

COMMODITY FUTURES TRADING COMMISSION

Brooksley Elizabeth Born, of the District of Columbia, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 1999.

Brooksley Elizabeth Born, of the District of Columbia, to be Chairman of the Commodity Futures Trading Commission.

David D. Spears, of Kansas, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 2000.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

SAFE DRINKING WATER ACT
AMENDMENTS OF 1996—CON-
FERENCE REPORT

Mr. LOTT. Madam President, I ask unanimous consent that the Senate now turn to the conference report to accompany S. 1316, the safe drinking water bill, that the conference report be considered as having been read, and it be in order for me to order the yeas and nays on the adoption of the conference report at this time.

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

The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1316) to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes; having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

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

(The conference report is printed in the House proceedings of the RECORD of August 1, 1996.)

Mr. LOTT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is sufficient second.

The yeas and nays were ordered.

Mr. LOTT. I ask unanimous consent that the vote occur on the adoption of the conference report at—

Mr. DASCHLE. If the majority leader will yield, I think we need to check with our colleagues for a brief period of time to determine the length of time that may be required to talk on this bill. I know of little opposition, if any, but I do know of a number of Senators who have expressed a desire to speak for the legislation. And so we would not be prepared to enter into a time agreement, but I do not think it will be that long.

Mr. LOTT. Madam President, let me say then that the time for vote will be announced later on today after consultation between the minority leader

and myself, and I ask unanimous consent that whatever time is taken up, that it be equally divided between Senators CHAFEE and BAUCUS or their designees.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Madam President, while we are waiting for the managers of this bill to come to the floor, we will work on these other issues.

I am glad to yield to the Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator.

Madam President, I would like to thank the Chair, and I would like to thank the majority leader for discussions and bargaining in good faith. I very much appreciate the action taken. I thank you.

Mr. LOTT. I observe the absence of a quorum, Madam President.

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. CHAFEE. Madam President, could I ask what is the pending business?

The PRESIDING OFFICER. The conference report on the Safe Drinking Water Act.

Mr. CHAFEE. Madam President, I am prepared to enter into a time agreement of 1 hour equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The agreement is 1 hour equally divided.

Mr. CHAFEE. Madam President, I will control the time on our side.

I ask the Chair that I be notified when I have used 8 minutes of my time.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair will notify the Senator when 8 minutes has expired.

Mr. CHAFEE. Mr. President, I am pleased to join with my colleagues in the Environment and Public Works Committee in bringing the conference report of the Safe Drinking Water Act before the Senate. The committee has been working on this since 1993, and our efforts have received broad, bipartisan support at every step. I particularly pay tribute to the ranking member of this committee, who was the chairman of it during the prior 2 years, the senior Senator from Montana, Senator BAUCUS. He has done an excellent job and has been a real stalwart in achieving reforms to the Safe Drinking Water Act. What we have before us is, to a considerable extent, based upon the fine work he did while he was chairman and the committee was under his guidance.

We all agree reform of the Safe Drinking Water Act is necessary. Public health has been strengthened, there is no question, over the standards that have been issued over the past several

years. But these new standards and new treatment have put a strain on the water suppliers. This bill includes many provisions to ease that burden.

What is in the bill? There is a drinking water revolving loan fund that the President first recommended. In addition to all that, the States are authorized to reduce monitoring costs by developing their own testing requirements. The States may grant variances to small systems that cannot afford to comply with the national standard. We are not rolling back any health protection that is now provided. No existing standard will be weakened.

In addition to the SRF grants, there are new programs to prevent pollution at the source. This program lets the cities and towns go to the headwaters and see if they cannot clean up the pollution there, rather than permitting the pollution to come down the river and then the city has to invest in a very, very expensive water purification plant. All of that makes sense.

The bill pushes hard for more and better science, including research programs to determine whether some groups, like children or pregnant women or people with particular illnesses, are likely to experience adverse effects from drinking water contaminants.

Before describing the major provisions in detail, I wish to thank our colleagues for the hard work they have done. Particularly, I thank Senator KEMPTHORNE, who was chairman of the subcommittee that dealt with this bill. Senator KEMPTHORNE, over many months with great patience and superb knowledge of this bill, brought forward this legislation which we now have before us, in essence. His efforts in behalf of State and local governments and others is widely recognized. The trust that Senator KEMPTHORNE had built up with local officials was, I believe, essential in achieving the compromise that is always necessary when you sign a bill into law.

Senator REID, the ranking member of that subcommittee, was a partner in that effort and did excellent work. I mentioned the fine work that Senator BAUCUS has done, and Senator WARNER, likewise, and others.

I also want to thank the House leadership that we worked with, Chairman BLILEY and Congressman DINGELL and WAXMAN and others who are, obviously, members of the conference committee.

We had help from the office of water at the EPA, including Bob Perciasepe, who heads the drinking water office.

Mr. President, if somebody were to ask what is the one thing we can do that will most improve the safety of drinking water in the United States, I think the answer would be help the small systems. There are 54,000 small drinking water systems in the United States, in trailer parks, in villages, in small communities. There are thousands of these systems that are operated by very small towns. Many of these very small systems do not have,

obviously, the technical or financial resources to consistently provide safe drinking water. They cannot keep up with the testing and monitoring and determining which contaminants are and which are not so dangerous over a short period of time. The operators have little or no training.

These small systems have been overwhelmed by the regulations imposed by the existing Safe Drinking Water Act, so the conference report that we are bringing before us now, and passing, hopefully, in a short time, addresses the problems of these small systems. How? First, as I mentioned, a grant program, a State revolving loan fund starting off at \$725 million, that is for 1 year, provides Federal assistance to build treatment plants, if that is what is required in these communities. This system was proposed in 1993 by President Clinton. As I say, we authorize it for \$1 billion, hopefully with an appropriation this year of \$725 million.

That is the first big thing. The second is that each State adopts what they call a capacity development strategy, to help these small systems. A State strategy might include what the State decides when they ask, what can we do to help each of these small communities? It is not always necessarily money for investment. Sometimes it is money for training the operators in these small communities, or technical assistance on how to develop a new safer water supply. It may be the ground water in the present area is contaminated but there may be other sources, deep wells or whatever it might be, that could produce new and safer water. So we are relying on the States to take the lead in designing this capacity enhancement strategy.

What are some of the other things that can be done under this bill? The States are authorized to grant variances to small systems that cannot comply with the stiff requirements you impose on the big cities where they can afford it. A portion of the SRF funds may be set aside for technical assistance, as I mentioned before, the cost of training operators. And the States may reduce the monitoring requirements. There is no point in testing constantly for a substance that never occurs in a certain section of the country. Why make the small systems constantly go through that monitoring for a contaminant that is not found in that section of the nation, as I mentioned before?

When we brought this bill before the Senate it passed 99 to nothing. The House, in many provisions, included our language word for word, for example, in the standard setting. The standard setting is based upon science and technology that I believe makes much more sense than the existing situation. For some contaminants, this approach to standard setting can impose large costs nationwide while producing only small gains. So we believe the science approach that we provided will reduce those large investments that have to be made.

So, I believe we have here an excellent piece of legislation. Again, I congratulate my colleagues.

The PRESIDING OFFICER. The Chair advises the Senator from Rhode Island his 8 minutes have expired.

Mr. CHAFEE. I thank the Chair for notifying me. We will hear from other Members of our side who will have an opportunity to speak.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Jan Harrington and Mike Burton, both fellows in Senator Bob KERREY's office, be granted the privilege of the floor during the consideration of the conference report on this subject.

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

Mr. BAUCUS. Mr. President, I, like my good friend and chairman of the committee, Senator CHAFEE, strongly support the Safe Drinking Water Act Amendments of 1996.

We all know that the Safe Drinking Water Act needs to be reformed. We have heard all kinds of stories. They are largely true. We have had problems in many of our cities, our large cities. We heard about Milwaukee, Washington, DC, and the cryptosporidium problems, as well as some problems in small communities.

It is basic, it is fundamental: Americans should be able to drink their water and rest assured that the water they drink is safe, that they will not get sick, whether they are in the comfort of their own home or whether they are visiting the Nation's Capital or wherever they might be in our country.

The current version of the Safe Drinking Water Act, is helpful in this direction, but, in many respects, it produces more paperwork than it does progress. It is my belief that this conference report helps change that.

What does it do? First, it reforms the regulatory process. This is very important. It makes it much more streamlined, and reduces redtape. It cuts monitoring costs. This is extremely important. The monitoring costs for some contaminants are extremely high, and Americans would be amazed at how expensive it is.

The bill also creates a new revolving loan fund so communities will have the resources to get the technology they need. It also requires water systems to give the people they serve more information about the quality of the drinking water the system provides. Consumers will have more notice and more information. And the bill addresses operator training. It is important to have operators who know what they are doing.

Overall, it cuts redtape and, at the same time, increases the protection of public health.

Senator CHAFEE has described some measures in detail. I agree with his assessment. I think this bill is a solid

compromise. In praising it, I would like to emphasize two points.

First, as has been stated, this bill is especially important to rural States, to small communities. In my State of Montana, we have over 900 separate drinking water systems. Almost all of them serve fewer than 10,000 people.

Some of the systems serve trailer parks and remote clusters of homes. They are operated part-time by folks who are just trying to be good neighbors. They are very small systems.

The current version of the law requires small drinking water systems to install the same treatment technology as large urban water systems that serve hundreds of thousands of people. In some cases, this doesn't make sense. Small systems do not benefit from what economists call "economies of scale." That is, they cannot spread their costs among a large number of ratepayers. The same high cost of technology has to be spread among fewer ratepayers, resulting in a much higher cost to the ratepayers.

If we force smaller systems to use big-city technology, not only can they not afford the cost, but they will go under. What will that mean? That means people in the area have to revert to using unhealthy well water, not water which is treated, but well water which is untreated.

This point was hammered home to me by the head of the Montana Rural Water Association, Dan Keil. I will never forget meeting with Dan about 6 years ago. He told me about legitimate problems with the Safe Drinking Water Act. We were in the Heritage Motel in Great Falls, MT. He made a very deep impression upon me.

I know Dan Keil is very happy today, now that the Senate is finally, 6 or 7 years later, dealing with the problem that needed to be addressed. At that time, he explained to me how impractical some of the present requirements are. I looked into it, and I agreed with him, they are impractical.

We are now dealing, I think, with most of those problems. One of the most important issues is the variance provision in this conference report. Here is how it works.

If a system has 10,000 people or fewer, they may request a variance to install special small-system technology identified by EPA. That is important. That means that a small system that cannot afford to comply with current regulations through conventional treatment can instead comply by installing affordable small-system technology.

The States review the variance to ensure the technology adequately protects the public health. In those cases where the system serves between 3,300 people and 10,000 people, the variance must be approved by the EPA. That is going to help. It is going to help address the twin objectives of protecting public health and using cost-efficient technology.

Second, over the last few years, there has been a lot of talk about reforming

our environmental laws. No doubt about it, although our laws are quite good—they help make the water in our country cleaner and more pure and the air we breathe more healthy—they need some reform. They are a bit outdated.

One noteworthy provision in this bill is transferability. What does that mean? Essentially, the provision allows a State to transfer dollars from the revolving loan fund in the Clean Water Act to the new revolving loan fund in the Safe Drinking Water Act. A State can loan the funds to a community that can use those dollars to pay for technology that it needs to address some of the problems in the drinking water.

A State can do the opposite, too. They can transfer from the Safe Drinking Water Act loan fund to the Clean Water Act loan fund. This provides more flexibility to allow a State to meet its needs, or a community to meet its needs. Washington, DC, is not passing something on to the States that has been described in the past as a one size fits all, view, but rather giving a lot more flexibility to States. This is extremely important.

Another innovative provision is radon. Radon has been a vexing problem because, the proposed radon standard for water is tighter than the amount of radon that occurs in outdoor air.

Radon affects people in their homes. We have basically come up with a multimedia. It allows States to set a lower standard for radon in drinking water only if the State has an alternative indoor air program that achieves just as much public health protection as the drinking water standard would achieve.

In conclusion, Mr. President, no legislation is perfect. This one is not perfect. It contains some flaws. It has a series of special projects, commonly known as pork, which will draw resources away from the new drinking water loan fund. I think those projects should not be in the bill, but we could not get the bill passed, incredibly, without some of them.

But it is a good bill nevertheless. We have made some progress. It is going to help move the ball forward.

In closing, I want to acknowledge the leadership of the chairman of the committee, Senator CHAFEE. I must say that all of us who have worked with the chairman of our committee are very impressed with him. He is basically a down-to-Earth, commonsense fellow. He calls them as he sees them. He is very generous with his time, very generous with his compliments and very generous with the people he is working with. In addition, he keeps his eye on the ball; that is, moving the environmental ball forward in a commonsense way.

It has been kind of tough the last couple of years. We have not passed environmental legislation that is solid, commonsense and balanced. Senator

CHAFEE has done a good job to help advance this legislation.

I also want to acknowledge the excellent work of the staff, particularly Jimmie Powell. I don't know anybody who knows this issue better than Jimmie, with the possible exception of my two staff, Jo-Ellen Darcy and Mike Evans, who know it just as well. They have been just terrific.

I am particularly appreciative of Jo-Ellen. When they were trying to wrap this bill up 2 or 3 days ago and they wanted to quit, Jo-Ellen said they were not going to leave until they wrapped it up that night. They didn't leave, and they wrapped it up. That is a testament to Jo-Ellen's hard work.

I pay particular thanks to Senator KEMPTHORNE, chairman of the subcommittee. Senator KEMPTHORNE, like Senator CHAFEE, is a commonsense fellow. Maybe that is because he is from a Western State like Montana. Also, Senator REID from Nevada. He is not out there to try to harm anybody, does not have a political ax to grind. He is trying to get the job done in a very balanced way.

I see Senator BOXER on the floor. There is nobody more tenacious and hard working and a greater champion for environmental causes. And in the case, she was particularly strong on the right-to-know provision, which was her brainchild. I know that Senator BOXER is very pleased we included that provision in the conference report.

People worked hard on this. I am very grateful for the time and effort they put into it. I yield the floor.

Mr. CHAFEE addressed the Chair.

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

Mr. CHAFEE. Mr. President, I want to thank the distinguished Senator from Montana for his very generous comments about the work I have done and others and our staff. And I want to join him in his salute to Jo-Ellen Darcy and Mike Evans and the others on his staff who really were tremendous.

I now yield 10 minutes to the distinguished chairman of the subcommittee, the person who took this on, mastered it, pushed it forward. And the bill we have before us is really, to a great extent, the bill that Senator KEMPTHORNE brought from his committee that passed in this Senate 99 to 0. So if kudos are deserved around here, they are deserved by Senator KEMPTHORNE.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. KEMPTHORNE. Thank you very much.

May I say how much I appreciate those remarks by the chairman of the Environment and Public Works Committee, Senator CHAFEE.

To paraphrase Samuel Taylor Coleridge: Water, water, everywhere, and with the passage of this Safe Drinking Water Act conference report, we'll be able to drink every drop.

Just over 9 months ago, in a unanimous, bipartisan vote of 99 to 0, we passed the bill that I introduced along with Senators CHAFEE, BAUCUS, and REID to reauthorize the Safe Drinking Water Act.

I will say right here that without that sort of partnership with those Senators, we would not be here today. Our bill improved public health, gave States and local governments the flexibility that they need to target their scarce resources on on high priority health risks, and laid the foundation for a safe and affordable drinking water supply into the 21st century.

Following the efforts of the Senate, the House of Representatives last month passed their safe drinking water bill, passed largely on the work that was accomplished here in the U.S. Senate.

Today we have the opportunity to complete the process and approve the conference report on the Safe Drinking Water Act Amendments of 1996. Our job today is a significant one because, surely, there is nothing more important than the health of our families and friends, and in large measure, that is exactly what is riding on this legislation. When you think about it, drinking water is really the only product or service that communities provide that directly affects the health and well-being of every person every day. Unfortunately, the current law often makes it unnecessarily difficult and costly for many communities to provide safe and affordable drinking water.

During the negotiations on the Unfunded Mandates Act, I met with executive committee members of the National Governors' Association to discuss our strategy for passage of that bill. Those Governors told me that after passage of the unfunded mandates legislation, their priority would then turn to fixing the current Safe Drinking Water Act. And so we moved and made that our No. 1 priority after passage of the Unfunded Mandates Act.

I began the process determining that we should have three goals. We needed to write a law that first and foremost would protect and improve public health, and second, we wanted to write a law that would work, one that would put substance and content over bureaucracy for bureaucracy's sake, and, finally, we needed to write a law that would reduce Federal unfunded mandates.

The bill that we are voting on today achieves those three goals. It was written with the advice of many public health experts, State and local government officials, and water providers. And I listened to what they had to say. So this bill reflects their concerns and their recommendations as to how to improve the way the drinking water is regulated.

When I began working on this legislation, I determined that there were key factors that must be incorporated. First, we must protect public health.

And we did. We eliminated the arbitrary requirement that the Administrator of EPA regulate 25 new contaminants every 3 years. Instead, the administrator is given the authority and flexibility to target her regulatory resources on those contaminants that are actually present in drinking water and that, based on the best available, peer reviewed science, are found to pose a real health risk to humans.

For the first time, we provided tens of millions of dollars for important health effects research, including research on the health effects on cryptosporidium, arsenic, and disinfectants, and their potential effect on other sensitive subpopulations, like children, pregnant women, and the elderly.

I said we would give States and local governments greater flexibility to tailor Federal requirements to maximize their resources and meet their specific needs. And we did.

The bill also gives States the sole authority to design and implement capacity development strategies to ensure that drinking water systems have the financial, technical and managerial resources they need to comply with this law. Under the old regulatory approach, we would have required States to adopt a strategy and submit it to EPA for review and approval. But we do not do that here. Once a State adopts a capacity development strategy, EPA has no authority under this law to second-guess it or penalize the State by withholding Federal funds.

The bill also recognizes that in many cases it is easier and more cost-effective to prevent contaminants from getting into source water for a drinking water system, rather than to try to remove them by regulation after they are in the system. This bill encourages States to develop source water protection partnerships between community water systems and upstream stakeholders to anticipate and solve source water problems before they occur. These are voluntary, incentive-based partnerships.

Our experience in my home State of Idaho has repeatedly demonstrated these kinds of programs work, and work well. Locally driven solutions that stakeholders themselves develop in a nonregulatory, nonadversarial setting usually achieve a far greater level of protection than could otherwise be gained through mandatory restrictions on land use or other Federal regulations. I fully expect that these voluntary source water partnership programs will quickly become a valuable tool for States and local government to improve public health, target local risks, and maximize resources.

I said that we would make this law work for small and rural systems. And we did.

We allow States to modify expensive monitoring requirements for small systems so that they do not have to spend their very limited resources testing for contaminants that are not detected in their drinking water. In many communities in Idaho, this new flexibility

alone could save systems hundreds of thousands of dollars every year.

I said that we would reduce unfunded mandates. And we did.

First of all, our bill reduces the number of mandates that are imposed on States and local governments under the current law. Then, significantly, we commit substantial Federal resources to assure that the Nation's drinking water supply is safe.

The Congressional Budget Office has reviewed our bill as is now required under the Unfunded Mandates Act, and just yesterday confirmed that this legislation does not impose unfunded mandates. It stated, "the bill would change the Federal drinking water program in ways that would lower the costs to public water systems of complying with existing and future requirements. On balance, CBO estimates that the bill would likely result in significant net savings to State and local governments."

Mr. President, in summary, I just say, for the first time ever, we are providing the funds to the States and communities so that they can deal effectively with their water systems. For the first time ever, we are providing for source water protection. For the first time ever, we are prioritizing those areas that truly are contaminants, and going after those.

But I particularly want to thank my colleagues, Senator CHAFEE, who is the chairman of the Environment and Public Works Committee, for his leadership and efforts on this bill, combined with those of Senator MAX BAUCUS of Montana, who was the chairman in the previous Congress, and Senator HARRY REID, who is the ranking member on the Senate subcommittee we serve on. Again, without that sort of partnership, bipartisan partnership, we would not be here. I also want to acknowledge Senator BOB KERREY who is one of first ones that really came forward and said, let us make this work. And it did work.

I also want to thank majority leader TRENT LOTT for the help and encouragement he provided during the conference to help get this bill completed.

I would like to thank my staff for their hard work and dedication to the cause. To Buzz Fawcett and to Ann Klee. They are truly dedicated and extremely talented individuals. I want to thank Jimmie Powell from Senator CHAFEE's staff. Jimmie's dedication to the Safe Drinking Water Act and his knowledge of the law and the facts made him invaluable to the process. Every State, city, and rural water district in America can say thank you.

I would like to thank Jo-Ellen Darcy and Mike Evans and Ann Loomis and Scott Slesinger, Mike Smith, Gregory Daines, and Stephanie Daigle, Steve Shimberg, and Tom Sliter.

The Senate conferees remained united throughout the conference. And it was due to the uncommon abilities and the good humor of all the people that I have just named that it was successful.

Finally, I would like to thank, on a personal note, my wife Patricia and my

children Heather and Jeff who know about the sacrifice that goes into these sorts of efforts: The long hours that keep you from being home, as you try to make something positive happen. It is the families that I think really offer the sacrifice. But in this case I believe it is worth it, because for all the kids of this country, it is safer drinking water. We have done our job. We stepped up to the challenge and we accomplished it.

Again, I thank the chairman and the ranking member. I thank all Members of this Senate—99 to 0—for the tremendous bipartisan support. This Congress is on record. We have positive environmental legislation that is good public health and good for this blessed environment.

Mr. CHAFEE. Mr. President, I yield now several minutes to the Senator from Virginia who is the second ranking member on the committee. He has worked very hard on this bill, and he is unable to be here long, so I ask that he might proceed.

Mr. WARNER. I compliment the managers of this bill and the chairman of the subcommittee. Through their effective leadership in guiding this conference, we are able to return to the Senate an exemplary bill. I was happy to be a part of the conference.

I am particularly pleased that this bill favorably addresses the needs of small systems and establishes a new pollution prevention approach under the source water partnership program.

Mr. President, this conference report clearly demonstrates that we can produce legislation that strengthens our protection of public health, provides relief from excessive Federal regulations and offers more streamlined requirements for local drinking water systems to comply with the law.

Our foremost priority has always been to give consumers confidence that the water that comes from the tap is safe to drink. This bill fulfills that priority.

The cornerstone of this bill is the establishment of the State Revolving Loan program. Funds will be provided to States to make either loans or grants to assist communities with the construction of treatment facilities necessary to meet the Federal standards. These funds are critically needed by our small systems who often don't have a large rate base to support the construction of new treatment plants.

Also during our conference discussions, much attention was focused on the need to require local drinking water systems to provide all of their customers with Consumer Confidence Reports. These reports are to inform customers of the content of their drinking water. It needs to be made clear that the Senate bill mandated that water systems immediately notify, within 24 hours, their customers whenever a contaminant exceeds a Federal health based standard. This is a

significant improvement from current law.

I did have concerns about proposals during the Senate debate to expand this requirement on our drinking water systems. I did not want this reporting to unduly alarm our citizens about the presence of contaminants in drinking water. The conference report includes a provision on Consumer Confidence Reports, which I strongly support because it addresses my previous concerns in several ways. Most importantly, it requires the reports to include a plainly worded explanation of the contaminants that are found and of the health risks that may result from violating the Federal standard.

It is important to make the distinction that detecting a chemical in drinking water, many which occur naturally at very low levels, is much different than violating a Federal standard. Federal standards are set at exposure levels which EPA determines are safe and will not adversely affect public health. The modification in the conference report ensures that the public will be fully informed about the meaning of data and sampling collected by a local water system.

The conference report also ensures that the local water systems have the trained personnel necessary to effectively run a treatment plant. Virginia already requires an effective operator certification program and the report requires all States to implement a training program for water system operators. I support fully this provision because with relief from the current monitoring requirements, we must be sure that treatment plants are operated in a sound and efficient manner and that personnel have the expertise to respond to unforeseen problems.

Throughout the committee's deliberations on revising the Safe Drinking Water Act, over the past 4 years, we have learned that small systems are especially burdened by the current regulatory program. Small systems, those serving less than 10,000 persons, represent over 80 percent of the public water systems in this country. Monitoring requirements, often the most expensive activity undertaken by water systems, installation of treatment technologies, and funding constraints have all overburdened our small systems and their capacity to meet the stringent requirements of the current law.

The Congress has responded to these calls for help and this bill holds great promise for assisting small systems. The revolving loan fund, alternative technologies that are affordable, monitoring relief and ensuring that operators are qualified to run treatment plans will greatly enable our small water systems to deliver drinking water that is safe for our citizens.

Mr. President, the Source Water Protection Partnership Program is a new step in pollution prevention. Having worked on this approach for several years, I am pleased that the conference

contains the Senate provision. With a modest investment of funds, source water partnerships will prevent problems before they occur. The positive result will be that water quality is improved and communities are relieved from building expensive treatment systems.

A great deal of work went into the development of this approach and I must commend the agricultural community for their cooperative working relationship over the years. Our citizens involved in agriculture today are responsible stewards of our land and water. They want to be involved in a voluntary, solution based approach to these problems. I know from the great progress we have made under the Chesapeake Bay program that this approach can be extremely effective on a national level.

Another issue of great concern to me has been the water quality problems of the Washington Aqueduct and the District of Columbia's water distribution system.

Since the Environmental Protection Agency's boil-water order in December 1993, I have been working to resolve the long-term financial constraints of the system. Owned by the Federal Government, the Washington Aqueduct provides essentially a local service—municipal water supply—to the District of Columbia and the Virginia jurisdictions of Arlington and Falls Church.

Currently, the system's capital improvements are financed on a pay-as-you-go basis where the customers must pay up front the full cost of any construction project.

While user fees are collected for the District of Columbia's Water and Sewer Enterprise Fund, these resources finance the system's annual operating costs and cannot begin to meet the obligations of the system's extensive capital improvement needs.

The Conference Report provides for a reasonable approach to this problem by providing authority for the Corps to borrow funds from the Treasury for the next three years. These funds will be used to continue the improvements of the system as required by the Environmental Protection Agency. Within this 3 year period, the Corps and the customers are to work together to determine a final resolution of the ownership of the Aqueduct. The Corps is authorized to transfer the Aqueduct to a new or existing entity with the approval of a majority of the customers. I would have preferred that all the customers agree to the transfer, but that was not the view of my House colleagues. It is my very strong hope that the Corps and the customers will make every effort to reach consensus on this matter before the borrowing period expires.

It is critical that we resolve this matter because if no solution is reached at the end of 3 years then we return to the status quo. That is continued Corps ownership with no ability to provide long-term financing of the

necessary improvements. This would be tragic for our rate payers who would suffer from extreme rate spikes to finance the remaining work on the Aqueduct.

Mr. President, I know that my colleagues expect this matter to be resolved within the next few years and I pledge to remain actively involved in this effort to see that there is a successful conclusion.

In closing, no legislation of this magnitude and in this short time frame can be completed without talented and dedicated professionals. I want to recognize and thank the staff of the Environment and Public Works Committee, Jimmie Powell, Jo-Ellen Darcy, and Mike Evans, and the staff for Senator KEMPTHORNE, Ann Klee and W.H. Fawcett.

Mr. CHAFEE. Madam President, I take this moment to pay particular tribute to the Senator from Virginia for the work he did in connection with providing funding for the city of Washington aqueduct. It supplies, obviously, all the residents of Washington plus some residents of northern Virginia. But for the attention and diligence of the Senator from Virginia in connection with this matter, we would not have dealt with it in the fashion we did.

I believe, as a result of the efforts of Senator WARNER, the problems of the Washington water supply system will be solved in the not too distant future. I pay tribute to what the Senator has done.

Mr. WARNER. I thank the distinguished chairman for his kind remarks and also his strong cooperation, together with the ranking member, in making possible the inclusion of this provision in this important piece of legislation.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. I yield 9 minutes to the Senator from New Jersey.

I know no one who fights harder for the environment, who is more tenacious with a greater bulldog tenacity than the Senator from New Jersey.

That is meant as very high praise from me.

Mr. LAUTENBERG. Being a bulldog is not necessarily the kind of pet you want around the house, but it is not bad when it comes to a battle.

Mr. President, I rise to express my satisfaction with the conference report and hope that our colleagues will support it. The final bill will enhance both the quality of our drinking water and America's confidence in its safety.

Americans are concerned about the quality of their drinking water. The sale of bottled water and water filters is skyrocketing. Fewer people believe that the water out of their taps is clean and safe. Their fears are not illusory. Look at Milwaukee or Philadelphia. Washington, the Nation's Capital has repeatedly had to tell residents to boil their water.

Something had to be done. I believe the bill we crafted will enhance both quality and confidence.

This was not an easy conference, as I am sure my colleagues will agree. Both bills resulted, from a set of delicate compromises, the House bill and the Senate bill. Any changes could raise significant opposition. I am happy the conferees were able to hammer out a draft which I believe is superior to either of the individual versions of the Senate or the House.

I will elaborate on a few of the provisions. Unlike the Senate bill, the House version would have weakened the rights of citizens to sue for violations of the water standard, even when the suits were needed to ensure public safety. The House bill also failed to give States the flexibility to transfer money from the sewage treatment loan revolving fund to the drinking water fund and vice versa. This could delay high priority projects and would prove to be wasteful. I am glad the Senate version prevailed on that issue, protecting the rights of the citizens and giving flexibility to the States.

At the same time, there is much in the House bill that is, in my view, superior to the Senate version. For example, I fully support the Boxer right-to-know amendment. As the author of a similar law that provides information about toxic releases, I think this kind of legislation is critical. Unfortunately, the amendment was not approved by the Senate, but the conference agreement includes provisions for a right-to-know law.

Mr. President, letting people know what is in their water supply is not just common sense, it is common decency. The right-to-know provision provides consumers with information on contaminants that have been detected in their water, even if the levels do not violate EPA or State standards. Since all water includes some contaminants, the conference language also provides for information on the specific impact of those contaminants.

I am disappointed, however, that these provisions fail to provide similar requirements for bottled water. Many consumers buy bottled water because they think it is cleaner than tap water. They have a right to know if that is true, and which pollutants, if any, remain in the bottles.

Several years ago, Mr. President, the FDA published regulations to require the bottled water industry to regularly monitor its products for contaminants. The industry fought these provisions and the FDA relented. That concerned me. A study by the State of Kansas showed 15 percent of the bottled water tested had cancer-causing contaminants at higher levels than allowed by EPA.

I am disappointed the conference report was watered down in this area. At least it does provide for a Federal Food and Drug Administration study on the feasibility of such a requirement. I expect the FDA will find it feasible to re-

quire the bottled water industry to provide the same information which we are requiring of suppliers of tap water to communities of 500 or above. After all, if that provision is not too burdensome for public water providers, it cannot be too burdensome for the bottled water industry.

However, if the FDA does not appreciate the importance of providing this information to the public, I will not hesitate to bring up legislation to bring bottled water under the authority of the Safe Drinking Water Act.

I also urge consumer groups to conduct tests on some bottled water sold in their areas and to prepare consumer confidence reports for the general public. This, at least, will educate consumers until proper provisions and safeguards are in place.

In addition to water quality, the controversial part of the legislation dealt with radon. I am pleased the conference came out with a provision that will help lower the risk from radon exposure to a greater degree than either the House or the Senate bill would have. Mr. President, radon is a naturally occurring radioactive contaminant that causes lung cancer by inhalation.

In New Jersey, radon exposure is believed to cause more lung cancer, more than any other environmental cause. That is why I sponsored the Indoor Radon Abatement Act in 1988. The conference report builds on that act by allowing States to implement programs that will decrease radon in the air, as an alternative to meeting the standard for radon in drinking water. A State can choose this option only if the proposed indoor air program provides greater public health benefits in complying with the drinking water standard. Since radon is dangerous only when inhaled, this measure would significantly enhance efforts to reduce this deadly contaminant.

Last, Mr. President, I want to express my appreciation to the chairman of the Environment and Public Works Committee, Senator CHAFEE, the chairman of the Drinking Water, Fisheries and Wildlife Subcommittee, Senator KEMPTHORNE, the ranking Democrat, Senator BAUCUS, in the committee and Senator REID in the subcommittee. I also want to express my thanks to the staff for their hard work, Jimmy Powell, Jo-Ellen Darcy, Michael Evans from the Committee on Environment and Public Works, and W.H. Fawcett, representing Senator KEMPTHORNE.

In particular, I congratulate my staff person, Scott Slesinger, for his hard and diligent work. He made it possible for me to stay totally informed as to what was going on and to make sure that our views were included in any of the comments that we finally sought. Without his time and effort, this would have been a much more difficult assignment for me. I am happy we have the bill we have.

Mr. CHAFEE. I yield the distinguished Senator from Wyoming 4 min-

utes. I want to say the Senator comes from a State with lots of small communities with small waterworks and he has been particularly vigilant in seeing that those small communities were protected not only in safety but also in the training of their operators who paid a lot of the attention to the requirements of small communities. Senator THOMAS.

Mr. THOMAS. I rise in strong support of the Safe Drinking Water Act Amendments of 1996. We all travel through our States extensively, and the topic of unnecessary regulation in the environmental areas comes up as often as any other topic when I hold meetings in Wyoming. Wyoming folks are tired of the top-down approach mandating expensive regulations for questionable benefits.

This bill says we can do a better job of protecting public health, and at the same time, inject common sense into the process. This bill helps State and local communities meet Federal standards by creating a Federal grant program to capitalize State revolving loan funds for drinking water treatment.

The mandate that 25 new contaminants are regulated every 3 years, whether at risk of human health or not is repealed. Finally, EPA will be able to prioritize efforts and cost benefits are inserted into the process. The State role is increased. Systems will be able to focus their monitoring efforts on those contaminants that actually occur in the systems.

Most importantly for my State, small communities will finally be given special consideration and assistance under the bill. States can grant variances for systems that serve people under 3,300. That is 90 percent of the water systems in Wyoming. With EPA approval that number goes up to 10,000. Small systems qualify for monitoring relief.

There are a few groups that will, once again, find an excuse to oppose this legislation, just as they did when it passed the Senate 99 to 0. I agree with them, this bill is not perfect. For instance, I am skeptical of the so-called consumer confidence report. These reports will not build confidence, in my judgment. They will simply create confusion. They will simply create confusion. I call them consumer confusion reports, at a cost of about \$20 million per year. CBO says that, on balance, this bill will save local water systems in State and local governments millions of dollars. That is good news to the taxpayers.

This bill includes several provisions to ensure that Wyoming, the only non-primacy State, can take full advantage of the benefits of this bill. It makes sense, it furthers the protection of human health and enjoys widespread bipartisan support. S. 1316 is a bill the President can support, he should support it without reservation, and we should get it on his desk quickly.

Mr. President, this is truly historic legislation and I was pleased to have

the opportunity to play a part in its development as a member of the Senate Committee on Environment and Public Works as well as the conference committee that crafted the compromise legislation before us today.

This legislation is historic for both what it does, and what it does not do. What this bill does is trust folks in the states and local communities to protect their citizens, increases flexibility to meet standards, injects common sense into the regulatory process, allows the Environmental Protection Agency to set priorities and focus limited resources on the biggest health threats, and finally recognizes that small communities in Wyoming face unique challenges and need different strategies to meet standards than New York City does. What this bill does not do is impose expensive unfunded mandates on localities, rely on the Washington knows best command and control method of regulation or blindly force regulation for regulation sake without addressing the costs and benefits. This is a massive shift in the way we approach environmental regulation that allows us to increase environmental protection while reducing unnecessary costs to the regulated community, and I hope it becomes a model for other statutes that desperately need reform.

I am particularly pleased with the approach this bill takes in helping small public water systems comply with the standards set by the Safe Drinking Water Act. As you know, Mr. President, small communities face unique challenges not found in large cities. These small systems, by their very nature, don't have the economies of scale found in large cities. Unfortunately, the Environmental Protection Agency has always set standards and determined affordable technologies based on water systems of 100,000 or more. What may be affordable for a system of this size is obviously prohibitive in Pinedale, WY. There are several provisions in this conference report that will help small systems affordably comply with the standards of the Safe Drinking Water Act and continue to protect the health of their citizens.

The vast majority of public water systems serve small cities. In my home State of Wyoming, 90 percent of our public water systems serve fewer than 3,300 people. This bill gives States the authority to grant variances from Federal standards for systems serving up to 3,300 people, and for systems serving up to 10,000 people with the approval of the Environmental Protection Agency. Small systems are given flexibility to meet the new consumer confidence reporting requirements contained in this bill. Under this bill, small systems can receive relief from monitoring requirements that today require them to monitor for contaminants that don't even occur in their water. This bill authorizes \$15 million per year to provide technical assistance to small public water systems and up to \$30 million per

year to pay the cost of mandated operator training for small systems. Finally, this bill creates a grant program for at least five university programs to support research, training and technical assistance with respect to problems experienced by small systems. These small public water systems technology assistance centers will provide significant assistance to State and local governments in the development of programs to address special concerns relating to the water systems of rural communities and native Americans. These centers will be particularly important to states, like Wyoming, with relatively low population density that cover very large geographic areas. Coordination of research, training, technical assistance and outreach efforts through these centers will play an important information role for State and local governments. It should be noted, Mr. President, that the Water Resource Research Institutes located at the land grant university in each of the 50 States, the District of Columbia, the Virgin Islands, Puerto Rico, and Guam, can provide similar information on rural water system treatment technologies, development of alternate supplies, and training to enable compliance with State and Federal regulations. I hope the Environmental Protection Agency will better utilize these institutes as part of its drinking water programs.

In addition to the very important accommodations made for small systems in this bill, important changes were made throughout the drinking water program. I am extremely pleased about the increased flexibility that the legislation brings to the standard setting process under the act. This legislation, with its emphasis on using the best available scientific methodology for standard setting, facilitates efforts to bring more rationality to the process. The EPA has already started down this road with its risk characterization policy and its carcinogen risk assessment guidelines and I think our approach in this legislation will build on that effort, hopefully leading to the reevaluation of the standards for a number of substances. I am also pleased that States retain ultimate discretion in this bill over the content of programs that implement a capacity development strategy, and that existing State operator training programs will be allowed to continue unchanged under this legislation.

Mr. President, as with any compromise, this bill is not perfect. This bill truly is a compromise, reflecting hours of negotiations between Republicans and Democrats here in the Senate, then days of hard work and negotiations between the House and Senate. In order to move forward with this bill, and the significant benefits that go with it, it became necessary to include some provisions that I oppose. For instance, I strongly believe the provision in this bill that requires so-called consumer confidence reports is misguided,

will cost local water systems from \$15 to \$20 million per year and will not result in consumer confidence, but instead will confuse consumers and destroy their confidence in their local water supply. Fortunately, the Senate was able to make clear that these reports should contain language that will tell consumers that the presence of trace elements of contaminants are in all drinking water, including bottled water, and this does not create a health hazard. We were also able to increase flexibility for small systems to meet this mandate.

Despite some reservations, I strongly support this bill. We create a State revolving loan fund for drinking water infrastructure under this bill, to help local communities pay for needed improvements to their water supply. We increase flexibility and reduce costs to local communities. The Congressional Budget Office says this bill will:

*** change the federal drinking water program in ways that would lower the costs to public water systems of complying with existing and future requirements. On balance, CBO estimates that the bill would likely result in significant net savings to state and local governments. Finally, the bill would extend the authorization of certain existing appropriations and would authorize the appropriation of additional federal funds to help state and local governments meet compliance costs.

Finally, this bill recognizes the unique situation of the State of Wyoming. Mr. President, Wyoming is the only State which does not have primacy over the Safe Drinking Water Act. Chairman CHAFEE, Senator KEMPTHORNE, and Senator BAUCUS worked with me to ensure that the citizens of Wyoming would be able to take full advantage of the benefits of this legislation, despite the fact we don't have primacy. The State of Wyoming will receive a minimum allocation from the new loan fund and will be able to apply for monitoring relief and variances. Most importantly to me, the State of Wyoming will be able to continue their current operator training and certification program. We are very proud of that program, Mr. President, and it is fitting that States continue to be allowed to structure their own programs and not be forced to follow an EPA-directed structure, as the House bill would have required.

Mr. President, many people deserve credit for passage of this legislation. I want to thank Senators CHAFEE, KEMPTHORNE, BAUCUS, and REID for their leadership. This bill would not have been possible without their hard work, and that of their staffs. Senator KEMPTHORNE in particular took some unfair hits over the last few weeks. Well financed Washington-based environmental extremists attacked Senator KEMPTHORNE's integrity and questioned his resolve to get this bill done. Mr. President, these attacks were outrageous, designed to prevent us from passing this important legislation and to build the coffers of the environmental extremists. There is no excuse

for this behavior and I want to make it clear that this bill will be signed into law thanks to Senator KEMPTHORNE and despite the irresponsible behavior of a few groups who would rather scare the American people with distortions than see positive reform to environmental laws. That's unfortunate, but we overcame their objections to the Senate bill and approved it 99 to 0, and we should do the same today.

Mr. BAUCUS. Mr. President, I yield 7 minutes to the distinguished Senator from California.

The PRESIDING OFFICER. The Senator recognizes the Senator from California.

Mrs. BOXER. Thank you, Mr. President. I add my voice in support of this bill. I want to thank, particularly, the chairman of the committee, Senator CHAFEE, the ranking member, Senator BAUCUS, and Senators KEMPTHORNE, REID, and the other members of the committee, who worked so hard. And I can say, on behalf of myself and my wonderful staff, Linda Delgado, that working with the staffs of the chairman and the ranking member has just been a joy to us.

Of course, I have some very special feelings about passage of this bill today, because an amendment that I worked very hard to get through this U.S. Senate, the consumer right to know amendment, has been adopted by the conference. The Senator from Wyoming didn't think it was a particularly good amendment, but I have to say that when one looks at what we are facing—I pick up this glass of water to drink what may be Washington, DC, water—and I think it is important that those of us who drink this water, or tap water from anywhere in this country, know what contaminants are in our drinking water.

I am very proud of this particular bill because, first of all, we won on the issue of consumer confidence reports. I disagree with my friend from Wyoming, because he thinks they will confuse people. I think people are smarter than that. I have always believed in giving people information. The way this information is portrayed will be clear and simple, and I think it will be easy to understand. If it is not, it can be revised so that it is even easier.

So I am extremely proud that we will require getting consumer confidence reports out to people, so they will know what is in the water they ingest, the water that is their lifeline. It seems to me a very important thing.

I have to say that the conference and the House deserve a lot of credit, but we built on the 40 votes we got here in the U.S. Senate. I want to say to all my colleagues who supported the Boxer amendment, my deepest thanks, because had we only gotten a few votes, we may not have gotten the agreement of our chair and our ranking member. Our chair and our ranking member knew there was support for the concept. I think the difficulty arose in the details of the amendment.

The other part of this bill that gives me great pride deals with the section on sensitive subpopulations. We attached it to the safe drinking water bill in the last Congress and in this Congress. The language in this bill requires that EPA drinking water standards be set at levels that take into account the special vulnerability of our children, our infants, our pregnant women, our elderly, the chronically ill, and other groups that are at substantially higher risk than the average healthy adult. The truth of the matter is that vulnerable populations are much weaker than a 165-pound man. The way we have set the standard throughout history has been for that very healthy, strong man. A little child, or someone who is ill, or an elderly person may be negatively affected by water that would not hurt a healthy person.

Mr. President, this is an important milestone, in my opinion, because it seems to me that we ought to do this on every bill that impacts the health of our people. We should remember the children, the pregnant women, the frail elderly, the ill. They cannot afford to hire lobbyists to come into the Halls of Congress to knock on my door or your door, Mr. President, and fight for their health and safety. They simply cannot do it. Little babies cannot do it. They count on us to protect them. In this bill, we are doing that. We are taking into account their special needs.

So, today, I am very happy. In closing, I want to mention two other issues that relate to this bill, one of which is particularly important because the South Tahoe Public Utility District needs urgent help in replacing its wastewater export pipeline system, which protects and preserves the water quality in that most magnificent of all lakes, Lake Tahoe. We were able, thanks to the chairman and the ranking member, to list this as a project that should be considered by the Administrator of EPA, should there be sufficient funds. I hope, Mr. President, that the EPA Administrator will recognize the beauty and the vulnerability and the national gift that Lake Tahoe is, and that we will be able to help them fix their problem.

On the disappointment side, I don't have many. The chairman and the ranking member were very helpful in getting authorization in this bill for the Southwest Center for Environmental Research and Policy, which is a consortium of universities in Mexico, California, Arizona, New Mexico, and other States, which is going to look into the serious pollution problems we have at our border region with Mexico. We had the authorization, but the Science Committee in the House asserted its jurisdiction and, unfortunately, removed this provision. I look forward to working with my colleagues in the House from the San Diego area to resolve this problem.

To my chairman and my ranking member, let me say that a Senator

could not be more blessed than to be able to work with Senators like you and staffs like the staffs that you have. I hope we can work together for many more years.

As a member of the Environment and Public Works Committee I want to commend Senator CHAFEE, Senator BAUCUS, Senator KEMPTHORNE, and Senator REID for their extraordinary effort on this bill.

The safe drinking water bill we are passing today, is a significant step forward in helping to ensure that one of the most fundamental needs of any society—safe drinking water—is available to all Americans.

This bill will lead to the crafting of a regulatory program to meet this goal at the lowest possible cost and with the most flexibility feasible for the thousands of local water supply systems.

This bill makes very significant progress in the protection of public health. It effectively addresses legitimate concerns about overly burdensome regulation and lack of funding. And it establishes the critically important State revolving loan fund to help States and municipalities comply with Federal law.

Mr. President I want to highlight two specific items included in this bill which I worked very hard to achieve.

As a member of the Environment and Public Works Committee, I have for years worked to protect children and other sensitive subpopulations from contaminants in drinking water. I am therefore very pleased that this bill includes language that reflects the amendment I successfully attached to the safe drinking water bill in the last Congress, and worked to incorporate into the bill this Congress. The language in this bill requires that EPA drinking water standards be set at levels that take into account the special vulnerability of our children, our infants, pregnant women, our elderly, the chronically ill, and other groups that are at substantially higher risk than the average healthy adult. This is a very important step forward.

I am also pleased that this bill incorporates a strong version of the consumer confidence reports amendment that Senator DASCHLE and I offered during Senate consideration of the bill. This is especially important in light of continued reports that many Americans are worried about getting sick from tap water contaminants.

The new consumer confidence reports requirement means that consumers will once a year get a report from the water company serving their neighborhood, about the source, the quality, and the safety of their drinking water.

The information provided in the report will be simple and straightforward.

Consumers have a right to be informed at least once a year about the levels of contaminants found in their drinking water. These consumer confidence reports will empower consumers to take precautionary measures to

protect themselves and the most vulnerable members of their family, such as a grandparent or a young child, for example, by boiling water or installing special filters.

It is a pleasure Mr. President, to see this conference report pass today.

In closing I would like to briefly mention two other issues:

I am pleased that the South Tahoe Public Utility District waste water export system project was included on the list of special projects to be considered by the Administrator of EPA if there are sufficient funds.

The South Tahoe Public Utility District needs urgent help in replacing its export pipeline system which protects and preserves the water quality in Lake Tahoe. The export pipeline transports reclaimed water from the wastewater treatment plant in South Tahoe out of the Lake Tahoe basin to a nearby reservoir where the reclaimed water is stored and later used for irrigation and other purposes.

The existing pipeline is reaching the end of its useful life and must be replaced quickly if we are to avoid the possibility of a catastrophic spill resulting in serious environmental harm to Lake Tahoe. Several serious leaks have already occurred over the last 2 years, and the risk of a rupture increases the longer it takes to complete the replacement project.

The local community has raised \$10 million towards replacement of the pipeline, but a total of \$30 million will be needed. The local community is already paying sewer rates substantially higher than the average in California. If the pipeline is to be replaced in a timely manner, \$10 million in Federal assistance is needed. While the local community might be able to pay for the pipeline replacement over the long term by enduring high utility rates, it will not get the job done as quickly as it could be done with Federal assistance. Such Federal assistance would enable the South Tahoe Public Utility District to complete the project in a more expeditious manner, reducing the chances of a large leak with serious environmental consequences for the lake.

Last, I would like to mention my disappointment that authorization for the Southwest Center for Environmental Research and Policy [SCERP], which was included in the Senate-passed bill, was not included in the final confereed bill.

SCERP is a consortium of American and Mexican universities that works to address environmental problems along the United States-Mexican border including but not limited to air quality, water quality, and hazardous materials. SCERP's members include San Diego State university, New Mexico State University, University of Utah, University of Texas-El Paso, and Arizona State University. SCERP had its origins in the Clean Air Act Amendments of 1990, which authorized the establishment of an entity to research air and water quality and other envi-

ronmental problems in the border region. Although SCERP is not specifically authorized, it has been funded through congressional appropriations for the last 5 years in fulfillment of the Clean Air Act mandate.

Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I thank the distinguished Senator from California for her very kind remarks. We express our appreciation to her.

Mr. President, I will yield soon 3 minutes to the Senator from New Hampshire, Senator SMITH. But before doing so, I want to say that Senator SMITH has been deeply involved with this Safe Drinking Water Act from the beginning. He worked very closely with the authors of it and particularly was concerned about the small communities. There are two things he sought for these small communities. One is that they have safe drinking water and, two, that they have it at an affordable price. I pay tribute to the work Senator SMITH did in reflecting the views of his constituents in New Hampshire. I give him sincere praise for his assistance.

I yield to Senator SMITH.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, I thank the chairman, Senator CHAFEE, for his very kind remarks. It has been a pleasure to work with Chairman CHAFEE on not only this issue, but Superfund and other environmental issues throughout the last 2 years—actually, longer, but 2 years under his chairmanship.

I also thank Senator BAUCUS for his good work on this. I compliment Senator KEMPTHORNE, who has done an outstanding job in shepherding this legislation to this point.

Everyone wants clean, safe water for drinking and bathing. But the ability to provide this necessary commodity at an affordable price has been a real challenge in recent years. I think we have gotten to this point because of the numerous problems encountered with the 1986 act. Many local governments and drinking water systems around the country, some of which are in New Hampshire as well as other States, have been struggling to comply with this long list of regulations while maintaining reasonable water rates. The legislation before us will help to address this problem.

The folks who live in these communities do not want to drink dirty water, but they want to be able to do what they have to do and have the reasonable opportunity to do it.

So when we talk about the issue of unfunded Federal mandates, the Safe Drinking Water Act is regarded by State and local governments as the king of those unfunded mandates. So to address it, the bill now authorizes \$1 billion a year in a Federal grant to establish State revolving loan funds.

This is the first time for this. These funds will be allocated to the States on an annual basis, which can then be loaned or granted to municipalities for drinking water projects. There are two provisions of this program that I believe deserve special recognition:

First, the States can use up to 30 percent of the SRF to provide direct grants to the most advantaged communities.

And, second, States can transfer funds between this new drinking water SRF and the existing wastewater treatment SRF.

So these two provisions go a long way in providing our States flexibility and the communities the flexibility they need to maximize their resources with the environmental concerns that are of the most immediate nature.

Also, the issue of radon is one that I have long been involved in, and there is still considerable debate about the amount of risk posed by low-level exposure to radon. But according to the American Water Works Association, capital costs alone could reach \$12 billion nationwide. And from a relative risk standpoint, we should consider the fact that radon in drinking water contributes less than 5 percent to the total amount of radon exposure.

So given these statistics, I believe we chose a responsible course in addressing the radon issue. The bill directs EPA to set a new standard based on risk assessment conducted by the National Academy of Sciences and also would allow for an alternative, less stringent standard equivalent to outdoor air levels. Certainly no one would want to have all the wells, or 90 percent of the wells, in particular States ruled undrinkable because of standards like that. It would just cause chaos. This is a reasonable solution that will both protect public health and save money.

Finally, I thank the managers for also including the provision to establish five small-system technology centers across the country to develop and test new technologies for the smallest of systems. One of these centers, I hope, may be established at the University of New Hampshire, which has an extensive background in this area and will be a huge asset to the New England region.

So I am pleased today that we are at the point that this bill will become law, that the President of the United States has indicated he will sign it, and that it has broad-based support, bipartisan support, and support among hundreds of communities throughout the United States.

Also, I thank my staff assistant Christine Russell for her hard work and help on this issue throughout the year.

With that I yield back any time I have, Mr. President.

Mr. GORTON. Mr. President, today the Senate will pass legislation to amend the Safe Drinking Water Act to give State and local communities the flexibility to ensure that consumers

have safe drinking water, and send it to the President for his signature. For the past several years, I have worked closely with communities in my State to support legislation that throws out the one-size-fits-all approach and the costly mandates of the current law, and to replace it with greater flexibility and a commonsense approach. Today all the hard work of these communities paid off.

Several years ago, I began working with communities across my State that were frustrated with the one-size-fits-all approach of current law. The current law tied the hands of the State to work with local communities by mandating prohibitively expensive treatment technologies on the smallest of water systems—the cost of which would have bankrupt some of our State's smaller communities. In 1994, I held a safe drinking water forum in Moses Lake, WA to hear first hand from local leaders how to fix the current law. Over 100 people turned out for that hearing, and their message was clear—the current law was broken and in need of repair. Together with local government leaders I supported legislation in the 103d Congress that overwhelmingly passed the Senate. Unfortunately, that legislation did not make it to the President's desk for his signature.

This year, however, was different. This year, the Senate overwhelmingly passed S. 1316. Included in that legislation, and in the conference report that the Senate will pass today are important reforms to the law that this Senator believes will ultimately facilitate greater compliance with the law—without the bureaucracy and redtape. The conference report addresses some of the most critical concerns raised by local governments in Washington State. The conference report establishes a Safe Drinking Water Act State revolving loan fund to assist communities in financing system improvements to comply with the act, similar to the Clean Water Act State revolving loan fund; throws out the mandate that EPA regulate 25 additional contaminants based upon a benefit-cost analysis; the legislation also gives States the ability to grant variances to small systems in order to facilitate greater compliance with the act.

SECTION 106 OF THE CONFERENCE REPORT

Mr. President, I would like to thank the chairman and ranking member of the Senate Environment and Public Works Committee, and their staff, for including my amendment in the conference report that recognizes that future treatment technologies will have the capacity to provide safer water than that provided by traditional filtration. Section 106 of the conference report establishes a limited alternative to filtration, if the system can utilize another form of treatment that will provide greater removal of pathogens, than that of filtration. The need for this amendment was brought to my attention by the city of Seattle. The city

has two water supply sources, the Cedar River Watershed, and the Tolt River supply. Because of turbidity problems in the Tolt supply, the city is in the process of implementing filtration technology on the Tolt. Conversely, the Cedar River supply does not have turbidity problems—it consistently tests below average for turbidity—and the city is seeking an alternative to filtration for the Cedar River supply.

Currently the Cedar is an unfiltered system, and therefore must comply with the surface water treatment rule. The rule sets forward 11 specific criteria, and calls for extensive monitoring of the system, to ensure that the system continues to provide clean water to its customers. During 1992, the Cedar violated 1 of the 11 criteria, and, consequently, was required to initiate filtration plans. Shortly thereafter the city entered into an agreement with the State and EPA region 10 to achieve compliance with the rule without filtration.

Seattle has been working closely with EPA region 10 and the Washington State health department for the past several years to find a way to treat the Cedar supply, without filtration. Filtration would cost the city roughly \$200 million, but the city believes that the process of ozonation would better meet the city's drinking water needs. The Ozonation process would only cost \$68 million. Ozonation is a process that is considerably less expensive than filtration and is believed to be the next up and coming technology for ensuring clean drinking water.

The ozonation process is proven to be more effective than filtration in getting rid of harmful pathogens in a water supply, like cryptosporidium and giardia. Filtration technology would inactivate 99.9 percent of cryptosporidium, but ozonation would inactivate 99.999 percent of the cryptosporidium. The increase of .099 is considered a greater increase in the level of human health protection.

Mr. President, I want to thank all of the people in Washington State who took the time to call or write me about the need to reform the Safe Drinking Water Act—their message came through loud and clear. By giving State and local communities the flexibility to address unique drinking water problems, the conference report completely and totally rejects the "Washington, D.C. knows best" way of thinking. When this legislation is signed into law communities across Washington State will have safe and affordable drinking water. This legislation is a victory for consumers across our State, and for the local governments that worked hard for its passage. I am proud to support the conference report to reform the Safe Drinking Water Act, and urge my colleagues to do the same.

Ms. MIKULSKI. Mr. President, I will vote in favor of the Safe Drinking Water Act conference report. Government's most important responsibility

is to protect public health and safety. Safe drinking water is the lifeblood of our society and the basic foundation of good health. This bill incorporates sound scientific principles and protects public health and safety. The Safe Drinking Water Act keeps our promise to the American people.

This bill provides flexibility to State and local governments, enabling them to better assist water utilities in complying with Federal health and safety standards. This is a win-win situation because it provides utilities with the resources to meet safety standards without putting them out of business.

This legislation not only protects the safety of our drinking water, it will create jobs in construction. Modernizing our infrastructure is one of the best investments we can make. This bill helps burst the myth that environmental protection comes at the expense of economic development. The reality is that good environmental policy is good business.

Staying on the cutting edge of environmental technology presents the American economy with a large and growing market here and around the world. While the United States is already a leader in this burgeoning market, we should seize the initiative to expand our leadership even further.

Marylanders have told me they want adequate resources devoted to making drinking water safe and clean. I believe this bill is the best way to move forward toward the safest, cleanest drinking water for Maryland and America.

Mr. MOYNIHAN. I am pleased to join with my colleagues in support of the Safe Drinking Water Act Amendments of 1996. This conference report represents a thoughtful, bipartisan effort which weds protection of public health with the flexibility necessary for cost-effective implementation. It emphasizes using more and better science in identifying contaminants, and training water system operators to meet the established guidelines. It will improve protection of vulnerable populations, including pregnant women, the sick, and the elderly. It creates a new Federal grant program to help water systems struggling to comply with Federal requirements.

The conference report contains a provision that is of particular interest to New York State. Three upstate watersheds provide New York City with its drinking water, which has been of such high quality historically that the City has had no need to filtrate its water. In recent years, however, it has become evident that a comprehensive watershed protection program is necessary to preserve the purity of the region's water. As such, New York City and State have launched a collaborative effort to safeguard the fragile upstate ecosystem, an effort which I feel will be instructive to other cities and regions of the country. The bill will provide financial support for monitoring the success of this pilot program, which will likely prove effective for other municipalities.

I also wish to praise the provisions of this conference report which will allow the Environmental Protection Agency [EPA] to consider relative costs, health benefits, and competing health risks when formulating new standards for drinking water. This is a rational approach which will help us allocate resources more effectively and efficiently.

Environmental legislation places too much emphasis on risk assessment, resulting in an ineffective use of science. This perverse situation stems from directing EPA, explicitly or implicitly, to regulate environmental pollutants to safe levels of exposure. In so doing, EPA must scientifically determine what is safe.

The problem is simple: the premise is false. Science cannot define safety. Decisions about what is safe—what is an acceptable risk—are based very much on personal or societal values—informed by science, yes, but based on values. Therefore, when legislation forces agencies to use science to determine safe levels of exposure, the effect is to set EPA and other agencies up for failure. Risk managers have no incentive to take any action other than to err on the side of safety.

This bill enables EPA to avoid imposing costly regulations resulting in little or no benefit. It prudently allows EPA to incorporate economic, scientific, and social considerations in achieving its safe drinking water goals efficiently and effectively. It arms EPA with the best tools to address existing and potential problems with the Nation's drinking water supply, in reasoned and measured steps, and it establishes new requirements for keeping the public apprised of the quality of their water.

I thank my colleagues on both sides of the aisle for their hard work and willingness to compromise on the Safe Drinking Water Act Amendments, and I strongly urge its passage.

Mr. LOTT. The Senate is about to take up and, I trust, pass the conference report on the Safe Drinking Water Act Amendments of 1996. This is a strong, but balanced, environmental bill. It was written with the advice of many public health officials across the country, including those who are responsible for providing the very water that their families and friends drink every day. Their advice helped make this a common sense bill that will solve real life problems, without creating new ones. This is legislation that will truly make drinking water safer for all Americans.

Not surprisingly, this bill has strong bipartisan support in both the House and Senate, and the support of virtually every organization representing State and local governments and water agencies responsible for providing safe and affordable drinking water. This bill, first introduced by Republican Senator DIRK KEMPTHORNE, will improve public health and reduce unnecessary costs and Federal regulation.

The legislation fundamentally changes the way drinking water is regulated. It will improve public health protection, gives States and local governments greater flexibility to target their scarce resources on priority health risks, and reduce Federal unfunded mandates.

The legislation requires that a meaningful cost-benefit analysis be done whenever EPA issues a drinking water standard. The legislation requires EPA to use peer-reviewed science to identify and regulate contaminants that pose the greatest risks to public health. This is critical if we are going to protect public health without bankrupting States and local governments that have to implement Federal standards.

The bill strengthens the partnership between States and the Federal Government. For the first time, States will have the authority to tailor Federal requirements to meet their needs.

The legislation helps small systems. Most small systems don't have the financial resources or technical expertise to meet treatment requirements that were really designed for very large systems. Under this legislation systems serving fewer than 10,000 people can get regulatory relief to use alternative treatment technologies that may be less expensive but still protect public health. Small systems also may receive special financial assistance.

The legislation encourages voluntary measures to prevent contamination of source water. The bill provides financial incentives for States, communities and stakeholders to work together in a nonregulatory context to develop programs to prevent contaminants from getting into source water. This provision is endorsed by the national agricultural community.

The legislation gives States financial assistance to get the job done. The legislation authorizes \$6 billion in grants to the States over the next 6 years to improve drinking water, and does so in the context of the Republican plan to balance the budget by the year 2002. The States use this grant money to capitalize a loan fund for local communities to construct and upgrade their drinking water systems.

The legislation reduces unnecessary unfunded mandates that increase the costs of drinking water without improving drinking water. The CBO says the Senate bill, on which this final bill was based would likely result in significant net savings over current law. For example, EPA now arbitrarily regulates 25 additional contaminants over 3 years regardless of whether they are found in water or whether they present a health risk. This mandate was expensive, didn't improve public health and diverted resources away from stopping killer waterborne diseases. In its place, this legislation gives EPA flexibility to regulate contaminants that actually occur in drinking water and pose real health risks.

The legislation includes a modified right to know or consumer confidence

provision. This provision was part of the House bill. Senate negotiators improved the House language by providing greater flexibility for small systems and adding language to make the reports more meaningful to consumers.

This bill is important for the reforms it contains. It is also important for what the bill represents. This bill is bipartisan, and it shows that issues of public health and environment needs not be partisan. There are many Senators who deserve credit for passage of this conference report. This bill was first introduced by Senator DIRK KEMPTHORNE of Idaho whose 10 months of careful and bipartisan negotiations led to the Senate approving his bill 99-0 last November. He worked tirelessly to get this bill enacted into law. Last Sunday, for example, he spent more than 6 hours negotiating with the House in writing this bill. This is Senator KEMPTHORNE's second major bill to become law this Congress, and it is a remarkable accomplishment for a Senator in just his 4th year in the Senate. Last year, Senator KEMPTHORNE led the congressional effort to pass the Unfunded Mandates Reform Act. And it is significant that the Congressional Budget Office says this Safe Drinking Water Act comply with the Unfunded Mandates Reform Act. In fact, as I have already noted, CBO says this bill will "likely result in significant net savings over current law."

I also want to commend other Senators who worked long and hard to see that this bill passed. Senator JOHN CHAFEE, the chairman of the Environmental and Public Works Committee was getting this bill through his committee, the Senate floor and through conference. I also commend the bipartisan group of Senate conferees—Senators WARNER, THOMAS, SMITH, BAUCUS, REID, and LAUTENBERG who helped develop the original bill and the final bill with the House of Representatives.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. There are 6 minutes remaining on your side.

Mr. BAUCUS. Mr. President, I yield all of our remaining time to the very distinguished Senator from Nebraska, who, I might say, Mr. President, although he is not a member of the committee, has been so deeply active in this issue to make sure that we get to the Safe Drinking Water Act that I at times thought he was a member of the committee. He is one of the main reasons why we are here today. I very much tip my hat to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, let me first pay my compliments to Senator CHAFEE, Senator BAUCUS, Senator KEMPTHORNE, and Senator REID.

This is a very difficult piece of legislation. If you had asked me a week ago

if I thought we would be able to get to conference and final passage before the August recess, I would not be very optimistic about it. In fact, I was prepared to take up the measure on radon in the VA-HUD appropriations bill for the fourth year in a row. I do not know how we managed to get it done. I am very grateful for its completion. For all of the rural communities of Nebraska—90 percent of our public water supply is in communities under 2,500 population—they all thank you. This bill probably saved our State millions of dollars over the next 10 years.

All the consumers of drinking water will have safer drinking water as a consequence of this change, and we are very grateful to Senator CHAFEE, Senator BAUCUS, Senator KEMPTHORNE, and Senator REID.

This is a very important piece of legislation. It is likely to have, I think, a unanimous vote here in the Senate at an age when people wonder whether or not Republicans and Democrats can work together. It is a significant improvement in our law. I am very grateful that we are enacting it.

Chairman CHAFEE and Senator BAUCUS deserve our thanks and appreciation for their leadership on this issue. I also want to thank Senator KEMPTHORNE for his personal commitment to resolving the tough issues involved in providing the public with safe drinking water and for his determination and willingness to take the time necessary to work out a compromise, and Senator REID who, like me, comes from a rural State that has a lot to gain by the passage of this conference report. I know they have put their best into this legislation and I appreciate their efforts.

One of the aspects of this bill that I have supported since the beginning of the debate 3 years ago, is that it gives States and communities more flexibility to meet safe drinking water standards. For example, the bill establishes a State revolving fund [SRF] to help finance drinking water systems. It authorizes the fund at \$1 billion per year through 2003. The flexibility built into the bill allows States to transfer up to one third of the funds between the newly established safe drinking water SRF and the already existing Clean Water Act Revolving Fund. Furthermore, the bill allows for 30 percent of the State's revolving fund to be used as grants for disadvantaged communities. States deserve a chance to put their resources where they are most needed.

Nowhere is this more clear than in dealing with the public health threat of radon. For the last 3 years, through the appropriations process, I have kept EPA from publishing a drinking water standard for radon. The reason I did this is because regulating radon in water does not make sense when the known health threat for radon is through inhalation, not ingestion. Ninety-five percent of the risk is from radon in soil, not water. This bill al-

lows States to use a multimedia approach, that focuses on getting rid of radon in homes and schools that enters these facilities through the soil, instead of putting their limited resources into getting radon out of water.

I have long believed that the way to solve this issue is through a multimedia approach. Under this bill, EPA will use a risk assessment completed by the National Academy of Science to promulgate a radon regulation. Once the maximum contaminant level [MCL] is established, if it reduces radon in water to a lower level than that in the air outside, EPA will promulgate an alternative maximum contaminant level which is equal to the amount of radon in air outside or approximately 3,000 picocuries per liter. States will be able to use that alternative MCL if they have a multimedia program which is approved by EPA.

It is a win-win solution, allowing taxpayers to get the most public health protection for their money and ensuring the water is safe.

This is a good approach and I'm glad that I can now stop going to the Appropriations Committee to ask for their assistance on the radon issue.

One of the largest costs of compliance with the Safe Drinking Water Act is monitoring.

States have to monitor contaminants in drinking water whether they exist in their water systems or not.

All Nebraska communities have asked that the current system be revised to let them test for contaminants that exist in Nebraska. Current law allows for a waiver process. However, the process is expensive and time consuming, and the benefits accrue to the local systems while the costs are incurred by the States. I fought hard to see that these provisions be changed.

This bill calls on EPA to revise current monitoring rules and it gives States the authority to give monitoring relief to small systems for a 3-year period if the systems don't have the contaminant. Additionally, States can adopt alternative monitoring requirements if they have a source water assessment program.

Aside from radon and monitoring, standard setting posed a major problem. As we all know, in the 1986 amendments we decided to regulate 25 new contaminants every 3 years whether they were needed or not. This strict method of establishing standards caused some contaminants to be regulated without a sound scientific basis.

I pushed for a change in that process. I believe that EPA needs to spend more time working with other public health agencies prior to considering a regulation. That is why, through the new contaminant selection process, EPA must consult with the Department of Health and Human Services, more specifically the Centers for Disease Control to determine which contaminants should be researched to see if they should be regulated.

Once contaminants are thoroughly researched—and this bill provides money

to do just that—EPA must conduct a benefit-cost analysis prior to the promulgation of a regulation. That's the way decisions ought to be made. I've fought hard to see this provision implemented and I am confident that it will allow EPA to make the best choices for the protection of public health. Decisions that will allow a State or community's resources to be directed toward the greatest public health threat.

I fully support this bill. I have worked hard to ensure that it provides the best public health protection possible, flexibility for States, and affordability for small systems. I applaud the work of the committee and I thank them for their willingness to allow me into the debate and negotiations.

I want to stop here so this bill can be passed and sent on to the President for signature.

I close again by applauding the heroic efforts of the chairman, the distinguished Senator CHAFEE from Rhode Island, Senator BAUCUS from Montana, Senator KEMPTHORNE from Idaho, and Senator REID from Nevada. I would also like to thank their staff, in particular Jimmie Powell, Steve Shimberg, Jo-Ellen Darcy, Mike Evans, Tom Sliter, Ann Klee and Greg Daines. It simply would not have been possible without their belief that water systems in our Nation need to be safe and that we need to change the way we regulate in order to accomplish that objective.

I am very, very grateful. But, more importantly, the people of Nebraska are very grateful for your hard work, your diligence, and eventually your success.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Nebraska, Senator KERREY, for the very generous remarks he made. He was hip deep in this when we started some 4 years ago, and although he is not on the Environment Committee, he has followed it extremely closely and has been extremely helpful and constructive to us. So I thank him personally.

In conclusion, I thank the staff: Ann Klee and Buzz Fawcett with Senator KEMPTHORNE; Jo-Ellen Darcy, Mike Evans, and Tom Sliter with Senator BAUCUS; Ann Loomis with Senator WARNER; Mike Smith with Senator THOMAS; Scott Slesinger with Senator LAUTENBERG; Gregg Daines with Senator REID; Chris Russell with Senator SMITH; Diane Hill with Senator KERREY, and, of course, from the majority staff of the Environment and Public Works Committee, Steve Shimberg, Jimmie Powell, who was the lead on this, who was absolutely phenomenal, and Stephanie Daigle. All of them deserve a lot of praise and thanks.

The PRESIDING OFFICER. All time has expired.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The chair recognizes the Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for 30 seconds.

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

Mr. BAUCUS. Mr. President, I know the distinguished chairman of the committee will join with me in also thanking Administrator Browner; Bob Perciasepe, Assistant Administrator; and Cynthia Dougherty, and a former administration official who worked very hard on this legislation, Jim Elden.

This administration has shown leadership on this issue by making it an environmental priority back in 1993. Today, we have made that priority a reality. We have a divided Government, as we all know. It takes cooperation to get things done. They were an integral part of the solution. We are all very thankful.

Mr. CHAFEE. Mr. President, I certainly join in those thanks.

Now we are ready to go to a vote.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Before we begin the vote, I believe we are prepared to get a consent agreement on the next two bills, and I would like to get that done. I would like to make sure that the minority leader is here and has a chance to read it over.

Why not outline what we have here and when he comes, we will actually put it in the form of unanimous consent.

This unanimous consent agreement would be that immediately following the disposition of the safe drinking water conference report vote, the Chair lay before the Senate the health insurance reform conference report, and it be considered as having been read and it be in order for Senator WELLSTONE to make a point of order that the conference exceeded the scope with respect to section 281 of title II, subtitle H, and following the ruling of the Chair, Senator WELLSTONE be recognized to appeal the ruling of the Chair; that the appeal be limited to 10 minutes to be equally divided in the usual form; following the vote on the appeal, if overturned, the point of order be null and void, and that the Senate immediately agree to the Senate Concurrent Resolution now at the desk correcting enrollment of the conference report.

So that would be the first part of how we would deal with the health insurance reform package. And then we would ask that after adopting the correcting resolution, there be 2 hours for debate on the conference report to be equally divided between Senators KASSEBAUM and KENNEDY, with 30 minutes of the Kassebaum time under the control of Senator DOMENICI, and following the conclusion or yielding back of time, the conference report be laid aside; it would be made the pending business at the direction of the majority leader after notification of the Democratic leader, and that the Senate

then proceed to an immediate vote on the adoption of the conference report without further action or debate.

So there would be two parts to that consent with regard to the health insurance reform package, first the one with regard to the point of order on section 281, and then we would have 2 hours of debate on the conference report itself, with 30 minutes specifically earmarked for Senator DOMENICI.

Then we would further ask consent, after that is agreed to, that the conference report to accompany the Small Business Tax Relief Act, H.R. 3448, be limited to—we will have to get the exact time, I think 60 minutes there—for debate, to be equally divided between Senators ROTH and MOYNIHAN, and the conference report be considered as having been read, and following the conclusion or yielding back of time, the Senate proceed to vote on adoption of the conference report without any further action or debate.

Does the Senator, the distinguished Democratic leader, have a comment or question about this?

Mr. DASCHLE. Mr. President, as I understand it, our staffs are just now combing through the language, and I think within a few moments we will be prepared to enter into the agreement. I did not hear all of the explanation from the distinguished majority leader.

Mr. LOTT. When the Senator is ready, I think I will read it. I will just read it again so everybody can hear it, but I wondered if the Senator had any questions he wanted to raise.

I might note if I could, if we could get that agreed to, we would have this vote and then we would have a total under that of 3 more hours of debate on the two bills, plus the time that would be taken, which should not be very much, on the section 281 correction, and then we would couple that with votes. That would all be completed by around 8 or 8:30. And then whatever wrap-up we would have at that point, if we could get an agreement on the defense authorization bill, any other unanimous-consent requests, of course, we would do those then. But I just want the Members to know it would involve a vote now, another vote in 2 hours, and then another vote 1½ hours or so after that.

Mr. President, I will yield for a question of the Senator from Rhode Island.

Mr. CHAFEE. I do not think the majority leader would find a rebellion if that 2 hours of debate were reduced.

Mr. LOTT. I would be more than willing to see it reduced.

Mr. CHAFEE. We completed a whole conference report here in 1 hour equally divided.

Mr. LOTT. There are some Senators who would like to be heard on this health insurance issue, including, I know, Senator DOMENICI and Senator KENNEDY and Senator WELLSTONE and others. They can always yield back time. I know it is not something we like to do in the Senate very much. If anybody would like to yield back time,

I do not think Senator DASCHLE would object and I know I would not object, and we could finish earlier.

Mr. DASCHLE. If the majority leader will yield—

Mr. LOTT. Yes, I yield to the Democratic leader.

Mr. DASCHLE. To one other possibility, one other possibility would be to have the votes and people who care to talk about these things talk after the votes.

Mr. LOTT. I would like to deem all the votes having occurred now and have the rest of the night for debate.

Mr. DASCHLE. We ought to be able to work something out maybe during the course of this vote.

Mr. LOTT. All right.

Mr. DASCHLE. Perhaps we could get a unanimous-consent agreement right after that vote.

Mr. LOTT. Why not do that.

Mr. CHAFEE. Mr. President, I note the distinguished Senator from Massachusetts is here. I spoke with him earlier in the day, and he seemed to have a case of laryngitis, I thought, and perhaps he will not have the steam for 2 hours or an hour. I say that hopefully.

Mr. LOTT. Mr. President, I think I still have the time.

The PRESIDING OFFICER. The majority leader still has the floor.

Mr. LOTT. Mr. President, since the Senator is having laryngitis, I will not insist that he respond at this time. Let us have the vote. We will work on the final time agreement during the vote, and hopefully we can shorten that time and we can get our work done. So I yield the floor.

Have the yeas and nays been ordered?

Mr. CHAFEE. No, they have not been ordered.

The PRESIDING OFFICER (Mr. COATS). The yeas and nays have been ordered.

The question is on agreeing to the conference report. The clerk will call the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] and the Senator from Washington [Mrs. MURRAY] are necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—98

Abraham	Cochran	Gorton
Akaka	Cohen	Graham
Ashcroft	Conrad	Gramm
Baucus	Coverdell	Grams
Bennett	Craig	Grassley
Biden	D'Amato	Gregg
Bingaman	Daschle	Harkin
Bond	DeWine	Hatch
Boxer	Dodd	Hatfield
Bradley	Domenici	Heflin
Breaux	Dorgan	Helms
Brown	Exon	Hollings
Bryan	Faircloth	Hutchison
Bumpers	Feingold	Inhofe
Burns	Feinstein	Inouye
Byrd	Ford	Jeffords
Campbell	Frahm	Johnston
Chafee	Frist	Kassebaum
Coats	Glenn	Kempthorne

Kennedy	Mikulski	Shelby
Kerrey	Moseley-Braun	Simon
Kerry	Moynihan	Simpson
Kohl	Murkowski	Smith
Kyl	Nickles	Snowe
Lautenberg	Nunn	Specter
Leahy	Pell	Stevens
Levin	Pressler	Thomas
Lieberman	Reid	Thompson
Lott	Robb	Thurmond
Lugar	Rockefeller	Warner
Mack	Roth	Wellstone
McCain	Santorum	Wyden
McConnell	Sarbanes	

NOT VOTING—2

Murray Pryor

The conference report was agreed to. Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

Mr. LOTT. 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. LOTT. 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. LOTT. Mr. President, I believe Members will be very interested in this unanimous consent request. This will give them the idea of what will be happening over the next hour and a half, and some feel, maybe, of what might be in store for the balance of the night. We still have some things we are trying to work through. But this is a very important agreement. I am pleased we have it worked out. I think it is fair to all concerned.

UNANIMOUS-CONSENT AGREEMENTS

Mr. LOTT. Mr. President, I ask unanimous consent that immediately following the disposition of the safe drinking water conference report—which we have just done—the Chair lay before the Senate the health insurance reform conference report, and it be considered as having been read, and it be in order for Senator WELLSTONE to make a point of order that the conference exceeded the scope with respect to section 281 of title II, subtitle H, and following the ruling of the Chair, Senator WELLSTONE be recognized to appeal the ruling of the Chair, and that appeal be limited to 10 minutes to be equally divided in the usual form, and following the vote on the appeal, if overturned, the point of order be null and void, and the Senate immediately deem agreed to a Senate Concurrent Resolution now at the desk correcting the enrollment of the conference report.

To put that in everyday language, there will be a point of order made, and the Chair will rule after 10 minutes of debate equally divided. Then action would be taken, and then that would go

as a Senate Concurrent Resolution over to the House for disposition. We believe we have everything agreed to, both here and over there. And this is the way to deal with this issue as it now stands.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. Mr. President, I further ask unanimous consent that following the adoption of the correcting resolution, there be 85 minutes—85 minutes—for debate under the control of Senator KENNEDY, 70 minutes under the control of Senator KASSEBAUM, with 30 minutes of the Kassebaum time under the control of Senator DOMENICI, and following the conclusion or yielding back of time, the conference report be laid aside to be made the pending business at the direction of the majority leader, after notification of the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, and I shall not. Fellow Senators, I have been heard to say I would do anything I could to kill this bill because of what happened with reference to the mentally ill. But I have conferred with our distinguished leader. And, frankly, I am very proud of what he is doing around here. He is making the Senate work, and we are getting some things done. And to be honest, the only thing I could do is make you all stay around here tonight and tomorrow, if a couple of us could stand on our feet all night. And I do not choose to do that because I think, in the end, this bill is so good for the American people, and that will be expressed by the votes of this body.

But I would like those who have resisted a very modest amendment which we agreed to, which was a compromise, to know—and I told our leader this—that this issue is not going away. In fact, I will introduce a freestanding bill today with many cosponsors. And it will just be on the very simple proposition that we attempted to resolve this on, not the full amendment that came about here on the floor.

I would like everyone to know, including our distinguished leader, during the month of September there will be opportunities to vote again. And I do not intend to let this issue go by. So all of you can be looking at it because you are going to be voting again, except the next vote is a very simple one, just so, so small in dimension that hardly anybody can really object on the grounds of costs. So everybody should know that. And with that, I agree to the unanimous consent request.

I understand, I say to Senator KASSEBAUM, of your 70 minutes, in the event you have a few of them left over, you would yield those to me, also in the event those on my side need more than the 30 minutes. Is that correct?

Mrs. KASSEBAUM. Yes.

Mr. DOMENICI. Thank you for what you are doing.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. LOTT. Mr. President, I want to thank the distinguished Senator from New Mexico, the chairman of the Budget Committee, for his comments. And Senator DASCHLE, both he and Senator WELLSTONE, I thank for their cooperation. We know how strongly you feel about it. The Senator has been very fair. We appreciate it very much.

I further ask unanimous consent that the time on the conference report to accompany the small business tax relief bill, H.R. 3448, be limited to 60 minutes under the control of Senator MOYNIHAN, 30 minutes under the control of Senator KENNEDY, and 60 minutes under the control of Senator ROTH, and the conference report be considered as having been read, and following the conclusion or yielding back of the time, the Senate proceed to vote on adoption of the conference report without further action or debate.

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

Mr. LOTT. I further ask unanimous consent that at 6 o'clock this evening, if the House has adopted the correcting resolution with respect to the House insurance reform conference report, and consent can be granted to postpone the above-listed debate time, then the Senate proceed to two back-to-back votes, the first on the adoption of the health care conference report, to be followed by a vote on adoption of the small business tax relief conference report, and any remaining debate time not previously consumed be in order following the vote with respect to the small business tax conference report.

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

Mr. LOTT. I further ask if the Senate receives an identical concurrent resolution correcting the enrollment, it be deemed agreed to and the motion to reconsider be laid upon the table, all without further action or debate.

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

Mr. LOTT. Would the distinguished Democratic leader have any comment at this time?

Mr. DASCHLE. I thank the distinguished majority leader. This unanimous consent agreement is designed to try to accommodate all Senators. There are a number of Senators, as the distinguished Senator from New Mexico has indicated, who wish to be heard on both of these conference reports, but there are a lot of other Senators who would like to be able to plan their travel for early this evening.

What this could do is provide us the opportunity, if we can do it, to have two stacked votes at 6 o'clock, one on the conference report on the minimum wage-small business package, the other on the health bill.

I hope we can get cooperation on both sides to accommodate those two votes no later than 6 o'clock. I believe we can, and I applaud the majority