.

Mr. President, I see that the manager of the bill is on his feet. If he has an amendment, I am prepared to conclude.

Mr. CHAFEE. Yes, Mr. President, we have a couple of amendments we would like to have accepted, then the Senator is free to continue.

Mr. KERRY. Mr. President, what I would like to do—the Senator from Wisconsin has been waiting patiently. I talked longer than I told him I intended to—I will just conclude my comments. I will have more to say on this in the course of the next weeks. But I believe we are at a crossroads, and I think that the choices that I have outlined are only a few of the choices. But we cannot look at the needs of this country exclusively in terms of an arbitrary approach to the deficit reduction. We have to look at the other two deficits that the Nation faces.

There is such a thing as investment, and there is such a thing as a return on investment, and there is such a thing as multiples of return on investment. I think that most people in the Senate understand that. The question is whether or not we are going to make those wise judgments.

I thank my colleague from Wisconsin for his patience, and I thank the distinguished managers for their courtesy. I yield the floor.

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 1072

(Purpose: To require the Administrator of the Environmental Protection Agency to conduct a study to determine the quantity of hazardous waste that is being transported across State lines and the ultimate disposition of the transported waste)

Mr. CHAFEE. Mr. President, I send an amendment to the desk on behalf of Senator BREAU 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 Mr. BREAU, proposes an amendment numbered 1072.

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:

At the appropriate place, insert the following:

SEC. . STUDY OF INTERSTATE HAZARDOUS WASTE TRANSPORT.

(a) DEFINITION OF HAZARDOUS WASTE.—In this section, the term "hazardous waste" has the meaning provided in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(b) STUDY.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct a study, and report to Congress on the results of the study, to determine—

- (1) the quantity of hazardous waste that is being transported across State lines; and
- (2) the ultimate disposition of the transported waste.

Mr. BAUCUS. Mr. President, we have examined the amendment and find it acceptable.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1072) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1073

(Purpose: To require the Administrator of the Environmental Protection Agency to conduct a study to determine the quantity of sludge (including sewage sludge) that is being transported across State lines and the ultimate disposition of the transported sludge)

Mr. CHAFEE. Mr. President, I send an amendment to the desk on behalf of Senator BREAU 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 Mr. BREAU, proposes an amendment numbered 1073.

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:

At the appropriate place, insert the following:

SEC. . STUDY OF INTERSTATE SLUDGE TRANSPORT.

(a) DEFINITIONS.—In this section:

(1) SEWAGE SLUDGE.—The term "sewage sludge"—

(A) means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works; and

(B) includes—

(i) domestic septage;

(ii) scum or a solid removed in a primary, secondary, or advanced wastewater treatment process; and

(iii) material derived from sewage sludge (as otherwise defined in this paragraph); but

(C) does not include—

(i) ash generated during the firing of sewage sludge (as otherwise defined in this paragraph) in a sewage sludge incinerator; or

(ii) grit or screenings generated during preliminary treatment of domestic sewage in a treatment works.

(2) SLUDGE.—The term "sludge" has the meaning provided in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(b) STUDY.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct a study, and report to Congress on the results of the study, to determine—

(1) the quantity of sludge (including sewage sludge) that is being transported across State lines; and

(2) the ultimate disposition of the transported sludge.

Mr. BAUCUS. Mr. President, this amendment also is acceptable.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1073) was agreed to.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I ask unanimous consent to speak as in morning business.

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

THE BUDGET RESOLUTION AND MEDICARE

Mr. FEINGOLD. Mr. President, I appreciate the comments of the junior Senator from Massachusetts with regard to the question of including the Presidential checkoff for campaigns in the budget resolution. It is an important program for our elections being free and fair in this country, and it does not belong in the budget resolution. I intend to comment on that more as we get into the budget resolution itself. I am grateful to the junior Senator from Massachusetts for those remarks and for his constant dedication to try to do something about this really awful system of financing campaigns that we have in this country.

Mr. President, I rise at this time to offer a few comments on the debate that really does belong as part of the budget resolution, and that is the debate that has been taking place about Medicare. I would like to share my own perspective on the direction we ought to pursue.

As we consider the budget resolution, presumably starting next week, this will be one of the two or three most central issues that we debate. As the Senator from Nebraska [Mr. KERREY] noted on the floor last week, the Medicare debate has been obviously politicized in quick order. That should not surprise us given the nature of the program and especially how it is viewed by millions of Americans. It is a valued program. The presence of the White House Conference on Aging last week certainly had an impact on what was said, and said by Members of both parties.

Mr. President, the White House conference also gave me an opportunity—a great opportunity—to talk to many of the leading aging activists from Wisconsin on the issue. I found their thoughts interesting. I think Wisconsin has one of the best groups of advocates for sound and compassionate policies for the elderly in the country. They always give the straight view. They tell me not only what is good for the elderly but what is good for society as a whole, including their children and grandchildren.

In a meeting I had with most of the Wisconsin delegates to the White House Conference on Aging, there was a clear consensus that some changes do need to be made to Medicare. But there was also agreement, Mr. President, that those changes to Medicare have to be done in a certain way. We need to "cut smart," not "cut mean," as we look to keep the Medicare hospital insurance fund solvent and reduce the pressure on the Federal deficit.

It bears emphasizing that there are these two features with respect to the Medicare problem—both the solvency of Medicare and the impact of Medicare on the Federal budget deficit.

As every Medicare beneficiary knows, there are two parts to Medicare called part A and part B. Part A is what is formally known as hospital insurance. It pays some of the costs of hospitalization, certain related inpatient care, as well as skilled nursing facility care and home health care. I should add—and I have always been somewhat distressed by this—it does not cover chronic or long-term care in that part of the program. Other than copayments and deductibles, part A services are paid from the hospital insurance trust fund, which itself is funded from payroll taxes.

Mr. President, it is this hospital insurance trust fund that is in jeopardy, and it is expected to be insolvent by the year 2002. The other part of the program, part B, is the supplementary medical insurance program that covers doctors' fees, most outpatient and some other related services. Part B is partially funded by the monthly premiums that beneficiaries pay, but most of the part B program is funded from the Federal budget.

Mr. President, some are characterizing the cuts they expect to propose to Medicare as being needed to keep Medi-

care solvent. That portrayal is entirely misleading, as, of course, it is meant to be; for though some changes are needed to keep the hospital insurance fund solvent, that trust fund is not the whole story. Medicare is also slated for cuts as part of the broader effort to reduce the deficit, possibly leading to a balanced budget.

So let us be clear within this body and to all Americans, the goal here of those who want to cut Medicare drastically is not just to make the fund solvent, they want to use a lot of those billions of dollars to deal with our national deficit problem.

Mr. President, I make this point because I fear that the political spin doctors who have chosen to depict Medicare cuts as being apart and separate from the rest of the budget are really doing a great disservice to the cause of deficit reduction itself. And there is no other issue I care more about or work harder on than reducing the Federal deficit.

In an effort to minimize the political fallout that surely will come from cuts to Medicare, I fear they may undermine any chance for a real budget package that will achieve the consensus it must have if we are going to make the politically tough decisions needed to actually balance the Federal budget.

Mr. President, my message is that we have to be honest with the American people on what is really going on with Medicare. Medicare clearly does have an impact on the budget. Part of the reason cuts are being proposed in that area does stem from our Federal budget deficit, and rightly so. Medicare does have to be on the table as we look at the budget. I will say, Mr. President, Medicare is not Social Security. It has to be considered along with other areas of Federal spending. In fact, I have sponsored legislation that has included some specific, targeted Medicare cuts.

Medicare cuts were part of the 82-point plan to reduce the Federal deficit that I used and created during my campaign for the U.S. Senate in 1992.

More importantly, I have voted for legislation that contained significant, but specific, targeted cuts to Medicare twice during the 103d Congress. The reconciliation legislation we passed as part of the President's deficit reduction package included nearly \$60 billion in Medicare cuts. This is not some new idea. It is not as if Medicare has not already, in effect, given at the office. It has already been hit to the tune of \$60 billion just 2 years ago.

Mr. President, I also voted for, and was pleased to be a cosponsor of, the bipartisan Kerrey-Brown deficit reduction package. It also included significant, specific Medicare cuts on top of the \$60 billion that was included in the President's deficit reduction package.

Yes, Mr. President, I am willing again to vote for certain Medicare cuts if they are appropriate and do not cut at the heart of the health care of the people who need Medicare.

But while Medicare needs to be on the table as we search for ways to reduce the deficit, we have to ensure that any changes make sense both within the context of the Medicare program itself and in the broader context of our entire Federal budget. For just as Medicare clearly has an impact on the Federal deficit, Medicare beneficiaries and Medicare providers should not be asked to fund other political or policy priorities apart from the goal of reducing the Federal deficit.

So I am concerned, Mr. President, that those who argue the loudest for a balanced budget tend to be the people who are the first to demand massive tax cuts and not decreases but increases in Federal spending. I do not think the use of Medicare cuts to do those two things is appropriate in the context of this budget resolution.

Mr. President, I want to be one of the people on this floor to say that neither political party is blameless in this regard. Both Republicans and Democrats have argued for increased defense spending and for tax cuts at the same time they are out here promising a balanced budget and saying that their top priority is a balanced budget amendment.

We cannot argue that changes to Medicare are needed to lower the deficit and then devote our very scarce resources to tax cuts and defense increases.

Again, Mr. President, I am willing to support certain further cuts to Medicare to bring the Medicare trust fund into balance, and even, where appropriate, to help reduce the Federal budget deficit.

That is not something I would say about Social Security. I will say it about Medicare. I am not willing to support cuts to Medicare, however, to fund an irresponsible tax cut and increase our bloated defense budget.

Looking to the Medicare Program for cuts will be hard enough. It would be far better to be making changes to Medicare as part of comprehensive health care reform. In my view, Mr. President, that would be my first choice as the health care reform debate illustrated powerfully last year.

The cost-shifting takes place because of Medicare, and Medicare mushrooms health care costs. Making changes to Medicare unilaterally as we apparently will do in this budget this year, outside of comprehensive reforms to the entire health care system, I am afraid invites even more of the cost-shifting.

I am afraid, though, Mr. President, to be realistic, there is no sign that comprehensive health care reform will be before the Senate in the 104th Congress. That complicates the job of finding savings in Medicare and limits what to expect in the way of potential savings.

Nevertheless, Mr. President, I want to say today and be specific that there are changes in Medicare that can and should be made. For example, we could consider making some changes to the Medicare home health care benefit.

For example, I am willing to consider requiring a modest copayment on those home health services as long as adequate provision is made for those with lower incomes. Proposals I have seen for 20 percent copayment may be too high. Maybe they are looking at a 5-or-10-percent copayment, making sure that those who cannot afford it are taken care of. It could at least be on the table.

Moreover, Mr. President—again to be specific, not just talking in the abstract about Medicare cuts—let me acknowledge that some have suggested that we might move to have a prospective payment system for home health care providers under which Medicare would reimburse services on a per episode basis. Some say that would not harm people and would be more efficient and save money. Given the dramatic rise in the number of visits per person served on the Medicare home health benefit in recent years, such a change might make sense. It certainly is something we should examine.

Mr. President, I want to also remind my colleagues that a great deal of the increase in the utilization we see in the Medicare home health care benefit has been the direct result of previous policy changes to Medicare that were also supposed to create savings. It did not work that way, in part, because of changes to Medicare patients who are being discharged from hospitals quicker and sicker than they used to be. In many cases, Medicare policies have just moved the site of care from the hospital to the home, with the resulting increase in home health care benefit utilization.

I am pleased that much of the care can be given in the home, but we have to be realistic about the cause and effect resulting from Medicare changes. It should serve as a caution to all as we seek to find savings in Medicare, we should not just make a cut here and find out we are paying the same or more through Medicare at another location. That does not accomplish anything either for Medicare, the people who benefit from it, or for the goal of reducing the Federal deficit.

Mr. President, in other areas there may again be more room for modifications, to the way, for example, we make payments to hospitals for capital-related costs of inpatient service. Some have argued that those capital-related rates reflect erroneous inflation forecasts, and adjustments ought to be made to account for the errors.

This sounds like the kind of specific cut in Medicare that does not go to the heart of Medicare, does not harm the individual's ability to get the care they need, but the inefficiency and excesses of the way the system is set up. These should be at the top of our list, not at the bottom.

During last year's health care reform debate, this kind of modification was considered. I think it deserves review again.

Mr. President, one change that must be a high priority also, is to ask wealthier beneficiaries to shoulder more of the cost of part B services, relieving taxpayers of some of the subsidy they are now providing, which amounts to about 75 percent of the full value of the Medicare part B premium.

I proposed that in 1992 as part of my deficit reduction proposal, and I recall the comments made by the majority leader that those with higher incomes ought to be asked to pay a little more for part B services. So that should be on the table.

We should also consider making changes to eliminate so-called formula-driven overpayments for hospital outpatient services. The Medicare part B copayment of 20 percent is intended to lower the cost of Medicare to taxpayers on a dollar-for-dollar basis. For every dollar of copayment made by a beneficiary, Medicare's own liability is supposed to drop by \$1. It is my understanding there are anomalies in the Medicare reimbursement formula for certain outpatient hospital service. The result, Mr. President, is that the liability to Medicare is just greater than it should be.

So we are talking here about real ways to save dollars to achieve our deficit reduction goals without scaring the people in this country who need the basic Medicare services, like the possible changes to inpatient capital-related payment rates. This matter was debated during the health care reform debate last session. We did not get it done. We did not get these cuts implemented. We could be getting the benefit and savings of those today if we had acted then instead of waiting until now.

Some suggested we change the formula-driven overpayments. Again, I want the specific ideas on the table for the people of this Congress and for the whole country to examine.

Mr. President, I am willing to consider proposals that provide incentives to seniors to select managed care alternatives. There are other changes that I would certainly be willing to consider.

Mr. President, I do want to say a few other things about changes that do not make sense. Some we should not be doing. For example, shifting Medicare costs on the backs of those with very low income not only unfairly burdens those least able to bear additional costs, but, again, to the extent it swells Medicaid costs, all it will do is transfer the tax burden from the Federal taxpayers to the State taxpayers.

Of course, that is a convenient result for our Federal budget writers, but not an improvement for the taxpayers back home in Wisconsin or Minnesota.

Mr. President, I mentioned the Kerrey-Brown package as legislation which I supported and which also contains specific and significant Medicare cuts. As I have noted before on this floor, the process, Mr. President, the

process by which Senator KERREY of Nebraska and Senator BROWN of Colorado and others put together this package was, to me, a model of bipartisan cooperation.

We did not hear much about it during the 1994 campaign. People assumed that everything that happens out here is partisan. But that is not what I have found. There are people in this body who do want to get together on a bipartisan basis to solve the deficit problem. They have done it. They have put a lot of time into it. They are willing to do it again.

For my part, I came away from that process greatly encouraged that there were Senators on both sides of the aisle who were willing to band together to find some common ground in reducing the deficit, even if it meant bucking the partisan political rhetoric of their respective parties.

Mr. President, I believe that in this 104th Congress we can achieve that kind of bipartisanship again, and I want to signal today as we move into next week of the budget resolution, that I am not only ready but very eager to participate in that bipartisan effort. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAMS). The clerk will call the roll.

The bill 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.

ORDER OF PROCEDURE

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent to be allowed to go forward as though in morning business.

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

HONORING A COURAGEOUS YOUNG GIRL, AND CARING COMMUNITY

Mr. KEMPTHORNE. Mr. President, I would like to spend just a moment talking about a courageous young girl in my hometown of Boise, ID.

Nine-year-old Susie Hamilton, a bright, vivacious, and loving girl suffers from a rare and deadly form of leukemia. She has been in and out of hospitals in Boise, Salt Lake City, and Seattle for the past 8 months. A bone marrow transplant is her last hope for life.

Mr. President, Susie is blessed with two outstanding parents who are leaders in the community. Her father, Steve, is a Boise Fire Department battalion chief, dedicated to saving lives. I have worked with him personally on a variety of projects. Her mother, Becky, works at Boise Cascade Corp. Both have spent many long hours away from their jobs to tend to Susie's needs.

There have been some rough times for Susie, Steve, and Becky. I would

like to read from a newspaper column by Tim Woodward in the Idaho Statesman, who wrote about this family:

Leukemia alone is bad enough, but there were other heartbreaks. When a match was found for a donor after hundreds of tests, the donor turned out to have hepatitis. Susie got it through a transfusion. Last month, she had to have a lung removed. When a doctor praised her courage, she whispered, "What choice, do I have? I want to live."

The community has responded, raising over \$12,000 to offset medical bills. Today there is a silent auction at Susie's school to raise money. Boise firefighters have switched shifts so Steve can spend time with Susie. Boise Cascade has given Becky as much time off as she needs, and has even given the family use of the corporate jet to fly to Seattle.

This ribbon I am wearing, Mr. President, is just one more sign of the community's willingness to rally around their neighbor. Members of the police and fire departments, sheriff's department, workers at Boise Cascade, Susie's classmates and teachers, employees at city hall, and others in Boise are wearing these ribbons to show their support for the family.

I would like to read this letter I just received from Susie's grandmother, Barbara Dennett:

My Granddaughter, Susie, was diagnosed with adult leukemia in October of 1994 and since then has endured prolonged hospitalization for chemotherapy and several surgery's in Salt Lake. Susie is now in Seattle undergoing preparations for a bone-marrow transplant. This is her only chance to overcome the leukemia—her only hope for survival.

After searching for 8 months for a bone marrow match, isn't it ironic that on this 50th anniversary of World War II's death and horror, a German soldier will be the donor to save the life of a little 9 year old girl in America. I believe this to be a noteworthy occasion.

This soldier was scheduled to go out on maneuvers, which would delay the bone marrow transplant 15 more days, but chose to make himself available for the draw instead stating he did not wish for her to suffer a minute longer than necessary. His bone marrow will be hand delivered from Germany to Seattle. Hand carried, the transplant will begin the minute it arrives.

Thank you for your time and consideration in seeing that President Clinton receives this information. When I told Susie, that every one was praying for her all over the world, she ask "even the President of the United States?" How could I answer with anything other than "yes, even the President". A card or call from him would go a long way in helping her believe that we are all telling her the truth when we say that there is always hope that she will be well again and a bright future lies ahead.

Mr. President, I ask unanimous consent to enter this letter into the RECORD. I also ask unanimous consent that the newspaper article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPECIAL 9-YEAR-OLD TOUCHES A CITY'S HEART

(By Tim Woodward)

If you've seen a Boise firefighter lately, you may have noticed he was wearing a purple ribbon on his uniform.

They're wearing purple at City Hall, too. The mayor, city council members and other office workers all have purple ribbons pinned to their clothing.

Purple ribbons dot lapels at the Boise Cascade Corp., the Ada County Sheriff's Department, Life Care Center, hospitals, doctors' offices, Highlands School.

The ribbons are symbols of support for a kid who has had more bad luck than any 9-year-old deserves. Susie Hamilton has a rare and deadly form of leukemia. She has been out of hospitals nine days in the past eight months. A bone marrow transplant is her last hope for life.

Steve Hamilton, Susie's father, is a battalion chief with the Boise Fire Department. Hamilton has dedicated his life to saving lives. Now his fellow firefighters are helping him in the fight to save his daughter's life.

When Susie got sick, the firefighters donated shifts so her father could be with her. When she needed a marrow donor, the firefighters raised \$4,000 and added 527 names to the donor registry.

Susie's mother, Becky Hamilton, works at Boise Cascade. The company not only extended her leave time, it flew the family to Seattle in a corporate jet when Susie needed to see a specialist there.

On May 12, the fire department, Boise Cascade employees, the sheriff's department, Highlands School and civic groups will sponsor a silent auction to raise money for medical expenses. Businesses have donated raft trips, airplane rides, bicycles and other prizes. The auction will be at Highlands, Susie's school.

"Everywhere we go, whether it's the hospital in Salt Lake or the one in Seattle, the people we work with are just amazed at the support network we have in Boise," Steve Hamilton said. "They say it's unheard of in this day and age to have that kind of community involvement."

So far, Boiseans have donated more than \$12,000 to the Susie Hamilton Leukemia Account (200 N. 4th St, Boise, ID 83702). Velma Morrison dropped by last week with a check for \$2,500.

One of Susie's grandmothers helped her write a children's book. "Lillie the Laughing Giraffe Loses Her Spots and That's No Laughing Matter" will go on sale May 12. Boise's Legendary Publishing Co. donated its services. All of the proceeds will be used for Susie's medical expenses.

"Boise is known as the City of Trees, but to me it's the city of love," Susie said. "... I've learned a lot about love and friendship and caring since I got sick. I want to thank everyone who has helped me—my friends, my family and people I'll never get a chance to meet."

Leukemia alone is bad enough, but there were other heartbreaks. When a match was found for a donor after hundreds of tests, the donor turned out to have hepatitis. Susie got it through a transfusion.

Last month, she had to have a lung removed. When a doctor praised her courage, she whispered, "What choice do I have? I want to live."

The search for a donor was worldwide. The winner: a soldier in the German army. The transplant will be May 10, in Seattle.

Hundreds of people will be thinking about a brave little girl that day.

They'll be saying prayers, wearing purple ribbons, hoping a miracle will save a life that has touched a city's heart.

Mr. KEMPTHORNE. I have good news today, Mr. President. Susie Hamilton underwent 15 hours of surgery yesterday at the Fred Hutchinson Cancer Center in Seattle, receiving the bone marrow from that German soldier. I am pleased to say early reports are positive, and the prognosis is good.

Mr. President, I will be sending a ribbon just like this to the White House today so that President Clinton can affirm to Susie through correspondence that everyone is praying for her speedy and thorough recovery so that we can all affirm that there is always hope where there is prayer, and that truly people all over the world are praying for Susie, and to acknowledge the support of the community of Boise and all of Susie's friends as they rally around a neighbor, which I think is the spirit that does bring about not only hope but the positive results that we want.

Mr. President, I thank you. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the role.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. 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. DEWINE. Mr. President, I further ask unanimous consent that I might proceed now as in morning business.

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

VICTIMS' RIGHTS

Mr. DEWINE. Mr. President, today, I want to continue my discussion on the crime bill that I intend to introduce in the Senate next week.

As I have pointed out in previous speeches on this issue, there are really two fundamental issues that we always need to address when we look at the question of a crime bill, when we look at whether it is a good crime bill or whether it is not, when we look at whether it gets the job done or not. The first question is: What is the proper role of the Federal Government in fighting crime in this country, understanding that 90 to 95 percent of all criminal prosecution is not done at the Federal level, but rather done at the local level, the State level, the county level? What is the role of the Federal Government?

The second question we always have to ask is, despite all the rhetoric: What really works in the area of law enforcement? What really matters? And, conversely, what does not matter?

On Wednesday of this week, I discussed these issues with specific reference to crimefighting technology. The conclusion I reached was that we have an outstanding technological base in this country that will do a great deal to help us catch criminals.

Mr. President, technology does, in fact, matter.

However, we do need the Federal Government to be more proactive in

this area, more proactive in getting the States on line with this technology and giving the States the assets they need to get that job done.

Having a terrific national criminal records system or huge DNA data base for convicted sex offenders in Washington, DC, is great—but it will not do much good for the police officer in Lucas County, Hamilton County, and Franklin County, OH, or if other jurisdictions across this country cannot tap into it, cannot get the information out or, conversely, cannot put the information in.

Mr. President, crime occurs locally. So we have to make sure the crimefighting resources—such as high-tech data bases—are, in fact, available to local law enforcement. And one of the principal provisions of the bill that I will introduce next week does just that, drives that home to the thousands, tens of thousands of local law enforcement agencies scattered throughout our 50 States.

Mr. President, on Thursday of this week, I discussed a second issue—what we have to do to get armed career criminals off our streets. At that time, I talked specifically about a program called Project Triggerlock that targeted gun criminals for Federal prosecution.

Mr. President, Project Triggerlock worked. It got 15,000—15,000—armed career criminals off the streets in just 18 months. But, incredibly, the Clinton administration abolished this program. My legislation, Mr. President, would bring back Project Triggerlock, and toughen the laws on gun crimes in many other significant ways. It is clear, if we are going to be tough on crime and do things that really matter, we have to get armed career criminals off our streets.

Today, I would like to turn to a third provision of my crime bill, a third issue, and it is an issue that is near and dear to my heart as a former county prosecuting attorney, and that is the people that we many times forget in our criminal justice system, the victims of crime.

Today, I would like to talk about that component of my crime legislation. I would like to discuss some of the measures I think we ought to take in the area of victims' rights.

The late Hubert Humphrey said, in a much admired and much quoted comment:

The moral test of Government is how that Government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy, and the handicapped.

What the former Vice President and former U.S. Senator said, what he was talking about was the fundamental role of Government to protect the weak, to protect those citizens who could not protect themselves. That is why, I submit, Mr. President, I think victims of crime belong on that list, as well.

For too long, victims have been forgotten by our judicial system. From start to finish, the legal system can be a terrible ordeal for the victims—a bureaucratic nightmare that seems to and, in fact, does many times, go on and on and on.

In our Constitution, we have all kinds of protections for the rights of defendants, as well we should. We try to make sure that they have every possible chance—and that is good—because we do not know if the defendants are guilty. We want to know if they have justice. That is why we bend over backwards to be fair to anyone accused of crime.

Mr. President, in the process, I believe that many times we have forgotten the victims of crime.

Over the last few decades, we have made some progress in this area. We have made some progress in recognizing the rights of victims. When I was a county prosecutor in the 1970's, I saw too many crime victims, people who had already been hurt, hurt a second time by a callous legal system. That is why I did everything that I could to protect the rights of those victims.

Today, the legal process, in spite of changes, in spite of reforms, in spite of progress that we have made, is still too brutal on the victims. Our bottom line has to be this: To be victimized once by a crime is already once too often. To be victimized yet again by an uncaring judicial system is totally, totally unacceptable.

There are some measures we should take as part of this year's crime legislation to continue the process of making the legal system treat crime victims with greater fairness and with greater consideration. Let me talk about a few of these.

No. 1, let us make sure that crime does not pay. Today, a Federal trial court may—may—order restitution for crimes. I think that in every case they should order restitution for crimes. I think we should mandate full restitution in all Federal criminal cases.

No. 2, let us stop the brutalization of victims in our courts. Under current law, lawyers are not allowed to present evidence that they know is false. That is a basic tenet of judicial ethics for lawyers. Every law student learns that early on. But what defense lawyers can do under our current system is this: If they have a crime victim on the stand, a crime victim whom they know is telling the truth, defense lawyers are still allowed to make it look like that witness is lying. Defense lawyers can do this even though they know the witness is telling the truth. My legislation would prohibit this practice.

No. 3, let us make the trial process more fair to the victims. Under the Constitution, a defendant has the right, if he so chooses, not to testify in his own defense. This is a very important constitutional right. It is imperative that we always protect this. This

right has a consequence, a consequence that is both unintended and, I submit, undesirable.

There are cases in which the defense team decides not to put the defendant on the stand, which is fine, and then, though, attacks the victim's character and the victim when that victim, himself or herself, takes the stand and testifies. In effect, the defense lawyers put the victim on trial while at the same time being able to shield the defendant from questions about that defendant's own character.

I think it is time to end the free ride for these defendants. Let us simply say to the defendants and let us say to the defendants' lawyers this: If you, the accused or a lawyer, want to attack the character of a victim, then you can expect the prosecutor to call your character into question. It is only fair. It is only right. It is only just.

No. 4, let us make people who are accused of sexual assault be tested for HIV. If you, or one of your loved ones, was the victim of a sexual assault today, it is very difficult to find out if the attacker has HIV, and in today's society, is that not something that the victim should know? Is that not something that the court system should help the victim to determine?

Last year, the Senate version of the crime bill did have a provision mandating HIV testing of persons arrested for sexual assault. The Clinton administration supported this provision. But in the other body, for some reason, it was dropped.

My legislation would change that. My legislation would put that back in. My legislation would force the HIV testing of these defendants and the disclosure of the testing results to the victims of crime.

No. 5, a fifth way to make our system more fair and more just to the victims of crime, let us make the jury, the whole jury system, a level playing field. The O.J. Simpson trial has focused America's attention on the process of the selection of a jury. How do we make sure that the jury is a fair panel?

Mr. President, under today's Federal laws, prosecutors can challenge six potential jurors without giving cause, what in the courtroom they call "cause." Six jurors can be knocked off without giving any reason. Defense lawyers, however, can challenge 10 without giving a reason. These are called generally peremptory challenges where each side can excuse a juror without giving a reason.

I think that we should give victims an impartial trial, jury, and a fair shake. To do that, I think we need to give both the prosecution and the defense simply the same number of peremptory challenges. It only seems right, and it only seems fair.

Mr. President, all the provisions I have discussed today to protect victims have a common theme. In our judicial system, we cannot condone the revictimization of crime victims. Our

system is and must be impartial. It must be impartial between the prosecution and the defense, all the while recognizing the presumption of innocence on behalf of the defendant.

There is no reason that the presumption of the defendant's innocence should be construed in such a way that it condones heartless treatment of crime victims. The criminal law embodies some of the truly fundamental values of our society. One of these values is that we should console those who have been hurt. We should not victimize them further.

A number of years ago when I was a county prosecuting attorney, I would see the victims of murder and other violent crimes. I would interview people who had been abused, assaulted, and raped. I learned a lot from talking to these innocent people. I learned that we have to make the crime victim a full participant, not a forgotten person, in the criminal justice system.

The proposals I have just outlined would help us make some progress in turning the criminal justice system into a more victim-friendly enterprise. It is long past time that we stop treating the victims like they are criminals and the criminals like they are victims.

My legislation is an attempt to move the concerns of crime victims toward center stage in our Federal criminal justice policy.

Next week, I will continue my series of speeches on the crime bill that I intend to introduce next week. On Monday, I will explain what I think we ought to do to get more police officers on the streets, particularly to get more police officers on the streets where the crime is the highest, because if there is one thing that we know, it is this: Law enforcement officers who are well trained and who are deployed correctly on our streets will, in fact, reduce crime. That is a fact. That is the truth. I will talk more about this next week.

Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

MORATORIUM ON REGULATIONS

Mr. CHAFEE. Mr. President, in March of this year, just 2 months ago, this Senate considered a bill that would have imposed an across-the-board moratorium on the issuance of new major regulations. That across-the-board moratorium would have extended from last November's election up until the end of this year, the end of 1995. It would have encompassed all of 1995 and the last several months of 1994.

That bill came up before the Senate, and it was overwhelmingly rejected by this Senate. Instead, on this across-the-board moratorium, the Senate adopted a substitute amendment which was offered by the Senator from Oklahoma and the Senator from Nevada. And that provided for a 45-day review of major new rules coming up before

the new rules by the Congress. This 45-day review was agreed to by this Senate 100-0. Any time you can get a vote of 100-0, it is considered favorable; overwhelming is an understatement.

Before that bill was sent over to the House and to the conference of House and Senate Members, many of us here in the Senate made clear that if the conference report came back with an across-the-board moratorium, we would oppose it. We do not want these across the board moratoriums. We wanted the situation that was proposed by the Senator from Oklahoma which, principally, was for a 45-day review.

I want the Senate to know, as I indicated during the earlier debate, that I will oppose the conference report if it includes provisions of the type that I outlined, namely the restoration of these broad moratoriums that this bill had.

Now, yesterday, a Member of the House released a list of the rules that they have targeted in the House. They are not satisfied with a 45-day review. They have targeted some 30 rules—12 of them are EPA rules; 4 of them are worker safety rules to be issued by OSHA; 10 of the rules relate to food and drug safety. Almost all of the rules on the list that are targeted by the House are there to protect public health, worker safety, and the environment.

I notice that the occupant of the chair is the distinguished Senator from Minnesota. One of the rules that is targeted deals with the Great Lakes clean water quality guidance. I do not know the position of the occupant of the Chair on this. I suspect that most of the Senators from those States—Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin—are interested in the quality of the water in those Great Lakes.

The EPA has proposed an initiative dealing with that situation. The EPA has estimated a proposal that could cost from \$80 to \$500 million annually. This has to do with the cleanliness of those lakes. This is one of the rules that has been targeted by the House Members, one that would be subject to an extensive moratorium.

There are a host of others, Mr. President. One of them I will describe. It is a rule promulgated under the Safe Drinking Water Act. It would reduce the levels of so-called disinfection by-products in drinking water. These are the chemicals that form when water is chlorinated, as is done in most communities. It is chlorinated to kill bacteria and other organisms. The chlorine, in some instances, combines with other substances in the water to form new chemicals, such as chloroform, that may cause significant cancer risks for those using the water.

A recent article in the American Journal of Public Health indicated that up to 10,000—not 1,000, but 10,000—cases of cancer per year may be attributable to these chemicals in our water. EPA has been working on a rule to reduce this health risk.

Did EPA just conceive this rule as a bunch of bureaucrats sitting down at EPA headquarters? This is what they did. They convened a regulatory negotiation involving all of the parties that had an interest. The drinking water suppliers, the States, the cities, public health organizations—a very broad group worked for 2 years on this rule. With one exception, this broad range of interests all signed an agreement at the end of the process supporting the proposed rule. The proposed rule reflects a significant consensus across virtually the entire community of interests involved in drinking water. Now, under the House proposal this would be targeted; it would be suspended, you could not have the rule. You could not have the rule until some indefinite period—until certainly perhaps the end of this calendar year, and probably into the future likewise. Why should they do that? I am opposed to that type of action by the House of Representatives.

A second item on the list is a petition that EPA approved last December. It was a petition submitted by 13 States from the northeast—my State involved likewise—asking that cars with pollution controls such as those used in California also be sold in the Northeast to reduce our air pollution problems. This was not an EPA proposal. In fact, EPA was reluctant to approve this petition. It was required by the Clean Air Act because 13 States had made the request.

I was under the impression that many of those who support these regulatory reform efforts want to return more responsibility to the States. They say, "We believe in the States and States rights." Here we have a proposal that was made by the States that is targeted on this House list as being suspended.

Now, a third item on this list is the Federal implementation plan for California that was promulgated in February. EPA was ordered by the courts to produce this plan when California failed to come up with its own program. The EPA program has been controversial in California and Governor Wilson has asked that it be suspended. And this list would target it for suspension.

But this EPA clean air plan for California has already been overturned. The supplemental appropriation for the Defense Department enacted earlier this year already repealed the California plan, including this item on this list of 30 rules to be killed must be an error, because Congress has already acted to repeal this rule. I bring this item to the attention of the Senate to make that point. Where specific measures, including rules that are required by the courts because of laws enacted by the Congress, go too far, we should take action to correct the excess. We have done that in several cases. We do not need an across-the-board moratorium, as mandated by the House in the

legislation it passed and suggested for this conference.

Another item on this list is also from the Clean Air Act. It is the employee trip reduction program that requires large employers in most severe non-attainment areas to work with their employees to reduce the number of vehicle trips each day. In other words, this is a way, in nonattainment areas of the country where they have not attained the clean air requirements, goals, that large employers would work with their employees to reduce the number of vehicle trips. Six hundred employees, six hundred cars—is that necessary, or is there another way of doing it? EPA has not issued, nor is it about to, any rule implementing this requirement of the act. So there is no rule to suspend.

This is a requirement of the Clean Air Act that guides States in the development of their own implementation plans. It is carried out by the States without Federal regulation. This is an example where a mechanism called a regulatory moratorium, such as the House is suggesting, is being used to reach into the Clean Air Act and knock out a specific policy that some in the House apparently do not like.

I am not here to defend the employee trip reduction program. In fact, earlier this year I asked EPA Administrator Carol Browner to look for other approaches to the problem of the increasing number of vehicle trips and miles that are traveled that we might substitute for this measure in the Clean Air Act. I am not arguing policy grounds one way or the other. My point is that in the guise of regulatory moratorium, some in the House are seeking to repeal the provision of the Clean Air Act that is not even implemented through Federal rulemaking. This proposal is not to freeze a rule. There is no rule to freeze. This is a proposal to change the law.

This list reflects an attack on 30 specific policies that some Members of the House would like to see reversed. These policies are intended to protect public health, worker safety, and the environment. I am familiar with the rules on the list that would come from EPA. They cannot be characterized as rules written by out-of-control bureaucrats without regard for cost or risk reduction. To the extent that rulemakings are actually involved, they have all been subject to cost-benefit analysis under existing regulatory review requirements. In some cases the rules have either been painstakingly developed in consultation with State or local governments are actually written by the States themselves.

Mr. President, the House is no longer proposing a regulatory moratorium. What we have here is a fishing expedition. They have thrown out a long list of policies they want killed to see how many the Senate will take in the name of compromise to get a bill. I hope our Senate conferees will not engage the House in this discussion.

Mr. President, the Senate voted overwhelmingly to reject an across-the-board moratorium on new rules. I trust the Senate conferees will not allow the conference to produce a bill that makes 30 specific changes in law without hearings, without debate in either body on the specific policies, and without the opportunity for Members to exercise their rights to offer amendments and have votes on the substantive questions at stake. That would be an extraordinary abuse of the standards that are to be observed by a conference committee between the House and the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. 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. DOLE. Mr. President, let me state to my colleagues who are wondering about votes today, we believe we may have a unanimous-consent agreement. If it is approved, there will be no additional votes today. We should have word on that, hopefully, in the next few minutes. I know many of my colleagues have other things to do so we will try to keep everybody apprised.

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. 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. 1074

(Purpose: To promote local and regional planning for effective solid waste collection and disposal and for reducing the amount of solid waste generated per capita through the use of solid waste reduction strategies)

Mr. CHAFEE. Mr. President, I send an amendment to the desk on behalf of Senator MCCONNELL 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 Mr. MCCONNELL, proposes an amendment numbered 1074.

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:

At the end of the amendment add the following:

TITLE —STATE OR REGIONAL SOLID WASTE PLANS

SEC. 01. FINDING.

Section 1002(a) of the Solid Waste Disposal Act (42 U.S.C. 6901(a)) is amended—

(1) by striking the period at the end of paragraph (4) and inserting “; and”; and

(2) by adding at the end the following:

“(5) that the Nation’s improved standard of living has resulted in an increase in the amount of solid waste generated per capita, and the Nation has not given adequate consideration to solid waste reduction strategies.”.

SEC. 02. OBJECTIVE OF SOLID WASTE DISPOSAL ACT.

Section 1003(a) of the Solid Waste Disposal Act (42 U.S.C. 6902(a)) is amended—

(1) by striking “and” at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting “; and”; and

(3) by adding at the end the following:

“(12) promoting local and regional planning for—

“(A) effective solid waste collection and disposal; and

“(B) reducing the amount of solid waste generated per capita through the use of solid waste reduction strategies.”.

SEC. 03. NATIONAL POLICY.

Section 1003(b) of the Solid Waste Disposal Act (42 U.S.C. 6902(b)) is amended by inserting “solid waste and” after “generation of”.

SEC. 04. OBJECTIVE OF SUBTITLE D OF SOLID WASTE DISPOSAL ACT.

Section 4001 of the Solid Waste Disposal Act (42 U.S.C. 6941) is amended by inserting “promote local and regional planning for effective solid waste collection and disposal and for reducing the amount of solid waste generated per capita through the use of solid waste reduction strategies, and” after “objectives of this subtitle are to”.

SEC. 05. DISCRETIONARY STATE PLAN PROVISIONS.

Section 4003 of the Solid Waste Disposal Act (42 U.S.C. 6943) is amended by adding at the end the following:

“(e) DISCRETIONARY PLAN PROVISIONS RELATING TO SOLID WASTE REDUCTION GOALS, LOCAL AND REGIONAL PLANS, AND ISSUANCE OF SOLID WASTE MANAGEMENT PERMITS.—Except as provided in section 4011(a)(4), a State plan submitted under this subtitle may include, at the option of the State, provisions for—

“(1) establishment of a State per capita solid waste reduction goal, consistent with the goals and objectives of this subtitle; and

“(2) establishment of a program that ensures that local and regional plans are consistent with State plans and are developed in accordance with sections 4004, 4005, and 4006.”.

SEC. 06. PROCEDURE FOR DEVELOPMENT AND IMPLEMENTATION OF STATE PLANS.

Section 4006(b) of the Solid Waste Disposal Act (42 U.S.C. 6946(b)) is amended by inserting “and discretionary plan provisions” after “minimum requirements”.

Mr. MCCONNELL. Mr. President, I rise today to offer an amendment to help States get a handle on their local waste flows and to ensure that States are not precluded from establishing regional solid waste reduction plans. Next year, the subtitle D regulations affecting landfills will go into effect. These new regulations will force States to closely reevaluate their disposal needs and develop their own comprehensive plans on how they might implement the more stringent regulations.

Kentucky has already taken the initiative in establishing one of the most comprehensive solid waste reduction

plans of any State. The Kentucky plan mandates that regional and local authorities establish a waste collection and disposal plan as well as regional waste reduction strategies. These efforts have proven effective in stopping illegal dumping, increasing recycling, and reducing the overall need for landfill space.

Unfortunately, without Federal legislation these plans are open to constitutional challenge. Mr. President, where does that leave us? How can States effectively meet the goals of reducing waste flows, increasing recycling, and improving landfill standards if they are prohibited from establishing an effective waste management plan?

Those of us who have been involved in the interstate waste issue know, this legislation is necessitated by the commerce clause of the Constitution. A number of State and local initiatives that attempted to deal with solid waste issues have wound up in court, and eventually been struck down based on this provision of the Constitution. Consequently, it is virtually impossible for a State to effectively deal with their own waste flows without a specific delegation of Congress’ plenary commerce power.

In every Congress since 1990 there has been an attempt to provide States the authority to keep the interstate flow of solid waste in check. Over the past 6 years, I have fought hard with Senator COATS to ensure that States like Kentucky and Indiana do not become dumping grounds for those States that have refused to control their own waste flows.

Mr. President, my amendment will correct this by authorizing States to establish a comprehensive plan for waste reduction. This is essential if communities are to get a handle on their own waste flows through plans that promote local planning and are consistent with the objectives of subtitle D, of the Solid Waste Disposal Act passed by Congress in 1991.

Gone will be the days of open dumps and multitudes of cheap landfills when the new standards are implemented in 1996. These standards will mandate liners, leachate collection and treatment, groundwater and gas monitoring, and new corrective action. The EPA has estimated that nearly half of the Nation’s 6,000 landfills will close. In Kentucky, new landfill standards have already gone into effect and the number of landfills has declined dramatically from 29 to just 6. Mr. President, these new regulations will compel many States to rethink their disposal needs and how they should plan for the future.

Many States may find they do not have an effective plan for disposing of their waste. States will need to establish a plan for consolidation, reduction, and recycling programs mandated by the Resource Conservation and Recovery Act. Again, my amendment will help States plan for the inevitable and

protect already established plans from legal challenge.

Mr. President, this amendment will not eliminate existing host community agreements, nor will it ban the interstate flow of waste. In fact, in Kentucky a special landfill was recently authorized to accept waste from out-of-state. A number of Kentucky counties continue to ship and accept nominal amounts of waste from our neighboring States of West Virginia, Ohio, Indiana, and Illinois. My amendment will not disturb these arrangements.

Mr. President, my amendment is entirely consistent with the export reduction strategies contained in this bill.

I have worked with the officials of the Kentucky Department of Natural Resources and Environmental Protection Cabinet and officials in Magoffin County to ensure that State and regional waste plans are protected in this legislation. I am appreciative of their assistance.

Today, Congress will clarify whether States have the authority to establish their own plan for the disposal of waste. Only with the explicit delegation of this authority can States be certain that they are acting within a constitutional framework.

I would like to thank the managers of this bill for accepting this amendment.

Mr. CHAFEE. Mr. President, I congratulate Senator MCCONNELL for the work he has done in connection with solid waste. It is a subject he has been interested in for a good number of years.

Kentucky is a State that has established one of the most comprehensive solid waste reduction plans of any State and the Senator was very conscious of that in his dealing with the legislation before us.

Mr. President, I again congratulate the distinguished Senator from Kentucky, Senator MCCONNELL, for the work he has done.

Mr. BAUCUS. Mr. President, we have reviewed the amendment on our side and urge its adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1074) was agreed to.

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. BAUCUS. 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. BAUCUS. Mr. President, I ask unanimous consent to proceed as in morning business.

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

NATIONAL HIGHWAY SYSTEM AND
NATIONAL SPEED LIMIT

Mr. BAUCUS. Mr. President, this week, the Senate Environment and Public Works Committee reported out a bill to designate the National Highway System or NHS. I want to congratulate the chairman of the committee on his leadership.

While some provisions in the bill cause me some concern, there is one feature that I would like to highlight today.

The National Highway System authorization bill repeals the national maximum speed limit. This is a commonsense feature. Repeal removes the threat of Federal highway dollar sanctions if a State does not post its roads at a 55- or 65-mile-per-hour speed limit.

The current standard of 55 or 65 miles per hour may make sense in some States—especially in urban, congested areas. However, for big, sparsely populated States like Montana, it may make sense to change that standard. And there is no need for Washington to decide for us.

Mr. President, the point is that the States should have the ability to set their own speed limits. The citizens in each State should have a say in these decisions without the threat of a Federal highway fund sanction.

I spend a lot of time walking the roads in Montana. I have walked from Livingston to Bozeman along I-90; down Route 93 from Missoula to Hamilton; up from Butte along the road to Missoula; and this summer I hope to spend a lot of time on the Hi-Line.

And I can tell you first-hand, those are easy roads to walk and they are easy roads to drive. They do not get a lot of traffic. People stop and talk. I can wave to every other driver as he or she goes by. And we should not treat these roads as if they have bumper-to-bumper New York traffic.

We made at least a start by letting States raise the limit to 65 on rural roads. But a Montana driver could drive very safely on many of our roads at a higher speed. Montana should be able to set its own speed limit without threatening our highway money.

So, Mr. President, among all the things the NHS bill does—tucked in amongst the big construction projects, new technology, increased competitiveness, and new jobs—is something that is pretty small, but which does a lot to make life easier and Government more sensible.

It is just plain, simple common sense. Thank you, Mr. President.

INTERSTATE TRANSPORTATION OF
MUNICIPAL SOLID WASTE ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1075

Mr. CHAFEE. Mr. President, I send an 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 and Mr. BAUCUS, proposes an amendment numbered 1075.

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:

Delete from page 34, line 5 through page 35, line 2 and replace with the following:

“(3)(A) Except as provided in paragraph (4), any State that imported more than 750,000 tons of out-of-State municipal solid waste in 1993 may establish a limit under this paragraph on the amount of out-of-State municipal solid waste received for disposal at landfills and incinerators in the importing State as follows:

“(i) In calendar year 1996, 95 percent of the amount exported to the State in calendar year 1993.

“(ii) In calendar years 1997 through 2002, 95 percent of the amount exported to the State in the previous year.

“(iii) In calendar year 2003, and each succeeding year, the limit shall be 65 percent of the amount exported in 1993.

“(iv) No exporting State shall be required under this subparagraph to reduce its exports to any importing State below the proportionate amount established herein.”.

On page 36, line 12, add “and the Governor of the importing State may only apply subparagraph (A) or (B) but not both” after “facilities”.

On page 38, line 2, after “year” insert “, and the amount of waste that was received pursuant to host community agreements or permits authorizing receipt of out-of-State municipal solid waste”.

On page 38, line 3, delete “July 1” and insert “May 1”.

On page 38, delete from line 17 through page 39, line 6 and replace with the following:

“(C) LIST.—The Administrator shall publish a list of importing States and the out-of-State municipal solid waste received from each State at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste.”.

On page 35, line 20, strike “800,000”, replace with “750,000”.

On page 35, line 22, strike “600,000”, replace with “550,000”.

On page 52, strike line 6, insert the following: “sources outside the State.”.

“(g) IMPLEMENTATION AND ENFORCEMENT.—Any State may adopt such laws and regulations, not inconsistent with this section, as are necessary to implement and enforce this section, including provisions for penalties.”.

Mr. CHAFEE. Mr. President, this managers’ amendment that I have sent to the desk is the result of laborious and lengthy negotiations involving the distinguished Senator from Indiana, who spent so much time in connection with this legislation, and the distinguished Senator from New York, and many other Senators who have an interest in this legislation.

So I urge its adoption.

Mr. BAUCUS. Mr. President, we have examined the amendment. It is my understanding that various Senators, particularly the Senator from Pennsylvania, as well as the delegation from Illinois, who had some questions in the last final moments, have now found their objections are no longer such as

to prevent the Senate from passing this bill. They no longer have those objections.

With those assurances, Mr. President, I urge the passage of the bill.

I want to particularly thank the Senator from Indiana, Senator COATS. Senator COATS labored in the vineyards in this issue for years and years, and I highly commend him for his efforts to limit out-of-State garbage from coming into his State of Indiana. I also want to compliment the chairman of the committee.

Last year, we almost passed this bill—within an eyelash of passing it. I compliment the chairman of the committee for helping make passage a virtual reality here today.

Many other Senators worked very hard trying to get the right balance, basically, between those States who want to limit trash coming into their States and those States that still do export a lot of trash.

Now, the exporting States, particularly New York and New Jersey, I think are to be commended for taking significant action to reduce the amount of exports to those States to put less pressure on importing States.

Nevertheless, I think it is very important that the importing States—including my State of Montana—have the ability to say no to out-of-State trash. It is very important we have that.

I compliment, again, the Senator from Indiana as well as the Senator from New York [Mr. D’AMATO]. I urge the adoption of this amendment.

Mr. COATS. Mr. President, the Senator from Montana commended me for laboring in the vineyards for so many years. It did not seem like I was in the vineyards—more like the town dump.

I want to thank the chairman, Senator CHAFEE, for his work this year with me and with the coalition in fashioning this legislation, in particular this amendment that is being sent to the desk. It is the culmination of a lot of years, of a lot of work, by a lot of people.

As the Senator from Montana said, it is critical that States that are unwilling recipients of out-of-State waste have a say as to whether or not they receive this waste.

The Senator from Montana has worked tirelessly to help Members accomplish this effort. I would say to the Senator from Rhode Island, what a difference a year makes. We are here, together, working together on fashioning what I think is very appropriate legislation. I want to thank him, along with Senator SMITH, Senator D’AMATO, and others, for helping to put this amendment together. I urge its adoption.

Mr. CHAFEE. Mr. President, again I would like to say that the reason we have this legislation is really because of the steady, persistent tenacity of the Senator from Indiana.

I can assure the world that everybody in Indiana should feel very, very grateful for the work that Senator COATS has done in connection with this legislation. I can also assert that when the definition of "bulldog" is given, there is no one the tenacity shown by a bulldog more appropriately fits than Senator COATS. He has pressed this issue to its fullest. I congratulate him.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island.

So, the amendment (No. 1075) was agreed to.

Mr. BAUCUS. 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.

Mr. CHAFEE. Mr. President, I would like to take this opportunity to thank the distinguished Senator from Montana for his patience and help in all these measures; not only this one we are dealing with right now, but the whole series of them. His suggestions have been excellent. I want to express my personal appreciation, but I know that everyone in the Senate is indebted to him for his hard work in seeing we get these agreements.

AMENDMENT NO. 1076

Mr. CHAFEE. Mr. President, 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 Mr. D'AMATO, proposes an amendment numbered 1076.

The amendment is as follows:

Page 64, line 2, insert the following as letter (f) and reletter subsequent paragraphs accordingly—

(f) STATE-AUTHORIZED SERVICES AND LOCAL PLAN ADOPTION.—A political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if, prior to May 15, 1994, the political subdivision—

(1) had been authorized by State statute which specifically named the political subdivision to exercise flow control authority and had implemented the authority through a law, ordinance, regulation, contract, or other legally binding provision; and

(2) had adopted a local solid waste management plan pursuant to State statute and was required by State statute to adopt such plan in order to submit a complete permit application to construct a new solid waste management facility proposed in such plan; and

(3) had presented for sale revenue or general obligation bond to provide for the site selection, permitting, or acquisition for construction of new facilities identified and proposed in its local solid waste management plan; and

(4) includes a municipality or municipalities required by State law to adopt a local law or ordinance to require that solid waste which has been left for collection shall be separated into recyclable, reusable or other components for which economic markets exist; and

(5) is in a State that has aggressively pursued closure of substandard municipal landfills, both by regulatory action and under statute designed to protect deep flow recharge areas in countries where potable water supplies are derived from sole source aquifers.

Mr. BAUCUS. Mr. President, we examined this amendment and we urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

So, the amendment (No. 1076) was agreed to.

Mr. COATS. 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.

AMENDMENT NO. 1077

Mr. COATS. Mr. President, 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 Indiana [Mr. COATS], proposes an amendment numbered 1077.

Mr. COATS. Mr. President, I ask unanimous consent further reading be dispensed.

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

The amendment is as follows:

On page 52, between lines 10 and 11 insert the following:

"SEC. 102. NEEDS DETERMINATION.

"The Governor of a State may accept, deny or modify an application for a municipal solid waste management facility permit if—

"(1) it is done in a manner that is not inconsistent with the provisions of this section;

"(2) a State law enacted in 1990 and a regulation adopted by the governor in 1991 specifically requires the permit applicant to demonstrate that there is a local or regional need within the state for the facility; and

"(3) the permit applicant fails to demonstrate that there is a local or regional need within the State for the facility."

Mr. CHAFEE. Mr. President, this amendment is thoroughly agreeable to the Members on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

So, the amendment (No. 1077) was agreed to.

Mr. CHAFEE. Mr. 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.

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. 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 ask unanimous consent to be allowed to proceed for 5 minutes as if in morning business.

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

PRESIDENT CLINTON'S ACCOMPLISHMENTS IN MOSCOW AND KIEV

Mr. JOHNSTON. Mr. President, in my judgment, there have been a number of premature pronouncements about the outcome of the President's trips to Moscow and Kiev that I believe are one-sided and unfair. Many important achievements have been overlooked and ignored, and important foundations have been laid for success on more contentious issues in the future.

It is far too early to know what the ultimate outcome will be on the very contentious issue of the proposed Russian sale of nuclear reactors to Iran. The President began the process of engaging the Russians seriously on the serious global security implications of such a sale by sharing information with the Russians which they will not assess and debate. The Russians have not closed the door to reconsideration of this issue; the President kept it open through persuasive argument which we hope, when fully evaluated by the Russian side, will lead to the Russians decided to cancel this sale.

Lost in the coverage of the reactor sale was an important victory in the resolution of a number of outstanding issues regarding Russia's closing down arms sales to Iran. The Vice President and Chernomyrdin will draw up the final agreement on this very important issue, which will permit Russia to join in with other States as a founding member of the post-COCOM regime. Key sticking points on biological weapons cooperation, notably the Russian agreement to begin visits to biological weapons factories on August 1, 1995, were resolved and the United States and Russia also issued a joint statement on principles on theater missile defense systems and their relationship to the ABM Treaty. Yeltsin also reaffirmed strong support for START II ratification.

In large part because of the President's personal effort, Russia recommitted herself to being part of the evolving European security landscape. Yeltsin agreed to drop his opposition to moving forward with Russia's Partnership for Peace Membership and agreed to proceed with implementation of its program before the end of this month. Yeltsin also indicated agreement with plans to launch an expanded Russia-NATO dialog at the May NAC.

These are all significant developments, developments which will give us a more secure and more peaceful world.

My own view is that the President's decision not just to visit Moscow but

to travel on to Kiev was also very important and underscores the policy of the United States of supporting all the newly independent States, not just Russia.

Fortunately, we have excellent relations with Ukraine now, and because of the groundwork that President Clinton and his delegation laid we can expect to see expanded trade, investment, and commercial relations in the future. None of these changes happen overnight, and they will never occur unless a strong and positive foundation is carefully laid. President Clinton's visit laid just such a foundation.

In addition, President Clinton and President Kuchma entered into an excellent exchange of views on how the United States and Ukraine can cooperate to shape a stable, undivided Europe in the future. As many have reflected on the events in Europe 50 years ago, I believe we all know and understand how critically important this is to world peace and to a peaceful future for the United States.

I applaud President Clinton for undertaking this trip at this time. He has reached out to the people of Russia and to the people of Ukraine at a critical time in the evolution of their political systems, and I believe through his visits with political leaders from throughout the Russian political spectrum and with students at Moscow University spoke up clearly, firmly, and loudly for democracy, free elections, and reform.

Fifty years ago, it would have been unthinkable for an American President to travel to Moscow, speak to students about democracy, free elections, economic and political reform, and have that message broadcast throughout Russia by Russian radio. This unthinkable event happened earlier this week. I am confident that this message was not lost on the Russian people, and I hope it will not be lost here, for I believe this shows concretely how far our relationship has evolved and how much each step we have taken has meant in the long run toward real and meaningful change.

I believe the steps President Clinton took in Moscow and Kiev will result in more permanent, lasting changes in the future, and I congratulate him for tackling the many difficult and daunting problems which he took on straightforwardly. Ultimately, I believe the record will reflect that significant progress was achieved in many areas because of the foundation which President Clinton laid this week.

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.

Mr. SPECTER. Mr. President, I am pleased that the Senate has turned to

this critical environmental issue and I urge my colleagues to support this legislation, the Interstate Transportation of Municipal Solid Waste Act of 1995. Congress came very close to enacting similar legislation in 1994, and I am hopeful that we will achieve closure on the interstate waste and flow control issues shortly. I commend my colleagues JOHN CHAFEE, BOB SMITH, and DAN COATS for their dedicated effort in bringing this bill to the floor at this early date.

It is high time that the largest trash exporting States bite the bullet and take substantial steps towards self-sufficiency for waste disposal. This legislation would provide much-needed relief to Pennsylvania, which is by far the largest importer of out-of-State waste in the Nation. According to the Pennsylvania Department of Environmental Resources, 3.9 million tons of out-of-State municipal solid waste entered Pennsylvania in 1993, and 4.3 million tons of out-of-state municipal solid waste entered Pennsylvania during 1994. Most of this trash came from other States in the Northeast; in 1994, New York and New Jersey were responsible for 3.8 million of the 4.3 million tons imported into Pennsylvania, representing 88 percent of the total. New York alone sent 2.3 million tons of municipal solid waste into Pennsylvania last year.

This legislation would go a long way toward resolving the landfill problems facing Pennsylvania, Indiana, and similar waste importing States. I am personally familiar with the anxiety that the landfill crisis provokes in local communities. On several occasions, I have met with county officials, environmental groups, and residents of northeastern Pennsylvania to discuss the solid waste issue. I came away from those meetings impressed by the deep concerns expressed by the area's residents.

Recognizing the recurrent problem of landfill capacity in Pennsylvania's 67 counties, since 1989 I have pushed to resolve the interstate waste crisis. In 1989 and 1991, I joined my late colleague, Senator John Heinz, to introduce the Solid Waste Disposal Act Amendments Act, which would have provided incentives for States to devise realistic long-term plans for handling solid waste disposal.

I also supported the Interstate Transportation of Municipal Waste Act of 1992, which passed the Senate by an 89-2 vote in July, 1992. That bill would have allowed a Governor, at the request of a local government, to prohibit the disposal of out-of-State municipal waste in any landfill or incinerator within its jurisdiction. The House failed to take action on that bill, leaving it to this Congress to act on this issue.

At the beginning of the 103d Congress, I joined Senator COATS in trying to build on our near success the previous year and joined 16 of our colleagues to introduce bipartisan inter-

state waste legislation (S. 439). That bill, which was introduced on February 25, 1993, was modeled on the waste legislation which had passed the Senate in July 1992 by an overwhelming margin. I was pleased that many of the concepts contained in the Coats-Specter bill were relied upon in S. 2345, the bill unanimously reported out by the Environment and Public Works Committee last August and again in the bill being considered by the Senate today. Last year's bill provided legal authority to every State to restrict out-of-State municipal solid waste and was approved in the Senate by voice vote on September 30, 1994. A modified version of that bill, which included both interstate and flow control provisions, was received by the Senate on the last day of the 103d Congress, but was not considered on the floor.

On March 22, 1995, I joined Senator COATS and other colleagues in introducing S. 589, which parallels the Coats-Specter bill from the 103d Congress (S. 439). The legislation we are considering today builds upon the legislation that passed the Senate by voice vote in 1994 and the bills I have worked on with Senator COATS in 1993 and 1995. I am confident that S. 534 will empower States to deal with their solid waste more effectively because it would provide every State with significant new authority to restrict imports of out-of-State municipal solid waste.

Some may wonder why there is a need for Federal legislation to empower States to restrict cross-border flows of garbage. Simply put, Pennsylvania and other States that were in the forefront of solid waste management have ended up as the dumping ground for States that have been unwilling to enact and enforce realistic long-term waste management plans. Although I am advised that these States are making some progress, some continue to ship increasing amounts of waste to Pennsylvania landfills.

This legislation will lead to significant reductions in the amounts of out-of-State waste imported into Pennsylvania and other States. Let me explain how this will be accomplished. First, the legislation allows a Governor to unilaterally freeze out-of-State waste at 1993 levels at landfills and incinerators that received waste in 1993. In addition, an import State ratchet provides that a Governor may restrict waste imported from any one State in excess of 1.4 million tons in 1996, down to 550,000 tons in 2002 and thereafter. I was pleased that this provision has been carried over from last year's bill and is even more restrictive on out-of-State trash. This provision provides a concrete incentive for the largest exporting States to get a handle on their solid waste management immediately.

It is important to note that title I of this legislation explicitly protects State contract law and protects host community agreements. It also authorizes restrictions on waste imported from Canada if doing so is found by the

President to be consistent with NAFTA and GATT.

Mr. President, I am also pleased to support S. 534 because it contains provisions addressing the issue of waste flow control authority, an issue of vital importance to Pennsylvania's counties.

During the 103d Congress, we encountered a new issue with respect to municipal solid waste—the issue of waste flow control authority. As a result, today we are also considering legislation which would restore local authority to control the flow of municipal solid waste.

On May 16, 1994, the Supreme Court held—6-3—in *Carbone versus Clarkstown* that a flow control ordinance, which requires all solid waste to be processed at a designated waste management facility, violates the commerce clause of the United States Constitution. In striking down the *Clarkstown* ordinance, the Court stated that the ordinance discriminated against interstate commerce by allowing only the favored operator to process waste that is within the town's limits.

As a result of the Court's decision, flow control ordinances in Pennsylvania and other States are considered unconstitutional. Therefore, it is necessary for Congress to enact legislation providing clear authorization for local governments to utilize waste flow control.

I have met with county commissioners who have made clear that this issue is vitally important to the local governments in Pennsylvania. As further evidence of the need for congressional action, I would note the numerous phone calls and letters my office has received from individual Pennsylvania counties and municipal solid waste authorities that support waste flow control legislation. The County Commissioners Association of Pennsylvania has pointed out that since 1988, flow control has been the primary tool used by 65 of the 67 Pennsylvania counties to enforce solid waste plans and meet waste reduction/recycling goals or mandates. Many Pennsylvania jurisdictions have spent a considerable amount of public funds on disposal facilities, including upgraded sanitary landfills, state-of-the-art resources recovery facilities, and co-composting facilities. In the absence of flow control authority, many of these worthwhile projects could be jeopardized. There is also a very real concern that as a result of the *Carbone* decision, prompt congressional action is necessary to ensure that local communities may meet their debt service obligations related to the issuance of revenue bonds for the construction of their solid waste management facilities.

I believe that this bill will protect the ability of municipalities to plan effectively for the management of their municipal solid waste while also guaranteeing that market forces will still provide opportunities for enterprising

companies in the waste management industry.

In conclusion, this legislation makes sense because in the absence of Federal legislation to empower States to restrict cross-border flows of waste, Pennsylvania and other States inevitably become dumping grounds for States that haven't shown the fortitude to enact realistic long-term waste management plans. Further, by restoring flow control authority, this legislation protects Pennsylvania and its component local jurisdictions, which have promulgated comprehensive solid waste management plans and established state-of-the-art facilities to handle waste generated within the Commonwealth.

I yield the floor.

AMENDMENT NO. 869

Mr. CAMPBELL. Mr. President, possibly the most important provision of this legislation for my State is in restoring the opportunity for small community or county landfills to be exempt from the ground water monitoring requirements of RCRA, if they meet certain conditions.

Under the bill a community landfill can be exempt from monitoring if it can demonstrate four things: that it takes in no more than 20 tons of waste per day, that there is no evidence of ground water contamination, that it is in an area that receives less than 25 inches of precipitation, and that it has no practical landfill alternative.

The problem we have in Colorado and, I suspect, throughout the West, is that we have many landfills that pose zero threat to ground water but they may be taking in more than the bill's limit of 20 tons of trash per day.

My amendment does two things: First, it codifies an existing regulation under which a landfill operator may file a no-migration petition with the State; if the petition is approved, the landfill operator becomes exempt from the ground water monitoring requirements.

And second, my amendment directs the Administrator to publish within 6 months an explanatory, or guidance, document by which small towns and counties will be able to easily and directly take advantage of this opportunity.

Since the implementation of RCRA, about a third of the landfills in Colorado have closed. Towns and counties have spent millions developing new landfills that comply with the subtitle D requirements, in spite of the fact that in most of Colorado there is practically zero threat of leaching dangerous substances from landfills into ground water.

Dozens of landfills in Colorado are situated more than 100 feet above the water table; the intervening layers are often composed of shale and clay, making it impossible for materials to leach downward. Under the existing subtitle D landfill rules these landfills must be lined with an impermeable liner; to then require that these communities

spend an additional \$15,000 per year or so to test the ground water is an extreme form of overkill.

Mr. President, the EPA understands that these conditions exist and to their credit the agency conceived of and adopted this no migration petition process. All that my amendment does is to codify this opportunity, an opportunity that has already stood the full test of rulemaking, and to push EPA to make the program available in our rural counties.

Mr. President, I want to particularly thank the distinguished chairman, Senator CHAFEE, and the distinguished ranking member, Senator BAUCUS, for working with me on this important amendment to our western counties.

COMMENDING FORMER PRESIDENT BUSH

Mr. CHAFEE. Mr. President, I want to commend former President Bush for the courageous stand he has taken in canceling his National Rifle Association membership based upon the improper language that was used in a solicitation letter by the National Rifle Association.

I previously have spoken on this floor about the intemperate language that was used in that letter. It is no excuse to say, "Well, fundraising letters are not always accurate. There was a little bit of hyperbole here, and it went a little bit overboard, but perhaps otherwise it was all right."

I think to describe members of law enforcement organizations of the United States as "jack-booted thugs" and individuals wearing "nazi bucket helmets" who randomly shoot civilians is just totally improper.

So, Mr. President, I commend former President Bush. I think what he did was the right thing. I hope it sends a sobering note to the National Rifle Association to watch its language, particularly language it sends out in solicitations, or in whatever manner in which they dispense such language.

I congratulate the former President for his actions.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will 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.

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. CHAFEE. Mr. President, we are ending the long, long trail toward passage of S. 534.

In order to accomplish crossing that goal line, I ask unanimous consent that, except for the following amendments, no other first-degree amendments be in order after the close of

business, and that these first-degree amendments be subject to relevant second-degree amendments and limited to one-half of the time allocated for each first-degree amendment. The excepted amendments are: Murray-Gorton, Feinstein, Levin, Domenici, and Kempthorne.

I further ask unanimous consent that when the Senate resumes the bill on Tuesday at 9:30 a.m., Senator MURRAY be recognized to offer an amendment on which there will be a time limit of 1 hour to be equally divided in the usual form.

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

FEINSTEIN AMENDMENT

Mr. CHAFEE. Mr. President, I further ask unanimous consent that following the disposition of the Murray amendment, Senator FEINSTEIN be recognized to offer her amendment on which there be 30 minutes to be equally divided in the usual form.

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

LEVIN AMENDMENT

Mr. CHAFEE. Mr. President, I further ask unanimous consent that following the disposition of the Feinstein amendment, Senator LEVIN be recognized to offer an amendment, relative to expansion, on which there be 30 minutes for debate to be equally divided in the usual form.

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

DOMENICI AMENDMENT

Mr. CHAFEE. Mr. President, I further ask unanimous consent that following the disposition of the Levin amendment, Senator DOMENICI be recognized to offer an amendment relative to title III, on which there be 30 minutes for debate to be equally divided in the usual form.

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

KEMPTHORNE AMENDMENT

Mr. CHAFEE. Mr. President, I further ask unanimous consent that following the disposition of the Domenici amendment, Senator KEMPTHORNE be recognized to offer an amendment, which is clarifying in nature, on which there be 30 minutes for debate to be equally divided in the usual form.

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

ORDER OF PROCEDURE

Mr. CHAFEE. Mr. President, after checking with the leadership, I am free to announce there will be no further rollcall votes today.

MORNING BUSINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that there be a period for morning business.

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

THE MOSCOW SUMMIT

Mr. DOLE. Mr. President, I want to congratulate the President for his successful summit in Kiev. Under President Kuchma, Ukraine has become a model for the States of the former Soviet Union. Agreement to disband nuclear weapons; free market economic reforms; free and fair elections; open investment climate. President Clinton's visit was a timely show of support to the deserving people of Ukraine. I expect the Congress to show our support for Ukraine's political success.

There has been a lot said in the media about reaction to the Moscow summit. I have expressed my disappointment at the results of the Moscow summit. As I said yesterday, this is not partisan politics—it is a judgment based on the facts. I note that today's New York Times carries a headline, "Iran relieved on Yeltsin deal." If Iran is relieved at the results of the summit, all of us have cause for concern. Secretary Christopher, in particular, has led the administration's efforts to prevent nuclear technology from reaching Iran. I hope to work with him over the coming months in support of that important goal.

The reality is, however, that there was great controversy over President Clinton's decision to attend V-E Day ceremonies in Moscow and not in other capitals. The President made his decision, and the President decided to add to the V-E Day ceremonies with a substantive summit. Now, in the aftermath of the summit, judgments are being made about what was achieved. I happen to share the view of Henry Kissinger, that a tremendous opportunity was missed on this overseas trip. I also agree with Dr. Kissinger that "NATO expansion requires a decision, not a study." As he points out, the current drift in United States policy could leave us with the worst of all worlds—the disintegration of Western unity with a still-anxious Russia.

In the past few days, other distinguished writers have expressed their views on what was achieved at the Moscow summit, particularly by Bill Safire and Charles Krauthammer. These articles deserve careful reading by my colleagues as we continue our assessment of the Moscow summit.

I ask unanimous consent the articles by Safire, Krauthammer, and the article by former Secretary Kissinger be printed in the RECORD following my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 11, 1995]

NADIR OF SUMMITS

(By William Safire)

WASHINGTON.—Bill Clinton represented American interests poorly in Moscow.

On the sale of Russian nuclear plants to Iran, he was taken in by—or participated in—a trick.

One month ago, to create a "concession" to the naïve American President, Boris

Yeltsin's atomic energy chief upped the ante, letting C.I.A. ears hear him consider adding centrifuges to the deal with Teheran. That outrageous act would be like selling mullahs the means to make a bomb right away, instead of in a few years with nuclear plants alone.

It was a ploy. While brushing aside a Clinton plea to withhold nuclear facilities from Iran, Mr. Yeltsin grandly agreed not to add the centrifuges. Clinton said he was "deeply impressed" by this marvelous restraint, then failed to make a strong case against the plants on TV; Warren Christopher spun the centrifuge ploy as "great progress."

Score a second victory for Yeltsin's generals on the 1990 Conventional Forces in Europe Treaty. This was the agreement to limit Russian troops, tanks and artillery near the West from Norway to Turkey.

But the heroes of Chechnya want to put a new 58th Russian Army in the Caucasus to dominate its freed republics, much as Russia now runs Georgia, Moldova and Belarus. This would menace Turkey as well, but apparently nobody told Tansu Ciller during her recent visit to the White House that Mr. Clinton would say "We are supporting the Russian position" in blithely changing a treaty ratified by the U.S. Senate.

The third defeat suffered by our absorbent President in this nadir of summits was about Chechnya. With the American next to him, Yeltsin brazenly told the world press "there is no armed activity" in that bloodied republic. "The armed forces are not involved there. Today the Ministry of the Interior simply seizes the weapons still in the hands of some small armed criminal gangs."

As he was mouthing this bald-faced lie, the Russian Army was intensifying its shelling of rebel positions southeast of Grozny, following its Mylai-style massacre of unarmed civilians in Samashki one month ago. The Clinton response was to shut up. In his long, prepared speech later, he devoted two quick sentences to "this terrible tragedy" that could "erode support for Russia."

Americans could well feel humiliated by their President's acquiescence in the lying in his presence, and by his failure to respond to that personal insult by broadcasting the truth. Many Russians were hoping he would express the dismay felt by the rest of the world at the brutality of the generals supporting the unpopular Yeltsin. But he hardly went through the motions.

Watching on TV in his Duma office, reformer Grigory Yavlinsky said "not enough" when Clinton touched ever-so-lightly on the continuing Chechnyan slaughter. And when Clinton praised Yeltsin for promising elections on time, as if that were proof of his democratic spirit. Yavlinsky said: "But we always had elections on time. The question is what kind of elections—how open, how fair, how financed, how counted, how supervised."

We do not yet know if Mr. Clinton gave away our right to deploy regional defenses against ballistic missiles; if so, that would score this summit Yeltsin 4, Clinton 0. And the individual meetings we hoped he would have with opposition leaders degenerated into a breakfast group photo-op.

The White House spinmeisters will say: but we got Yeltsin to join the Partnership for Peace, didn't we?

C'mon: the PFP will go pfft at noon on Jan. 20, 1997. If the paper "partnership" is a fig leaf to cover the necessary eastward expansion of NATO, it fools nobody; but if Yeltsin's plucking of the fig leaf means Russia expects to be invited to join NATO, there goes the neighborhood—NATO would lose all meaning as a deterrent to future Russian empire-rebuilding.

Summits do not always yield mutual concessions; conflicting political interests are rarely ameliorated by displays of cordiality. But a sign of an American President's seriousness and maturity in the conduct of foreign policy is the willingness to admit intractability. We saw that so clearly in Reagan's cold expression saying goodbye to Gorbachev in Iceland.

Bill Clinton and his anxious aides are pretending this summit was a success when they know it was a flop. They would gain more respect by reporting reality.

[From the Washington Post, May 12, 1995]

THE PUSHOVER PRESIDENCY

(By Charles Krauthammer)

We will not be satisfied by anything other than the end of the [Russia-Iran] nuclear program.—Secretary of State Warren Christopher, May 4.

And what, pray tell, is the penalty for denying satisfaction to this American secretary of state?

Christopher and his boss have said a dozen times how important it is to the United States that Russia cancel its deal to sell nuclear technology to Iran. This is an issue on which the president has promised "to be quite aggressive." Evidently, he considers pleading and cajoling forms of aggression. After weeks of both—and after rewarding the Russians by celebrating V-E Day in Moscow—Clinton returns home empty-handed. The Russians offered him a couple laughable fig leaves (such as canceling a gas centrifuge sale to Iran, the chief purpose of which was to give them something to cancel), but never budged on the nuclear reactor deal.

It is bad enough to have no clout in foreign policy. Why make a point of advertising it?

The Russians have not just rejected American entreaties. They have been contemptuous of them. On Feb. 6, for example, a Russian foreign ministry official charged that "Washington is more concerned with removing its competitors than about protecting international security"—not just rejecting the U.S. position on Iran but implying that our motives are entirely fraudulent as well.

The Japanese, as is their wont, have been more polite but no less determined in brushing off the United States. On Tuesday, having cut off our own trade with Iran, we asked Japan to follow suit. The timing was curious: Asking the Japanese to follow our lead at some economic sacrifice just as we are declaring a trade war on them. The response was predictable: The foreign ministry spokesman said Japan would study the U.S. policy taking into consideration its own "policy of securing a stable supply of petroleum." Translation: fat chance.

What did we expect? It is bad enough to have an ineffectual foreign policy. It is worse to highlight that ineffectiveness by inviting repeated public rebuff. Our Iranian diplomacy is only the latest example. The tone was set with Christopher's first trip to Europe in 1993, when he presented his ideas on Bosnia as if he were at some Aspen conference. He insisted on nothing and got nothing. The allies can tell when Big Brother is serious and when he is not. They pointedly went their own way.

A year later he traveled to China waving a human rights agenda. He was treated scandalously. Dissidents were arrested while he was in Beijing, just to rub it in. Two months later, Clinton lifted the threat of sanctions against China. The point was made for all to see: There is no penalty for stiffing this administration.

Yet another demonstration of administration weakness was offered this year by North Korea. Abjectly capitulating to North Korean war threats, Clinton went from declaring that North Korea would not be allowed

to acquire any nuclear weapons to heralding an agreement under which North Korea *might* begin to dismantle its facilities for building more bombs a decade from now—and is rewarded by the United States with a nine-year supply of free oil, two free \$2 billion nuclear reactors (the same type, incidentally, that the Russians are selling Tehran) and the opening of trade and diplomatic relations.

Meanwhile, North Korea's bomb-building machinery is Scotch-taped shut. It threatens weekly to remove the tape and restart the program if we do not jump through yet more diplomatic hoops. We jump.

Has there ever been a president who commanded less respect abroad, less fear, less compliance than Bill Clinton? Jimmy Carter, maybe. But, to be fair, he was leading a country in full psychological retreat from Vietnam. He was holding no cards.

Clinton, on the other hand, leads the sole remaining superpower, fresh from victory in the Cold War, unchallenged by any Great Power for the first time in 50 years, in command of the world's dominant military force—and finds himself unable to be taken seriously by even the most minor world actors.

Why? Partly, presidential inattention to and lack of interest in foreign affairs. Partly, Warren Christopher's natural inclination to find consensus rather than assert interests. His repeated trips to Syria, for example, begging a terrorist state (by the State Department's own definition) to accept the most generous territorial concessions it has ever been offered, are an embarrassment. But for a secretary of state who sees his job as splitting differences rather than knocking heads, it seems perfectly natural.

The most important source of American diplomatic weakness, however, is a president who so discounts the domestic political impact of foreign policy that he will expend no political capital—risk no popularity—on behalf of any of his solemnly declared foreign policy goals. None on Bosnia. None (at least intentionally) on Somalia. None on North Korea. None on China. None on NATO expansion. None on Russia.

The only issue on which the president has shown himself muscular is international economics: negotiating free trade agreements, opening markets, winning foreign contracts. Not since Calvin Coolidge have we had a president who so firmly believes that the business of America—at least in foreign policy—is business. Take away a narrow economic interest in foreign affairs, and you have a president who would rather be golfing.

[From the Washington Post, May 12, 1995]

FOR U.S. LEADERSHIP, A MOMENT MISSED

(By Henry Kissinger)

President Clinton's attendance at the V-E Day celebration in Moscow aroused ambivalent emotions. No doubt Soviet sacrifices contributed decisively to victory over the Nazi dictatorship. But it is also true that the Nazi-Soviet Pact had made the war possible; that Stalin had divided Eastern Europe with Hitler; that he then supplied the Nazi war machine until the Soviet Union was attacked; and that upon victory, he occupied Eastern Europe, launching four decades of Cold War.

The Yeltsin-Clinton summit, moreover, took place at a moment of extraordinary uncertainty in U.S.-Russian relations. There are disagreements over Chechnya, nuclear sales to Iran and NATO expansion—all issues deserving high-level attention. The question remains whether V-E Day celebrations, with the presence of so many other heads of state, was the most auspicious occasion for addressing these controversies. Even more fun-

damentally, the visit to Moscow reveals the lack of balance in the priorities of the administration's foreign policy.

If any European city deserved to be singled out by America for an Allied remembrance, it was London. Capital of the nation that steadfastly resisted Nazi aggression from the beginning, it became America's most reliable ally, both in the war and in the Cold War that followed. No better occasion is likely to arise to celebrate Great Britain's unique contribution to the cause of freedom or to express America's appreciation for two generations of steadfast cooperation.

That the moment was not seized—even as a stop on the way to Moscow—was no mere oversight. One of the curious attributes of the leaders who grew up during the Vietnam protest movements is that their obsession with transcending the categories of the Cold War imprisons them in the debates of the Cold War period. One of their articles of faith seems to be that the Communist (or Soviet) menace was overdrawn, indeed that the Cold War cold have been most effectively ended—if it need ever have been waged—by reassuring Russia rather than confronting it.

In that spirit, Deputy Secretary of State Strobe Talbott, the principal architect of Washington's European policy, argued in *Time* magazine as late as 1990 that the doves had never been the threat it had been cracked up to be. Western policy had been at best irrelevant when it had not actually delayed the Soviet collapse. Thus Cold War attitudes and institutions, including the North Atlantic Treaty Organization, needed to change their character.

This indeed has been the rationale behind the administration's Partnership for Peace proposal, which, whatever the rhetoric to the contrary, transforms NATO from an alliance into an instrument of collective security akin to the United Nations, thereby depriving North Atlantic relations of their special character.

While these attitudes are not uniformly held throughout the administration, they are sufficiently powerful to explain the solicitude shown to Yeltsin's personality and Moscow's sensitivities compared with the tone deafness exhibited toward West European—and especially British—concerns. Washington-Moscow relations are treated as the keystone of America's European, if not global, policy.

A good illustration is the administration's attitude toward NATO expansion. Senior officials have claimed that the issue is when to expand NATO, not whether to. They have also indicated that they would go along with Yeltsin's request that NATO expansion proceed slowly and that Russia's eventual membership in NATO not be foreclosed.

Briefings prior to Clinton's Moscow trip put the "when" at five years and left open the possibility of a "reformed" Russia joining the alliance. The long hiatus guarantees that the issue of NATO expansion will continue to fester, while Moscow will be encouraged to pressure the NATO allies and the nations of Eastern Europe. At the same time, there is not one of Russia's western neighbors seeking to join NATO that would not regard offering Russia membership as the wolf's being asked to guard the lambs.

So long as the cohesion of the Atlantic Alliance is not given anything like the priority the administration attaches to placating Moscow, Russia will find ways to avoid the key challenge presented to it by the collapse of its empire: whether it can be satisfied to live as a normal state within non-imperial borders—even though it comprises 11 time zones and huge resources. A country of such size and possessing some 20,000 nuclear weapons should not need additional territory to feel secure. A Russia that abandons imperial

pretensions would soon deflect concerns from the field of security to political and economic cooperation, for example the European security conference or the G-7.

From this point of view, how much better it would have been for Clinton to stop in London—even on the way to Moscow—and use the occasion of its V-E Day celebration to outline a new vision of the North Atlantic relationship, something his administration has so far refused to do.

A new initiative is needed above all to restore a sense of direction to American foreign policy. It has become axiomatic that the next phase of international relations will be shaped by a limited number of power centers: the United States, Europe, Russia, Japan, China and possibly India and Brazil. Theoretically it is possible for the United States to conduct its policy purely on the basis of national interest, not unlike what Great Britain in the 19th century termed the policy of "splendid isolation." This would require a careful assessment of rewards and penalties for each region of the world and a balancing of them to produce actions most compatible with America's national interest. In the abstract, such a policy should be tenable because, on the face of it, all the major actors enumerated above have greater conflicts with each other than with the United States.

But in fact the United States lacks a tradition of a foreign policy based entirely on the national interest. There is little bureaucratic skill in so cold-bloodedly equilibrating rewards and penalties on a global basis. A country founded by peoples who had turned their backs on inherited tradition and who believed in the universal application of the values of their society cannot simply abandon the Wilsonianism that has dominated 20th-century American foreign policy.

Though I believe the time has come for America to develop a concept of the national interest and apply it in a balance-of-power context, this will work only if we reduce the regions for this kind of foreign policy as much as possible and extend the areas where a more cooperative—even Wilsonian—approach is feasible.

Russia is as yet too inchoate and unformed to function as the anchor of American foreign policy. The two regions where moral consensus can undergird cooperative relationship are the Western Hemisphere and the North Atlantic or area. In both, the key countries have, to all practical purposes, forsworn the use of force in their relations with each other. In each, institutions already exist capable of serving as building blocks of a cooperative world order: NAFTA and Mercosur in the Western Hemisphere, NATO and the European Union in the Atlantic region. But while the Clinton administration has put forward an imaginative vision for the Western Hemisphere, it has failed to do so for the North Atlantic area, in part because of the intellectual legacy described earlier.

Unless America assumes a real leadership role, the nations bordering the North Atlantic will gradually drift apart. America will become increasingly marginalized; the two sides of the Atlantic will grow more conscious of their rivalries than of their common purposes.

I strongly favor NATO expansion. The current policy of carrying water on both shoulders, of hinting at expansion to Western and Central Europe while trying to placate Russia with prospects of a protracted delay—of which the Moscow summit is a prime example—is likely to accelerate the disintegration of Western unity without reassuring Russia. NATO expansion requires a decision, not a study.

Nevertheless, by itself it will not create a new sense of Atlantic community. Security

can no longer be the principal unifying bond of the Atlantic nations because, fortunately, there no longer exists a unifying threat. Common purposes, not common fears, must provide the cohesion in the new era in which economic and social issues are becoming dominant.

The time has come to put into effect a North Atlantic Free Trade Area for manufactured goods and services, with negotiations regarding agriculture to follow. Such a grouping would accelerate the movement toward the principle of free trade to which the members of the World Trade Organization have committed themselves. In the meantime, it would foster cooperation among the nations of the North Atlantic. In a world with massive growth in Asia, with ethnic conflicts and religious fundamentalism, the Western democracies cannot afford their historical proclivities to national or regional rivalries.

The conditions are propitious. Labor standards and wage scales on the two sides of the Atlantic and environmental concerns are comparable. Prime Minister John Major of Great Britain and Foreign Minister Klaus Kinkel of Germany have expressed their interest in such a project. A major American initiative would be received as was Gen. George Marshall's speech for European recovery and would almost surely produce a creative response.

In time, NAFTA and the North Atlantic Free Trade Area could be merged, and new consultative machinery in the political and social fields could emerge between the Western Hemisphere and the European Union. As Russia's economy develops and its policy becomes more national, associate membership for it in such a free trade area would be a distinct possibility—much more so than in NATO.

America should return as quickly as possible to what it has traditionally done best: to put forward its vision for how the nations of the North Atlantic can create a new world worthy of their democratic principles.

HONORING FREEWAY WATCH

Mr. HATCH. Mr. President, I rise to recognize the exemplary service the Freeway Watch Program provides to my home State in preventing freeway tragedy, promoting public safety, and enhancing law enforcement efficiency.

Freeway Watch enhances highway safety by helping the Utah Highway Patrol and other law enforcement agencies identify and remove impaired drivers from Utah's highways. This program trains private citizens who have cellular telephones on how to identify possible drunk or drugged drivers and how to report these drivers to law enforcement agencies. In the 3 months that troopers have been giving classes, more than 1,400 Utahns have been trained in this program.

This program was organized after the tragic death of a Utah teenager. Highland High School student Sean Adkins was helping his friend change a flat tire in the emergency lane of a Salt Lake Interstate on March 1, 1994, when a man with nine prior DUI convictions hit and killed Sean.

The friends who were with Sean that night asked the investigating trooper, Jeff Peterson, what they could do to help combat drunken drivers. Jeff later discussed this conversation with his

wife Suzanne. Wanting passionately to make a difference in the war against drunken drivers, Suzanne Peterson teamed up with her friend, Dr. Carol Clark who is executive director of the Utah Science Center Authority, to implement Freeway Watch.

Freeway Watch has brought together many aspects of the business community, law enforcement agencies, and citizen organizations to promote public safety and help law enforcement function more efficiently at no additional taxpayer expense. KSL Radio and Television, US West Cellular, the Utah Highway Patrol, Middlekauff Lincoln Mercury, Les Olson & Co., the Alcohol Policy Coalition, and the Salt Lake County Chapter of MADD have all helped sponsor this program and make it a success.

Mr. President, I bring this program to your attention because I believe that this is an excellent example of the private and public sector working together for the good of our community. It has always been my sincere belief that when a community bonds together, and works for the welfare of all, great things will be accomplished. Many local citizens have demonstrated hard work, initiative, and true community service, and I want to publicly recognize them and sincerely thank them for their exemplary efforts to make the roads in the great State of Utah a safer place for all.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, as of the close of business yesterday, Thursday, May 11, the Federal debt stood at \$4,856,339,258,780.63. On a per capita basis, every man, woman, and child in America owes \$18,434.75 as his or her share of that debt.

CONGRATULATING ANGALENA RHUE

Mr. HOLLINGS. Mr. President, I rise to congratulate Angalena Rhue on winning the 1995 President's Service Award, the Nation's highest honor for volunteers. President Clinton presented Ms. Rhue this outstanding award on April 27 for her unselfish commitment to helping hundreds of Charleston area kids stay off drugs.

Angalena Rhue is special in her pursuit because she knows what drug addictions can do to a person. Just 6 years ago, this same woman was a crack cocaine addict. Now, not only has she conquered her addiction, but she has developed a program, ITEC—Infiltrate the Enemy Camp, to ensure that today's youth don't fall prey to the same mistakes.

Angalena is quite a self-starter. What began as a small project in her own community in Summerville has now expanded into three counties to serve low-income children ages 4 through 19.

The program builds self-esteem and stresses the importance of staying in school and staying off drugs. ITEC offers afterschool tutoring to children, assistance in job searches, and requires parents to attend sessions to learn positive reinforcement techniques.

Mr. President, I hear a lot of talk about what we, as citizens of the United States, can do to have a positive impact on the next generation, the children of today. I offer Angalena Rhue as a shining example. She has taken what could have been a negative experience, her drug addiction, and turned it into something positive for the children of South Carolina. She will have an immeasurable impact on our society. Through her efforts more children will turn away from drugs and continue their education.

It gives me great pleasure to join the President of the United States in recognizing a fellow South Carolinian for being 1 of 18 volunteers awarded this prestigious honor for truly making a difference in this country.

Recently, the State in South Carolina's capital city, Columbia, recognized Angalena Rhue for her award. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the State, Friday, Apr. 28, 1995]

CLINTON AWARDS SOUTH CAROLINA WOMAN
FOR VOLUNTEER WORK

(By Charles Pope)

WASHINGTON.—Six years ago, Angalena Rhue of Summerville was addicted to crack cocaine, caught in a spiral that was dragging her downward.

Thursday, the 38-year-old Rhue was at the White House, receiving an award from President Clinton for not only turning her own life around, but the lives of hundreds of low-income kids in the Charleston area.

Rhue was one of 18 Americans to be awarded the President's Service Award, the nation's highest honor for those who "engage in voluntary community service addressing unmet human needs."

Rhue was selected from 3,000 nominees for founding ITEC—Infiltrate the Enemy Camp. ITEC provides tutoring and assistance to children and parents living in low-income housing projects. What began as a small effort in the Haven Oaks apartments in Summerville after Rhue kicked drugs, has now expanded to four locations in three counties, serving more than 400 children from age 4 through 19.

"It's exciting, it's overwhelming. I thought I was going to faint," said an effervescent Rhue after receiving her silver medallion in a sunsplashed Rose Garden ceremony.

"When we first see these kids, there's a sense of helplessness, and apathy. But now these kids are soaring and there's no holding them back."

In the hourlong ceremony, Clinton praised the volunteers whose work becomes even more important in a time of national crisis.

"Just over a week ago we were reminded that there are those who want to see our nation torn apart," Clinton said. "But amid the grief and the destruction we have also seen how quickly the overwhelming majority of Americans come together to help each other to rebuild and to make this country stronger."

"Today we'll hear stories of ordinary Americans doing extraordinary things."

"They repair our parks and keep our young people out of gangs. They come from all corners of the nation. They are diverse in age and background. Yet they are united by something larger than all of us—the simple desire to fulfill the promise of American life," the President said before awarding the 18 medals.

Rhue's home-grown program is based on restoring self-esteem to children who have few role models and little parental guidance. Her programs require the children to read each day, help them with their homework, provide help finding jobs and reinforce the need to stay in school and avoid drugs.

"I want to save the whole world from drugs," said Rhue, whose job is made easier by her natural affinity to children, her endless energy and her personal experiences.

Rhue also requires parents to attend at least four sessions a year so they can learn how to reinforce the gains their children are making. She also combats verbal abuse that parents direct to their children and instructs parents how to work with teachers so that children get the most out of school.

Rhue's crusade started when she realized she could help and when children started showing up at her doorstep. The manager of her apartment complex soon offered the club house and before the first year ended, 37 kids were coming each day.

Relying on her own instincts, a talent for attracting donations, volunteers and help from such quarters as Clemson Extension Service and the College of Charleston, her programs have spread to low-income housing projects in North Charleston, the City of Charleston and Moncks Corner. Those four centers serve more than 400 children. Officials in Orangeburg, Columbia and other municipalities in South Carolina have asked her about the program.

And on Thursday, Hillary Clinton told Rhue she would like to come see the program in person.

When Rhue awakes today, she will be able to celebrate her presidential award, and more importantly, an anniversary. Six years ago today, she weaned herself from cocaine.

REPORT OF THE DISTRICT OF COLUMBIA'S 1995 SUPPLEMENTAL BUDGET AND RESCISSIONS OF AUTHORITY REQUEST ACT OF 1995—MESSAGE FROM THE PRESIDENT—PM 48

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 Appropriations.

To the Congress of the United States:

In accordance with section 446 of the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the District of Columbia's 1995 Supplemental Budget and Rescissions of Authority Request Act of 1995. This transmittal does not represent an endorsement of the contents of the District's budget.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 12, 1995.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on May 12, 1995, she had presented

to the President of the United States, the following enrolled bill:

S. 244. An act to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, 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-911. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of DC Act 11-40, adopted by the Council on April 4, 1995; to the Committee on Governmental Affairs.

EC-912. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of DC Act 11-41, adopted by the Council on April 4, 1995; to the Committee on Governmental Affairs.

EC-913. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of DC Act 11-39, adopted by the Council on April 4, 1995; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with amendments:

S. 141. A bill to repeal the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, and for other purposes (Rept. No. 104-80).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. D'AMATO (for himself and Mr. DODD):

S. 799. A bill to amend the Federal Deposit Insurance Act to exclude certain bank products from the definition of a deposit; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO (for himself and Mr. DODD):

S. 799. A bill to amend the Federal Deposit Insurance Act to exclude certain bank products from the definition of a deposit; to the Committee on Banking, Housing, and Urban Affairs.

THE BANK INSURANCE FUND AND DEPOSITOR PROTECTION ACT OF 1995

• Mr. D'AMATO. Mr. President, today I am introducing the Bank Insurance

Fund and Depositor Protection Act of 1995 with my distinguished colleague from Connecticut, Senator DODD. This bill, which is substantially similar to S. 2548, the bill that Senator DODD and I introduced last October, makes an essential change to the definition of a "deposit" contained in the Federal Deposit Insurance Act. Companion legislation was introduced in the House of Representatives last Wednesday. The House bill, H.R. 1574, was introduced by Representative ROUKEMA and received bipartisan cosponsorship from Representatives MCCOLLUM, VENTO, and KANJORSKI.

This amendment to the Federal Deposit Insurance Act is necessary to address a recent development in the banking industry—the so-called retirement CD. This product, which is essentially a deferred annuity, is offered and underwritten by banks. Senator DODD and I, along with several other Banking Committee members, raised a number of concerns about the retirement CD in a letter to the FDIC and the Comptroller of the Currency last year. Nevertheless, the Comptroller of the Currency and the FDIC have permitted the offering of this investment vehicle, with FDIC insurance protection. In light of this, Congress must act to clarify the law.

Mr. President, we are talking about banks, with little or no annuity underwriting experience, guided simply by computer software, assuming the underwriting risk that is attendant to this insured hybrid investment vehicle. This is not an empty concern—at least three federally insured banks have taken advantage of this breach in the regulatory scheme and are offering this investment vehicle. Allegedly, a number of other federally insured banks are getting ready to do so. And what will happen if these institutions cannot properly manage the underwriting risk? If any of these banks mismanage this risk and fail, the only guaranteed insurer will be the FDIC insurance fund, and ultimately, perhaps, the American taxpayer.

Mr. President, the IRS recently issued a proposed regulation pertaining to the retirement CD's tax-deferred status. Nevertheless, banks may still offer this product, and the integrity of the bank insurance fund must be protected. The fund must not be used as a safety net for untested and uncertain investment vehicles. And that's exactly the risk that this legislation will protect against. This bill precludes the extension of FDIC insurance protection to this bank-underwritten investment vehicle. Nothing more and nothing less. I have carefully considered the arguments offered in support of this product and I remain extremely concerned about the threat this product could pose to the bank insurance fund.

Mr. President, this bill will protect the bank insurance fund against potential losses that are attributable to any retirement CD that has been underwritten by any bank since last October.

This bill retains the effective date employed last Congress in S. 2548—October 6, 1994. This effective date is justified, since both industry and the regulators were put on notice of congressional concerns well before that time. Further, this effective date has been retained in fairness to those institutions that deferred to congressional concerns and did not pursue the marketing of this investment product.

Mr. President, this bill was drafted with the intention of avoiding any undesired effects on standard deposit products that banks commonly offer today. For instance, qualified plans and individual retirement accounts are not intended to be covered by this legislation, to the extent that they do not generate depository institution liabilities that constitute annuity contracts. This is the case even if the depository institution liability has tax-deferred status under section 72 of the Internal Revenue Code.

Mr. President, this bill is being introduced in order to provide further congressional guidance as to the appropriate scope and operation of Federal banking law and the proper use of Federal deposit insurance. This bill makes sense in terms of bank insurance fund protection, safe-and-sound banking practices, and ultimately, taxpayer protection. The bank insurance fund exists to protect the ordinary depositor—it should not be used to give bank-offered financial products a competitive marketing edge. Competitive innovations should always be welcomed, but not the misuse of Federal deposit insurance. I hope my colleagues will support this legislation.●

● Mr. DODD. Mr. President, I am pleased to join with my good friend, Senator D'AMATO to reintroduce important legislation we sponsored last year, the Bank Insurance Fund and Depositor Protection Act of 1995.

This short and simple piece of legislation would prohibit Federal deposit insurance coverage for the so-called retirement CD—a financial product that emerged a little over a year ago from a small corner of the retail banking world. This first of its kind product was cleverly constructed to receive both the benefits of Federal deposit insurance and tax deferral.

Mr. President, as it is currently structured, the retirement should not be insured by the Federal Deposit Insurance Corporation. The retirement CD raises significant policy issues related to consumer protection, safety and soundness, regulatory control, and competitive equity. I believe that if we continue to allow it to proliferate as it is currently structured, the retirement CD could have a tremendously negative impact on consumer confidence in our financial institutions and on the stability of our deposit insurance system.

The policy rationale for eliminating Federal deposit insurance for this product is just as compelling as it was when we last introduced this legislation. There are now a handful of financial in-

stitutions actively offering the retirement CD. More are planning to start selling the product in the near future.

I understand that in addition to the Blackfeet National Bank, which first offered the retirement CD, the First National Bank of Santa Fe, NM, and the National Bank of the Commonwealth in Pennsylvania are other insured depository institutions offering the retirement CD. Other institutions have signed licensing agreements to sell the retirement CD or are carefully considering offering it soon.

One year ago, the banking regulators sanctioned the sale of the retirement CD. In separate letters dated May 12, 1994, the Office of the Comptroller of the Currency [OCC] and the Federal Deposit Insurance Corporation [FDIC], stated they had no objection to the sale of the CD by Blackfeet National Bank in Browning, MT.

However, on April 6, 1995, the Internal Revenue Service issued a proposed regulation which effectively eliminates the tax deferral feature of the retirement CD. If this proposed rule becomes final, it will substantially eliminate the most attractive feature of the retirement CD, leaving it essentially with only the characteristics of a regular certificate of deposit. While I applaud the IRS action, their rule is not yet final, and the product may still be sold—although I would hope only with full disclosure to consumers of the pending IRS rule.

Most of my concerns about the retirement CD are described in detail in a June 20, 1994 letter that I and several of my Banking Committee colleagues sent to the OCC and the FDIC.

I will not reiterate all the concerns described in that letter, but will briefly mention a couple of the more troubling issues that arise in connection with the retirement CD.

First, there is enormous potential for customer confusion about the retirement CD's terms and conditions. This product is not a plain vanilla certificate of deposit. It is not a simple annuity. It is a complex newfangled hybrid that has both CD and annuity features.

The retirement CD pays a fixed rate of interest up to 5 years, after which the rate is adjusted at the sole discretion of the bank. This rate is never supposed to fall below 3 percent. Interest ceases to be posted upon maturity. The customer may withdraw up to two-thirds of the balance at maturity, and the remainder will be disbursed in fixed periodic payments for life, incorporating the imputed interest rate.

Consumers must understand that the interest rate is set at the sole discretion of the bank. While there is a 3-percent floor during the period when interest accrues, there is no similar threshold during the payout phase. This raises the prospect that a customer may not know what the imputed rate is tied to, and that the bank could offer a fixed payout at an extremely unfavorable rate.

Second, a consumer must understand that this retirement CD, unlike traditional certificates of deposit, contains a component that is not FDIC insured. FDIC insurance only applies to the balance that is not withdrawn at maturity, less the full dollar amount of any payments received. If a bank that issues a retirement CD fails at a point when the customer had already received the full value of the account through lump-sum distribution and monthly payments, the FDIC would neither insure nor continue to pay the monthly payments for the rest of the customer's life. This is the case despite the fact that the promotional material claims to guarantee payments for life.

Mr. President, at the time they approved the sale of the retirement CD, the regulators expressed many of the concerns I have about the likelihood of customer confusion, the existence of misleading marketing information, and the impact of this product on bank safety and soundness. They outlined these concerns in their respective no objection letters I referred to earlier. However, the regulators chose not to prevent Blackfeet from going forward with the issuance of the retirement CD, as long as the bank complied with a lengthy list of conditions.

Mr. President, I think this was ill-advised. There continues to be strong evidence of substantial customer confusion regarding the insurance status of non-deposit investment products like mutual funds and annuity products being sold by banks and other insured depository institutions. These products are much less complex than the retirement CD. The regulators themselves have helped to collect compelling evidence about the ongoing problem of customer confusion. At a time when we are wrestling with how to eliminate this problem, I find it difficult to understand why the regulators gave their stamp of approval to the sale of this new complex product which can only make a bad situation worse.

Mr. President, for this and many other reasons, the retirement CD as it's currently structured should not be offered by banks to the public. The legislation we are introducing today will exclude the retirement CD from the definition of a deposit under the Federal Deposit Insurance Act. The Retirement CD will therefore not be covered by Federal deposit insurance.

The legislation does not prohibit banks from offering the retirement CD. It simply denies the product deposit status under the Federal Deposit Insurance Act.

The legislation is not intended to eliminate existing levels of deposit insurance coverage to deposit accounts established in connection with certain individual retirement accounts, Keogh plans, eligible deferred compensation plans, pension plans or similar employee benefit plans which may be maintained at an insured depository institution. This legislation eliminates Federal deposit insurance coverage for

products which expose the issuing insured depository institution, and ultimately the deposit insurance funds, to liabilities that are annuity contracts and are tax deferred under section 72 of the Internal Revenue Code of 1986.

The provisions of this act do not apply to any liability which is not an annuity contract, whether or not tax deferred under section 72 of the Internal Revenue Code. For example, a liability other than an annuity contract which is part of an individual retirement account would not be affected by the provisions of this act even though the tax liability is deferred under section 72 of the Internal Revenue Code of 1986 because section 408(D) of the code incorporates section 72 only by reference.

Mr. President, the retirement CD may be cleverly packaged. It may be a tempting new business opportunity for the banking industry. But because it raises serious public policy concerns that have not been fully explored, it must not receive the protection of the Federal safety net. I hope that the Banking Committee will be able to closely examine this matter soon either separately or in the context of financial services modernization.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,

Washington, DC, June 20, 1994.

HON. EUGENE LUDWIG,
*Comptroller of the Currency, Office of the
Comptroller of the Currency, Washington,
DC.*

HON. ANDREW C. HOVE,
*Acting Chairman, Federal Deposit Insurance
Corporation, Washington, DC.*

DEAR MR. LUDWIG AND CHAIRMAN HOVE: We are following with great interest and concern the efforts of the Blackfeet National Bank ("Blackfeet") of Browning, Montana to offer to the general public a new "Retirement CD." We are disappointed that the OCC and the FDIC, by separate correspondence dated May 12, 1994, have in effect sanctioned, with certain conditions, plans to market and offer this Retirement CD investment product.

We are very troubled that the OCC and FDIC would react favorably to a product with such enormous ramifications for the banking system, the Bank Insurance Fund, the insurance industry—and, most importantly, for the consumers of financial products—without consultation with Congress and without requesting more specific commitments and information from American Deposit Corp. or Blackfeet.

The Retirement CD product raises a number of significant concerns which we have detailed below. We strongly believe these matters need to be thoroughly addressed by the regulators and Congress before this investment product is offered to the public.

1. CONSUMER PROTECTION ISSUES

The OCC and FDIC letters clearly indicate that both regulators have rather significant reservations about the consumer-protection implications of the Retirement CD. Both letters contain suggestions or conditions aimed at ensuring customer understanding and ade-

quate disclosure. This insured deposit product combines features of both certificates of deposit and annuities, and it is enormously complex. Consumers may not fully comprehend how it works, the interest rate structure or the extent of FDIC insurance coverage.

The Retirement CD will pay a fixed rate of interest for up to five years, after which the rate becomes adjustable until the agreed-upon maturity date. The only assurance given to the consumers with respect to this variable interest rate is that it will be at least 3 percent. Upon maturity, the customer may withdraw up to two-thirds of the account balance, and the remainder of the account will be dispersed for life in fixed payments. These periodic payments incorporate an imputed interest rate. The consumer must understand that the interest rate, during much of the accumulation period (prior to the agreed-upon maturity date) and all of the payout phase, will be determined at the sole discretion of the bank. Furthermore, as we understand this product during the payout phase, there will be no minimum imputed interest rate, similar to the three percent floor in the accumulation phase. This raises an ominous prospect: that a customer will not know exactly what the "imputed" rate is keyed to and that the bank could offer a fixed payout at an extremely unfavorable rate.

As we understand the product, FDIC insurance would only apply to the balance (principal plus accrued interest) that was not withdrawn on the date of maturity, less the full dollar amount of any payments received during the pay-out period. Therefore, a customer would have to understand that if the bank were to fail at a point when the customer had already received the full value of the account through lump-sum distribution and monthly payments, the FDIC would neither insure, nor continue to pay, the monthly payments for the rest of the customer's life.

The OCC and the FDIC have expressed consumer protection concerns with respect to depository institution sales of uninsured non-deposit investment products, such as mutual fund shares. There is evidence that banking consumers do not always understand the simple fact that some of the products that banks offer are not FDIC-insured. With respect to the Retirement CD, we are concerned that consumers will not be able to fully understand that a product that is called a "certificate of deposit"—a traditional insured deposit product—contains a component that is not FDIC-insured (although we understand that the promotional materials misleadingly "guarantee" payments for life).

Even the regulators seem somewhat uncertain about how the Retirement CD works. The respective letters from the OCC and the FDIC differ in their descriptions of one of the most important basic terms of the product—mainly, at what point the payout is agreed to. The OCC letter states, "[o]n the maturity date the customer will select from various options for repayment" (p. 2, emphasis added). The FDIC letter states, "[u]pon opening the account, the customer also chooses his/her payout options" (p. 1-2, emphasis added). If the regulators are confused, certainly the potential for consumer confusion is enormous.

We must ask this question: "Do the regulators honestly believe that this product—that contains variable interest rates, certain tax benefits, and partial FDIC-insured deposit status—will not create substantially greater confusion than non-deposit investment products?"

2. REGULATORY ISSUES

Annuities are currently subject to state regulations enforced by state insurance officials. It is unclear if state insurance regulatory requirements will apply to the Retirement CD. Both customers and the bank should know this. If state regulations do not apply, it should be determined whether banks and bank regulators currently have the ability or resources to safeguard these accounts, and what policies and procedures are necessary to train bank personnel about annuities and about appropriate sales practices.

3. SAFETY AND SOUNDNESS ISSUES

Blackfeet and other banks that may offer the Retirement CD clearly will be acting as an underwriter of what is essentially an annuity. Although clever lawyering has gained this annuity product designation as a "deposit", it poses much greater risk to the bank than a traditional deposit. National banks will be assuming an unprecedented and inappropriate risk as a result of having to make a fixed payout for the life of a customer. Ultimately, these payments could exceed the consumer's balance on deposit at maturity. While the OCC suggests that Blackfeet's business plan should indicate how it will manage the risk associated with the annuity payment, the OCC requires no specific showing that the bank has the capability to quantify or manage this long-term liability of unknown proportions.

This "deposit" is structured so that at the date of maturity, the bank must determine the fixed lifetime payout for the customer using a complex and not entirely-discernible process to achieve a proper rate of return. The Congress has opted not to authorize banks to assume the type of risk Blackfeet would assume in offering the Retirement CD. The OCC and the FDIC seem willing to disregard this consistent record of Congressional reluctance to allow federally-insured depository institutions to engage in such high-risk activities. The OCC and FDIC also seem too willing to take it on faith that a small national bank (armed with a software program) will have the business acumen and operational know-how to handle the risk of underwriting this annuity product.

4. COMPETITIVE EQUALITY ISSUES

The proliferation of the Retirement CD will produce an unfair competitive advantage for banks. It is reasonable to expect that consumers will be drawn to a tax-deferred annuity that also offers federal deposit insurance. By allowing national banks to underwrite, market and sell a tax-deferred annuity that is FDIC-insured, the FDIC is granting a substantial competitive advantage over similar annuity products that do not come with a government guarantee.

In expanding future opportunities for all financial service providers and consumers, the Federal government's goal should be to encourage competition on a free and fair basis. Balance sheet strength, customer service and other market-determined characteristics, not market-distorting government guarantees, should determine success. Given the recent savings and loan crisis, and the regulators' concerns over the abuse of deposit insurance, it would seem ill-advised to extend the reach of the federal safety net to a product that raises so many regulatory, competitive and consumer protection concerns.

The OCC and the FDIC have made it very clear that when given the opportunity, they will usually take the most expansive and creative view of bank powers under current law. We strongly support the view that, to the maximum extent possible, an explicit statutory mandate must exist before the regulators authorize expanded powers for banks,

or any other financial intermediaries. For this reason, we continue to support comprehensive modernization of our entire financial system. Until this can be accomplished by Congress, we urge the OCC and FDIC to balance the proclivity to expand bank powers through regulatory channels against the legitimate public policy concerns of consumer protection, safety and soundness, and competitive equality. Products that raise serious public policy concerns deserve great scrutiny, regardless of how cleverly they are packaged or how attractive they may be to the banking industry. The Retirement CD is clearly one such product.

We do not share your view that this product, as it is currently structured, is an appropriate product for national banks to offer to retail customers. Therefore, we are developing, and will soon introduce, legislation to prohibit the sale of this investment product. Pending consideration of this legislation by Congress, we urge the OCC and the FDIC to reconsider their respective positions on the Retirement CD.

Sincerely,

CHRISTOPHER J. DODD,
RICHARD H. BRYAN,
ALFONSE M. D'AMATO,
LAUCH FAIRCLOTH.●

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. REID, the names of the Senator from Oklahoma [Mr. INHOFE] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 44, a bill to amend title 4 of the United States Code to limit State taxation of certain pension income.

S. 388

At the request of Ms. SNOWE, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 388, a bill to amend title 23, United States Code, to eliminate the penalties for noncompliance by States with a program requiring the use of motorcycle helmets, and for other purposes.

S. 534

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 534, a bill to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes.

S. 585

At the request of Mr. SHELBY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 585, a bill to protect the rights of small entities subject to investigative or enforcement action by agencies, and for other purposes.

AMENDMENTS SUBMITTED

THE INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT OF 1995

D'AMATO AMENDMENTS NOS. 878-

913

(Ordered to lie on the table.)

Mr. D'AMATO submitted 36 amendments intended to be proposed by him to the bill (S. 534) to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes; as follows:

AMENDMENT No. 878

On page 34, delete line 18 through page 35, line 2, delete all and replace with the following:

- (i) 3,600,000 tons of municipal solid waste in calendar year 1996;
- (ii) 3,100,000 tons of municipal solid waste in each of calendar years 1997 and 1998;
- (iii) 2,600,000 tons of municipal solid waste in each of calendar years 1999 and 2000;
- (iv) 2,100,000 tons of municipal solid waste in each of calendar years 2001 and 2002; and
- (v) 1,850,000 tons of municipal solid waste in calendar year 2003 and each year thereafter.

(B)(i) No State may export to landfills or incinerators in any 1 State that are not covered by host community agreements more than the following amounts of municipal solid waste:

- (I) In calendar year 1996, the greater of 1,400,001 tons or 90 percent of the amount exported to the State in calendar year 1993.
- (II) In calendar year 1997, the greater of 1,300,000 tons or 90 percent of the amount exported to the State in calendar year 1996.
- (III) In calendar year 1998, the greater of 1,200,000 tons or 90 percent of the amount exported to the State in calendar year 1997.
- (IV) In calendar year 1999, the greater of 1,110,000 tons or 90 percent of the amount exported to the State in calendar year 1998.
- (V) In calendar year 2000, 1,000,000 tons.
- (VI) In calendar year 2001, 800,000 tons.
- (VII) In calendar year 2002 or any calendar year thereafter, 600,000 tons.

On page 38, delete from line 22 to page 39, line 6, and replace with the following:

- (i) 3,600,000 tons in 1996;
- (ii) 3,100,000 tons in 1997;
- (iii) 3,100,000 tons in 1998;
- (iv) 2,600,000 tons in 1999;
- (v) 2,600,000 tons in 2000;
- (vi) 2,100,000 tons in 2001;
- (vii) 2,100,000 tons in 2002;
- (viii) 1,850,000 tons in 2003; and
- (ix) 1,850,000 tons in each calendar year after 2003.

AMENDMENT No. 879

On page 34, delete line 18 through page 35, line 2, delete all and replace with the following:

- (i) 3,600,000 tons of municipal solid waste in calendar year 1996;
- (ii) 3,100,000 tons of municipal solid waste in each of calendar years 1997 and 1998;
- (iii) 2,600,000 tons of municipal solid waste in each of calendar years 1999 and 2000;
- (iv) 2,100,000 tons of municipal solid waste in each of calendar years 2001 and 2002; and
- (v) 1,850,000 tons of municipal solid waste in calendar year 2003 and each year thereafter.

(B)(i) No State may export to landfills or incinerators in any 1 State that are not covered by host community agreements more than the following amounts of municipal solid waste:

- (I) In calendar year 1996, the greater of 1,400,002 tons or 90 percent of the amount exported to the State in calendar year 1993.
- (II) In calendar year 1997, the greater of 1,300,000 tons or 90 percent of the amount exported to the State in calendar year 1996.
- (III) In calendar year 1998, the greater of 1,200,000 tons or 90 percent of the amount exported to the State in calendar year 1997.

in calendar year 2003 and each year thereafter.

(II) In calendar year 1997, the greater of 1,300,000 tons or 90 percent of the amount exported to the State in calendar year 1996.

(iv) 2,000,000 coins in 1999,

(11) In calendar year 1997, the greater of 1,405,000 tons or 90 percent of the amount exported to the State in calendar year 1996

- (iii) 2,600,000 tons of municipal solid waste in each of calendar years 1999 and 2000:

- (iii) 3,110,000 tons in 1998;
- (iv) 2,610,000 tons in 1999;

ported to the State in calendar year 1998.

(IV) in calendar year 1999, the greater of 1,100,000 tons or 90 percent of the amount exported to the State in calendar year 1998.

(II) In calendar year 1997, the greater of 1,300,000 tons or 90 percent of the amount exported to the State in calendar year 1996.

- (iii) 2,600,000 tons of municipal solid waste in each of calendar years 1999 and 2000;

ported to the State in calendar year 1993.

(iv) 2,000,000 coins in 1999,

- (iii) 2,600,000 tons of municipal solid waste in each of calendar years 1999 and 2000;

1,110,000 tons or 90 percent of the amount exported to the State in calendar year 1998.

(1) In calendar year 1990, the greater of 1,400,517 tons or 90 percent of the amount exported to the State in calendar year 1993.

(1) In calendar year 1990, the greater of 1,400,517 tons or 90 percent of the amount exported to the State in calendar year 1993.

(iii) 2,600,000 tons of municipal solid waste in each of calendar years 1999 and 2000:

(iii) 2,600,000 tons of municipal solid waste in each of calendar years 1999 and 2000;

ported to the State in calendar year 1996.

- (ii) 3,080,000 tons in 1997;
- (iii) 3,080,000 tons in 1998;
- (iv) 2,280,000 tons in 1999;

(v) 2,280,000 tons in 2000;
 (vi) 2,080,000 tons in 2001;
 (vii) 2,080,000 tons in 2002;
 (viii) 1,880,000 tons in 2003; and
 (ix) 1,880,000 tons in each calendar year after 2003.

AMENDMENT NO. 1067

On page 34, delete line 18 through page 35, line 2, delete all and replace with the following:

(i) 3,585,000 tons of municipal solid waste in calendar year 1996;
 (ii) 3,085,000 tons of municipal solid waste in each of calendar years 1997 and 1998;
 (iii) 2,585,000 tons of municipal solid waste in each of calendar years 1999 and 2000;
 (iv) 2,085,000 tons of municipal solid waste in each of calendar years 2001 and 2002; and
 (v) 1,835,000 tons of municipal solid waste in calendar year 2003 and each year thereafter.

(B)(i) No State may export to landfills or incinerators in any 1 State that are not covered by host community agreements more than the following amounts of municipal solid waste:

(I) In calendar year 1996, the greater of 1,485,000 tons or 90 percent of the amount exported to the State in calendar year 1993.

(II) In calendar year 1997, the greater of 1,385,000 tons or 90 percent of the amount exported to the State in calendar year 1996.

(III) In calendar year 1998, the greater of 1,285,000 tons or 90 percent of the amount exported to the State in calendar year 1997.

(IV) In calendar year 1999, the greater of 1,185,000 tons or 90 percent of the amount exported to the State in calendar year 1998.

(V) In calendar year 2000, 1,085,000 tons.

(VI) In calendar year 2001, 885,000 tons.

(VII) In calendar year 2002 or any calendar year thereafter, 685,000 tons.

On page 38, delete from line 22 to page 39, line 6, and replace with the following:

(i) 3,585,000 tons in 1996;
 (ii) 3,085,000 tons in 1997;
 (iii) 3,085,000 tons in 1998;
 (iv) 2,285,000 tons in 1999;
 (v) 2,285,000 tons in 2000;
 (vi) 2,085,000 tons in 2001;
 (vii) 2,085,000 tons in 2002;
 (viii) 1,885,000 tons in 2003; and
 (ix) 1,885,000 tons in each calendar year after 2003.

AMENDMENT NO. 1068

On page 34, delete line 18 through page 35, line 2, delete all and replace with the following:

(i) 3,590,000 tons of municipal solid waste in calendar year 1996;
 (ii) 3,090,000 tons of municipal solid waste in each of calendar years 1997 and 1998;
 (iii) 2,590,000 tons of municipal solid waste in each of calendar years 1999 and 2000;
 (iv) 2,090,000 tons of municipal solid waste in each of calendar years 2001 and 2002; and
 (v) 1,840,000 tons of municipal solid waste in calendar year 2003 and each year thereafter.

(B)(i) No State may export to landfills or incinerators in any 1 State that are not covered by host community agreements more than the following amounts of municipal solid waste:

(I) In calendar year 1996, the greater of 1,490,000 tons or 90 percent of the amount exported to the State in calendar year 1993.

(II) In calendar year 1997, the greater of 1,390,000 tons or 90 percent of the amount exported to the State in calendar year 1996.

(III) In calendar year 1998, the greater of 1,290,000 tons or 90 percent of the amount exported to the State in calendar year 1997.

(IV) In calendar year 1999, the greater of 1,190,000 tons or 90 percent of the amount exported to the State in calendar year 1998.

(V) In calendar year 2000, 1,090,000 tons.

(VI) In calendar year 2001, 890,000 tons.

(VII) In calendar year 2002 or any calendar year thereafter, 690,000 tons.

On page 38, delete from line 22 to page 39, line 6, and replace with the following:

(i) 3,590,000 tons in 1996;
 (ii) 3,090,000 tons in 1997;
 (iii) 3,090,000 tons in 1998;
 (iv) 2,290,000 tons in 1999;
 (v) 2,290,000 tons in 2000;
 (vi) 2,090,000 tons in 2001;
 (vii) 2,090,000 tons in 2002;
 (viii) 1,890,000 tons in 2003; and
 (ix) 1,890,000 tons in each calendar year after 2003.

AMENDMENT NO. 1069

On page 34, delete line 18 through page 35, line 2, delete all and replace with the following:

(i) 3,595,000 tons of municipal solid waste in calendar year 1996;
 (ii) 3,095,000 tons of municipal solid waste in each of calendar years 1997 and 1998;
 (iii) 2,595,000 tons of municipal solid waste in each of calendar years 1999 and 2000;
 (iv) 2,095,000 tons of municipal solid waste in each of calendar years 2001 and 2002; and
 (v) 1,845,000 tons of municipal solid waste in calendar year 2003 and each year thereafter.

(B)(i) No State may export to landfills or incinerators in any 1 State that are not covered by host community agreements more than the following amounts of municipal solid waste:

(I) In calendar year 1996, the greater of 1,495,000 tons or 90 percent of the amount exported to the State in calendar year 1993.

(II) In calendar year 1997, the greater of 1,395,000 tons or 90 percent of the amount exported to the State in calendar year 1996.

(III) In calendar year 1998, the greater of 1,295,000 tons or 90 percent of the amount exported to the State in calendar year 1997.

(IV) In calendar year 1999, the greater of 1,195,000 tons or 90 percent of the amount exported to the State in calendar year 1998.

(V) In calendar year 2000, 1,095,000 tons.

(VI) In calendar year 2001, 895,000 tons.

(VII) In calendar year 2002 or any calendar year thereafter, 695,000 tons.

On page 38, delete from line 22 to page 39, line 6, and replace with the following:

(i) 3,595,000 tons in 1996;
 (ii) 3,095,000 tons in 1997;
 (iii) 3,095,000 tons in 1998;
 (iv) 2,295,000 tons in 1999;
 (v) 2,295,000 tons in 2000;
 (vi) 2,095,000 tons in 2001;
 (vii) 2,095,000 tons in 2002;
 (viii) 1,895,000 tons in 2003; and
 (ix) 1,895,000 tons in each calendar year after 2003.

LEVIN (AND ABRAHAM)
 AMENDMENT NO. 1070

Mr. CHAFEE (for Mr. LEVIN for himself and Mr. ABRAHAM) proposed an amendment to the bill S. 534, *supra*; as follows:

On page 49, strike lines 1 through 8 and insert:

“(3) The term ‘out-of-state municipal solid waste’ means, with respect to any State, municipal solid waste generated outside of the State. Unless the President determines it is inconsistent with the North American Free Trade Agreement and the General Agreement on Tariffs and Trade, the term shall include municipal solid waste generated outside of the United States. Notwithstanding any other provision of law, generators of municipal solid waste outside the United States

shall possess no greater right of access to disposal facilities in a State than United States generators of municipal solid waste outside of that State.

Mr. LEVIN. Mr. President, I am pleased that the managers of the bill will be able to accept my amendment clarifying what constitutes out-of-State municipal solid waste, cosponsored by Senator ABRAHAM.

S. 534, as reported by the committee, in title I, section (f)(3) on page 49, defines out-of-State municipal solid waste as municipal solid waste [MSW] generated outside of the State. That is pretty clear and unambiguous. There should not be court battles over that definition. If MSW generated in Ohio comes to Michigan for disposal it should be treated as out-of-State MSW, and vice versa. If MSW generated in Canada or any other country comes to Michigan for disposal, it should be treated as out-of-State MSW. That seems pretty clear, too.

But, unfortunately, the bill goes further and muddies the clarity of the definition. The next sentence suggests that waste generated outside the country should somehow be treated differently, in a special category. It suggests that out-of-country waste is only included in the definition of out-of-State municipal solid waste if the President makes a determination that including it will be consistent with NAFTA and GATT. So, if this bill became law, it would seem to require an affirmative determination of consistency by the President before Michigan, and other States receiving out-of-country waste, could actually control this MSW generated outside of their States.

This amendment reverses the presumption in the bill. The bill will now presume that the term “out-of-State municipal solid waste” includes out-of-country waste, unless the President makes a determination that such a definition is inconsistent with our trade agreements and treaty obligations. And, the amendment ensures that out-of-country generators of municipal solid waste will not be treated any better than U.S. generators of such waste when it comes to access to disposal in a State.

Mr. President, waste is waste. If our States and local governments are to adequately manage MSW, all waste must be treated equally. Waste originating in a foreign country is a problem in my home State of Michigan.

The last thing that we should do is give foreign waste any kind of preference. My amendment prevents that from happening.

WARNER AMENDMENT NO. 1071

Mr. CHAFEE (for Mr. WARNER) proposed an amendment to the bill S. 534, *supra*; as follows:

On page 65, line 6 insert “or related landfill reclamation” after “services.”

BREAUX AMENDMENTS NOS. 1072–1073

Mr. CHAFEE (for Mr. BREAUX) proposed two amendments to the bill S. 534, *supra*; as follows:

AMENDMENT NO. 1072

At the appropriate place, insert the following:

SEC. . STUDY OF INTERSTATE HAZARDOUS WASTE TRANSPORT.

(a) DEFINITION OF HAZARDOUS WASTE.—In this section, the term “hazardous waste” has the meaning provided in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(b) STUDY.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct a study, and report to Congress on the results of the study, to determine—

- (1) the quality of hazardous waste that is being transported across State lines; and
- (2) the ultimate disposition of the transported waste.

AMENDMENT NO. 1073

At the appropriate place, insert the following:

SEC. . STUDY OF INTERSTATE SLUDGE TRANSPORT.

(a) DEFINITIONS.—In this section:

(1) SEWAGE SLUDGE.—The term “sewage sludge”—

(A) means solid semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works; and

(B) includes—

- (i) domestic septage;
- (ii) scum or a solid removed in a primary, secondary, or advanced wastewater treatment process; and
- (iii) material derived from sewage sludge (as otherwise defined in this paragraph); but (C) does not include—
- (i) ash generated during the firing of sewage sludge (as otherwise defined in this paragraph) in a sewage sludge incinerator; or
- (ii) grit or screenings generated during preliminary treatment of domestic sewage in a treatment works.

(2) SLUDGE.—The term “sludge” has the meaning provided in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(b) STUDY.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct a study, and report to Congress on the results of the study, to determine—

- (1) the quantity of sludge (including sewage sludge) that is being transported across State lines; and
- (2) the ultimate disposition of the transported sludge.

MCCONNELL AMENDMENT NO. 1074

Mr. CHAFEE (for Mr. MCCONNELL) proposed an amendment to the bill S. 534, *supra*; as follows:

At the end of the amendment add the following:

TITLE —STATE OR REGIONAL SOLID WASTE PLANS**SEC. 01. FINDING.**

Section 1002(a) of the Solid Waste Disposal Act (42 U.S.C. 6901(a)) is amended—

(1) by striking the period at the end of paragraph (4) and inserting “; and”; and

(2) by adding at the end the following:

“(5) that the Nation’s improved standard of living has resulted in an increase in the amount of solid waste generated per capita,

and the Nation has not given adequate consideration to solid waste reduction strategies.”.

SEC. 02. OBJECTIVE OF SOLID WASTE DISPOSAL ACT.

Section 1003(a) of the Solid Waste Disposal Act (42 U.S.C. 6902(a)) is amended—

(1) by striking “and” at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting “; and”; and

(3) by adding at the end the following:

“(12) promoting local and regional planning for—

“(A) effective solid waste collection and disposal; and

“(B) reducing the amount of solid waste generated per capita through the use of solid waste reduction strategies.”.

SEC. 03. NATIONAL POLICY.

Section 1003(b) of the Solid Waste Disposal Act (42 U.S.C. 6902(b)) is amended by inserting “solid waste and” after “generation of”.

SEC. 04. OBJECTIVE OF SUBTITLE D OF SOLID WASTE DISPOSAL ACT.

Section 4001 of the Solid Waste Disposal Act (42 U.S.C. 6941) is amended by inserting “promote local and regional planning for effective solid waste collection and disposal and for reducing the amount of solid waste generated per capita through the use of solid waste reduction strategies, and” after “objectives of this subtitle are to”.

SEC. 05. DISCRETIONARY STATE PLAN PROVISIONS.

Section 4003 of the Solid Waste Disposal Act (42 U.S.C. 6943) is amended by adding at the end the following:

“(e) DISCRETIONARY PLAN PROVISIONS RELATING TO SOLID WASTE REDUCTION GOALS, LOCAL AND REGIONAL PLANS, AND ISSUANCE OF SOLID WASTE MANAGEMENT PERMITS.—Except as provided in section 4011(a)(4), a State plan submitted under this subtitle may include, at the option of the State, provisions for—

“(1) establishment of a State per capita solid waste reduction goal, consistent with the goals and objectives of this subtitle; and

“(2) establishment of a program that ensures that local and regional plans are consistent with State plans and are developed in accordance with sections 4004, 4005, and 4006.”.

SEC. 06. PROCEDURE FOR DEVELOPMENT AND IMPLEMENTATION OF STATE PLANS.

Section 4006(b) of the Solid Waste Disposal Act (42 U.S.C. 6946(b)) is amended by inserting “and discretionary plan provisions” after “minimum requirements”.

**CHAFEE (AND BAUCUS)
AMENDMENT NO. 1075**

Mr. CHAFEE (for himself and Mr. BAUCUS) proposed an amendment to the bill S. 534, *supra*; as follows:

Delete from page 34, line 5 through page 35, line 2, and replace with the following:

“(3)(A) Except as provided in paragraph (4), any State that imported more than 750,000 tons of out-of-State municipal solid waste in 1993 may establish a limit under this paragraph on the amount of out-of-State municipal solid waste received for disposal at landfills and incinerators in the importing state as follows:

“(i) In calendar year 1996, 95 percent of the amount exported to the State in calendar year 1993;

“(ii) In calendar years 1997 through 2002, 95 percent of the amount exported to the State in the previous year;

“(iii) In calendar year 2003, and each succeeding year, the limit shall be 65% of the amount exported in 1993.

“(iv) No exporting State shall be required under this subparagraph to reduce its exports to any importing state below the proportionate amount established herein.”

On page 36, line 12, add “and the Governor of the importing State may only apply subparagraph (A) or (B) but not both” after “facilities”.

On page 38, line 2, after “year” insert “, and the amount of waste that was received pursuant to host community agreements or permits authorizing receipt of out-of-state municipal solid waste”.

On page 38, line 3, delete “July 1” and insert “May 1”.

On page 38, delete from line 17 through page 39, line 6, and replace with the following:

“(C) LIST.—The Administrator shall publish a list of importing states and the out-of-State municipal solid waste received from each State at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste.”

On page 35, line 20, strike “800,000”, replace with “750,000”.

On page 35, line 22, strike “600,000”, replace with “550,000”.

On page 52, strike line 6, insert the following: “sources outside the state.”

“(g) IMPLEMENTATION AND ENFORCEMENT.—Any State may adopt such laws and regulations, not inconsistent with this section, as are necessary to implement and enforce this section, including provisions for penalties.”.

D'AMATO AMENDMENT NO. 1076

Mr. CHAFEE (for Mr. D'AMATO) proposed an amendment to the bill, S. 534, *supra*; as follows:

Page 64, line 3, insert the following as letter (f) and reletter subsequent paragraphs accordingly:

(f) STATE-AUTHORIZED SERVICES AND LOCAL PLAN ADOPTION.—A political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if, prior to May 15, 1994, the political subdivision—

(1) had been authorized by State statute which specifically named the political subdivision to exercise flow control authority and had implemented the authority through a law, ordinance, regulation, contract, or other legally binding provision; and

(2) had adopted a local solid waste management plan pursuant to State statute and was required by State statute to adopt such plan in order to submit a complete permit application to construct a new solid waste management facility proposed in such plan; and

(3) had presented for sale a revenue or general obligation bond to provide for the site selection, permitting, or acquisition for construction of new facilities identified and proposed in its local solid waste management plan; and

(4) includes a municipality or municipalities required by the State law to adopt a local law or ordinance to require that solid waste which has been left for collection shall be separated into recyclable, reusable or other components for which economic markets exist; and

(5) is in a State that has aggressively pursued closure of substandard municipal landfills, both by regulatory action and under statute designed to protect deep flow recharge areas in countries where potable water supplies are derived from sole source aquifers.

COATS AMENDMENT NO. 1077

Mr. COATS proposed an amendment to the bill, S. 534, *supra*; as follows:

On page 52, between lines 10 and 11 insert the following:

"SEC. 102. NEEDS DETERMINATION.

The Governor of a State may accept, deny or modify an application for a municipal solid waste management facility permit if—

"(1) it is done in a manner that is not inconsistent with the provisions of this section;

"(2) a State law enacted in 1990 and a regulation adopted by the Governor in 1991 specifically requires the permit applicant to demonstrate that there is a local or regional need within the State for the facility; and

"(3) the permit applicant fails to demonstrate that there is a local or regional need within the State for the facility."

ADDITIONAL STATEMENTS

CONSUMER PRODUCTS SAFETY COMMISSION CUTBACKS A THREAT

• Mr. BREAUX. Mr. President, on behalf of my colleague, Senator JOHNSTON and myself, I ask that an article printed in the New Orleans Times-Picayune be printed in the CONGRESSIONAL RECORD.

We found the discussion of the U.S. Consumer Product Safety Commission very interesting and wanted to share these informative comments with our colleagues.

The article follows:

CUTBACKS TO CPSC THREATEN US ALL

Today in Washington, D.C., the U.S. Consumer Product Safety Commission is conducting a conference titled "Safety Sells." The one-day event features business executives who will "highlight product safety as an emerging business trend."

In a press release describing the event, the commission said executives from Toys R Us, Hasbro Inc., Proctor & Gamble Co. and Volvo "will discuss how they have improved their competitive positions by selling safety."

In the case of Volvo, that's certainly true. Its promotions appeal to the growing number of car buyers, who intelligently shop for safer cars, armed with Consumer Reports or the "Car Book," by Jack Gillis.

But toys? There are no books or magazines that list the safe ones and the dangerous ones to avoid. And the steady infusion of imported toys, made in countries that do not have safety standards as rigid as ours, routinely pass undetected through customs, filling the marketplace with unsafe products for children.

We're talking about toys with excessive amounts of lead or small parts that can choke children, bunk beds that fall apart, etc. Their existence is why a significant portion of this column is routinely given to warning readers about recalls.

Imported toys can be bought cheaply and sold at huge profits. And even if there's a recall, the companies know that most buyers will never find out about it and, therefore, their profits will remain high.

One of our best defenses against unsafe products is the U.S. Consumer Product Safety Commission, the only federal agency that identifies and acts on a wide range of product safety hazards, from toys to bikes to household products.

Unfortunately, the current trend for "less government interference" could seriously

undermine the commission's much-needed work if it results in additional cutbacks to this important consumer watchdog. If that were to happen, the only beneficiary would be the corporations that profit from unsafe products.

During the Reagan administration, the commission's budget and staff were cut in half. Then, as now, it operates on a \$42-million annual budget—not much for a major federal agency that addresses the hazards in our lives. Consider these facts from the commission:

Unintentional injury is the leading cause of death among people under 45 years old and is the fourth leading cause of death in the nation.

More children die from injuries than from diseases.

There are 21,700 deaths and 28.6 million injuries each year related to consumer products under commission jurisdiction.

The deaths, injuries and property damage associated with consumer products cost the nation about \$200 billion annually. Consumer product injuries account for one out of every six hospital days in this country.

The commission is the only agency addressing product safety and health hazards for more than 15,000 consumer products.

What's more, the money used to support the commission gives an excellent return. Every dangerous product removed from the marketplace prevents an increase in the national health care bill.

On the local level, I have nothing but high praises for Sonny Sturdivant and Sidney Englander, the CPSC field inspectors, who are invaluable sources of help for this column and to the residents in this area.

If potential cutbacks to the commission worry you, as it does me, you may want to contact your representatives in Washington and let your feelings be known. •

COMMEMORATING THE 47TH ANNIVERSARY OF ISRAEL'S INDEPENDENCE

• Mr. BRADLEY. Mr. President, I rise today to mark a joyous event, the founding of the State of Israel on May 14, 1948. From its near-miraculous beginnings as a country born in strife, Israel enters its 48th year a prosperous and vigorous democracy.

With the hyperinflation of the 1980's a distant memory, Israel enjoys stable economic growth with moderate inflation. Israel's economic problems are now the challenges of any developed country—generating and distributing wealth. As the circle of peace in the region expands, Israel will find itself well-placed to be a major regional economic power.

Israel has renewed itself as the homeland of the Jewish people by successfully managing its latest "aliyah," the absorption of Jews from the Soviet Union and its successor states. Both the infusion of new blood, and the national effort to welcome and absorb over half a million new citizens has reinvigorated the nation, while educating a new generation on the special responsibilities and benefits of life in Israel.

Among the greatest of those responsibilities and benefits is the nurturing of a democracy that is the envy, not only of the Middle East, but of the

world. To an extent perhaps matched only by the United States, Israel has welded diverse peoples into a democratic society. Israel understands the lesson so eloquently taught by former Jerusalem mayor Teddy Kollek that democracy is more than elections. Democracy is a way of thinking, a way of acting and, most of all, a way of treating one's neighbor. The world has much to learn from Israel's successful experiment in representative democracy in an often harsh environment.

Israel marks its 47th birthday closer to lasting peace than ever before. As a result of the warm peace with Jordan, Israelis are finally visiting the legendary red rocks at Petra. As a result of the multilateral peace negotiations, Israel is normalizing relations with Arab states in North Africa and the Persian Gulf.

Israel is also inching closer to peace with its Palestinian and Syrian neighbors. However, as Israelis above all peoples understand, peace never comes cheaply, and Israel is facing a historic challenge as it tries to conclude genuine peace in the face of terrorism.

All of us grieve with Israel every time another terrorist atrocity is perpetrated. All of us pray with Israel that the leaders and peoples of the Middle East, and those of us who support them, will find the wisdom to steer a path through the shoals of violence to a lasting peace.

The United States Government and individual Americans have an important role to play in supporting Israel, its people, and its leadership, in making the hard decisions necessary for peace. I am proud of the record of the United States Senate in providing unstinting support of Israel, and I will be proud to continue that record.

I am particularly proud of the contributions of citizens of my own State of New Jersey to Israel's development. These are people like Miles Lerman, active in fundraising and philanthropy for Israel, and the man most responsible for the Holocaust Museum in Washington, who form the unshakable foundation of America's unwavering support for Israel.

Israel today is 47 years strong. I know I speak for the people of New Jersey, and the United States, when I wish her peace and continued prosperity. •

ORDER OF PROCEDURE

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

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

AUTHORIZING 1995 SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 64, just received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 64) authorizing the 1995 Special Olympics torch relay to be run through the Capitol Grounds.

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

So the concurrent resolution (H. Con. Res. 64) was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that the motion to reconsider be laid upon the table and that any statements relating to the resolution be placed at the appropriate place in the RECORD.

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

ORDERS FOR MONDAY, MAY 15, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Monday, May 15, 1995; 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 waived, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day.

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

PROGRAM

Mr. DOLE. Mr. President, for the information of all Senators, at 9:30 a.m. on Monday morning, it will be the intention of the majority leader to turn to the consideration of calendar No. 101, S. 395, relative to Alaska power.

For the information of all Senators, an agreement was reached with respect to final consideration of S. 534, the Solid Waste Disposal Act, which will precipitate a rollcall vote as early as 10:30 a.m. on Tuesday, May 15. Additional votes are expected prior to our scheduled 12:30 recess on Tuesday.

I think it is fair to say rollcall votes can be expected on Monday also. So I alert all Senators that on Monday we expect to have votes. We would like to finish S. 395 on that day. And the vote could be on that date, on Monday, with respect to the motion to proceed to the bill or amendments relative to the Alaska Power Administration bill.

ORDER FOR ADJOURNMENT

Mr. DOLE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that after I conclude my remarks, the Senate stand in adjournment under the previous order.

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

THE BUDGET

Mr. DOLE. Mr. President, in January 1961, Dwight Eisenhower gave his last speech as President to the American people.

And in those remarks, Ike offered some advice which should be remembered by all of us in the Senate—and all Americans—as the Federal budget moves to the top of our agenda in the coming weeks.

Eisenhower said, and I quote:

As we peer into society's future, we must avoid the impulse to live only for today, plundering for our own ease and convenience the precious resources of tomorrow. We cannot mortgage the material assets of our grandchildren without risking the loss also of their political and spiritual heritage. We want democracy to survive for all generations to come, and not to become the insolvent phantom of tomorrow.

It has now been over 34 years ago since President Eisenhower spoke those words. And as everyone here knows, they are words that have been tragically ignored. When Ike left the White House, our national debt stood at approximately \$248 million—\$248 million. Today, it is \$4.8 trillion. And it continues to grow by \$355,000 each and every minute—that is \$482 million a day—far more than our entire debt in 1961.

There can be no getting around the fact, Mr. President, that America is at a crossroads, and we face a choice.

Down one road is the status quo.

It is a road that means living for today, plundering the resources of tomorrow.

It is a road that means we continue to mortgage the assets of our children and grandchildren.

It is a road that sentences our country to the future that Eisenhower foresaw—a future as an insolvent phantom.

This is a very easy road to take, because it involves no tough decisions, and no leadership of any kind.

And it is the road recommended by President Clinton, and by many of my friends on the other side of the aisle.

Down the other road is change.

A road that means reversing the spending patterns of the last three decades.

A road that means reducing the rate of growth of Government spending.

A road that allows Congress to rein in the Federal Government, and to return power to the States and more importantly to the people.

It is a road that will be very bumpy, because it will require some tough, tough, tough decisions.

It is a road that requires leadership—leadership that House and Senate Re-

publican majorities are willing to provide.

It is a road that we must take, because it is a road that will result in a stronger America for our children and our grandchildren.

And thanks to the courage and hard work of Chairman DOMENICI, and his fellow Republicans on the Senate Budget Committee, we now have a map which will help guide us down this road.

In developing a historic budget that slows the growth in Federal spending from 5 to 3 percent a year, and that achieves a balanced budget within 7 years, Senator DOMENICI and the Budget Committee deserve the gratitude of all Americans.

The Domenici budget reflects our commitment to the American people to rein in the Federal bureaucracy. It eliminates more than 140 Federal departments, agencies, and programs—including the Department of Commerce. In doing so, it moves power out of Washington, and back to the people, where it belongs.

The Domenici budget reflects our commitment to keep Americans safe. It maintains funding for the FBI, the DEA, the INS, and for crime-control initiatives that aid police on the front lines in the war against crime.

The Domenici budget reflects our commitment to protect Social Security, and to preserve, improve, and protect Medicare.

And it reflects our commitment to maintain a safety net for those in true need, by funding WIC, School Lunch and Breakfast Programs, Head Start, child care, and efforts to track down deadbeat dads.

Senator DOMENICI should also be congratulated for keeping the majority members together in defeating Democrat amendments to raise taxes, cut defense, or spend more money.

Is the Budget Committee proposal perfect? Of course not. Every Senator—including this one—could find some program they thought needed more money, or others that needed less. But it is a historic document that truly sets America in the right direction.

And I might add that, according to this morning's newspapers, the world agrees with that statement. These press reports suggest that because of speculation we actually might do more than we have in the past to cut the deficit, the dollar staged its biggest 1-day rally in nearly 4 years.

Apparently, this news slipped by the Clinton administration. Despite the Vice President's promise a few months ago that—and I quote: "We think the task of balancing the budget is one that we have to actually take responsibility for ourselves," notwithstanding that quote, the White House has chosen to abdicate a leadership role in reducing our deficit.

The budget they proposed earlier this year, is one that would give us deficits

of \$300 billion for as far as the eye can see.

Mr. President, the new Republican Congress promised to make the tough decisions. We promised to fight the status quo. We promised to stand for real change. We promised to balance the budget. And as this budget proves, we are keeping our promises.

And make no mistake about it, at the same time we are balancing the budget, we will also keep our promise to provide real tax relief to America's families.

Let me close, Mr. President, by warning the American people that in the coming weeks, President Clinton and his administration will be trotting out the same old scare tactics they tried before last November's election.

We will hear them say that Republicans are heartless. We will hear them say that Republicans want to help the rich, and harm those in need. We will hear them say that we are targeting children and seniors. We will see them throw a lot of rocks at Republicans. But I am afraid what we will not see from them is leadership.

While they engage in class warfare, the Republican Congress will continue to declare war against the deficit. And with the support of the American people, it is a war that we will win.

ADJOURNMENT UNTIL 9:30 A.M.,
MONDAY, MAY 15, 1995

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment.

There being no objection, the Senate, at 4:24 p.m., adjourned until Monday, May 15, 1995, at 9:30 a.m.