''(4) the Tri-Party Agreement between the Department, the Environmental Protection Agency, and the Washington State Department of Ecology.

''(c) VOLUNTARY COMPLIANCE.—Notwithstanding subsection (b), the Secretary may, in his discretion, comply with provisions of laws preempted by this section to the extent the Secretary determines appropriate, practicable, and cost-effective. The Secretary shall include a list of any such provisions of law in the environmental management plan submitted to Congress under this Act.

''(d) COMPLIANCE WITH NEPA.—Compliance with the procedures and requirements of this Act shall be deemed adequate consideration of the need for the federal actions specified in the environmental management plan, alternatives to the specified actions, and the environmental impacts thereof for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). Submission of the environmental management plan in accordance with the Act shall be deemed to satisfy the responsibilities of the Secretary under the National Environmental Policy Act and no further consideration shall be required.

''SEC. 9. LIABILITY.

''(a) CIVIL PENALTIES AND FINES.—The second sentence of section 6001(a) of the Solid Waste Disposal Act (42 U.S.C. 6961(a), relating to civil and administrative penalties and fines) is repealed.

''(b) WAIVER OF SOVEREIGN IMMUNITY.—The third sentence of section 6001(a) of the Solid Waste Disposal Act (42 U.S.C. 6961(a), relating to the waiver of immunity by the United States) is repealed.

''(c) CRIMINAL LIABILITY.—The seventh sentence of section 6001(a) of the Solid Waste Disposal Act (42 U.S.C. 6961(a)) is amended—

''(1) by striking—

'An agent, employee, or officer of the United States shall be subject to any criminal sanction (including, but not limited to, any fine or imprisonment) under any Federal or State solid or hazardous waste law, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction.'; and

''(2) by inserting the following—

'No department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any criminal sanction (including, but not limited to, any fine or imprisonment) under any Federal or State solid or hazardous waste law.'.

''(d) CONFORMING AMENDMENTS.—(1) Section 6001(c) of the Solid Waste Disposal Act (42 U.S.C. 6961(c), relating to state use of penalties and fines collected from the United States) is repealed.

''(2) Section 102(c) of the Federal Facility Compliance Act (42 U.S.C. 6961 note, relating to effective dates) is repealed.

''(e) ENVIRONMENTAL DAMAGES.—Notwithstanding section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) or any other provision of law, the United States shall not be liable for any environmental response costs, natural resource loss, or other damages arising out of federal activities at the Hanford Reservation.''

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Oversight and Investigations of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, June 7, 1995, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing will be to examine the historical evolution of the National Environmental Policy Act of 1969, how it is being applied now in several situations, and what options are available to improve Federal decision-making consistent with the objectives of that statute.

For further information concerning the hearing, please contact James P. Beirne, senior counsel to the committee, at (202) 224–2564.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, June 15, 1995, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 871, a bill to provide for the management and disposition of the Hanford Reservation, to provide for environmental management activities at the reservation, and for other purposes.

Those wishing to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call David Garman at (202) 224–7933 or Judy Brown at (202) 224–7556.

ADDITIONAL STATEMENTS

DEFENSE BUDGET ISSUES

● Mr. GRASSLEY. Mr. President, the unmatched disbursement problem at the Pentagon has been simmering on a back burner for years.

All of a sudden, it is on the front burner, and it is boiling.

The issue is so bothersome right now because it undermines the credibility of the defense budget numbers and the case for pumping up the defense budget.

There is another article on it in the Washington Post on Tuesday.

This one zeros right in on the main problem: the lack of accountability at the Pentagon.

I ask that the article be printed in the RECORD.

The article follows:

[From the Washington Post, May 23, 1995]

THE PENTAGON'S ACCOUNTABILITY PROBLEM

(By Coleman McCarthy)

Speaking of welfare abuse—and who isn't—have you heard about the $13 billion the government handed out over the past decade but doesn't know where it went or to whom? Then there's the $6 billion spent in excess of what Congress authorized.

The welfare recipients who have taken this money and run—or lazed about or bought Cadillacs, as it is derisively said of poor people—are in a category of their own. They are military contractors. Their welfare agency is the largest of them all, the Department of Defense, which has a defense against enemies great and small except the one within: fiscal stupidity and indifference.

Some of the details of this welfare abuse were revealed May 16 before the Senate Armed Services subcommittee on readiness. It wasn't much of a hearing: just a half-day of testimony from a Pentagon undersecretary and the head of the General Accounting Office, a few senators and not much in the national media that evening or the next day.

If $19 billion in lost or untracked tax money had been dispensed by the Department of Education on mismanaged reading programs or if this were $19 billion that vaporized in the Medicare or food stamp bureaucracy, no hearing room would have been large enough to hold the media and outraged public, no time limit on hearings would have been imposed and no senator's publicist would have passed up the chance to paper Washington with the boss's deploring of bureaucrats, welfare cheats and, for sure, liberals.

But this was the Pentagon—the Department of Giveaways—and its dollar-mates, military contractors and their rent-a-general execs. Both givers and takers are on permanent dispensations from standards of competence, accountability and honesty that apply elsewhere.

At the hearings, Charles A. Bowsher of the GAO ran through what he called the Pentagon's ''serious problem of not being able to properly match disbursements with obligations.'' Pentagon overpayments, flawed contracts, duplicative business practices, shoddy or no record-keeping and multiple payroll systems have meant that the money might as well have been thrown out of airplanes for all anyone knew where it went.

On such a routine matter as travel, Bowsher reported that the Pentagon has ''over 700 processing centers, 1,300 pages of regulations and some 40 steps to get travel approval and reimbursement. The result: DOD spent over 30 percent of each travel dollar on administrative cost. By contrast, companies with the best travel processes have one disbursing center . . . and 10 or fewer process steps. These companies spend as little as 1 percent of their travel dollar on administrative costs.''

According to John Hamre, the Pentagon undersecretary and comptroller, each month the Pentagon deals with 2.5 million invoices and 10 million paychecks. He spun: ''It isn't that we have wicked people trying to screw up, it's that we have a system that's so error-prone that good people working hard are going to make mistakes.''

In the past 18 months, the hard-working good folk at the Pentagon have miscalculated Hamre's paycheck six times.

Because no wicked people are involved in the missing billions, no mention was made of firings, much less possible indictments. On the issue of ''problem disbursements,'' Hamre was the model of managerial thoughtfulness. It is too late or too burdensome to go back and see what or who went awry: ''I decided to suspend, on a one-time basis, the requirement to research old transactions.'' To DOD's contractor buddies, the message, unlike the money, was not lost: Relax, we're good people, you're good people. It was ''the system.''

Hamre reassured Congress that the era of reform is here: ''The department has refined and advanced its blueprint to eliminate its long-standing financial management problems.''