

2. REGULATORY ISSUES

Annuities are currently subject to state regulations enforced by state insurance officials. It is unclear if state insurance regulatory requirements will apply to the Retirement CD. Both customers and the bank should know this. If state regulations do not apply, it should be determined whether banks and bank regulators currently have the ability or resources to safeguard these accounts, and what policies and procedures are necessary to train bank personnel about annuities and about appropriate sales practices.

3. SAFETY AND SOUNDNESS ISSUES

Blackfeet and other banks that may offer the Retirement CD clearly will be acting as an underwriter of what is essentially an annuity. Although clever lawyering has gained this annuity product designation as a "deposit", it poses much greater risk to the bank than a traditional deposit. National banks will be assuming an unprecedented and inappropriate risk as a result of having to make a fixed payout for the life of a customer. Ultimately, these payments could exceed the consumer's balance on deposit at maturity. While the OCC suggests that Blackfeet's business plan should indicate how it will manage the risk associated with the annuity payment, the OCC requires no specific showing that the bank has the capability to quantify or manage this long-term liability of unknown proportions.

This "deposit" is structured so that at the date of maturity, the bank must determine the fixed lifetime payout for the customer using a complex and not entirely-discernible process to achieve a proper rate of return. The Congress has opted not to authorize banks to assume the type of risk Blackfeet would assume in offering the Retirement CD. The OCC and the FDIC seem willing to disregard this consistent record of Congressional reluctance to allow federally-insured depository institutions to engage in such high-risk activities. The OCC and FDIC also seem too willing to take it on faith that a small national bank (armed with a software program) will have the business acumen and operational know-how to handle the risk of underwriting this annuity product.

4. COMPETITIVE EQUALITY ISSUES

The proliferation of the Retirement CD will produce an unfair competitive advantage for banks. It is reasonable to expect that consumers will be drawn to a tax-deferred annuity that also offers federal deposit insurance. By allowing national banks to underwrite, market and sell a tax-deferred annuity that is FDIC-insured, the FDIC is granting a substantial competitive advantage over similar annuity products that do not come with a government guarantee.

In expanding future opportunities for all financial service providers and consumers, the Federal government's goal should be to encourage competition on a free and fair basis. Balance sheet strength, customer service and other market-determined characteristics, not market-distorting government guarantees, should determine success. Given the recent savings and loan crisis, and the regulators' concerns over the abuse of deposit insurance, it would seem ill-advised to extend the reach of the federal safety net to a product that raises so many regulatory, competitive and consumer protection concerns.

The OCC and the FDIC have made it very clear that when given the opportunity, they will usually take the most expansive and creative view of bank powers under current law. We strongly support the view that, to the maximum extent possible, an explicit statutory mandate must exist before the regulators authorize expanded powers for banks,

or any other financial intermediaries. For this reason, we continue to support comprehensive modernization of our entire financial system. Until this can be accomplished by Congress, we urge the OCC and FDIC to balance the proclivity to expand bank powers through regulatory channels against the legitimate public policy concerns of consumer protection, safety and soundness, and competitive equality. Products that raise serious public policy concerns deserve great scrutiny, regardless of how cleverly they are packaged or how attractive they may be to the banking industry. The Retirement CD is clearly one such product.

We do not share your view that this product, as it is currently structured, is an appropriate product for national banks to offer to retail customers. Therefore, we are developing, and will soon introduce, legislation to prohibit the sale of this investment product. Pending consideration of this legislation by Congress, we urge the OCC and the FDIC to reconsider their respective positions on the Retirement CD.

Sincerely,

CHRISTOPHER J. DODD,
RICHARD H. BRYAN,
ALFONSE M. D'AMATO,
LAUCH FAIRCLOTH.●

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. REID, the names of the Senator from Oklahoma [Mr. INHOFE] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 44, a bill to amend title 4 of the United States Code to limit State taxation of certain pension income.

S. 388

At the request of Ms. SNOWE, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 388, a bill to amend title 23, United States Code, to eliminate the penalties for noncompliance by States with a program requiring the use of motorcycle helmets, and for other purposes.

S. 534

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 534, a bill to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes.

S. 585

At the request of Mr. SHELBY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 585, a bill to protect the rights of small entities subject to investigative or enforcement action by agencies, and for other purposes.

AMENDMENTS SUBMITTED

THE INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT OF 1995

D'AMATO AMENDMENTS NOS. 878-

913

(Ordered to lie on the table.)

Mr. D'AMATO submitted 36 amendments intended to be proposed by him to the bill (S. 534) to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes; as follows:

AMENDMENT NO. 878

On page 34, delete line 18 through page 35, line 2, delete all and replace with the following:

- (i) 3,600,000 tons of municipal solid waste in calendar year 1996;
- (ii) 3,100,000 tons of municipal solid waste in each of calendar years 1997 and 1998;
- (iii) 2,600,000 tons of municipal solid waste in each of calendar years 1999 and 2000;
- (iv) 2,100,000 tons of municipal solid waste in each of calendar years 2001 and 2002; and
- (v) 1,850,000 tons of municipal solid waste in calendar year 2003 and each year thereafter.

(B)(i) No State may export to landfills or incinerators in any 1 State that are not covered by host community agreements more than the following amounts of municipal solid waste:

- (I) In calendar year 1996, the greater of 1,400,001 tons or 90 percent of the amount exported to the State in calendar year 1993.
- (II) In calendar year 1997, the greater of 1,300,000 tons or 90 percent of the amount exported to the State in calendar year 1996.
- (III) In calendar year 1998, the greater of 1,200,000 tons or 90 percent of the amount exported to the State in calendar year 1997.
- (IV) In calendar year 1999, the greater of 1,110,000 tons or 90 percent of the amount exported to the State in calendar year 1998.
- (V) In calendar year 2000, 1,000,000 tons.
- (VI) In calendar year 2001, 800,000 tons.
- (VII) In calendar year 2002 or any calendar year thereafter, 600,000 tons.

On page 38, delete from line 22 to page 39, line 6, and replace with the following:

- (i) 3,600,000 tons in 1996;
- (ii) 3,100,000 tons in 1997;
- (iii) 3,100,000 tons in 1998;
- (iv) 2,600,000 tons in 1999;
- (v) 2,600,000 tons in 2000;
- (vi) 2,100,000 tons in 2001;
- (vii) 2,100,000 tons in 2002;
- (viii) 1,850,000 tons in 2003; and
- (ix) 1,850,000 tons in each calendar year after 2003.

AMENDMENT NO. 879

On page 34, delete line 18 through page 35, line 2, delete all and replace with the following:

- (i) 3,600,000 tons of municipal solid waste in calendar year 1996;
- (ii) 3,100,000 tons of municipal solid waste in each of calendar years 1997 and 1998;
- (iii) 2,600,000 tons of municipal solid waste in each of calendar years 1999 and 2000;
- (iv) 2,100,000 tons of municipal solid waste in each of calendar years 2001 and 2002; and
- (v) 1,850,000 tons of municipal solid waste in calendar year 2003 and each year thereafter.

(B)(i) No State may export to landfills or incinerators in any 1 State that are not covered by host community agreements more than the following amounts of municipal solid waste:

- (I) In calendar year 1996, the greater of 1,400,002 tons or 90 percent of the amount exported to the State in calendar year 1993.
- (II) In calendar year 1997, the greater of 1,300,000 tons or 90 percent of the amount exported to the State in calendar year 1996.
- (III) In calendar year 1998, the greater of 1,200,000 tons or 90 percent of the amount exported to the State in calendar year 1997.

(v) 2,280,000 tons in 2000;
 (vi) 2,080,000 tons in 2001;
 (vii) 2,080,000 tons in 2002;
 (viii) 1,880,000 tons in 2003; and
 (ix) 1,880,000 tons in each calendar year after 2003.

AMENDMENT NO. 1067

On page 34, delete line 18 through page 35, line 2, delete all and replace with the following:

(i) 3,585,000 tons of municipal solid waste in calendar year 1996;
 (ii) 3,085,000 tons of municipal solid waste in each of calendar years 1997 and 1998;
 (iii) 2,585,000 tons of municipal solid waste in each of calendar years 1999 and 2000;
 (iv) 2,085,000 tons of municipal solid waste in each of calendar years 2001 and 2002; and
 (v) 1,835,000 tons of municipal solid waste in calendar year 2003 and each year thereafter.

(B)(i) No State may export to landfills or incinerators in any 1 State that are not covered by host community agreements more than the following amounts of municipal solid waste:

(I) In calendar year 1996, the greater of 1,485,000 tons or 90 percent of the amount exported to the State in calendar year 1993.

(II) In calendar year 1997, the greater of 1,385,000 tons or 90 percent of the amount exported to the State in calendar year 1996.

(III) In calendar year 1998, the greater of 1,285,000 tons or 90 percent of the amount exported to the State in calendar year 1997.

(IV) In calendar year 1999, the greater of 1,185,000 tons or 90 percent of the amount exported to the State in calendar year 1998.

(V) In calendar year 2000, 1,085,000 tons.

(VI) In calendar year 2001, 885,000 tons.

(VII) In calendar year 2002 or any calendar year thereafter, 685,000 tons.

On page 38, delete from line 22 to page 39, line 6, and replace with the following:

(i) 3,585,000 tons in 1996;
 (ii) 3,085,000 tons in 1997;
 (iii) 3,085,000 tons in 1998;
 (iv) 2,285,000 tons in 1999;
 (v) 2,285,000 tons in 2000;
 (vi) 2,085,000 tons in 2001;
 (vii) 2,085,000 tons in 2002;
 (viii) 1,885,000 tons in 2003; and
 (ix) 1,885,000 tons in each calendar year after 2003.

AMENDMENT NO. 1068

On page 34, delete line 18 through page 35, line 2, delete all and replace with the following:

(i) 3,590,000 tons of municipal solid waste in calendar year 1996;
 (ii) 3,090,000 tons of municipal solid waste in each of calendar years 1997 and 1998;
 (iii) 2,590,000 tons of municipal solid waste in each of calendar years 1999 and 2000;
 (iv) 2,090,000 tons of municipal solid waste in each of calendar years 2001 and 2002; and
 (v) 1,840,000 tons of municipal solid waste in calendar year 2003 and each year thereafter.

(B)(i) No State may export to landfills or incinerators in any 1 State that are not covered by host community agreements more than the following amounts of municipal solid waste:

(I) In calendar year 1996, the greater of 1,490,000 tons or 90 percent of the amount exported to the State in calendar year 1993.

(II) In calendar year 1997, the greater of 1,390,000 tons or 90 percent of the amount exported to the State in calendar year 1996.

(III) In calendar year 1998, the greater of 1,290,000 tons or 90 percent of the amount exported to the State in calendar year 1997.

(IV) In calendar year 1999, the greater of 1,190,000 tons or 90 percent of the amount exported to the State in calendar year 1998.

(V) In calendar year 2000, 1,090,000 tons.

(VI) In calendar year 2001, 890,000 tons.

(VII) In calendar year 2002 or any calendar year thereafter, 690,000 tons.

On page 38, delete from line 22 to page 39, line 6, and replace with the following:

(i) 3,590,000 tons in 1996;
 (ii) 3,090,000 tons in 1997;
 (iii) 3,090,000 tons in 1998;
 (iv) 2,290,000 tons in 1999;
 (v) 2,290,000 tons in 2000;
 (vi) 2,090,000 tons in 2001;
 (vii) 2,090,000 tons in 2002;
 (viii) 1,890,000 tons in 2003; and
 (ix) 1,890,000 tons in each calendar year after 2003.

AMENDMENT NO. 1069

On page 34, delete line 18 through page 35, line 2, delete all and replace with the following:

(i) 3,595,000 tons of municipal solid waste in calendar year 1996;
 (ii) 3,095,000 tons of municipal solid waste in each of calendar years 1997 and 1998;
 (iii) 2,595,000 tons of municipal solid waste in each of calendar years 1999 and 2000;
 (iv) 2,095,000 tons of municipal solid waste in each of calendar years 2001 and 2002; and
 (v) 1,845,000 tons of municipal solid waste in calendar year 2003 and each year thereafter.

(B)(i) No State may export to landfills or incinerators in any 1 State that are not covered by host community agreements more than the following amounts of municipal solid waste:

(I) In calendar year 1996, the greater of 1,495,000 tons or 90 percent of the amount exported to the State in calendar year 1993.

(II) In calendar year 1997, the greater of 1,395,000 tons or 90 percent of the amount exported to the State in calendar year 1996.

(III) In calendar year 1998, the greater of 1,295,000 tons or 90 percent of the amount exported to the State in calendar year 1997.

(IV) In calendar year 1999, the greater of 1,195,000 tons or 90 percent of the amount exported to the State in calendar year 1998.

(V) In calendar year 2000, 1,095,000 tons.

(VI) In calendar year 2001, 895,000 tons.

(VII) In calendar year 2002 or any calendar year thereafter, 695,000 tons.

On page 38, delete from line 22 to page 39, line 6, and replace with the following:

(i) 3,595,000 tons in 1996;
 (ii) 3,095,000 tons in 1997;
 (iii) 3,095,000 tons in 1998;
 (iv) 2,295,000 tons in 1999;
 (v) 2,295,000 tons in 2000;
 (vi) 2,095,000 tons in 2001;
 (vii) 2,095,000 tons in 2002;
 (viii) 1,895,000 tons in 2003; and
 (ix) 1,895,000 tons in each calendar year after 2003.

LEVIN (AND ABRAHAM)
AMENDMENT NO. 1070

Mr. CHAFEE (for Mr. LEVIN for himself and Mr. ABRAHAM) proposed an amendment to the bill S. 534, supra; as follows:

On page 49, strike lines 1 through 8 and insert:

“(3) The term ‘out-of-state municipal solid waste’ means, with respect to any State, municipal solid waste generated outside of the State. Unless the President determines it is inconsistent with the North American Free Trade Agreement and the General Agreement on Tariffs and Trade, the term shall include municipal solid waste generated outside of the United States. Notwithstanding any other provision of law, generators of municipal solid waste outside the United States

shall possess no greater right of access to disposal facilities in a State than United States generators of municipal solid waste outside of that State.

Mr. LEVIN. Mr. President, I am pleased that the managers of the bill will be able to accept my amendment clarifying what constitutes out-of-State municipal solid waste, cosponsored by Senator ABRAHAM.

S. 534, as reported by the committee, in title I, section (f)(3) on page 49, defines out-of-State municipal solid waste as municipal solid waste [MSW] generated outside of the State. That is pretty clear and unambiguous. There should not be court battles over that definition. If MSW generated in Ohio comes to Michigan for disposal it should be treated as out-of-State MSW, and vice versa. If MSW generated in Canada or any other country comes to Michigan for disposal, it should be treated as out-of-State MSW. That seems pretty clear, too.

But, unfortunately, the bill goes further and muddies the clarity of the definition. The next sentence suggests that waste generated outside the country should somehow be treated differently, in a special category. It suggests that out-of-country waste is only included in the definition of out-of-State municipal solid waste if the President makes a determination that including it will be consistent with NAFTA and GATT. So, if this bill became law, it would seem to require an affirmative determination of consistency by the President before Michigan, and other States receiving out-of-country waste, could actually control this MSW generated outside of their States.

This amendment reverses the presumption in the bill. The bill will now presume that the term “out-of-State municipal solid waste” includes out-of-country waste, unless the President makes a determination that such a definition is inconsistent with our trade agreements and treaty obligations. And, the amendment ensures that out-of-country generators of municipal solid waste will not be treated any better than U.S. generators of such waste when it comes to access to disposal in a State.

Mr. President, waste is waste. If our States and local governments are to adequately manage MSW, all waste must be treated equally. Waste originating in a foreign country is a problem in my home State of Michigan.

The last thing that we should do is give foreign waste any kind of preference. My amendment prevents that from happening.

WARNER AMENDMENT NO. 1071

Mr. CHAFEE (for Mr. WARNER) proposed an amendment to the bill S. 534, supra; as follows:

On page 65, line 6 insert “or related landfill reclamation” after “services.”

BREAUX AMENDMENTS NOS. 1072-1073

Mr. CHAFEE (for Mr. BREAUX) proposed two amendments to the bill S. 534, supra; as follows:

AMENDMENT NO. 1072

At the appropriate place, insert the following:

SEC. . STUDY OF INTERSTATE HAZARDOUS WASTE TRANSPORT.

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

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

(1) the quality of hazardous waste that is being transported across State lines; and

(2) the ultimate disposition of the transported waste.

AMENDMENT NO. 1073

At the appropriate place, insert the following:

SEC. . STUDY OF INTERSTATE SLUDGE TRANSPORT.

(a) DEFINITIONS.—In this section:

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

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

(B) includes—

(i) domestic septage;

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

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

(C) does not include—

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

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

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

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

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

(2) the ultimate disposition of the transported sludge.

MCCONNELL AMENDMENT NO. 1074

Mr. CHAFEE (for Mr. MCCONNELL) proposed an amendment to the bill S. 534, supra; as follows:

At the end of the amendment add the following:

TITLE —STATE OR REGIONAL SOLID WASTE PLANS

SEC. 01. FINDING.

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

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

(2) by adding at the end the following:

"(5) that the Nation's improved standard of living has resulted in an increase in the amount of solid waste generated per capita,

and the Nation has not given adequate consideration to solid waste reduction strategies."

SEC. 02. OBJECTIVE OF SOLID WASTE DISPOSAL ACT.

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

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

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

(3) by adding at the end the following:

"(12) promoting local and regional planning for—

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

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

SEC. 03. NATIONAL POLICY.

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

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

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

SEC. 05. DISCRETIONARY STATE PLAN PROVISIONS.

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

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

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

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

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

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

CHAFEE (AND BAUCUS)
AMENDMENT NO. 1075

Mr. CHAFEE (for himself and Mr. BAUCUS) proposed an amendment to the bill S. 534, supra; as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

On page 52, strike line 6, insert the following: "sources outside the state."

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

D'AMATO AMENDMENT NO. 1076

Mr. CHAFEE (for Mr. D'AMATO) proposed an amendment to the bill, S. 534, supra; as follows:

Page 64, line 3, insert the following as letter (f) and reletter subsequent paragraphs accordingly:

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

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

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

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

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

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

COATS AMENDMENT NO. 1077

Mr. COATS proposed an amendment to the bill, S. 534, supra; as follows:

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

“SEC. 102. NEEDS DETERMINATION.

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

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

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

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

ADDITIONAL STATEMENTS

CONSUMER PRODUCTS SAFETY COMMISSION CUTBACKS A THREAT

• Mr. BREAUX. Mr. President, on behalf of my colleague, Senator JOHNSTON and myself, I ask that an article printed in the New Orleans Times-Picayune be printed in the CONGRESSIONAL RECORD.

We found the discussion of the U.S. Consumer Product Safety Commission very interesting and wanted to share these informative comments with our colleagues.

The article follows:

CUTBACKS TO CPSC THREATEN US ALL

Today in Washington, D.C., the U.S. Consumer Product Safety Commission is conducting a conference titled “Safety Sells.” The one-day event features business executives who will “highlight product safety as an emerging business trend.”

In a press release describing the event, the commission said executives from Toys R Us, Hasbro Inc., Proctor & Gamble Co. and Volvo “will discuss how they have improved their competitive positions by selling safety.”

In the case of Volvo, that’s certainly true. Its promotions appeal to the growing number of car buyers, who intelligently shop for safer cars, armed with Consumer Reports or the “Car Book,” by Jack Gillis.

But toys? There are no books or magazines that list the safe ones and the dangerous ones to avoid. And the steady infusion of imported toys, made in countries that do not have safety standards as rigid as ours, routinely pass undetected through customs, filling the marketplace with unsafe products for children.

We’re talking about toys with excessive amounts of lead or small parts that can choke children, bunk beds that fall apart, etc. Their existence is why a significant portion of this column is routinely given to warning readers about recalls.

Imported toys can be bought cheaply and sold at huge profits. And even if there’s a recall, the companies know that most buyers will never find out about it and, therefore, their profits will remain high.

One of our best defenses against unsafe products is the U.S. Consumer Product Safety Commission, the only federal agency that identifies and acts on a wide range of product safety hazards, from toys to bikes to household products.

Unfortunately, the current trend for “less government interference” could seriously

undermine the commission’s much-needed work if it results in additional cutbacks to this important consumer watchdog. If that were to happen, the only beneficiary would be the corporations that profit from unsafe products.

During the Reagan administration, the commission’s budget and staff were cut in half. Then, as now, it operates on a \$42-million annual budget—not much for a major federal agency that addresses the hazards in our lives. Consider these facts from the commission:

Unintentional injury is the leading cause of death among people under 45 years old and is the fourth leading cause of death in the nation.

More children die from injuries than from diseases.

There are 21,700 deaths and 28.6 million injuries each year related to consumer products under commission jurisdiction.

The deaths, injuries and property damage associated with consumer products cost the nation about \$200 billion annually. Consumer product injuries account for one out of every six hospital days in this country.

The commission is the only agency addressing product safety and health hazards for more than 15,000 consumer products.

What’s more, the money used to support the commission gives an excellent return. Every dangerous product removed from the marketplace prevents an increase in the national health care bill.

On the local level, I have nothing but high praises for Sonny Sturdivant and Sidney Englander, the CPSC field inspectors, who are invaluable sources of help for this column and to the residents in this area.

If potential cutbacks to the commission worry you, as it does me, you may want to contact your representatives in Washington and let your feelings be known. •

COMMEMORATING THE 47TH ANNIVERSARY OF ISRAEL’S INDEPENDENCE

• Mr. BRADLEY. Mr. President, I rise today to mark a joyous event, the founding of the State of Israel on May 14, 1948. From its near-miraculous beginnings as a country born in strife, Israel enters its 48th year a prosperous and vigorous democracy.

With the hyperinflation of the 1980’s a distant memory, Israel enjoys stable economic growth with moderate inflation. Israel’s economic problems are now the challenges of any developed country—generating and distributing wealth. As the circle of peace in the region expands, Israel will find itself well-placed to be a major regional economic power.

Israel has renewed itself as the homeland of the Jewish people by successfully managing its latest “*aliyah*,” the absorption of Jews from the Soviet Union and its successor states. Both the infusion of new blood, and the national effort to welcome and absorb over half a million new citizens has reinvigorated the nation, while educating a new generation on the special responsibilities and benefits of life in Israel.

Among the greatest of those responsibilities and benefits is the nurturing of a democracy that is the envy, not only of the Middle East, but of the

world. To an extent perhaps matched only by the United States, Israel has welded diverse peoples into a democratic society. Israel understands the lesson so eloquently taught by former Jerusalem mayor Teddy Kollek that democracy is more than elections. Democracy is a way of thinking, a way of acting and, most of all, a way of treating one’s neighbor. The world has much to learn from Israel’s successful experiment in representative democracy in an often harsh environment.

Israel marks its 47th birthday closer to lasting peace than ever before. As a result of the warm peace with Jordan, Israelis are finally visiting the legendary red rocks at Petra. As a result of the multilateral peace negotiations, Israel is normalizing relations with Arab states in North Africa and the Persian Gulf.

Israel is also inching closer to peace with its Palestinian and Syrian neighbors. However, as Israelis above all peoples understand, peace never comes cheaply, and Israel is facing a historic challenge as it tries to conclude genuine peace in the face of terrorism.

All of us grieve with Israel every time another terrorist atrocity is perpetrated. All of us pray with Israel that the leaders and peoples of the Middle East, and those of us who support them, will find the wisdom to steer a path through the shoals of violence to a lasting peace.

The United States Government and individual Americans have an important role to play in supporting Israel, its people, and its leadership, in making the hard decisions necessary for peace. I am proud of the record of the United States Senate in providing unstinting support of Israel, and I will be proud to continue that record.

I am particularly proud of the contributions of citizens of my own State of New Jersey to Israel’s development. These are people like Miles Lerman, active in fundraising and philanthropy for Israel, and the man most responsible for the Holocaust Museum in Washington, who form the unshakable foundation of America’s unwavering support for Israel.

Israel today is 47 years strong. I know I speak for the people of New Jersey, and the United States, when I wish her peace and continued prosperity. •

ORDER OF PROCEDURE

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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