SENATE—*Friday, May 13, 1994*

(Legislative day of Monday, May 2, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable CAROL MOSELEY-BRAUN, a Senator from the State of Illinois.

The PRESIDING OFFICER. Our Chaplain today is Rev. Richard C. Halverson, Jr.

PRAYER

The guest Chaplain, the Reverend Richard C. Halverson, Jr., offered the following prayer:

Let us pray.

In the words of Amos, the prophet of Israel: "* * * behold, the Lord stood upon a wall made by a plumbline, with a plumbline in his hand. And the Lord said unto me, Amos, what seest thou? And I said, a plumbline. Then said the Lord, Behold, I will set a plumbline in the midst of my people * * *"—Amos 7:7–8.

Father in Heaven, we petition Thee for Thy plumbline of truth and love, that we may rightly align our relationships in Thee. For truth without love is as sounding brass, and love without truth is a lukewarm embrace. Though we must attend to temporal laws which sometimes divide us, draw our attention above the politics to Thy eternal laws which compel us to remain united.

Set Thy Golden Rule in the midst of our working relationships, that we may strengthen our ties, from the least to the greatest, doing unto others as we would have them do unto us. For Thou hast taught that, no matter how great the distance between us, we need not fear compromising the truth, by embracing everyone in love. Nor need we fear forsaking whom we love by telling them the truth.

In the name of Jesus Christ, the Cornerstone of our eternal habitation. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 13, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CAROL MOSELEY-BRAUN, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. MOSELEY-BRAUN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2019, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2019) to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act), and for other purposes.

The Senate resumed consideration of the bill.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, we are now on the Safe Drinking Water Act. I urge Senators who have amendments to come to the floor to offer them.

Under the agreement reached last night, there is a certain list of amendments. They must be brought up by the close of business, I guess a time certain, on Wednesday, which means, obviously, that those Senators who want to have full time for the Senate to consider their amendments should bring them up earlier rather than later. Otherwise, we will be facing a time crunch come Tuesday or Wednesday.

I would also note that sometimes other matters come before the Senate which are unanticipated which also take time, therefore taking time away from the Safe Drinking Water Act on Monday or Tuesday or Wednesday.

So I strongly urge Senators who have amendments to come over to the floor now so we can dispose of those amendments. Senators will have time today to deal with them. There may be less time to deal with them at a later date.

I yield the floor.

Mr. KERRY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Madam President, if I could inquire, are we under an order, or is it just open on the bill?

The ACTING PRESIDENT pro tempore. Pursuant to the order agreed upon last evening, there are a limited number of amendments which may be considered.

Mr. KERRY. Madam President, it is not my intention to offer an amendment at this time, but I would like to speak. I just had a conversation with the distinguished Senator from Montana. I would like to say a few words about an amendment that passed last night by voice vote at a time when I was unable to come to the floor to express my opposition to it. And now, given the state of play, I think I do have fully reserved a place among the amendments, but I am not convinced yet whether or not I am going to bring an amendment to the floor to counter the impact of what happened last night.

Last night, Senators WARNER and CONRAD offered an amendment that was approved by voice vote. I believe, regrettably, that amendment is going to weaken the fairly modest source water protection provisions that are in the unanimously passed Environment Committee safe drinking water reauthorization.

I know the distinguished chairman and manager cares about this. I know that he is laboring under great difficulties in the U.S. Senate in getting a consensus on this legislation, and the interests that are brought to bear on these issues are not small.

But I want to talk now about source water protection because people ought to have an understanding of what we have lost in the effort to get a consensus to pass this bill. We always lose something in these efforts and I am not suggesting that it is not difficult. But I do think the issue ought to be talked about because it is an important component of legitimate efforts to have an environmental policy that is truly meaningful.

Source water protection, also called pollution prevention, and is the smartest way to address environmental problems. We are now struggling over the spending of billions of dollars—literally billions of dollars—to clean up the contaminated waste sites that we made.

For the better part of the industrial revolution in this country, from the development of this Nation in the late 1800's to its largest industrial sense through the 1900's, we did not know better at certain times, or if we knew better, it was at the very incipient stages of awareness—recognizing that Rachel Carson wrote "Silent Spring" only in the last half of this century and the environmental movement really only grew at that time.

But now we have learned. Now we know. We know that we have American

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

citizens who die as a consequence of our carelessness. Whether it is Love Canal or whether it is Woburn, MA, or the recent case in Milwaukee, there are people who are exposed to carcinogens, to toxics, to chemicals, to wastes—many cases of waste we do not know or understand the implication of, but it seeps down into the water systems, it seeps into our estuaries and our bays.

You can travel to nearby Chesapeake Bay, where they are suffering from nitrate overloading, or you can come to our bays in Massachusetts and see what happens when we had to close some 66,000 acres of clambeds to the loss of millions of dollars of income to fishermen, not to mention what it does to your tourist industry because of spillage.

Is it spillage from boats? No. Often it is spillage that comes from the careless use of oil and gasoline and dumping and pesticides and agricultural runoff in the uplands and it just flows down to settle somewhere.

Well, it is the same problem in our aquifers and in our watersheds of this country. You know, when we dump stuff on the ground, it does not just stay there. It goes somewhere. It seeps down, flows elsewhere, and it collects and we spoil whole aquifers and we destroy water resources and wildlife. And then we turn around and we have a big debate on the floor of the U.S. Senate and the House, "Oh, my God, look what we have done. How are we going to pay for it? How are we going to clean this up?"

We have thousands of Superfund sites or potential Superfund sites across this country. I think the number is now close to 4,000 or so. There are 1,200 designated Superfund sites alone and thousands of other hazardous waste sites that we have not yet in America fully cleaned up. That is incredible.

So, here we are in this bill, trying to put in place the notion that the smartest way to avoid asking taxpayers to spend billions of dollars to clean up our mess is obviously not to make the mess in the first place. In Boston, now, we have the Boston Harbor cleanup effort, one of the most expensive cleanups in the country because of the mess that people have made in prior years. We try to teach our children the basics of conservation and recycling, the basics of cleanliness and the standards of maintenance of the communities in order to avoid these messes.

This bill, by unanimous consent, by unanimous agreement within the committee, came to the floor with a modest source water protection effort, understanding that people are disturbed about unfunded national mandates. So we somehow have to find the most cost-effective solutions to problem solving and to seek out approaches that solve problems with the least bureaucracy and the least possible waste.

In his highly acclaimed book "Reinventing Government," David Osborne stressed the value of what he called anticipatory Government, a Government that is focused on preventing problems before they are created and before they become crises. The advantage of preventive Government over reactive Government ought to be obvious. It heads off crises and it saves money. Osborne demonstrates that prevention has made the greatest strides in the environmental arena through its focus on pollution prevention. This is one arena where we have proven our capacity to implement the concept of preventive governmental action.

While Congress and the executive branch are often in conflict, they share one thing. Both tend to react to crises rather than anticipate and manage for the future. We are, obviously, never going to be able to avoid all crises. I do not pretend that. But we ought to take every opportunity we can to promote preventive measures to limit the necessity of reactive response later on. So I think it would be wise to review every environmental statute and make a judgment as to what opportunities does this statute provide us for pollution prevention provisions.

A recent example is what we have undertaken in the Federal Government, finally, at the directives of the President of the United States, to prevent pollution and promote recycling. Look at all the paper. Every single day we throw away inordinate amounts of paper that we print up, far too often not always used. We have an incredible lack of recycling in our own efforts, even though we mandate it for other people.

There are all kinds of wastes of energy, raw materials, natural resources, steam release and so forth that are opportunities for conservation. Now the President has undertaken a major overhaul of Federal Government pollution prevention policies.

This bill, wisely, came out of committee with that kind of prevention effort: A source water protection effort. That is one form of pollution prevention that has proven over and over to be cost effective. As the costs escalate for treatment, for remediation, for replacing contaminated drinking water supplies, local governments and taxpayers are overwhelmed.

We ought to happily grab at a program that creates an incentive for local communities and States to think about source water pollution prevention efforts. They turn to the Federal Government for assistance when they do not think about it. And we turn around and wrestle here with whether or not we are going to cut education, whether we are going to cut child immunization programs, whether we are going to cut a whole host of programs, which suffer because we are looking for money and we do not have the money to do the things we need to do. But we continue to create the crises that we know are going to feed this frenzy.

Here in this bill we had an opportunity to have that kind of effort to give an incentive to communities. We were trying to come up with the best, most economical and feasible way to assist communities in protecting local drinking water supplies before they could become contaminated, rather than paying to clean up afterwards.

The Safe Drinking Water Act has included programs to protect the quality of sole source aquifers and wellhead areas. These programs have proven to be effective. Section 9 of S. 2019, the source water protection provisions, as reported by the committee, provides a new initiative to encourage States and the water systems to implement programs voluntarily to protect the quality of existing sources of drinking water and to prevent contamination before it occurs.

The bill, as it came out of committee, would have required the States—and I emphasize this—it would have required the States to have a process, just a process, to review and to approve any source water protection plan by a local entity. It prescribed that the EPA should support those efforts with technical and financial assistance and by issuing guidance for the preparation of plans for those communities that chose to participate.

I want to emphasize, the bill that came out of the committee unanimously offered an incentive to local communities, requiring the States to set up a plan, but it did not require the communities to participate. It simply said we are going to have a plan and we want to have a review. They would provide technical assistance for those who chose to participate.

The source water protection provision that came out of the committee was voluntary and it would have allowed all local communities to participate if they chose. Let me quote directly from the Environment Committee report:

> Water systems are not required to develop source water protection plans, but incentives are provided to encourage development of plans. If a source water protection plan is approved, a community is eligible for grant and loan funds under the Clean Water Act to implement the plan. The community may also propose reduced monitoring requirements based on elements of the approved plan. In addition, Federal agency actions are required to be consistent with the plan to the maximum extent practical.

Regrettably, Senator WARNER and Senator CONRAD offered an amendment that will almost certainly preclude some local communities that want to participate, from participating. So this whole effort to try to create an incentive has now been watered down, diminished, and even blocked in some cases. This is a classic example of the great tug of war between interests, special interests—in this case mostly agriculture interests that are just petrified that they may be held accountable, or

required to start to think about the impact of some of the things that they put on the Earth and allow to run off into people's drinking water that we then have to pay for, and generally, to clean up.

We adopted long ago the concept of polluter pays. That has been at the heart of environmental policy in this country for some time. What we have seen happen in the last hours is one of those rather interesting things, where we come in here and diminish the capacity of people to be held accountable, and we cave in to the interests that do not want to be held accountable.

Under this amendment, States would have no responsibility for promoting source water protection. Under this amendment, States are not required to set up procedures for reviewing and approving source water protection plans. Under this amendment, we are obviating preventive Government. We are obviating—turning away from responsibility in favor of ducking the hard choices and suggesting that we can go on asking citizens from all over the country to belly up and pay their tax money for known bad health and environmental and economic policies.

If a State chooses, under this amendment, not to set up a source water protection program, then the local community in that State cannot participate—out, finished, gone—rather than what the committee originally, by unanimous decision, felt was important, which was to have the States required to come up with a review policy. Rather than providing incentives to promote preventive measures, the amendment, in effect, becomes an impediment to local communities trying to take innovative, proactive environmental measures; important efforts to try to stem the crisis before it is, in fact, a crisis.

Source water protection gains support from many Government entities, as well as from environmental and public health groups because of the enormous benefits to all. It is far more evident than all the reasons for having moved away from this. I have heard from all levels of Government, Madam President. The EPA wants this—Carol Browner has written us a letter stating it is important. And many State governments as well. But because some now have opted to pull out the rug from under them, there is no mandate. And many local communities were supporting the committee-passed source water protection provision.

Carol Browner just sent a letter, and I ask unanimous consent to print this letter in the RECORD at the end of my comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KERRY. Madam President, I have letters of support from numerous organizations: the National Roundtable of State Pollution Prevention Programs; the Massachusetts Department of Environmental Protection; the Massachusetts Water Resources Authority; the National Water Funding Council; the Physicians for Social Responsibility; the Natural Resources Defense Council; Friends of the Earth; the American Oceans Campaign, and many others.

I ask unanimous consent that several of those letters be printed in the RECORD at the end of my comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. KERRY. Madam President, S. 2019, as originally reported by the Environment Committee, was a reasonable, nonregulatory approach that provided an incentive; it did not mandate a community to participate. It did require a State to have a review process. And in 1994, given all the money we are spending and all that we have learned about source point pollution control and nonpoint source pollution, we ought to know better, and we ought to be able to do better.

I think that we should not want to take away intelligent prevention measures from local communities, and we ought to require the States to have some kind of plan to do that.

I had originally intended to come to the floor to offer my praise to the committee for moving in this direction and to compliment them for doing so. I regret that I find myself now having to come to the floor to express my disappointment that the committee was not able to continue in that direction. And I understand the pressures the chair faces. It is not the chair's fault. It is just the way the Senate sometimes works and it is the way we get sidetracked around here.

But I want to say that I think the Warner-Conrad amendment undermines environmental protection. I think it undermines the effort to be preventive rather than reactive. I am very hopeful that this action can be reversed in conference, if not conceivably in the next hours on this bill.

Should that not be the case, in either case, I certainly sound notice today that I, and others in the Senate, intend to work to amend this provision over the course of the next months or year so that it produces at least the beneficial outcome originally sought and agreed to by the committee itself.

In closing, Madam President, I do want to compliment the Senator from Montana and I want to compliment the Senator from Rhode Island, because the fact is that this is an important bill, notwithstanding those criticisms that I have just expressed. They have worked hard to bring this bill to the floor, and we do want it passed. There are a number of important features in it.

In establishing a new State revolving loan program to fund very much needed infrastructure improvements, they have made a very significant step forward. By providing small systems with low-cost technology and flexibility to meet requirements, and by eliminating the current mandates for regulating a fixed number of contaminants per year, regardless of the public health benefits, they have made an important move to get communities in a worthwhile relationship with the Federal Government in order to produce a valuable outcome. I congratulate them for that, and it will prove to be helpful to communities.

This bill improves the likelihood that our citizens will have healthy, high-quality drinking water, while taking into account the varying circumstances of those communities and States around the Nation.

I must say, though, we do not have much time on some of these issues. We have some communities that have sole source aquifers, and they are in very fragile condition. The aquifer under the central part of this country, which runs under the State of the presiding Senator and across the central part of this Nation, is in delicate condition, is in diminished quantity, and has increasing stresses on it.

We should be thinking more not in terms of how we are going to build pipes to divert the Colorado River and create a whole set of problems similar to those we created in the Columbia River, where we now do not have the salmon we used to have because of what dams have done, but we need to consider the potential outcomes ahead of time.

That was the effort the committee was trying to make, and I regret enormously that there is an amendment that diminishes the pollution prevention components of this bill.

I thank the Chair.

EXHIBIT 1

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, May 12, 1994.

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

DEAR MR. CHAIRMAN: I deeply appreciate your leadership and dedicated efforts to guide S. 2019, the Safe Drinking Water Act reauthorization bill, through the many and conflicting demands on its reform.

On April 28, I wrote to reiterate the Administration's support for S. 2019 as approved by the Environment and Public Works Committee. In my letter, I indicated that the bill's approach toward safeguards for public health and new reforms is especially critical, and that I would let you know of any concerns should later amendments threaten that balance in key areas. I believe S. 2019, as revised by the Managers' Amendment you have assembled, reflects your commitment to achieve such a balance.

I am, however, concerned about two issues. Among the Administration's highest reauthorization priorities is source water protection, which simply means pollution preven-

tion—shielding rivers, lakes, streams and wells from which the public draws its drinking water from becoming contaminated in the first place. In many instances, source protection can be far less costly than is the filtration that would be required if the water gets polluted. The Administration proposes that States develop source water assessment programs, with the flexibility for local governments voluntarily to develop protection plans to implement protection of their source water.

We are concerned that some amendments under discussion would effectively deny local governments this opportunity and flexibility. As a former state official, I believe that the approval process proposed in these amendments is so burdensome that it may be more of a deterrent than an inducement to undertake voluntary pollution prevention through source protection. Many states may, accordingly, decline to adopt an approval process, which would then thwart voluntary source protection plans in those states.

With regard to the state viability program in another amendment, we think the program contains a workable structure to protect federal taxpayers' new investments in water infrastructure. However, we continue to believe that there are many additional techniques that should be used—such as employing circuit riders for operations and maintenance, sharing fiscal personnel, and cooperative procurement—by which water systems can improve their capabilities to safeguard drinking water, and save money.

I look forward to continuing to work with you on this vital public health legislation.

Sincerely,

CAROL M. BROWNER.

EXHIBIT 2

NATIONAL ROUNDTABLE OF STATE POLLUTION PREVENTION PROGRAMS,
Washington, DC, May 12, 1994.

DEAR SENATOR: The National Roundtable of State Pollution Prevention Programs (the Roundtable), supports the pollution prevention provisions of the 1994 Amendments to the Safe Drinking Water Act (S. 2019). The Roundtable, the largest national membership organization in the country devoted solely to the improvement of environmental quality through pollution prevention, also supports the bill's finding that states need increased funding to implement safe drinking water programs.

The Roundtable urges the Senate to more clearly establish pollution prevention, in particular source reduction, as the fundamental approach to protecting our drinking water supply. S. 2019 should be strengthened by including more pollution prevention measures that stress source reduction rather than control.

S. 2019 would require each state to establish a process for reviewing and approving pollution prevention plans initiated by localities and public water systems. It encourages efforts to create these plans by making a small amount of federal state revolving loan funds available for this purpose. Although the bill provides for a constructive partnerships between local, state and federal agencies, it should go further by establishing a process to involve localities and citizens in the development of policies and programs from the beginning of the process.

While the bill would require states to act, it does not require the creation of source water protection plans. Under S. 2019 source water plans are voluntary on the part of local water systems, local agencies or state governments.

The Roundtable strongly urges that the Source Water Protection Program section promoting pollution prevention not be weakened. It is critical to the protection of the nation's drinking water supplies that efforts to prevent contamination in the first place remain intact in this legislation. We urge the Senate to strengthen the source reduction focus of this bill and to reject any attempts to weaken the pollution prevention provisions in S. 2019.

Sincerely,

KEVIN DICK,
Vice Chairman.

COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS, DEPARTMENT OF ENVIRONMENTAL PROTECTION,
Boston, MA, May 11, 1994.

Hon. JOHN KERRY,
U.S. Senate,
Washington, DC.

Attention Ms. Kate English.

DEAR SENATOR KERRY: Massachusetts is committed to source water protection as the best means of ensuring safe and pure drinking water to the public, while preventing very costly treatment measures. We believe that the "Baucus Bill", S. 2019 ("Safe Drinking Water Act Amendments of 1994") will go a long way toward affording such protection.

It has come to our attention that Senators Warner and Conrad have proposed further amendments which will seriously weaken the Baucus Bill. I write to strongly urge you to oppose the amendments to this bill proposed by Senators Warner and Conrad. Thank you for your attention to this matter, and to the Safe Drinking Water Act reauthorization.

Sincerely,

DAVID Y. TERRY,
Director,
Division of Water Supply.

NATIONAL WATER FUNDING COUNCIL,
Washington, DC, May 11, 1994.

Senator MAX BAUCUS,
Chairman, Senate Environment and Public Works Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BAUCUS: The National Water Funding Council understands that your proposal for the Safe Drinking Water Act, S. 2019, will go to the Senate floor for consideration within the next week.

We ask that you retain the State Source Water Protection (SWP) Program that is in S. 2019, and not substitute Senator Warner's amendment—the "Water Quality Protection Partnership" instead. We view your original SWP program as voluntary, cost-effective way of implementing pollution prevention measures into the SDWA, a step that really must occur in the next generation of clean water work that the country undertakes.

Your SWP Program is sufficiently advantageous to what Senator Warner has proposed that we recommend that you not modify its substantive provisions. You might, however, consider making projects approved under SWP plans eligible for financial assistance under Title I of the S. 2019 as well as Section 319 and Title VI of the CWA, so as to provide states with as much flexibility as possible in determining how best to assist financially with these projects.

Sincerely,

JONATHAN C. KALEDIN,
Executive Director.

AMERICAN OCEANS CAMPAIGN,
Washington, DC, May 11, 1994.

Hon. JOHN KERRY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KERRY: The American Oceans Campaign would like to express our support for the source water protection provisions in S. 2019, the Safe Drinking Water Act, and our opposition to the Warner/Conrad amendment, which strikes this protection.

We believe that pollution prevention is perhaps the most cost effective method of protecting consumers from the pathogens and contaminants that can affect their drinking water.

By requiring states to establish a process for reviewing and approving pollution prevention plans initiated by localities and public water systems, the costs of cleanup and treatment could be reduced significantly, in addition to improving the quality of water provided to consumers.

American Oceans Campaign believes that a strong source water protection plan is essential to a sound drinking water program. We applaud your leadership on this important issue, and we encourage you to urge your colleagues to vote against the Warner/Conrad amendment.

Sincerly,

DAWN HAMILTON,
Issues Director.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Montana.

Mr. BAUCUS. Madam President, I want to compliment the Senator from Massachusetts. I agree with the Senator from Massachusetts that an ounce of prevention is worth a pound of cure.

Essentially, what we are trying to do is help provide for more safe drinking water in our country and to not only be sure that we have the technology in place to clean up the water that is dirty, but also to prevent dirty water from coming to communities in the first place.

The source water protection program in the bill is a concept which is needed, whether it is proposed by States or by the Federal Government. It is a concept that makes good sense. The more we can address the source in the first place by making sure that the water is clean and safe before it comes into the community drinking water system, the more likely it is that people are going to have safer, cleaner water. It is just that simple.

In current law, we have a sole source aquifer program; we have the wellhead protection program. They are a start. They are what their names imply. The sole source aquifer program is in place to help communities assure that the source is clean. The same is true with the wellhead protection program.

Unfortunately, those programs are essentially voluntary. A State or community can have its own program, either under sole source aquifer or under the wellhead protection program.

In the bill, we wanted to advance the concept of source water protection. In the bill we did provide, as the Senator from Massachusetts says, that the

States are required to set up a process under which communities can develop a plan for technical assistance and for other kinds of measures that help assure that the source water is protected.

The bill did not give States any new authority. It did not say that States can mandate or require communities to undertake any action. There was no provision in the bill which gave States new authority to do anything like that. Rather, the bill required States to set up a process under which communities would develop a source water protection plan.

Unfortunately, there are many people in the country who are very nervous about that program. They are concerned that it would give too much authority to States and impinge upon upstream users, or source users. The concern was that the program would give cities, towns, and communities too much authority within the city limits and/or it would give States too much authority in restricting what farmers, ranchers or anybody upstream, or in the source area, could or could not do.

Madam President, we have to move the concept of source water protection a step at a time. I do believe that the amendment offered by the Senator from Virginia [Mr. WARNER] and the Senator from North Dakota [Mr. CONRAD] is a way to move the concept of source water protection forward. That is what we want to do here, take a step at a time. Otherwise, we run the risk of having no source water protection improvement over current law. We have to improve upon the present concept, and the amendment offered by the Senators from Virginia and North Dakota help assure that we have a significantly better source water protection program now than under current law.

I must say, Madam President, that a lot of this really is joined with other legislation, such as the Clean Water Act, which will be before the Senate in the next 2 or 3 weeks.

I say that because the changes to the Clean Water Act will address nonpoint source pollution. Nonpoint source pollution is pollution caused by runoff from agriculture, timber harvests, mining tailings, and urban runoff. That is, runoff, as opposed to what is referred to in technical jargon as point source pollution, which is pipes discharging into the rivers. That is point source.

In the new Clean Water Act, we are going to be addressing nonpoint source runoff—a very needed program. Half of the water pollution in our country today is caused by nonpoint source runoff. In the Clean Water Act that will be coming before the Senate shortly, we have a very valid program which will tell States that they have to have a nonpoint source pollution program to address the problem that exists in each of our States.

That program will help address the source water protection problem because a large portion of the pollution that may affect drinking water systems is nonpoint source pollution, which will be addressed in another bill.

To sum up, Madam President, I agree with the Senator from Massachusetts. We have to have a very good, strong source water protection program, but like a lot of matters, if we go too far, if we give too much authority to States which is not thought through as much as we would like it to be, we could jeopardize the whole source water protection program.

I strongly believe that the provisions of the bill, as modified by the Senators from North Dakota and Virginia, help solidify and consolidate support for a stronger source water protection program. That is why I think the amendment is an improvement. And secondly, most of the source water protection problem really is nonpoint pollution, which will be addressed very definitely very significantly in the Clean Water Act, as opposed to the Safe Drinking Water Act, which will be before the Senate in the next 2 or 3 weeks.

Mr. KERRY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. I appreciate the comments of the Senator from Montana. As I have said, I understand the pressures on him and what he needs to do to get an important bill passed. I still want to say to him and the Senator from Rhode Island, maybe we can work out something in the next day or two. I have not had a chance yet to engage with Senator WARNER and Senator CONRAD.

But I must say, respectfully, I have been around the environmental movement long enough and I have been involved in these issues and been in the Senate now long enough to have learned what happens if the fox is guarding the chicken coop. We all know what happens. The permissive language allowing the very community that is an offender community, where all of the economic interests of that community are weighted against their making this decision, which is why they want the watered-down language in the first place, if they are left to their own devices, to just spontaneously come in with a petition, as the Warner-Conrad amendment suggests, it is not going to happen. We all know that. That is why we have a fight over the Superfund. That is why we had a fight over the Clean Water Act originally. That is why we had to press for the Clean Air Act over the vociferous objections of automobile manufacturers. We all know how tough a struggle it is.

If the language remains that it is just—which is how the language reads now—that a State may establish a program under which a local community may submit a petition, it is not going to happen, because the State that is predominantly configured around that particular industry, and a local community which is even more so, has no interest whatsoever to tackle this program. This is why we have always had a struggle between the Federal Government and local entities about things we ought to do versus things we kind of do not want to do.

Everybody knows how human nature works. That is the process of politics. It is what the debates are about—things we know we ought to do as human beings versus the immediate interests that temper our willingness to do that until X, Y or Z becomes such a crisis that we finally mobilize and do it, as in South Africa, where they finally mobilized and said, yes, indeed, people have to be free.

By the same token, that is what the environmental movement is. People said, yes, we have to breathe clean air; yes, we have to drink safe water; no, we do not want lead in our water; no, we do not want to pollute all our bays and estuaries; and so we dragged the contravening interests reluctantly to the table, and the language that has been put forward here offers no incentive whatsoever to come to the table.

So I hear the Senator. I know what he wants to do, but I also know what this language leaves us. It leaves us no requirement that people try to think ahead and remediate.

Now, in the original bill—I did not write the original bill language, the committee did—in the original bill language, the committee had the good sense to balance between the local communities' rights and prerogatives and interests and this tension with the larger entities of our government, either State or Federal. And it did not mandate any local community to come in and do this. It did, however, require a State to have a process available so that the local communities that want to participate have something fixed in concrete which will enable them to do so.

Now what happens in the Warner-Conrad amendment is that the State is not required to participate, so that the one local community that might want to be proactive cannot do so if it so chooses because the other entities that do not want protective measures will prevent the State from even setting up the process. And so it will deny those local communities that do want to use good common sense from even exercising their good common sense.

So, Madam President, it is simply not good legislation. It is not good public policy.

I try to be as reasonable as anybody around here about excessive mandates and burdensome regulations and endless government red tape.

I hate them just like everybody else. But that is not what we have here. Actually, it is just the opposite. The bill here makes good sense by, frankly, re-

ducing some of those things. It makes no sense to require communities to get rid of particulates in water that have nothing to do with health or that go way beyond the health standards. That is what prior legislation did. We have often done that in Congress. And if we have some unreasonable regulations, we ought to bend over backwards to get rid of them where we can.

But we also must strive to create a relationship between the Federal, State and local communities that can work to promote proactive, preventive measures. We cannot continue to erode the resources of this Nation and then tell the next generation we are sorry, but you are going to have to pay billions of dollars to clean up the mess we know we should not have made.

That is generationally irresponsible. It is currently irresponsible. And we just should not do that.

So I respectfully hope we can work a balance. I am not trying to ask anybody to establish some terrible, bureaucratic process where the vicissitudes of public officials wreak havoc on people's good efforts. But by the same token, we must strive for the innovative Federal-State-community partnerships that can prevent crisis management.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, I do not wish to prolong the discussion. I again compliment the Senator from Massachusetts. He is right in concept. We should have a strong source water protection program. I just remind all of us that the bill never required communities to have a source water protection program. States were required to have a process to facilitate and approve system source water plans. Even under the bill, as amended, communities can still apply for money from the Clean Water Act revolving loan fund for technical assistance for source water protection programs.

Basically, we are in a situation where we have to find a balance between State control and Federal control. We are not 50 nations. We are not one nation. We are one country of 50 States. No other country in the world shares exactly our form of government. We also have divided powers. We are a nonparliamentary form of government.

It is interesting that drinking water traditionally is under the rubric of State control because States generally have control over their own public health and safety. It is like crime. Crime enforcement is essentially a State matter, the same with health enforcement, including drinking water enforcement.

Drinking water is more of a real matter than, say, air which tends to cross State boundaries more than drinking water. Of course, we Americans travel a lot. That makes drinking water quality more of a Federal matter.

Under the bill as amended by Senators WARNER and CONRAD, a State could have a stronger source water protection program if it wanted it on its own. I am sure Massachusetts has good strong environmental leanings. So Massachusetts could set up its own strong source water protection projects, as could Wisconsin, Montana, or any other State.

I think when a community in any State applies for assistance under the clean water revolving loan fund, States are going to realize that they ought to support source water protection projects because an ounce of prevention is worth a pound of cure. It makes sense. We are really splitting hairs here. We are on the way toward a good program.

I really do not want to prolong this debate. I therefore will stop because I see Senators on the floor who have amendments.

Mr. KERRY. Madam President, I do not want to prolong the debate. I ask my colleague a simple question: was there not a requirement in the original committee print that the States do something; a requirement?

Mr. BAUCUS. Madam President, there was a requirement that they "do something" but the "something" was not that they have to have a source water protection program. There was nothing in the bill that required States to set up a source water protection program. Rather, the provision in the bill required States to have a process under which a system would develop a source water protection plan. If a system wanted to have their own source water protection program, then there would be a process through which the State could approve it. But, there was no requirement that the State have a program.

Mr. KERRY. What the Senator from Montana is saying is, there was a requirement. He just said, yes. There was a requirement that the States have a review process so that the communities could apply. Now with the WARNER-CONRAD amendment there is no requirement that States have that review process. So as I said, the States had been required to participate and the local communities had been able to apply, and now the States are not required to have a review process and local community are not guaranteed they can apply. We do not need to prolong this.

Mr. BAUCUS. As I said, Madam President, if a State wants to, there is nothing to prevent a State from having it. Massachusetts, any State that wants to, Illinois, can set up its own process, whatever it wants. We are not prohibiting States from doing what States think they should do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. KOHL. Thank you, Madam President.

AMENDMENT NO. 1707

(Purpose: To require the Administrator to develop and carry out a research plan to support the development and implementation of certain rules concerning harmful substances in drinking water)

Mr. KOHL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself, Mr. JEFFORDS, and Mr. FEINGOLD, proposes an amendment numbered 1707.

Mr. KOHL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . RESEARCH PLAN FOR HARMFUL SUBSTANCES IN DRINKING WATER.

Section 1412 (42 U.S.C. 300g-1) is amended by adding at the end the following new subsection:

"(f) RESEARCH PLAN FOR HARMFUL SUBSTANCES IN DRINKING WATER.—

"(1) DEVELOPMENT OF PLAN.—The Administrator shall—

"(A) not later than September 30, 1994, develop a research plan to support the development and implementation of the most current version of the—

"(i) enhanced surface water treatment rule (announced at 59 Fed. Reg. 6332 (February 10, 1994));

"(ii) disinfectant and disinfection byproduct rule (Stage 2) (announced at 59 Fed. Reg. 6332 (February 10, 1994)); and

"(iii) ground water disinfection rule (availability of draft summary announced at 57 Fed. Reg. 33960 (July 31, 1992)); and

"(B) carry out the research plan.

"(2) CONTENTS OF PLAN.—

"(A) IN GENERAL.—The research plan shall include, at a minimum—

"(i) an identification and characterization of new disinfection byproducts associated with the use of different disinfectants;

"(ii) toxicological and epidemiological studies to determine what levels of exposure from disinfectants and disinfection byproducts, if any, may be associated with developmental and birth defects and other potential toxic end points;

"(iii) toxicological and epidemiological studies to quantify the carcinogenic potential from exposure to disinfection byproducts resulting from different disinfectants;

"(iv) the development of practical analytical methods for enumerating microbial contaminants, including giardia, cryptosporidium, and viruses;

"(v) the development of dose-response curves for pathogens, including cryptosporidium and the Norwalk virus;

"(vi) the development of indicators that define treatment effectiveness for pathogens and disinfection byproducts; and

"(vii) bench, pilot, and full-scale studies and demonstration projects to evaluate optimized conventional treatment, ozone, granular activated carbon, and membrane technology for controlling pathogens (including cryptosporidium) and disinfection byproducts.

"(B) RISK DEFINITION STRATEGY.—The research plan shall include a strategy for de-

termining the risks and estimated extent of disease resulting from pathogens, disinfectants, and disinfection byproducts in drinking water, and how the risks can most effectively be controlled, taking into consideration the costs of various control methods and the sizes of various systems.

"(3) IMPLEMENTATION OF PLAN.—In carrying out the research plan, the Administrator shall use the most cost-effective mechanisms available, including coordination of research with, and use of matching funds from institutions and utilities.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $12,500,000 for each of fiscal years 1995 through 1998.".

Mr. KOHL. Madam President, last April, the city of Milwaukee experienced a disastrous outbreak of a parasite called cryptosporidium in the drinking water supply. By the time that all the particles in the water had settled, 104 people were dead, and over 400,000 others had become severely ill.

This amendment is about that incident. It is about the 104 people who died in Milwaukee. It is about the 400,000 Milwaukee residents who battled weeks of debilitating illness, and I am sorry to say, it is about those people who, 1 year later, still fight a daily battle to rid their bodies of the intestinal disease called cryptosporidiosis.

The bill that we are considering today recognizes the need to move forward in setting standards for communities to use in protecting their citizens from contamination. EPA has negotiated, with all interested parties, several regulations to require testing and treatment for cryptosporidium and other parasites to assure that an outbreak like Mikwaukee's never happens again. And this negotiated rulemaking will also set standards to assure that the disinfectants that our communities use to ward off parasite threats do not themselves create health risks. The Safe Drinking Water Act bill reported out of Committee includes a time line for EPA to implement protections from cryptosporidium and other parasites, and I thank the Senator from Montana for his efforts on this matter.

But what this bill does not do is require EPA to improve the state of science in order to support these necessary regulations. Our communities do not only need to know when to test and treat for cryptosporidium, they also need to know how to do so, and they need to know that there is an ongoing research program to perfect the testing and treatment methods. That is the purpose for this amendment.

Madam President, for decades we in this country have prided ourselves on the quality of our drinking water. We hear warnings about drinking the water while traveling abroad in nations less developed than ours, where waterborne diseases are commonplace. But we have become complacent about our own drinking water—perhaps too complacent.

The implications of the Milwaukee outbreak are far-reaching. Despite the devastation experienced by Milwaukee and other communities, our understanding of the threat and appropriate treatment for parasite contamination in drinking water is very limited.

I want my colleagues to understand that the threat is not only in Milwaukee. Over the past 10 years, incidents of cryptosporidiosis have been reported in many communities across the country, including San Antonio, TX; Carrollton, GA; and Jackson County, OR, to name a few. And unfortunately cryptosporidium is just one in a long list of parasites that cause widespread disease in this Nation every year.

Yet despite the warning signs of these outbreaks, EPA funding for research on parasite contamination in drinking water is next to nothing, leaving our communities with little scientific guidance on how best to protect their citizens. EPA, and Congress, have been too occupied with other concerns to respond to what's been staring us in the face. I offer this amendment to reverse that negligence.

My amendment will require EPA to institute a broad research plan, in partnership with the private sector and research institutions, to improve the state of science regarding parasite contamination in drinking water. The amendment will also require EPA to conduct research to allow us to better understand how disinfectants we use to ward off parasite threats affect our health. On-site pilot studies will be conducted in various locations around the country to determine how different treatment methods react in different environments. In this context, I believe that Milwaukee should be one of several EPA study sites.

The amendment is supported by a broad list of utility, research, and environmental groups. It is supported by the American Society of Microbiologists, Natural Resources Defense Council, American Metropolitan Waterworks Association, Friends of the Earth, the City of Milwaukee, Sierra Club, National Association of Water Companies, and American Waterworks Association.

And I thank Senators JEFFORDS and FEINGOLD for cosponsoring the amendment.

I believe that this amendment has been cleared on both sides of the aisle. I would like to offer my thanks for the support and cooperation that I received from the comanagers of this bill, the Senator from Montana and the Senator from Rhode Island.

Mr. BAUCUS. Madam President, the amendment offered by the Senator from Wisconsin [Mr. KOHL] I think, is a good amendment because it is needed. It is needed because we have a very complex difficult problem facing a lot of communities—the cryptosporidium problem in Milwaukee, and a similar problem here in Washington, DC.

The problem, very generally, is that when communities attempt to control microbial contaminants in their system, they add disinfectants like chlorine, for example, to clean the water and address the microbial contaminants.

When you add disinfectants, however, you may solve one problem but sometimes cause another. There are byproducts from these disinfectants which themselves can be cancer causing. We are facing Hobson's choice; we are in a dilemma. This amendment is needed to address this dilemma.

We need the research to find out how to resolve this dilemma and to perhaps find new, better disinfectants which do not create the byproduct problem that we otherwise face. It is a very complex matter, and I commend the Senator from Wisconsin for offering the amendment to require research for the disinfectant byproduct problem, including the cryptosporidium. I compliment the Senator.

Mr. CHAFEE. Madam President, this amendment is agreeable to this side. I know that the situation in Milwaukee was an extremely serious one. I have here an article from the Milwaukee Journal of last September, which describes the seriousness that occurred when the water purification system or the elements used in the purification got out of context or out of balance and very serious illnesses developed. I think it is accurate to say that there are some deaths traceable to this. How many could be exactly traceable to the problems within the water is not easy to discern, but certainly I get the impression that there may be as many as 12 or 13. Is that correct, Senator?

Mr. KOHL. Well, there were over 100 deaths traceable to the problem.

Mr. CHAFEE. Over 100. This amendment has been discussed with the EPA, and they are agreeable to it. So I think it is a fine amendment, and I join in support of it.

Mr. KOHL. I thank the Senator very much and, of course, Senator BAUCUS for their support and cooperation for what I think is a real problem that needs to be addressed.

As I pointed out in my statement, it is not just in Milwaukee, but all across our country. I think all 50 States will benefit from this research. I thank you very much.

I yield the floor.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 1707) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BINGAMAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, I would like to take just a few moments of the Senate's time to discuss with my colleague, Senator SMITH from New Hampshire, an important issue that the two of us have raised in legislation that was introduced earlier this year. It is an issue that I raised on Monday and an issue addressed by an amendment that is on file at the desk.

The issue is: How can we provide States with the needed flexibility to more efficiently manage their environmental programs?

Madam President, our society has become increasingly complex. We all live in this complex society and, at the same time, want to see a safe environment, to breathe clean air, to drink healthy water, to see solid waste disposal accomplished in a responsible manner. Because we want to achieve these goals, the Federal legislation and regulatory requirements have become extremely extensive. These requirements have imposed burdens on States, forcing them to utilize their very scarce resources to implement Federal environmental programs. In many instances, States are being asked to implement programs addressing Federal priorities which, in fact, are of lesser concern and potential risk in those individual States than other priorities that they have identified.

In short, many national requirements fail to recognize that our States differ between and within themselves. What might be of most concern to one State due to its particular circumstances may be relatively unimportant in another.

Our Federal funding assistance that we generally make available is restricted to the priorities we determine at the national level. In many cases, this prevents more effective use of funds for what the State identifies as its own needs.

In my home State of New Mexico, we are, of course, committed to protecting the environment. At times, we have found ourselves strapped for funds with which to carry out the Federal laws. Federal funds that are available are limited to problems that we consider to be of lower priority. So, in my view, the time has come for the Nation to recognize that States are full partners in protecting the environment. They are knowledgeable about the problems within their jurisdictions. States want to use their resources as effectively as possible, and I believe we need to give them the flexibility to allocate resources to the highest environmental priorities.

These are the reasons that, last November, I introduced a bill, Senate bill 1687, with Senator SMITH as a cosponsor, to provide States with this needed flexibility to integrate the various existing State grant programs that the EPA administers.

The bill does provide flexibility, but it also continues to protect the environment. There is widespread support from State environmental commissioners for our legislation. There is good support from other colleagues in the Senate and, in fact, the EPA has indicated support for this concept. However, they have not been able to go forward with implementation, since there is not the statutory authority that is necessary. Our intent was to offer this legislation on the Safe Drinking Water Act. At this point, I will yield to my cosponsor, Senator SMITH, for his statement and any summary he wants to make on the legislation.

Mr. SMITH. Madam President, I thank the Senator from New Mexico for yielding. I wish to compliment him on a piece of legislation which I think is very important to the States and very helpful in environmental cleanup. As my colleague has mentioned, States need flexibility in managing their environmental grants. They do not have that flexibility now.

New Hampshire, for example, my home State, would like to use the grant funds they receive for their highest environmental priorities, the priorities they believe in their own State and communities are the highest priorities, not what somebody in Washington determines to be the highest priority.

In addition, the development of flexibility was one of the key findings of a State capacity task force report developed by the States and EPA. So, in essence, the thrust of this amendment is to support what the States want to do, as well as the EPA.

Specifically, the Bingaman-Smith amendment would, one, enable States to consolidate their funds—the funds that are awarded by the EPA under separate grant authorities—into one of a limited number of environmental grants.

Second, it would allow the States to transfer up to 20 percent of the grant funds from one environmental program to another if the State identifies the greater need in another one of those programs.

Third, it would follow a common set of administrative requirements rather than have this complex network of different administrative requirements for all the various environmental programs.

I want to also point out that this amendment does not seek additional funding authority. Instead, it will enable States to better use the Federal funds being made available for environmental purposes. And, more importantly, this amendment would significantly enhance a State's ability to direct scarce resources to the most serious environmental problems.

Madam President, I say to the chairman I would hope we could seriously consider this amendment. State and local governments are required to comply with a host of different environmental regulations. As you well know, we have regulations pertaining to clean air, clean water, safe drinking water, solid waste disposal, and Superfund.

For some States, clean water may be a higher priority, not because it is less important but because the need might be greater to direct the resources there, or in another case it might be hazardous waste.

But right now the States cannot prioritize these environmental objectives and we are not asking them to walk away from the problems or ignore their problems under this legislation. We are simply allowing them to shift some funding—only 20 percent—which could very well make a difference.

So I hope, I say to the chairman, that we could see some movement on this amendment. I compliment my colleague. It is an excellent idea, one long overdue, and I am very pleased to join with him in cosponsoring the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, I sympathize with the amendment of the Senators from New Mexico and New Hampshire.

It is true, that States want a lot more flexibility. I have never talked to a Governor, mayor or State official who did not want more flexibility with respect to Federal funds. You hear it all the time. That is definitely true.

It is also true that more is needed than currently is provided. We do not, however, want to give total discretion to the States if the Federal taxpayers are providing the revenue and Congress provides the programs and dollars to States. We want to make sure those dollars are spent in the way intended. The question is what is the best way to deal with the issue.

In this legislation, Madam President, we are going a long, long way to address the need for flexibility, that States need.

How are we doing it?

No. 1, this legislation provides a new revolving loan fund for States to address the needs of drinking water systems.

We provide that up to 50 percent of the total amount in the safe drinking water State revolving loan fund, at the discretion of the Governor, may be transferred to Clean Water Act needs, namely, waste water and sewage treatment needs.

We also provide for reverse flexibility. A Governor can transfer what amounts to 50 percent of the State safe drinking water fund from the clean water fund over to the safe drinking water fund. Flexibility is provided both ways at the discretion of the Governor. It is a start. It gives States a lot more flexibility than they now have.

The amendment offered by the Senators from New Mexico and New Hamp-

shire is very interesting. It is a concept that we should take very seriously. We should look at it thoroughly to see how much flexibility States should have with respect to 20 percent of the environmental dollars that the U.S. Government provides them.

It is far-reaching. It is provocative. It is interesting. It has a lot of merit.

The question is, have we thought this through enough so that it is the right thing to do here today?

Madam President, we are different States. That argues for more flexibility. Illinois is not Rhode Island; it is not New Hampshire; it is not New Mexico; it is not Montana. We are all different.

But that cuts two ways. As States would like carte blanche in spending their Federal dollars the way they want to, a neighboring State may not be quite so happy about that. For example, a downwind State may not be happy if an upwind State decides it is not going to spend dollars under the Clean Air Act but rather spend those dollars somewhere else. A down-river State may not be too happy the way an upriver State addresses its water pollution problem.

We need to be sure of the interrelationships, to try to get the right balance between the total control the States want and the assurance that these dollars are spent wisely as they affect other States.

Madam President, I think the Senators have an excellent idea. It is an idea that should be examined thoroughly and worked through.

I tell the Senators that the Environment and Public Works Committee will have hearings on this legislation. We will bring it up and give it full airing to see how far we should go down this road in giving States flexibility.

Accordingly, I would urge the Senators not to push their amendment. I do think it is a very good idea, an idea that deserves to be examined to be sure that whatever we do on this subject we do in the right way.

Mr. SMITH. Madam President, if the Senator will yield for a response, I think it is fair to say that we have thought it through. But I also understand the committee process. We certainly would look forward to working with the chairman through that committee process to see that the issue is addressed.

I think I would have to defer to Senator BINGAMAN, as the original author of the bill, as to whether or not we would go that route.

But speaking for myself, I would not object to that because I respect the commitment that the chairman has made.

Mr. BINGAMAN. Madam President, let me just indicate I appreciate the chairman's statement. I look forward to participating in the hearing that he has referred to in the Environment and Public Works Committee. I think it is appropriate that he suggests we go ahead with a hearing on this before we try to enact it.

I do think it is a good idea. I think it is meritorious legislation. But given his agreement to have a hearing, we will defer offering it to this particular legislation.

Thank you, Madam President. I yield the floor.

Mr. CHAFEE. Madam President, I do want to reinforce the point that the chairman of the committee made about the flexibility in this act in a very, very big section, and that is the capability of transferring a significant portion of funds back and forth between the safe drinking water revolving fund and the clean water fund.

This is a major change. I must say it was a change I greeted with some trepidation, and indeed prevailed on the chairman to scale it back a bit. Nonetheless, having been a Governor, I am conscious of the flexibility that Governors like, but we are certainly giving it to them in this particular area.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Madam President, I ask unanimous consent if I may proceed as if in morning business at the conclusion of which we return to the consideration of the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, may I ask the Senator roughly how long he wishes to speak?

Mr. WARNER. I say 6 to 7 minutes.

Mr. BAUCUS. I thank the Senator.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. I thank the managers, the Senator from Montana and the Senator from Rhode Island.

THE 50TH ANNIVERSARY OF THE U.S.S. ROBINSON'S SINKING OF THE JAPANESE SUBMARINE RO-501

Mr. WARNER. Madam President, today the United States Senate is privileged and indeed honored to recognize the officers and men, together with a number of their wives and family, of the destroyer escort U.S.S. *Francis M. Robinson*, DE 220, on the 50th anniversary of that ship sinking the Japanese submarine Ro-501 in the Atlantic Ocean. We hereby recognize and thank the heroic crew members who took part in that action which hastened the end of World War II.

The Japanese submarine Ro-501 was the only Japanese submarine sunk in the Atlantic Ocean by a surface ship.

I shall discuss shortly a second sinking that took place with aircraft off the U.S. carrier U.S.S. *Bogue*.

The action occurred at 1908 hours at latitude 18.08 north, longitude 33.13 west, west of the Cape Verde islands.

The U.S.S. *Francis M. Robinson*, under the command of Lt. Comdr. J.E. Johansen, U.S.N.R., was part of the screening unit for task force 22.2. At the time of the engagement, the U.S.S. *Robinson* was escorting the aircraft carrier U.S.S. *Bogue* [CVE 9]. The action commenced when the U.S.S. *Francis Robinson* made sound contact with the Ro-501 at 825 yards. Within seconds of identifying the Japanese submarine, the crew of the U.S.S. *Robinson* engaged the Ro-501 and minutes later the Japanese vessel went to the bottom of the ocean—Davey Jones' locker.

Following the engagement, the U.S.S. *Francis M. Robinson* was awarded the Presidential Unit Citation as part of the antisubmarine task group 22.2.

Madam President, at this time I would like to cite a few excerpts from the Presidential Unit Citation. The citation states that the U.S.S. *Robinson* was reognized for "extraordinary heroism in action against enemy submarines," for "carrying out powerful and substantial offensive action during a period of heavy German undersea concentrations threatening our uninterrupted flow of supplies to the European theater of operations," and for "gallantry and superb teamwork of the officers and men who fought."

The citation further states that the U.S.S. *Francis M. Robinson* and the other vessels in the task force were "largely instrumental in forcing the complete withdrawal of enemy submarines from supply routes essential to the maintenance of our established military supremacy."

Madam President, I would like to add that on June 24, 1944, aircraft from the U.S.S. *Bogue*, which the U.S.S. *Robinson* was escorting on the same mission, sank another Japanese submarine, the I-52. These were the only two recorded sinkings of Japanese submarines in the Atlantic during World War II.

Madam President, the U.S. Senate and the Nation recognize and commend the crew of the U.S.S. *Francis Robinson* for their service to our Nation during the course of World War II. Their contribution will never be forgotten.

And I am grateful to a member of that crew, Howard Kaye, a valued friend of mine, for arranging this commemoration by the U.S. Senate.

I yield the floor.

Mr. BAUCUS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The Senate continued with the consideration of the bill.

Mr. BAUCUS. Madam President, I do not see other Senators seeking recognition. I urge them to come over and offer amendments. The managers are ready to deal with other amendments. Staff is here on the floor ready to work through and review amendments.

I remind Senators that under the agreement the Senate entered into last night, there are over 100 amendments to the Safe Drinking Water Act that we must work through, one way or another, between now and the close of business Wednesday.

Mr. CHAFEE. Madam President, I join in that plea by the floor manager of the bill, the chairman of the committee.

Here we are, ready to do business—the store is open— and we have all these amendments. If people do not intend to present them, then at least it would be helpful if they could tell us that, and then we could cross them off.

But, as the chairman mentioned, there are, I guess, close to 100 amendments. That is not a world's record, but it is getting close to it. I think most of them probably are not going to be pursued, but we do not know that.

As the majority leader has pointed out, we are going to finish this bill Wednesday night. The question is whether it is going to be at 3 a.m. Thursday morning, or whether we can move along in an orderly process here and get the work done.

We are going to be here today; we are going to be here Monday.

So, as the children say, "Olly, olly in free"—bring over the amendments and let us deal with them one way or another. The store is open, as I say, for business.

Otherwise, if nobody comes, we will close shop. So if anybody has something, I wish they would come over or let us know.

Mr. BAUCUS. Madam President, I must say, my good friend, the Senator from Rhode Island, makes a good point.

If Senators do not come over, we are going to close up shop. So Senators should not think, "Well, gee; we are going to wait for another hour to come over."

If no Senators come over and offer amendments very shortly, we are going to close up shop and Senators will be precluded from offering amendments today.

I urge Senators to come over now.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I ask unanimous consent that there be printed in the RECORD an editorial in today's Washington Post entitled "Good Sense on Drinking Water."

I think it is a good editorial, Madam President. I guess I say that, in part, because I agree with it. That, in part, makes it good. But it is good because it essentially says that this legislation before us strikes a good balance. It is a good balance to help protect public health.

There are a lot of different points of view on how we should modify the Safe Drinking Water Act. There are some in the environmental community who would like much higher standards. There are other groups—developers, agriculture groups—that would like us not to go very far. This bill is a balance, and we all know the legislative process. If we want to accomplish our objective by advancing the ball, improving upon the status quo, there has to be some compromise. There has to be some agreement on all sides to back off a little bit from their position in order to advance the common good. That is what this bill does.

I would like to read a couple of paragraphs which I think get at the heart of what we are trying to do. The last two paragraphs of this morning's editorial in the Washington Post:

> What you basically have here is a deal between the environmentalists and the regulated community. Neither side is completely happy with it, but both have basically agreed to the terms. So have the leading members of both parties on the Environment and Public Works Committee, and so has the administration. Major amendments are threatened even so. Why?
>
> One of the subjects is unfunded mandates. The unfunded mandate argument has been threatened or used to stall a number of environmental bills in this Congress. But in this case the State and local people have now pretty much declared themselves content.

That is, content with this legislation.

> There is also a threatened amendment with regard to the "takings" issue: When do Federal or other regulatory actions constitute takings of private property? That issue, too, has been raised and used to stall environmental bills in this Congress, but it has little to do with safe drinking water.

I might add, Madam President, that is true. The so-called takings issue has virtually nothing to do with safe drinking water legislation.

> The sponsors of these amendments complain about regulatory excess, but this is a balanced bill that seeks to curb such excess while at the same time, adhering to basic goals. The objectors should let it pass.

I might add, Madam President, I think there is more than a kernel of truth in that statement, that is, some of the concerns some people have about unfunded mandates, about takings, about risk assessment are legitimate. Those are very legitimate issues. But it is difficult, and probably unwise, to pass sweeping legislation that deals with all the unfunded mandate questions, or all of the takings questions, or all of the risk assessment questions.

Rather, it makes more sense to deal with those questions as each major bill comes up, particularly as each environmental bill comes up. And here we are; with the safe drinking water we addressed the issue of the unfunded mandate by providing a new State revolving fund, new dollars, $600 million authorized the first year, $1 billion for the next several years up to the year 2000, and we are dramatically reforming the mandates. The mandates are not nearly as onerous and burdensome as they might be.

With respect to risk assessment, we have major provisions on contaminant selection and standards setting that begin to deal with risk assessment. Risk assessment is just one of the several tools, Madam President, in our environmental toolbox as we deal with environmental issues. We have technology standards. We have performance standards. We have health base standards. Risk assessment is another appropriate mechanism.

An analogy could be with our trade laws. We have lots of arrows in our international trade quiver. We have section 301 to address countries' barriers to American trade as we attempt to sell products in foreign countries.

We have special 301. Special 301 says to countries that are violating American intellectual property rights or intellectual property provisions, copyright, and so forth, that we will begin to take action with respect to those violations.

We have another arrow in our trade quiver, and that is countervailing duty measures. When a country dumps its products in America, we can take action countervailing duty assessment on those products.

Well, the same is true in environmental areas. Risk assessment is another tool we can use in the proper circumstances and we should tailor it to various bills because the Safe Drinking Water Act is different from the Clean Air Act, and so forth. They are all different. It makes sense to deal with risks appropriately as we deal with different environmental problems.

The same is true with takings. The Safe Drinking Water Act is not a takings matter. It has nothing to do with takings. I think it is wise when we deal with the takings question—and we will—that it more appropriately lies in the context of maybe the Clean Water Act, or maybe in the context of the Endangered Species Act; a little less so in the context of Superfund because that is really not a takings issue, either.

I urge us all to work together in a balanced way to deal appropriately with these issues. The editorial in this morning's Washington Post urges us to take that course.

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

[From the Washington Post, May 13, 1994]

GOOD SENSE ON DRINKING WATER

In the Reagan years, Congress would often overwrite a bill in an effort to force the administration to do something it didn't want to do. The safe drinking water legislation

passed in 1986 is an example. Though the act did a lot of good, in retrospect many people also think it was overly prescriptive; neither the federal regulators nor the regulated state and local governments were given much discretion.

The Senate is now trying to revise that legislation in a way that will both perpetuate its virtues and correct its flaws. The carefully written measure on the floor deserves to pass—and should not be weighted down with threatened amendments that have nothing to do with its basic purposes.

The complaint of state and local officials has been that the drinking water act requires them to do too much—often more than was necessary to make water safe—while giving them too little aid. In fact the feds have been giving state and local governments large amounts of money over the years to help build drinking water treatment plants. The funds have come through rural development and community development block grants. The bill would add to these a system of state drinking water revolving funds. It would also slightly ease the drinking water standards in ways that please the governors and mayors but that the environmentalists can apparently also live with. One change, for example, would be from a standard of no adverse effects to a "reasonable certainty of no harm;" that hardly sounds like the opening to an epidemic. The bill as drawn would also require states to set up so-called "source protection" programs, the sensible theory being that it's often cheaper to protect drinking water at its source than to let it get dirty and then have to pay to clean it up.

What you basically have here is a deal between the environmentalists and the regulated community. Neither side is completely happy with it, but both have basically agreed to the terms. So have the leading members of both parties on the Environment and Public Works Committee, and so has the administration. Major amendments are threatened even so. Why?

One of the subjects is unfunded mandates. The unfunded mandate argument has been threatened or used to stall a number of environmental bills in this Congress. But in this case the state and local people have now pretty much declared themselves content. There is also a threatened amendment with regard to the "takings" issue: When do federal or other regulatory actions constitute takings of private property? That issue, too, has been raised and used to stall environmental bills in this Congress, but it has little to do with safe drinking water. The sponsors of these amendments complain about regulatory excess, but this is a balanced bill that seeks to curb such excess while at the same time adhering to basic goals. The objectors should let it pass.

Mr. BAUCUS. Madam President, I also remind Senators that we have time here now to take amendments. The floor is clear. There is no Senator here wishing to offer an amendment. There could not be a better time for a Senator to bring up an amendment that he or she would like to see considered than now, because the way is clear, no impediments, nobody standing on the floor seeking recognition for any other purpose.

Again, I urge Senators to come to the floor. I know at some times it is a futile plea, but I would love to be surprised and have a Senator show up so that I am reassured that in some cases this plea is not futile.

Hope springs eternal, Madam President. I am very hopeful that some Senator will, in his or her wisdom, offer an amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Madam President, we are going to close up shop on the bill. No Senators have come to the floor to offer amendments.

I urge Senators, though, to send their staff over to the committee so that the staff can work out some of the amendments that Senators might have.

I further urge Senators to be prepared to bring amendments to the floor when we resume consideration of this bill on Monday. We will be on the bill Monday afternoon. There will be no votes on Monday. That means there is a great opportunity for Senators to bring up amendments that otherwise might be more difficult to bring up as we get closer to the deadline; namely, Wednesday.

I again urge Senators to work with our committee staff to work out solutions to the potential amendments.

MORNING BUSINESS

Mr. BAUCUS. Madam President, I now ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO RAUL A. OSORIO, M.D.

Mr. DECONCINI. Mr. President, it is my pleasure to recognize the achievements of my constituent, Dr. Raul A. Osorio, of Mesa, AZ. Dr. Osorio is a naturalized citizen of the United States, who returns to his country of origin, Peru, each year to volunteer his medical skills to serve the poor in his native country.

Although Dr. Osorio maintains an active medical practice in Arizona, since 1984 he has devoted part of each summer organizing medical missions to take supplies, equipment, and technical expertise to the city of Caraz, Peru, his family's hometown. He has established the only hospital in Caraz and continues to supply it annually with donations he collects in the United States.

During his medical mission each year, Dr. Osorio conducts hundreds of examinations of the poor, performs surgery, and instructs local doctors how to better serve the mountain villages of the area.

In addition to his medical endeavors, Dr. Osorio has helped the small town of Tocash, Peru, produce safe drinking water and continues to provide assistance to the local school in Caraz by donating moneys, classroom supplies, computers, and calculators. To foster better cultural understanding between Peru and the United States, Dr. Osorio began a student exchange program which, over the years, has benefited the youth of both countries.

Dr. Raul A. Osorio has positively affected the lives of countless numbers of Peruvians through his tireless efforts over the past 10 years to provide them with better medical care and educational opportunities. Dr. Osorio deserves to be recognized for his many outstanding contributions and deep commitment to improving the lives and health of the less fortunate. I am proud to represent Dr. Osorio and I hope my colleagues will join me in saluting him and thanking him for his dedication to helping the poorest of the poor.

DONALD J. ATWOOD

Mr. NUNN. Mr. President, it was with great sadness that I learned last week of the untimely death of Donald J. Atwood, Jr., who served as Deputy Secretary of Defense from 1989–1992 during the Bush administration. I want to express my condolences to his wife Sue and his children Susan and Jesse.

Don Atwood served with distinction as deputy to Secretary of Defense Dick Cheney during a challenging period of our Nation's history. The deputy traditionally is the manager of the Department of Defense, and Don Atwood devoted himself to mastering the complex operations of that huge organization. Don initiated many of the management reforms associated with Secretary Cheney's Defense management review, and then took charge of a vigorous followup effort to ensure that the reforms were actually implemented. During the Persian Gulf war, he worked long hours to ensure the proper flow of equipment and supplies to our troops in uniform in the field.

Don was born in Haverhill, MA, and was a graduate of the Massachusetts Institute of Technology. He served with the Army during World War II, an experience that he frequently referred to and which gave him a keen appreciation of the needs of our men and women in uniform. He served for many years as a senior executive with the General Motors Corp. In addition, he was active in many civic, charitable, and cultural organizations.

As chairman of the Senate Armed Services Committee, I had the opportunity to work with Don on a wide va-

riety of issues, ranging from acquisition policy to oversight of the military promotion selection process. He was always forthcoming, candid, and devoted to the best interests of the national defense. We will miss the opportunity to benefit from his wise counsel and experience as we proceed through the challenges of the Defense build-down.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, before we ponder today's bad news about the Federal debt, let us have a little pop quiz: How many million would you say are in a trillion? And when you figure that out, just consider that Congress has run up a debt exceeding $4½ trillion.

To be exact, as of the close of business on Thursday, May 12, the Federal debt stood—down to the penny—at $4,577,406,243,429.53. This means that every man, woman, and child in America owes $17,577.40, computed on a per capita basis.

Mr. President, to answer the question how many million in a trillion, there are a million, million in a trillion. I remind you, the Federal Government, thanks to the U.S. Congress owes more than $4½ trillion.

THE BUDGET RESOLUTION

Mr. NUNN. Mr. President, I voted against the conference report on the fiscal year 1995 budget resolution for two primary reasons.

First, under this budget resolution, our defense capabilities will face significant—and in my view—very harmful reductions. I cannot support these additional defense cuts, on top of the real reductions that have been occurring for the past 9 years.

Second, this budget resolution does not seriously address the real culprit in our deficit picture—the runaway growth in spending on mandatory, or entitlement, programs.

The budget resolution before the Senate yesterday reduced the cap on total discretionary spending by $31 billion in budget authority and $13 billion in outlays over the next 5 years. The Senator from New Mexico and I offered an amendment to make these savings in the area of the budget where we need to make savings, the mandatory side, rather than the discretionary side. Our amendment got only 35 votes and was defeated.

So these cuts will come out of the discretionary budget, which is the third of the budget that Congress acts on each year through the appropriations process. The discretionary accounts fund such programs as defense, Federal law enforcement, highways, and Federal aid to education. Defense spending is half the discretionary request for 1995—5 years ago it was 60 percent of the discretionary budget—but if past history is a guide, a large majority of this reduction—not just half of it—will come from the Defense budget. Coming on top of a future years defense program that is already underfunded, and a backdrop of 9 years of reductions in real defense budget authority, these cuts would be very damaging to our defense effort.

I do not blame this budget resolution for all the problems in the Defense budget. I want to briefly recount the cuts that have already been made and the cuts that are looming on the horizon.

First, the administration's proposed defense program, the so-called Bottom-Up-Review force, cuts forces below the so-called Base Force levels proposed by the Bush administration. While one can argue about whether the base force or the bottom up review force represents the better post-cold war strategy, the fact remains that the base force the administration is cutting from was not a cold war force. The base force was already a 25-percent reduction in force structure from the level we had in 1990. The Bottom Up Review takes the force structure from a one-quarter reduction to a one-third reduction below the 1990 level.

Second, the administration's own budget does not fully fund the force structure the administration is proposing. The Secretary of Defense testified before our committee that there is a $20 billion mismatch between the force structure and the budget. This shortfall results from underestimating inflation, among other things.

Third, although the Secretary of Defense testified that he opposed making any cuts in defense in anticipation of procurement reform savings before we have a plan in place to implement procurement reform, the administration budget went ahead and assumed procurement reform savings of $12 billion over 5 years. A budget amendment allocated about half those savings to the Defense budget.

Fourth, I am also concerned that the pay raises for military and civilian personnel assumed in the budget are unrealistically low and that the quality of our forces will suffer if we do not keep pay rates competitive. The budget assumes that military and civilian pay raises will fall 1.5 percent below private sector raises each year for the next 5 years. The cumulative effect would be to widen the gap between Government and private sector pay by an additional 7.5 percent over the next 5 years.

According to the Congressional Budget Office, military pay in the Department of Defense is $8 billion below the amounts required to keep pace with current law—current law calls for raises one-half percent a year below private sector raises—over the next 5 years. There is an additional shortfall of $18 billion in DOD civilian pay. Civilians are also supposed to be getting a raise of one-half percent a year below private sector raises. In addition, current law provides for locality pay increases for Federal civilian employees to close the existing pay gap with the private sector.

The list could go on and on, Mr. President. The recent buyout bill made buyouts of civilian employees at the Defense Department—where most of the buyouts are occurring—more expensive. Every base closure round is more expensive than DOD says it will be. Some people have suggested that we delay the base closure round scheduled for 1995. I hope we do not do that because it will only make the Defense budget crunch worse in the years ahead.

Finally, there is a scorekeeping disagreement of $3 billion between the Congressional Budget Office and the Office of Management and Budget over what the discretionary outlays would be in 1995 if Congress enacts the President's discretionary proposals. Although only about 10 percent of this scorekeeping dispute involves Defense, Defense could be liable for much more than its fair share of this $3 billion outlay cut when the Appropriations Committee allocate the reduction they will have to make to the President's discretionary budget.

So, Mr. President, I do not lay all these problems at the Budget Committee's door. I know the chairman of the Budget Committee opposed the Exon-Grassley cut. There were several attempts to eliminate the cut, to exempt Defense from the cut, to substitute other cuts, and so on. But those attempts failed, and as a result we have a budget resolution that makes additional deficit reduction in only one area, Mr. President, and that is the Defense budget—the only area of the budget that has been cutting spending. And at some point we have to draw the line and say we are cutting too much. I believe we have reached that point.

I know proponents of the Exon-Grassley amendment have said the cuts do not come out of Defense, they come out of discretionary spending. Some of it may come out of Defense, they say, but it is not a Defense cut. Mr. President, I have been around here long enough to hope for the best but prepare for the worst. I do not believe we should make additional reductions in the Defense budget. But the lower discretionary caps in this budget resolution will also certainly force us to do just that.

People may say that $13 billion over 5 years is not that much money and that surely we can save $13 billion without harming out defense. Viewed by itself, this so-called Exon-Grassley cut of $13 billion in outlays does not sound that big, but the point is this cut cannot be viewed in isolation. This cut will be piled on top of all the other cuts I have already described.

Mr. President, I agree with the goal of achieving more deficit reduction.

But there is a right way and a wrong way to do it, and this is the wrong way. By trying to make modest cuts in discretionary spending and not including any meaningful reductions in entitlement growth, this resolution leaves the back door wide open for continued uncontrolled mandatory spending.

We all know what has to be done to reduce the deficit. You have to hold down spending and raise revenues. Last year's reconciliation bill raised revenues significantly. But are we doing our part in holding down spending? The answer is "no." Sure, this budget resolution takes the discretionary caps that were already essentially flat for the next 5 years and takes out another $13 billion. But at the same time, the so-called uncontrollable side of the budget—that is, the 50 percent of the budget composed of entitlement programs that send out checks each month without any action by the Congress or the President—continues to grow without restraint.

Mr. President, this approach is like trying to save the patient by amputating the right leg when we all know the cancer is in the left leg. It just is not going to work. We are raising revenues. We are holding down discretionary spending—and this is because we are cutting Defense spending, not just holding it level but cutting it. But the one thing we have to do to bring the budget into balance, we are not doing, and that is to bring entitlements under control.

Over the next 5 years, Defense spending will be $190 billion less than it was over the past 5 years, even if Defense gets the full amount the President requested. Spending for domestic discretionary programs like education and law enforcement will be $250 billion higher than it was over the past 5 years. Health care spending, which is the major cause of the rise in entitlement spending, will increase by nearly $800 billion over the amounts we spent over the past 5 years.

The reason we keep taking another chunk out of discretionary spending when discretionary spending is not the problem is it is the only part of the budget we can take a cut in and make it stick. If we make a cut in discretionary spending, we know the chairman of the Appropriations Committee is going to carry it out. That is why I have been calling for comparable discipline on the entitlement side of the budget. But, as I understand it, this resolution not only does not reduce the growth of entitlement spending, it actually allows for the expansion of an existing entitlement program without the required pay-as-you-go offsets.

This conference report does contain a modification of the Domenici-Nunn sense of the Senate language that the Senate adopted, calling for an enforceable cap on mandatory spending programs, excluding Social Security. I am disappointed that the language was weakened from the version the Senate adopted by removing any reference to sequestration or any other credible means of enforcing an entitlement cap. Clearly, Mr. President, sense-of-the-Senate language is not enough. We will have to address this issue on the health care reform bill.

Everyone acknowledges that health care cost are the main culprit driving the deficit. It follows that we cannot balance the budget, or even significantly reduce the deficit, if health care reform does not reduce the deficit. Yet what this budget resolution requires is merely deficit-neutral health care reform.

Mr. President, it is almost as if we are oblivious to the obvious. If the only way to balance the budget is to control health care costs, yet we are not prepared to require health care reform to reduce the deficit, then we are giving up on balancing the budget in this decade, and perhaps for good.

We are prepared to deal with the fact that our health care system needs an overhaul, but we have not prepared ourselves to face the fiscal reality that health care reform has to save money.

We need to do better Mr. President. When the economy is recovering and the deficit is falling like it is now, nobody sees the need to make the hard choices. And when the deficit starts rising again people will say the problem is too big to handle and now is not the time. But eventually the baby boom generation will start retiring, and we will be out of time.

C–17—WHAT IF NOT APPROVED?

Mr. D'AMATO. Mr. President, in a recent briefing on the C–17, the Air Force offered a dire warning for the future if Congress failed to accept the proposed bailout. According to a briefing slide titled "Settlement," and I quote:

WHAT IF NOT APPROVED?

Return to highly contentious and nonproductive atmosphere;

Return to focus on claims development and litigation;

Program denied benefits of cost and quality improvement elements;

Continuation of flight test program in question;

Progress over last four months reversed; and

Program outlook—Dismal.

Well, Mr. President, get ready for "dismal," because the House Armed Services Committee forcefully rejected the proposed C–17 bailout. This begs the question: Why not terminate outright, if our only prospect is dismal?

No one can deny the elegance of Under Secretary Deutch's political solution. Everyone could claim victory; no one felt the sting of defeat. Unfortunately for C–17 apologists, our House colleagues have chosen a different path. I, for one, do not look forward to squandering additional taxpayer dollars on a program with a prognosis like the one described by the Air Force for the C–17. I urge my colleagues to carefully consider their options when the Defense authorization bill comes on the floor next month.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

Mr. LIEBERMAN. Mr. President, I rise to express my support for passage of S. 2019, the Safe Drinking Water Act amendments of 1994, and I particularly commend the chairman of the Environment Committee on which I am privileged to serve, Senator BAUCUS, and the ranking member, Senator CHAFEE, for the extraordinary diligence and patience with which they have brought this bill to the floor.

The mood surrounding the reauthorization of this very important law—think about it, safe drinking water—has been one of frustration. We have heard a lot in the last year or so about how the 1986 reauthorization of the Safe Drinking Water Act, which passed almost unanimously and was signed into law by President Reagan, imposed overly burdensome requirements on small drinking water systems. We were told as well that some larger systems felt they should not have to invest significant sums of money to achieve what they believed to be the minimal gains in the prevention of deaths by cancer.

At the same time, Mr. President, we have seen real cases like those that occurred in Milwaukee where people died because they drank the water from their kitchen tap. The culprit, a contaminant called cryptosperidium, was not even regulated. Unfortunately, Milwaukee is but the most tragic and dramatic example of a nationwide public health threat. EPA tells us that one-third of the 200,000 drinking water systems in the United States exceeded their allowable limits of contamination last year. The Natural Resources Defense Council identified more than 250,000 violations of the Safe Drinking Water Act in 1991 and 1992, "affecting 43 percent of the Nation's public drinking water systems serving an estimated 120 million people."

This is real problem that affects real people.

The NRDC report that this statistic comes from "Danger on Tap," I found very instructive. According to the report, the Centers for Disease Control in Atlanta estimates that waterborne organisms cause nearly 1 million cases of intestinal illnesses and 900 deaths annually in the United States. Again, I quote from the report: "Between 1989 and 1990, 16 States reported 26 major waterborne disease outbreaks affecting more than 4,000 people. By 1991 and 1992, 17 States had reported 34 major waterborne outbreaks affecting more than 17,000 people."

But these statistics only account for impacts on Americans who get their water from public water systems. According to Health magazine in their July/August, 1993 issue, "an estimated 8 percent of Americans—more than 20 million people—still rely on unfiltered water from mostly groundwater sources; this is not part of any public water system and hence excluded from official statistics," that I have just cited. The NRDC report further tells us that "one study group assembled by the EPA and the American Water Works Association concluded, 'by the time microbes are detected, the water has been consumed.' Thus many experts believe that the true extent of waterborne illness in the United States remains largely unknown."

That is the statistical reality as we understand it. The perception is even worse. One of the most telling statistics of all is this; bottled water is a $2.7 billion industry. Americans are paying that much money to affectively avoid having to drink from their own kitchen taps. Comparatively, they are paying a fair amount. A recent survey concluded that only 4 percent of Americans believe that drinking water standards are too stringent. Nearly 84 percent believe they ought to be tougher. This is underscored by a 1993 American Water Works Association-Research Foundation study which found that 74 percent of water system customers were willing to pay additional costs in order to raise drinking water quality above Federal standards.

That is not hard to understand when you think about how much we rely on drinking water from the tap.

All of the recent studies on the efficacy of the Safe Drinking Water Act program—whether done by EPA, GAO, the American Works Association, the Natural Resources Defense Council, all agree that there are certain elements critical to running a program for drinking water that will protect the public health: Strong State-run program; the prevention of new nonviable systems and the authority to consolidate existing ones or force them to find alternate sources of water; stronger research funds and technology development particularly for treatment technologies suitable for use by small systems; training for operators of those new technologies; more directed monitoring programs. There is basic agreement on those factors.

They also all appear to agree that until now there have not been the financial resources to help make these changes happen. States have the authority under current law, for example, to relieve small systems of certain monitoring requirements, if the State can demonstrate that the contaminant to be monitored for has not been used in that particular watershed. But States do not, as a rule, have strong enough State programs to be able to make that assessment. With most drinking water programs being run by State Departments of Health, perhaps it is because their resources have been drained by other health-protection or awareness programs, such as those dealing with AIDS, or load poison for example.

This is a problem, particularly as now is the time that the requirements of the Safe Drinking Water Act are increasing. The 83 contaminants that the 1986 law instructed EPA to set standards for are coming due. This in itself was apparently enough to panic a lot of States and particularly those with a lot of small systems. How in the world were those systems going to be able to comply with additional monitoring and perhaps treatment requirements when they were struggling to meet those already required?

Clearly, we needed to find a way to address real compliance problems while not compromising public health protection. We needed to make sure that we were using the best available science upon which to base contaminant monitoring choices and frequency. We needed to find a way to help States mount strong State-run programs as that they could help their own small systems protect the health of their customers. We needed to recognize that the cheapest way to control drinking water contamination was not to treat it, but to prevent it, to prevent its contamination at its source.

S. 2019, reported unanimously from the Environment and Pubic Works Committee did all of this. It established a new State revolving loan fund of nearly $6 billion to assist States with compliance with Federal law. It set us a system by which small systems could meet safe drinking water standards without going broke, a process by which they could achieve a variance if there were no way to either combine with another system or seek an alternate source of drinking water. States would be able to substitute their own monitoring programs for EPA regulations.

S. 2019 would also require some things from States, namely that they have the legal authority to prevent new nonviable systems from forming, and that they establish a strong State program to encourage the restructuring of existing nonviable systems. In addition, S. 2019 required States to develop a process by which the State could review a source-water protection plan should one be developed and presented to the State.

I think this is a very, very important and constructive piece of legislation.

Mr. President, I know the debate on this matter will continue next week. There are other areas that I look forward to participating in the debate on, but there are two areas I just want to touch on briefly today and which I hope to return to next week.

One is the importance of retaining language in the bill to encourage and assist States and localities to craft drinking water source protection plans. Protecting drinking water at its source really is the most pragmatic, cost-effective and public-health-conscious way to assure a safe drinking water supply.

The other area of concern to me is how to best account for so-called sensitive subpopulations when we determine what level of exposure to a contaminant in the water is, in fact, a safe level. In other words, how do we make sure that we are protecting those at most risk in our population—children, the elderly, or those with a biological, a physical predisposition to suffer more acutely than most of us as a result of exposure to a particular contaminant in drinking water.

I have been working closely with Senator BOXER on this issue and I appreciate very much the ongoing interest in this problem that has been shown by Chairman BAUCUS and by Senators CHAFEE, HATFIELD, and KERREY. I am certain that all of us will have more to say about this more specifically later on in debate on this bill and I am confident that we will find an appropriate response to this very serious human problem.

The bottom line is, Mr. President, the bill represents real progress and I hope we can see it through to successful passage next week here in the Senate

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECORD TO REMAIN OPEN UNTIL 2 P.M.

Mr. LIEBERMAN. Mr. President, on behalf of the majority leader, I ask unanimous consent that the RECORD remain open today until 2 p.m. for the introduction of legislation and statements.

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

Mr. LIEBERMAN. I thank the Chair.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

BOSNIA

Mr. SPECTER. Mr. President, I have sought recognition to comment about the two votes in the United States Senate yesterday on the issue of lifting the arms embargo as to Bosnia, each 50 to 49. These two resolutions are inconsistent on their face—rather unusual for any body, for any legislative forum, and especially for the United States Senate. In my 14 years in the Senate I have not seen such inconsistent resolutions passed. I inquired as to the historical knowledge of those who have been in the Senate longer to see when or if such inconsistent actions had been taken. I believe that the inconsistency of these actions is significant in and of itself in terms of the strong feeling of the Senate and the emotionalism of, not only the debate, but the votes on the underlying desire for the United States to be more active in Bosnia and to find some way to remove the arms embargo as an underlying unifying theme. The area of disagreement being whether it ought to be done unilaterally, by the United States alone, or whether it should be done in collaboration with our allies, especially the French and the British.

The problems in Bosnia have been soul wrenching and gut wrenching for the American people, and it is reflected in the sentiments of the Senators in this body. We have watched tens of thousands of people killed in the civil war in the former Yugoslavia, and we have seen some 2 million people displaced from their homes. As we have watched from a distance, we have struggled with what action would be appropriate by the United States because of our concern for the desolation and bloodshed and suffering which is being inflicted in the civil war there.

The decision was made long ago, and I think wisely, that the United States could not be involved in ground action there because of our bitter experience in Vietnam and because of the quagmire which would necessarily be involved were we to undertake any ground operation.

We have debated and considered the issue of air strikes and have finally authorized them. It was unique, precedent-breaking action by the NATO allies to undertake the air strikes. The airstrikes have been helpful, to an extent, but have not been really determinative of any real solution.

Therefore we have come back to the question of the arms embargo. We are not allowing the Bosnian Moslems to buy arms, stopping their shipment in, and we have asked the very basic question: Why not?

The right of self-defense is a very basic human right. It is a very basic human instinct. Self-preservation is probably number one among human instincts, and the right of self-defense is well-recognized since time immemorial.

The United Nations Charter, article 51, provides specifically for the right of self-defense. Yet, the Bosnian Moslems have been denied that right. Why? Because the United Nations imposed an arms embargo against the nation of Yugoslavia long before Bosnia was formed.

It is my judgment, as a matter of international law, that the United Nations arms embargo really is not binding on Bosnia. Why? Because there was not even a nation of Bosnia when the arms embargo was imposed, and there is the supervening principle embodied in article 51 that there is a right of self-defense.

But it has been a torturous matter for the United States, including the Senate, to consider what to do, since the arms embargo was opposed by the United Nations and our allies. Especially the British and the French, who do not want to lift the embargo. They have troops on the ground there. The support of the United Nations, the British, the French, the Russians, and the Japanese are vital for the United States in carrying out other embargoes, other sanctions, for example, on Iraq and on North Korea where there are vital United States interests.

Scheduling is always hard and it is hard to find very many Senators on the floor at any time to engage in the kind of exchange which is desirable. We have had it in the past. We had it when we considered the resolution for the use of force with respect to Iraq, and that historic debate which occurred on this floor in January 1991. It seems at the very end there is a time limitation.

I saw my colleague from Virginia, Senator WARNER, speaking. He was allotted 3 minutes. He had some very important things to say. It was totally insufficient, as he was wrestling with the problem of overwhelming importance, and we did not have the kind of airing which we should have had in the U.S. Senate, which is reputed to be the world's greatest deliberative body.

There was important discussion about the difference in a "vital interest" contrasted with what may be termed an "important interest." To lend support to a nation which is struggling for survival and is defending itself, in terms of a moral value, on what we have considered to be an important national interest to help a nation defend itself, like Bosnia, contrasted with what might be termed a vital interest which may be impacted upon if the United States acts unilaterally to lift the arms embargo, without the collaboration of the French and the British, without the acquiescence of the Russians. What will happen in North Korea where there are more important interests, arguably? I think it is accurate that the interests of the United States have to be established on a matter of priority: What could happen with the North Koreans acquiring nuclear bombs; what could happen with South Korea; with the United States forces there; or the vital interests of the United States in Iraq? So those were all matters of really great concern.

I think it is important that this matter has been debated in the Senate, and I congratulate my colleague, Senator DOLE, for offering an amendment which was considered by the Senate back in April where there was a vote of 87 to 9 in favor of assisting Bosnia. I know that it has caught the attention of the executive branch.

These measures are unlikely to have the force of law because even Senator DOLE's amendment yesterday, which does have the force of law, or purports to have the force of law—it is not a sense-of-the-Senate resolution. We frequently have sense-of-the-Senate resolutions which express our preference but are not binding.

What Senator DOLE had in his resolution yesterday, which said that "Neither the President nor any other member of the executive branch of the United States Government shall interfere with the transfer of arms to the Government of Bosnia and Herzegovina," would have the force of law if it were passed. It is more than a sense-of-the-Senate resolution.

As we debated this provision, this amendment, it was apparent that its enactment was unlikely because it was opposed by the President, so that it would have to be passed, ultimately, by an override of a Presidential veto by two-thirds. That was highly unlikely.

As I viewed the measure, I was concerned about the multinational effects and the impact we would have on the alliance and the importance of Russia, Britain, and France and our other paramount interests in Iraq and North Korea, and that it would not become the law. I noted the measure attracted a great deal of attention from the executive branch.

I received three calls from ranking members—not the President, not the Vice President either, or the Secretary of State—but three ranking members in the executive branch. I get calls with some frequency—we all do—but more than usual. There was real concern in the executive branch.

I think it is more than a wake-up call. It is more than the alarm going off, and it is more than a fire alarm. There is real unrest in this body, there is real unrest in the country, and there is real dissatisfaction with the President's policy in Bosnia, and it has to be changed.

If you take a look at Senator MITCHELL's resolution, there is agreement in Senator MITCHELL's resolution that the arms embargo ought to be lifted. The Dole resolution and the Mitchell resolution are unified on lifting the arms embargo. Almost all the Senators favor—only a few Senators, perhaps as few as 6 voted against both resolutions.

The PRESIDING OFFICER. The Senator has spoken for 10 minutes. You may ask consent for more time.

Mr. SPECTER. I was not aware there was a limitation, but I see my colleague on the floor, Senator BRADLEY, giving me the go ahead signal, so I ask unanimous consent to proceed for not more than 5 additional minutes, and I will try to conclude in less time.

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

Mr. SPECTER. Mr. President, as I was saying, the resolutions of both Senator DOLE and Senator MITCHELL called for a release of the arms embargo. I think that the administration and the President are on firm notice of that policy, which I think reflects the attitude of the American public, and that expeditious action ought to be taken to get the United Nations' agreement. As Senator DOLE has said, he is going to be back here in a short while, and he is going to be renewing this application. It is a very important one.

I want to comment on a provision of the Mitchell resolution which concerns me, and it reads as follows:

> Upon termination of the international embargo, the President shall ensure that appropriate military assistance be provided expeditiously to Bosnia and Herzegovina upon receipt from that government of such a request in exercising its right of self-defense.

There follows a provision that there shall not be ground combat forces. It may be that was added afterward, after a colloquy and a questioning of that provision by Senator BYRD.

There was a similar provision in the resolution offered by Senator DOLE last April, which I voted against because the Dole resolution from April provided "The President, upon appropriate military assistance of the Government of Bosnia and Herzegovina, upon receipt from that Government a request for assistance in exercising its right of self-defense"—the gravamen is the President shall provide "appropriate military assistance."

I voted against the Dole resolution, one of the seven to vote against it in an 89-to-7 vote, because I am not prepared to give the President a blank check, which I think the Dole resolution could have been interpreted to mean. I think that in Senator MITCHELL's resolution from yesterday, which provides again for "appropriate military assistance," even though there is a later statement about not having combat forces, those provisions are too broad. There should be a grave concern and grave reservations by the Senate, by the House—by the Congress—on giving the President a blank check to provide what the President may consider to be appropriate military assistance, even if there is a disclaimer as to ground forces.

I believe that the United States has engaged in wars which were not constitutionally authorized. Korea was a war with no constitutional authorization, because only the Congress can declare war. Vietnam was a war, and again it could not have the appropriate congressional authorization, in my legal judgment, although there was a Gulf of Tonkin resolution. When it came to the use of force in Iraq, the Congress took up the issue and appropriately considered it and passed it, albeit by a narrow margin, 59 to 43, in this body.

I think Congress has to be zealous in assuring the American people that this country does not go to war unless the Congress declares war, and that we have had a bitter experience that we cannot sustain a war unless there is public support. The place to find out whether there is that public support is in the Congress of the United States.

I am concerned now about all the talk of military intervention in Haiti, and that is another subject which I am not going to get into at any length today except to say that I do not believe there ought to be military intervention in Haiti without congressional authorization. There is no emergency in Haiti. There has been a long time to consider it. There is no reason for the President to act unilaterally. What is or what is not a war is subject to some dispute. But if United States forces are deployed in a situation where there is time for deliberation and congressional action, it is my firm view that, as a matter of public policy, it is only the Congress which ought to act and the President ought not to act, and that in many of these situations and perhaps Haiti as well, it is a constitutional requirement for the Congress to act.

So that in considering the Bosnia matter, or any of these issues for international action, I think Congress has to be very zealous not to give any overly broad authorization and certainly no blank checks to the President. But especially in this Presidency there is a need for the corporate wisdom of the Congress to speak out on international matters, as we did in Somalia, where a Member of the President's party would have had us precipitously leave. It was really again a leadership effort by Senator DOLE, but Democrats as well as Republicans, which had a timetable for an orderly withdrawal.

The Senate has spoken very forcefully on this issue. It is my hope, Mr. President, that the administration will pay close attention to it, and that we will find a way to lift the arms embargo and a way to help the embattled Bosnian Moslems to defend themselves. We must try to bring a solution to the problems in Bosnia, hopefully diplomatically, but if not, at least to accord Bosnia its rightful opportunity to defend itself.

I thank my colleague for waiting. I thank the Chair and I yield the floor.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. I thank the distinguished Senator from Pennsylvania for being generous with his remarks and addressing an important subject, a subject with which we dealt yesterday in the Senate.

VIOLENCE

Mr. BRADLEY. Mr. President, let me begin my remarks today with a poem that I got from a 16-year-old in Camden, NJ. The title of the poem is: "RIOT at East Camden Middle."

> The riot start after the basketball game—hallway outside the East Camden Middle School gym. Unknowns fightin the Two-Eight Youngsters.
>
> An Unknown get up in a Two-Eight face. And then it's knives. Razor blades. Black eyes. Busted noses. Blood all over the halls. Girls screamin, cryin. People steppin on each other to get outside.
>
> Fifty to a hundred people fightin.
>
> Crazy!
>
> War inside the school.
>
> An even fists an knives is not enough.
>
> Guns. Someone duck out to get the guns. Bullets sprayin the crowd out on the parkin lot.
>
> Three girls, two dudes get shot that night.
>
> I carry my gun every day.

Mr. President, the young African-American male who wrote me this poem is more likely to die in the violence he describes than in any other way. Murder is still the number one cause of death for young African males in America today.

In thinking about violence in America, our goal has to be to keep these young people alive by reducing the level of gunfire and terror among the young in schools and in our cities.

Mr. President, that has to be clear. But it would be a mistake to stop there, to think that it was confined there, for violence is not confined to street crime nor to urban America. Violence burns in many places. It is a blaze fed by many fires. Ask any corporate executive who never drives home the same way 2 days in a row. Ask any head of security at a suburban mall or a college campus. Ask anyone who uses an ATM machine at night. Ask any Japanese tourist if he would ever, under any circumstances, knock on a stranger's door in Louisiana. Ask any German tourist about getting off the highway in Miami. Ask Michael Jordan.

Mr. President, violence, while present throughout our Nation's history, has of late taken some inexplicable turns. Somehow our times are different. Nancy Kerrigan and the Bobbitts are not a singing group of the 1960's, and the Menendez family is a far cry from Ozzie and Harriet. Gone are the TV days of Matt Dillon rounding up the outlaws in the Old West, or Elliott Ness and the boys always prevailing against organized crime. A Charles

Starkweather or a Charles Manson used to come along once in a decade. Now it seems a Jeffrey Dahmer turns up someplace in America every year. And the more bizarre the incident, the bigger the news coverage.

People seem to flock to TV competing to tell the most lurid story. There are days when, through "the tube," it seems as if the country has taken the form of one big dysfunctional family. More and more people seem to be living on the outer edges, unsure how they are going to get back. We seem to be daring each other as if we were teenagers and taking risks that in another time and place would have been unthinkable, not realizing that unless we get things under control, the country will be the loser.

And the remarkable thing is that too many people do not really do anything about it; they just take all this. Child abuse and muggings and murder all pass in a blur of recognition. Street taunts raise awareness of danger that triple-locked doors cannot lessen. Slowly, violence burns and eats away at our social fabric as if it were an acid, so that even when statistics show some improvement, we do not feel more secure.

Mr. President, violence goes deeper and comes closer to many families in America than we would admit. Domestic violence, for example, is America's dark little secret.

A few weeks ago, a woman told me the following story. She said that her husband used to beat her up regularly. She wanted to leave, but she could never imagine actually doing it. She feared the consequences for herself and for her children. Then one day, her 2-year-old daughter witnessed her husband strangling her. Finally, that incident was enough; it was the catalyst. She decided to seek refuge with her 2-year-old and 4-year-old in a shelter for battered women.

A few days later when she was in the shelter, the 2-year-old got mad at the 4-year-old. The mother turned see what was the matter and witnessed the 2-year-old going for the throat of the 4-year-old.

Mr. President, I thought about that image of violence a lot, the image of that violence being passed on from one generation to another.

"The most dangerous place to be", a policeman recently said, "is in one's home between Saturday night at 6 o'clock and Sunday night at 6 o'clock. He forgot to add, "Especially if you are a woman."

One-half of all women who are murdered in America are murdered by their male partners; one-half. Three-quarters of all assaults happen in the family. Thirty percent of all women admitted to emergency rooms at hospitals are there due to family violence. Violence against women in the home causes more total injuries in America than rape, muggings, and car accidents combined. Sudden, stark, incomprehensible, family violence does not just happen. It builds into the cycle of aggression and forgiveness and blame until it explodes. And the battered spouse is almost never a man.

When J. Robert Oppenheimer witnessed the first nuclear explosion, he said that the nuclear bomb was "a destroyer of worlds." In the homes of battered women and abused children, violence is a destroyer of the world of love.

Few have observed this better than one of America's greatest novelists, Russell Banks, who, in his great novel, Affliction, wrote the following:

> Pop held Wade with one hand by the front of his shirt, like Matt Dillon drawing a puny terrified punk up to his broad chest, and he took his left fist, and swung it out to the side, opened it, and brought it swiftly back, slapping the boy's face hard, as if it were a board. Then he brought it back the other way, slapping him again and again, harder each time, although each time the boy felt it less, felt only the lava-like flow of heat that each blow left behind, until he thought he would explode from the heat, would blow up like a bomb, from the face outward.
>
> At last, the man stopped slapping him. He tossed the boy aside, onto the couch, like a bag of rags. . . .

This kind of violence turns boys like Wade into men like Wade, who later in the novel becomes a cold, soul-less killer.

Mr. President, violence not only destroys the world of love, it also destroys the world of trust—the world of trust that is essential to a humane public life. Ask any urban dweller who is afraid to go to a PTA meeting or to a church meeting at night, and they will tell you that the fear of violence strikes at the core of their individual liberty.

Mr. President, liberty is the right to choose. It is often expressed as "freedom from"—freedom from coercion or control. But it is also "freedom to"—freedom to make the best of our capacity and opportunities. One way you exercise liberty is through freedom of association. You must be able to associate with other people in order to learn and bend, communicate, organize, pass on values, practice democracy. Through association with other people, we pursue happiness. Security protects liberty, and this thus lets us readily create associations with other people through which we build community, which in turn will guarantee liberty.

Mr. President, the genius of all of this is the interdependence of these ideas. They are meant to chase each other in a virtuous circle. None of them is ever fully realized, fully achieved—liberty, happiness or security. And the vitality of our democratic society is the incessant effort to achieve them, even though they are not ever fully achieved. We chase each other in a virtuous circle, providing more liberty, more security than we would have otherwise, and more happiness.

Mr. President, in communities where violence prevails these ideals are lost. Violence clogs the arteries of a free society. It stops us from reaching out our hands to a neighbor. Violence robs us of liberty. It destroys the world of trust by turning a citizen into either a frightened, isolated victim, or a predator living off of other's pain. In America today, the blaze of violence is fed by many fires.

Mr. President, I ask unanimous consent to be able to continue.

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

Mr. BRADLEY. In America today, the blaze of violence is fed by many fires. Television, CD's, and video games bring it into the open windows of our homes. By the time a kid reaches 18 they have witnessed as many as 26,000 murders on TV. But not all those murders are the same. Some can make a child pause at the consequences of violence, while other murders pile up in an empty litany of bashing and stabbing and shooting that creates a numbness that, in turn, requires ever crueler and gorier violence to induce just the flutter of shock. Murder pays, for the sponsors. Rap anthems that glorify gang violence and brutal abuse of women, sell.

Often the corporate search for violent product gives us violence of such intensity that it has almost no context at all, either moral or biographical. There is a difference between, on the one hand, the fiction of Russell Banks and the news footage of the Bosnian war—both of which portray violence—and, on the other hand, a corporate product such as Mortal Kombat II that consists of nothing but violence, that in a sense is violence.

George Gerbner, a communications professor at the University of Pennsylvania, draws a distinction between the symbolic and often tragic violence of Shakespeare and fairy tales, and happy violence which shows no pain or tragic consequences.

Every year in New Jersey I do a high school seminar where kids participate from 500 high schools. We break up, and discuss things. This year we discussed violence in one of the seminars. In one of the seminars I spontaneously asked the following question: "Anybody in here ever see anybody killed?" Two hands went up. I said, "Tell us about it." They could not tell us about it. They were too traumatized.

At another seminar, I said, "Anybody here see ever see anyone killed?" One hand went up. "Tell us about it." Then he described what it was like to see a person standing on the street corner, and somebody else come along with an automatic rifle and shoot him in the head. He described in vivid detail what

happened to the victims head, how it looked as the person fell in a pool of blood. Mr. President, he then said, "That is not the way it looked on TV."

The blaze of violence is fed by many fires.

There are more gun dealers in America than there are gas stations or grocery stores. In 1991, 14,373 Americans were murdered with a gun, over 12,000 with a handgun. Every 14 seconds, somebody dies of a gunshot wound. Every gun injury that leaves the person hospitalized costs $30,000, 80 percent of which is paid by the taxpayer. There are 71 million handguns in America. In 1992, 34,000 people applied to be gun dealers, and only 37 were denied. With only 240 inspectors to police 245,000 gun dealers, why is that a surprise to anybody?

In a nationwide poll of teenagers, Lou Harris found that 15 percent of suburban teenagers and 17 percent of urban teenagers report having carried a gun in the last 30 days. Forty percent of all teenagers say they can get a handgun within 24 hours, "if I wanted one." The same percentage—40 percent—say that the threat of violence has made me change where I go, where I stop on the street, where I go at night, what neighborhoods I walk in, and who I make friends with.

Police officers point out that the change in violence over the last decade is that murderers are younger, the guns more high-powered, and the acts themselves are more and more random.

The blaze of violence is fed by many fires.

Native American reservations in South Dakota have a murder rate of more than double that of Los Angeles. The rate of poor rural counties in Mississippi equals that of Newark. The common denominator in all of these places is: Poverty, loss of hope, and vast segments of urban America are in economic depression. Lives are being wasted, shortened, demeaned, without a job, which can give dignity to each of them. At a time when our common economic future needs every able-bodied person, we see poorer, sicker, less well-educated, Third World enclaves emerging in our midst.

Mr. President, I have spoken on native American reservations and at urban recreation school programs for over 25 years. A decade or so ago, there was always a distinct difference between the kids in the two places. On a native American reservation, the kids sat quietly, almost impassively, instead of asking questions or offering opinions. The toll of 200 years of neglect has settled so deeply that it had squelched hope. As I looked out into the audience, I stared into dead eyes—dead eyes. There was no response, no hope.

In an urban community, the kids, a decade or so ago, seemed wired with energy, could not stop bobbing left, right, up and down. They asked questions, talked incessantly with each other, and did not often listen, but their eyes were alive with expectation. Today, I go speak in urban America and something has changed. Too often, I see dead eyes. Once hope is gone, everything is gone.

The blaze of violence is fed by many fires.

In Detroit, nearly 80 percent of the kids are born to single parents. In 1991, 30 percent of all children born in America were born to a single parent. Among black children, it was two-thirds. Many single mothers do a heroic job transmitting values, raising their children well against great odds. Many others are too young, too poor, too unloved, and their children, at birth, become 15-year time bombs waiting to explode in adolescence.

If you think violence among the young is bad now, wait until this army of neglected, often abused, sometimes abandoned, street-trained, gang-tested, friendless young people reach age 15. Their capacity to have any kind of meaningful attachment will be gone.

One recent study that surprised me was that the number of urban teenage boys volunteered that they had no best friend and no one person that they trusted. Mr. President, when only the gang gives meaning to life, death cannot be far behind.

In America, the blaze of violence is fed by many fires.

The emerging Federal crime bill is an attempt to counter rising violence. The architects of the bill have worked hard on it, and it does many good things. But its effect is uncertain. It appears to some as if it were a huge heap of ideas and proposals cobbled together by representatives of a Nation which is increasingly desperate about violence. In a way, it reminds me of what a group of anxious citizens would do as they threw furniture and household goods on a barricade to stop the invading hordes. Many of the provisions appear to have the following rationale: Maybe that will work, maybe that would help, so let us add it to the barricade. My fear is that the remedies come from so many different sources, and expand over such a wide area, it will have a limited impact, notwithstanding all of our good intentions.

Mr. President, to some ears, this might sound like a criticism of the bill. It is not intended to be. It has more to do with how people hear the words, and with the complexity of violence generally. I personally think Chairman BIDEN has worked long and hard to confront violence and has spent more time thinking about it than virtually any person in this body, and he has had an outstanding staff researching it, more than anybody in this body. The Judiciary Committee crafted an excellent bill that took aim at violence, particularly among the young. It had my strong support because it reflected a good balance between prevention and punishment.

Yet, some unfortunate amendments were added here on the floor. Not all of them, obviously, were unfortunate; some were good. But some of them were unfortunate. Many of them Chairman BIDEN opposed, some he accepted, knowing they were necessary to get a bill through this body and to conference. I doubt that they are going to emerge from conference.

What is missing, Mr. President, is an overall national goal, and an admission that much of what must be done is beyond the reach of the Federal Government. What we need is a national rebellion against violence that sets a specific target for reducing violence over a 10-year period.

For example, I suggest a 75-percent reduction in our homicide rate which, if achieved, would place us about where England's homicide rate is today. A national rebellion against violence would be rooted in the knowledge that violence strikes at the core of our democratic freedom, the freedom to associate with each other as liberty-loving, free individuals. A national goal would also give us some way to measure progress. So often Americans, on the one hand, seem catatonic, frozen, paralyzed in the face of intense violence and, on the other hand, we seem ready to entertain the most radical solutions. Unless we have a way to tell whether what we are doing is working, people will always assume the worst and will believe the latest and worst anecdote they heard that will define what the threat is to them, notwithstanding declining violation rates, and we will be potentially caught in a spiral of extreme measures that could even endanger our rights permanently. We cannot simply replace a violent society with a repressive society. That would be a pyrrhic victory. The rebellion against violence must enhance our national example, not diminish it. We must always remember that the world is watching us and now more than ever before.

Mr. President, like so many other issues in public life, in the debate about violation, people do not listen to each other. That side does not listen to this side. This Senator does not listen to that Senator. This outside group does not listen to that outside group. They are frozen, frozen in the old dichotomy of conservative or liberal; tough or coddling; causes or punishment. Those who believe the answer is gun control do not listen to those who believe the answer is the death penalty. Those who believe in severe punishment cannot see the necessity of controlling and limiting guns. And often neither gun control advocates nor tough sentencers see the connection between societal violence, on the one hand, and poverty, family disintegration, and exploitative media violation, on the other. Instead

of confronting reality, more and more people look for the magic bullet that will stop violence dead in its tracks, do the one that will be there, will stop it and there will be no more violence.

Mr. President, the truth is much harder.

Truth No. 1: There is no miracle cure, and the answer lies closer to home than it does to Washington, DC.

Truth No. 2: Violation will not be stopped by soft words. Every person who uses violence must pay the price in lost freedom, and doing time, essentially for the young, must be a memory that one does not ever want to repeat.

Truth No. 3: We will never counter violence unless we restrict the handguns used by 80 percent of the people in America who commit gun murders. What is common sense to people of virtually every other country in the world becomes a constitutional crisis to us.

Truth No. 4: There is no substitute for a job. If we can move those on the bottom rung of the economic ladder up just a few rungs, the efforts against violation will have acquired a powerful ally.

Truth No. 5: Violation is a phenomenon caused by twisted values and the loss of self-control. The formation of values and self-discipline begins in childhood, and teaching them is the job of parents. Unless we instill them in all of our children, we have only ourselves to blame.

Truth No. 6: We need to make it as unfashionable to sell violation in America as it is to smoke cigarettes. We do not need censorship; we need enhanced citizenship, particularly in the board rooms.

Truth No. 7: Drugs and violation go together like gunpowder and a match. To ignore addiction as a national problem is to sentence many more Americans to death.

Mr. President, those are the truths that we have to confront.

A national rebellion against violence requires individuals, communities, and all levels of government working together. People do not live in isolation. Only the hermit out in the mountains lives in isolation. The rest of us live in communities where we go to church, play sports, pick up groceries, and raise our kids. And often we live in fear. What people do not realize is the power they possess if they work together. In the 1960's an aroused citizenry that focused on an evil—legally sanctioned racism—ended racial discrimination under the law and furthered the cause of justice. Today an aroused citizenry focused on an evil—violation—can bring order to our streets and further the cause of liberty. A street thug can intimidate an individual, but he cannot intimidate a unified, energized community.

Mr. President, politicians—well, where do we fit in all this? We have to stop treating security like it is a product that government delivers to your home. We create security for ourselves in the same context where violation occurs—in our community and in our family. At the national level, we can set standards, set limits, spread innovative ideas, create uniform rules, gather data, and make sure those who commit federally prohibited violence pay for it by a swift loss of freedom and in some cases such as drug kingpins who murder by the loss of their lives. But the real battle against violate crime committed by the young and within the family will not be waged at the Federal level. Like education, where we have only 6 percent of the national resources, in crime the Feds have about 13 percent—that is all—13 percent of the Nation's crime fighting resources. The crime bill will be a false promise if we forget, each one of us forget our individual obligations as police officers, local officials, teachers, parents, spouses, and citizens. The Federal Government is not going to do it. It can help. But we each have an individual obligation and responsibility as well.

Yet, Mr. President, there are some commonsense actions that the Federal Government can encourage that would I think, prevent youthful gun violence, challenge young people with the possibility of a future without violence, and raise awareness of domestic violence while providing women a way out.

First, I know it is controversial, but I think it is the logical next step. I believe that everyone who buys a handgun should have a national identity card with a picture on it, just like a driver's license. Every transfer of a gun must be registered, with tough penalties for those who refuse. No one should be allowed to purchase more than one handgun per month, and gun dealers ought to pay $1,000 per year for a license. These changes, I think, will hasten the day when law-abiding citizens and only law-abiding citizens will have guns. Technology can help us, frankly, particularly in the policing process. If we can develop heat-seeking missiles, certainly we can invent remote metal-sensing devices that will allow the police forces, augmented by the police corps, by the 100,000 police this crime bill provides, to seize more illegal guns and to disrupt the commerce of armed street criminals. Certainly, we can do that.

Second, communities should have greater access to their public schools. Schools close at 3 in the afternoon in a lot of places in urban America, close on weekends, and are closed all summer long. With Federal support, schools should remain open in the evenings, on weekends, and during the summer for the community to use. The schools are the most underutilized assets in urban America. Churches, synagogues, mosques, and community development corporations should be allowed to provide the mentoring, safe haven, and guidance, the absence of which all too often contributes to delinquency. The availability of the school will also give the community a place to focus public and private resources to win back the minds and hearts that the streets have captured.

Third, Mr. President, to counter domestic violence, we need to get the facts out of the closet and then help women find a way out of a brutal environment. Domestic violation is a problem at all income levels. It is more than a serious health care problem. It is a social sickness, a tragedy that is destroying families and an experience that spreads violence from one generation to another.

Mr. President, every man's home may be his castle, but it is not his torture chamber, in which he can beat someone less physically strong time and time again without consequences. Many men will deny the impulse and the existence of the behavior. Like drunks that have not quite reformed, they promise their partners and the world that the latest episode of violence will be the last episode of violence. Too often they go back on their word, and the cycle of aggression, seeking forgiveness, blaming the victim, and committing aggression starts over again. The cycle goes on and on. We can wait no longer for universal personal reform.

When a woman is the victim of domestic violence, she has to have a place to go. There should be a counseling hot line so that experienced professionals can guide her to an appropriate place. Above all, there must be enough battered spouse shelters with enough resources for relocation to give women some idea of where they can escape the fear of a threatening phone call or the knock on the door in the middle of the night.

But we have to do more than give women a place after they are beaten. We have to prevent the violation in the first place.

I suggest that every health professional—doctors, nurses, physician assistants, social workers, and others—be trained to recognize domestic violence and to ask female patients about it. Asking questions, hopefully, will free women from considering beatings as a family matter that they are not sanctioned to discuss, even with their doctor.

Mr. President, domestic violence should not be treated as a preexisting condition to deny women health insurance in this country. And yet that happens every day, almost every day. I have seen the letters from the insurance companies.

But it is not just up to health professionals. If we are going to stop domestic violence, each of us, in our own spheres of influence—home, work, PTA, Little League—have an obliga-

tion to acknowledge it occurs, recognize it when we see it, and say something about it. It is so much easier to overlook it, turn the other way, regard it exclusively as a family matter, pretend we do not have any responsibility. But if we are going to prevent it, we all do.

These three proposals will not end violence in America, but combined with the crime bill and, more importantly, with an energized national community prepared to cooperate with the police and with each other, they will take us further along the path toward greater security.

Mr. President, a member of the Japanese Diet told me recently that as his two young girls were growing up, he looked forward to them coming to the United States as exchange students and he looked forward to visiting them and vacationing here with his wife. Now he says he is sending his kids to England, and he and his wife are vacationing in Europe. "Why?" I asked him. He replied, "The guns, the drugs, the violence—unless you get control of them, you'll lose a lot more than a few tourists; you'll no longer be the model democracy for the world."

The only way to achieve our aim of a 75-percent homicide reduction within a decade and in a way consistent with our democracy is to assume individual responsibility, to enlist all who love their communities and Nation in a rebellion that is waged locally, neighbor by neighbor, building by building, and at the same time to build bonds of community that render violence moot.

The world of violence and the world of trust must be provided with enough resources to fight the fires of violence. All who believe in the world of trust and the world of love must join that rebellion against violence. If we do not —if we do not join that rebellion, if we do not work to protect the world of trust and the world of love, if we turn away—Mr. President, the riot in Camden middle school will spread to more schools and the story of the 2-year-old going for the 4-year-old brother's throat will be just one of many chapters of future pain.

The fires that feed the blaze of violence can only be extinguished when all of us act as citizens to achieve what everyone in a democracy deserves—the right to live a life without fear of unexpected, random violence, whether on the street, at school, or in the home.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Mississippi is recognized.

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

The PRESIDING OFFICER. The Senate is in morning business.

The Senator may proceed.

SOCIAL SECURITY ADMINISTRATION'S $32 MILLION IN BONUSES

Mr. LOTT. Mr. President, I want to express my strong disapproval and, in fact, outrage over the recent bonuses given by the Social Security Administration to employees of that office at a time when Social Security is pressing Congress for millions of dollars to deal with serious problems in its disability programs.

I have several newspaper articles on the matter. I would just note, Mr. President, a couple of the headlines. One of them in one of my home State newspapers in Jackson, MS, says, "Ailing Social Security pays $32 million in Bonuses."

Another headline, "Agency Shells Out Cash." And it notes in the first paragraph, "The largest single award—$9,258—actually went to an executive who had been on the job for less than three months."

I have been personally working with high-level Social Security Administration directors to resolve backlogs and other serious problems they have in their Offices of Hearings and Appeals. Some disability cases have been pending for more than 1 year and are at critical stages; some of them as long as almost 2 years.

In my own State of Mississippi, to assist claimants who desperately need help—some of whom are losing their homes and cannot pay their bills—I have asked Social Security officials to expedite these cases. And, I must say, to their credit, they have sent in a team to evaluate the situation, and they have acknowledged that some of them are actually emergencies. Those cases are being dealt with, and some of them are being sent to other offices so that they can be adjudicated. But I have received a pledge that these claims will be processed quickly.

The problem is not just one office or just in my State, it is all over the country where there is a tremendous backlog.

Now, as I am trying to help disabled claimants, here come these bonuses. Quite frankly, I could not believe it when I heard of the awards and the amounts of them. My constituents are furious. I have been receiving letters and phone calls. They are outraged that, at a time when they cannot get basic courtesies and basic considerations of claims that are long overdue, they see that these types of awards are being doled out.

It is my understanding that the Clinton administration, to its credit, has urged Federal agencies across the board to reexamine how these cash bonuses are awarded.

I do think there are times when that type of incentive—where you are given some recognition for extraordinary work, dedication, or some real innovative idea that saves a lot of money or helps a lot of people—should be awarded.

But I think this whole area of cash bonuses has gotten out of control. And I am not talking just about this administration. It has gone on in previous administrations. It is time we get a grip on it.

Our taxpayers' dollars should be used more wisely, and I will be pressing for better accountability in the future.

I also note that Senator PRYOR of Arkansas, who is the chairman of a subcommittee in this area, has indicated that he is going to ask questions and look into it. So I hope he will certainly do that.

I have written to the Commissioner of Social Security and requested a full explanation of these particular performance awards. As a strong advocate for Social Security disability claimants and all beneficiaries, I am going to continue to work here in the Senate to ensure that Social Security is run more responsibly and efficiently.

It really bothers me when I see the chairman of the House Ways and Means Committee, in the last few days, suggesting that Social Security may, in the future, be running short of money. He seems to suggest that we need to cut benefits and raise Social Security taxes. But right on the heels of that type of announcement, we see $32 million given in bonuses to some of the employees of that Administration.

Things are out of kilter, Mr. President. We need to make sure that they get back in order.

I yield the floor at this time.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. We are in morning business. The Senator may proceed.

THE FEDERAL RESERVE BOARD

Mr. DORGAN. Mr. President, there was a comedian named George Gobel, who has departed us, who used to talk about tuxedos. He said, "Did you ever feel as if the world was a tuxedo and you were a pair of brown shoes?"

I suppose all of us have felt that way at one time or another, sort of out of step, not quite in sync.

Let me talk about the brown shoes of the American economy at the moment, the Federal Reserve Board.

I come here to talk about the Federal Reserve Board this afternoon because I am upset at what the Federal Reserve Board is doing to this country.

The American society is the most open society in this world. We make democratic decisions. The American people together in this process we call a democratic government. We make democratic decisions: about the future, about taxing and spending, where we invest, how we invest, and in whom we

invest. Sometimes those decisions are agonizing and wrenching and awful.

Last year, we worked through the decision about reducing the budget deficit. We debated for weeks about where to cut spending, and how to raise taxes. It passed by one vote. A reduction of $500 billion in the Federal deficit over 5 years passed by one vote in this Chamber.

That was the democratic process. In fact, the American people were involved in that, ringing our phones off the hooks, coming to our town meetings, imploring us to vote this way, that way, or the other way. The construction of fiscal policy by this Congress about how to get our economy in order and how to get it moving again by creating jobs and opportunity and growth. That was the democratic process at work.

Contrast that with what is going on with monetary policy. Monetary policy, the decisions about money and interest rates, is made downtown in a building by the Federal Reserve Board. That is not a part of an open society, not a part of a democratic process. It is closed, secretive, unresponsive and unaccountable to the American people.

In recent months, the Federal Reserve Board has taken action on three occasions to raise interest rates, and we were told yesterday and we are told again today—at least it is rumored—that the Federal Reserve Board will probably again act to raise interest rates next week.

I want to cite some news events of this week to describe why I am upset with the Federal Reserve Board. Today the Wall Street Journal, "Economy Seems to Soften a Bit in Latest Data. Wholesale Prices Fall One-Tenth of One Percent. Retail Sales Drop Eight-Tenths of One Percent. Jobless Claims Rise."

This morning from the Associated Press, "Consumer Prices Edge Up Modest One-Tenth Of One Percent In April." That is today's news. This is going to be bad for Wall Street because when there is good news for the economy on inflation, Wall Street goes into apoplectic seizure. We have this thing all turned around. Bad news means stocks increase, good news means stocks decrease. That is the way it has been the last few weeks. In fact, Hobart Rowen wrote about that the other day in the Washington Post. In Rowen's column he says,

> Wall Street is out of sync with Main Street. Although some Americans have not been able to find employment, many have. Inflation is low, job creation is strong, and consumer confidence is healthy, yet Wall Street is reacting negatively.

As Rowen says,

> Wall Street won't wait until inflation is a fact or even a serious threat. Perversely, the best of good news after a long recession, people are again finding jobs, becomes bad news for the markets—meaning Wall Street.

The Federal Reserve Board now seems prepared to take action once again to increase interest rates. Today's news tells us that what they have done so far has begun to put the brakes on the American economy just at a time when we needed to move this economy along and get it up to cruising speed. It is operating nowhere near capacity. Just when we need to get it to cruising speed to employ people and to give people opportunity, the Federal Reserve Board puts the brakes on this economy by raising interest rates and is now prepared to raise interest rates again. Who are they accountable to? No one. Why are they doing this? Inflation, they say. Show me the evidence of inflation.

Yesterday, "Wholesale Prices Fall One-Tenth of 1 Percent." Today, "Consumer Price Index, Only One-Tenth of 1 Percent Increase."

I say to the Federal Reserve Board: Where do you see evidence of a new wave of inflation? Share it with the American people. Why do you not tell us what you are doing and why, instead of just asking us to pay the higher interest rates that you demand down at the Federal Reserve Board.

I brought to the floor again today a picture of the Federal Reserve Board Board of Governors and the regional Fed Presidents. I have done that because at least with respect to the regional Fed Presidents, they are not confirmed, and not appointed. But they sit in a room with a closed door, and make decisions in secret with the Board of Governors about money policy and interest rates. They make decisions that affect the lives of every constituent I represent in the State of North Dakota. The lives of all Americans are affected by the decisions these people make and they are accountable to no one. They go in the room, and shut the door; Lord knows what information they look at, and they make decisions.

What decision are they making these days? That inflation is just around the corner and what we must do is increase interest rates and put the brakes on the American economy? What a bunch of nonsense. Are they willing to risk their jobs on those decisions? No, not hardly; not these folks. In fact, let us talk about their jobs.

Mr. Parry from San Francisco. Mr. Parry is, I am sure, a wonderful man. I have never met him. I would not know Mr. Parry from a cord of wood. He says this morning in the paper—he is a voting member of the Federal Reserve Board's open market committee. He was in Tucson, AZ, yesterday. I guess they have a big territory over there at the San Francisco regional Fed. He says he remains cautious about inflation. Slack in labor and product markets has all but evaporated, and although we have advanced in the progress in taming inflation, he said in written remarks, "We still have a long way to go."

I guess what Mr. Parry says to us today is he still sees inflation around the corner and inflation is just down the track. He makes $230,000. He is a Ph.D. economist, part of that Fed system. He has been in the system since 1965, for those who are interested in term limits these days in the political system. He and his friends will sit around a table and vote in secret about whether or not somebody in my State gets a job. That is a plain fact. They control one-half of the economic policy. They conduct it in secret, and they are pursuing a wrong-headed approach that is slowing down this economy at exactly the time when we need more investment, more jobs and more growth.

So what do we do about all this? What we do is we decide to take this out of the secret room of the Fed and give some semblance of monetary policy decisions back to the American people. A century ago we used to debate the interest rate questions in the bars and barber shops all across this country. It used to be important. People had a role in deciding what interest rates were going to be. Not anymore. It is these folks who have the role, and they are not accountable to the American people.

I am not suggesting that the folks whose pictures I brought to the floor to at least give the American people the first opportunity to see who they are, who is casting these votes, who is making these decisions, are bad people. They represent the banks. That is their constituency. When they close the door and make their decisions, they are making their decisions based on their constituents. And I guarantee you their constituencies are the boards of directors, the majority of which are bankers, that put them on these regional Fed bank presidencies. That is a plain fact.

For two centuries we have had a conflict between those who produce and those who finance production, and at times those who produce do just fine and at times those who finance get the upper hand. What we have today with the Federal Reserve Board and a strong, unaccountable central bank is people in charge of monetary policy and interest rate policy who represent the vestiges of established wealth. They have a hair trigger on inflation. Why? Because inflation erodes the value of those who now hold wealth. I understand that. I would like zero inflation as well. But we need a balance of fighting for stable prices and fighting for full employment. And I do not want people in charge of monetary policy who always decide on the side of those who hold wealth. What about deciding for a change on the side of those who need jobs, those who hold jobs, and those who want jobs?

Second, let me make another, I think, important point that has not

been made, at least very often. The Fed claims that they see inflation just around the corner. That is the basis of what I think is their irrational behavior, they see inflation just around the corner. But is there another motive? Can you see inflation in these data that are published today and yesterday and this week? "Consumer Prices Up One-Tenth Of 1 Percent." Can you see inflation around the corner? "Producer Prices Down One-Tenth Of 1 Percent?" Or is there another motive? Might the other motive be that we are all paying, all of us in America, for the excesses in the financial system?

Let me read for the Senate another headline of this week. This is not unusual. I could have brought a ream of headlines just like this.

Pennsylvania Company Links Losses to Derivatives.

Another company in the industrial heartland has suffered a large loss on financial derivatives sold by Bankers Trust New York Corp. Air Products and Chemical Inc., an Allentown, PA, makers of industrial gases, said today it lost $96.4 million before taxes on five derivative contracts that were "unacceptable and inconsistent" with the company's policies. Its after-tax loss was $60 million.

Bankers Trust, Air Products, billions of dollars on derivatives, some of them on proprietary trading in the banks—they might just as well open up a desk in the lobby and put in some sort of a roulette wheel. That is what this derivatives trading is about. Much of it is pure gambling inside America's banks.

That, too, is an outrage. But I think there is another motive with respect to what the Fed is doing. I think the Fed is taking a look at the stock market. I think the Fed is taking a look at the enormous growth of derivatives, and I think the Fed is deciding to increase interest rates—not related necessarily to what they see as inflation—although that is the excuse they give. I think the Fed is deciding they also want to try to dampen the speculation in the financial sector in this country. Meanwhile, those in the productive sector will pay the cost. All Americans will pay the cost of an interest rate policy that slows down the economy if, in fact, the motive is to try to send a message to those who are involved in speculation in the finance industry.

What do we do about all this? What I hope we will do about all this is we will start to put enough pressure on these people, the only people who will make those decisions in secret, behind closed doors, just down the road. I hope we will put enough pressure on these people to alter their decision next week, a decision that many predict will, once again, increase interest rates a quarter to a half of 1 percent. I hope that is the first step. All of us ought to be outraged by a Federal Reserve Board system that is out of step and out of touch.

I have brought with me some comments by a member of the Board of Governors, Lawrence Lindsey, Ph.D., economist, Harvard University, Board of Governors. Here is what he said:

Legislators typically tend to favor higher economic growth at the expense of inflation as an election approaches and are more willing to accept tighter monetary reins just after they've been reelected,

Lindsey said in an April 22 speech at the University of Chicago.

For Mr. Lindsey's benefit, I might say to him, I am not up for election until 1998. This is not about election politics for me. The question for me is, what about the economic health of this country? For whose benefit are we managing this country's economic growth; the big money center banks or the folks out there looking for a job? That is the question for Mr. Lindsey and his friends, and the Board of Governors and the presidents of the regional Federal banks. Mr. Lindsey also says, as he speaks about Members of Congress:

We are ordinary human beings with our own individual interests. The desire to be reelected is quite a normal part of their individual preference functions. When about to face the voters, legislators can't easily tolerate the pain accompanying policies aimed at producing long-term benefits.

Referring to the need to keep price pressure under control.

It is really helpful to have Mr. Lindsey's advice coming from the temple of money downtown, but I am unimpressed by someone as cloistered as those who sit behind the walls of the Federal Reserve making interest rate policy in a vacuum, so out of step and so out of touch, telling us that we want to see some economic growth and some opportunity in this country because we want to be reelected.

I do not understand what they are thinking down at the Fed, but I want economic growth not for me; I want economic growth for my State and this country. I want people to go into a job market that is expanding. I want kids to come out of college and look for a job that they can find because our companies are expanding and producing jobs and producing opportunities.

But what is happening, as we see from the newspaper headlines this morning, is exactly what most of us expect to happen, and I would guess exactly what the Fed wants to happen, and that is the economy is beginning to slow down: "Economy Seems to Soften a Bit in Latest Data." It will meet the fondest hopes of the folks down at the Fed. That is precisely what they want.

They see inflation around the corner, despite the fact that there is no evidence of it, and they have produced no evidence to us or the American people to justify it. The result is they increase interest rates, hoping to slow down the economy, and the result is an economy that is slowing down and a whole lot of folks will be put out of work and a lot of other folks cannot find work.

I guess these folks sitting down at the Fed are not worried about their jobs. I say to Mr. Lindsey, you do not have to worry about the next election; you are not elected. You do not have to worry about your job because no matter how soft this economy gets, you are not going to lose your job. But there are a lot of folks out there dependent on what you do, on what we do, and on what others do to promote opportunity in this country. You do them a disservice by pursuing wrongheaded monetary policy that is cutting economic growth in this country.

I am hoping that in the coming few days, we will have more people in Congress and more people around the country decide to speak up about the Federal Reserve Board. I have introduced now for 4 years—and there exists before this Congress and this Senate—Federal Reserve Board reform legislation. We ought to change the Fed; we ought to open it up. The best way to blind these folks is with sunlight. Open the door, send some light into the Fed. Let us see what they do. We have had people putting voice stress analyzers on the pronouncements of the Fed Chairman in order to find out what they did in a closed room. That is how bizarre it has become in recent years. I say open the door; shine the light on this process.

Second, do not let any of the regional Federal bank presidents ever vote on monetary policy. Only the Board of Governors should vote. They are the only ones appointed and confirmed in the democratic process.

Let us audit the Federal Reserve Board. They have spent over $1 billion. Let us have an audit of the Federal Reserve Board.

There are a series of reform steps we could and should take to bring this kind of dinosaur into this century in terms of Government that responds to people. No, let us not give interest rate policy to the folks down at the corner bar. I am not suggesting that is the way interest-rate policy ought to be managed, but let us at least provide some basic accountability so we have a Federal Reserve Board that is in step and in turn with what the needs of this country are, not just the needs of the money center banks.

Mr. President, that concludes my statement. I will have more to say about the Federal Reserve Board next week. I say that just to alert them.

LIFTING THE ARMS EMBARGO ON BOSNIA AND HERZEGOVINA

The text of the bill (S. 2042) to remove the United States arms embargo of the Government of Bosnia and Herzegovina, as passed by the Senate on May 12, 1994, is as follows:

S. 2042

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

SECTION 1. UNITED STATES ARMS EMBARGO OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.

(a) PROHIBITION.—Neither the President nor any other member of the Executive Branch of the United States Government shall interfere with the transfer of arms to the Government of Bosnia and Herzegovina.

(b) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(c) DEFINITION.—As used in this section, the term "United States arms embargo of the Government of Bosnia and Herzegovina" means the application to the Government of Bosnia and Herzegovina of—

(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322), under the heading "Suspension of Munitions Export Licenses to Yugoslavia"; and

(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

(d) Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support or delivery of military equipment.

SEC. 2. UNITED STATES ARMS EMBARGO OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.

(a) PROHIBITION.—Neither the President nor any other member of the Executive Branch of the United States Government shall interfere with the transfer of conventional arms appropriate to the self-defense needs of the Government of Bosnia and Herzegovina.

(b) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(c) DEFINITION.—As used in this section, the term "United States arms embargo of the Government of Bosnia and Herzegovina" means the application to the Government of Bosnia and Herzegovina of—

(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322) under the heading "Suspension of Munitions Export Licenses to Yugoslavia"; and

(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

(d) Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support or delivery of military equipment.

SEC. 3. APPROVE AND AUTHORIZE USE OF UNITED STATES AIRPOWER TO IMPLEMENT NATO EXCLUSION ZONES.

(a) PURPOSE.—To approve and authorize the use of United States airpower to implement the North Atlantic Treaty Organization (NATO) exclusion zones around United Nations designated safe areas in Bosnia and Herzegovina and to protect United Nations forces.

(b) FINDINGS.—The Congress makes the following findings:

(1) the war in the Republic of Bosnia and Herzegovina has claimed tens of thousands of lives and displaced more than two million citizens;

(2) the Senate supports as a policy objective a peace settlement that provides for an economically, politically and militarily viable Bosnian state, capable of exercising its rights under the United Nations Charter;

(3) United Nations Security Council Resolutions 836 and 844 call on member states, acting nationally or through regional organizations, to take all necessary measures to deter attacks against safe areas identified in Security Council resolution 824.

(4) On February 9, 1994 the North Atlantic Council authorized the use of air strikes to end the siege of Sarajevo and on April 22, 1994 to end the siege of Gorazde and to respond to attacks on the safe areas of Bihac, Srebrenica, Tuzla or Zepa or to the threatening presence of heavy weapons within a radius of 20 kilometers of those areas (within Bosnia and Herzegovina);

(5) The Congress in the fiscal year 1994 State Department authorization bill expressed its sense that the President should terminate the United States arms embargo on the Government of Bosnia and Herzegovina.

(c) POLICY.—

(1) The Senate authorizes and approves the decision by the President to join with our NATO allies in implementing the North Atlantic Council decisions—

(A) of June 10, 1993 to support and protect UNPROFOR forces in and around United Nations designated safe areas, and

(B) of February 9, 1994 to use NATO's airpower in the Sarajevo region of Bosnia and Herzegovina, and

(C) of April 22, 1994 to authorize CINCSOUTH to conduct air strikes against Bosnian Serb heavy weapons and other military targets within a 20 kilometers radius of the center of Gorazde, and Bihac, Srebrenica, Tuzla or Zepa (within the territory of Bosnia and Herzegovina) if these safe areas are attacked or threatened by Bosnian Serb heavy weapons.

(2) The Congress favors the termination of the arms embargo against the Government of Bosnia and Herzegovina. The President shall seek immediately the agreement of NATO allies to terminate the international arms embargo on the Government of Bosnia and Herzegovina. In accordance with Administration policy following such consultations the President or his representative shall promptly propose or support a resolution in the United Nations Security Council to terminate the international arms embargo on Bosnia and Herzegovina. If the Security Council fails to pass such a resolution the President shall within 5 days consult with Congress regarding unilateral termination of the arms embargo on the Government of Bosnia and Herzegovina. Upon termination of the international embargo the President shall ensure that, subject to the regular notification procedures of the appropriate congressional committees, appropriate military assistance be provided expeditiously to Bosnia and Herzegovina upon receipt from the government of such a request in exercising its right of self-defense.

(3) Unless previously authorized by the Congress no United States ground combat forces should be deployed in Bosnia and Herzegovina. Any request by the President for such authorization should include:

(A) an explanation of the United States interests involved in such commitments or actions;

(B) the specific objectives of the commitments or actions;

(C) the likely duration of the operation;

(D) the size, composition, command and control arrangements, rules of engagement, contributions of allied nations, and other details of the force needed to meet the objectives;

(E) specific measurements of success, particularly the end point of the United States involvement, and what follow-on security arrangements would be needed; and

(F) an estimate of financial costs, including burdensharing arrangements, and non-financial costs as can be determined.

(4) Nothing in this legislation restricts the prerogative of Congress to review the arms embargo on Bosnia and Herzegovina.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. AKAKA:

S. 2115. A bill to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 2116. A bill to authorize appropriations for fiscal year 1995 to the National Aeronautics and Space Administration for human space flight, science, aeronautics, and technology, mission support, and Inspector General, and for other purposes; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 2115. A bill to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii; to the Committee on Energy and Natural Resources.

FEDERAL ENERGY REGULATORY COMMISSION JURISDICTION ACT OF 1994

• Mr. AKAKA. Mr. President, today I am introducing legislation to terminate the Federal Energy Regulatory Commission's [FERC] jurisdiction to license hydropower projects on the fresh waters of the State of Hawaii.

Hawaii's geographic isolation makes it unique. The Hawaiian islands are over 2,000 miles from the nearest land mass, making them the world's most isolated island chain.

Hawaii's waterways are unique as well. In stark contrast to the long and mighty interstate rivers of the continental United States, Hawaii's streams are confined to individual islands. They are also short, narrow, and steep, running quickly off highly permeable volcanic slopes. For comparison purposes, the mean discharge of the Mississippi River at Vicksburg, MI is 19,633 times the mean annual flow of

Hawaii's largest river, the Wailuku on the island of Hawaii. Hawaii has no interstate rivers, no navigable rivers that cross Federal lands, and no Federal dams. Hawaii's streams offer so little potential for generating hydropower that only one project has been constructed in the last 50 years. This project was not subject to FERC licensing.

Hawaii's streams are generally not navigable except for a few which have brief, navigable stretches near their mouths as they open to the sea. Where Hawaii's streams are navigable they are slow and meandering, and therefore not suitable for hydropower; in their upper reaches, where hydropower is feasible, the streams are non-navigable. Thus, there is no rational basis for FERC jurisdiction over the licensing of hydropower projects in Hawaii.

Hawaii's surface water system is based upon riparianism, traditional Hawaiian taro cultivation called appurtenant rights, and traditional and customary gathering rights. It is dramatically different from that of other U.S. jurisdictions. Hawaii's streams are regulated by a stringent State Water Code which protects the environment, fish, and wildlife. Hawaii's permitting process takes environmental protection matters into full consideration, as is illustrated by the fact that such organizations as the Hawaii Audubon Society have gone on record in support of exempting Hawaii from FERC jurisdiction.

This legislation would not be necessary but for a bizarre ruling in which the FERC, despite a finding that it had no jurisdiction under section 23(b) of the Federal Power Act, nonetheless granted a hydroelectric permit to a Hawaii applicant who voluntarily submitted to FERC jurisdiction. This logic-defying decision by the FERC, clearly inconsistent with its earlier ruling, astonished officials of the State of Hawaii, who view it as a wholly inappropriate and unwarranted interference with the State's thorough and carefully managed permitting process.

My bill will prevent recurrences of this counterproductive clash between the FERC and the State by removing the jurisdiction of the FERC to license hydropower projects on the fresh waters of the State of Hawaii.●

By Mr. ROCKEFELLER:

S. 2116. A bill to authorize appropriations for fiscal year 1995 to the National Aeronautics and Space Administration for human space flight, science, aeronautics, and technology, mission support, and Inspector General, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, FISCAL YEAR 1995

● Mr. ROCKEFELLER. Mr. President, as chairman of the Subcommittee on Science, Technology, and Space of the Senate Committee on Commerce, Science, and Transportation, I am pleased to introduce the National Aeronautics and Space Administration [NASA] Authorization Act, fiscal year 1995. This legislation authorizes NASA Programs at the President's request of $14.3 billion and supports NASA's funding priorities. As I indicated previously, this legislation incorporates the direction established in the fiscal year 1994 NASA authorization bill which I introduced last year.

The fiscal year 1995 budget request for NASA is a reduction from its current level of funding. The President's 5-year plan for NASA also keeps funding levels relatively flat. While this illustrates the budget realities required to lower the Federal deficit, the budget forecast may be especially problematic for NASA. This is because many projects were begun in the 1980's with the assumption that the NASA budget would rise 10 percent per year. Today, these projects are growing while being shoe-horned into a tighter budget.

Despite the reduction, the NASA fiscal year 1995 budget is an honest proposal to fund a good mix of programs. In prior years, the NASA budget request at times exceeded the actual appropriations by over $1 billion. I am encouraged to see Congress and the administration working more recently in tandem to meet fiscal obligations and commit to fund quality programs. NASA's 5-year plan submitted this year also is more meaningful because it shows a flat budget and not the traditional trend upward. This means that even though NASA's budget proposed is reduced, a consistent funding scenario for the next few years will provide much needed stability in NASA Programs.

Tight fiscal constraints matched with the end of the cold war are the catalysts which help to focus our civilian aeronautics and space programs. As NASA Administrator Goldin testified in our subcommittee hearings, the administration's top priorities for the agency are the international space station, space shuttle safety, mission to planet Earth, aeronautics, and space science. Within each of the priorities, we must work together to ensure that ongoing and planned programs will yield the greatest returns for the American people.

Since the historic *Apollo 11* mission to the Moon in 1969, NASA has searched for a new focus which would again capture the imagination of the world. From my perspective, the space station has become a symbol of America's willingness to reach out across vast differences and find common hopes and dreams with other nations. If we can peer beyond the fiscal limitations of today and into our future as part of the global community, we can see an international laboratory orbiting above the Earth, developed for the peaceful uses of outer space. Meshed integrally with Russia as well as the spacefaring nations of Japan, Europe, and Canada, the space station is our best example of international cooperation in the post-cold-war era.

Another administration priority for NASA focuses on the monitoring of the Earth and its environment. Within the Mission to Planet Earth Program, the Earth observing system and related data information system play a major role in the U.S. global change research program which is part of a larger international effort to monitor the interactive forces of oceans, land, and atmosphere. This ambitious endeavor will enhance our understanding of the Earth's complex systems and provide important information on how humans affect the environment.

As we heard from witnesses at our subcommittee hearings, aeronautics research and technology have contributed to the success of domestic airframe and engine manufacturers. With the end of the cold war, new international markets have increased the drive toward economic competitiveness. To maintain aircraft sales in the international marketplace, NASA must focus on developing new aeronautics technologies in concert with our domestic industry. Although only about 6 percent of the total NASA budget, aeronautics programs, such as advanced subsonic and high-speed research, are highly leveraged to help make industry more competitive.

Finally, NASA's long history of planetary exploration has yielded important information about our solar system and our unique planet Earth. Likewise, NASA programs in physics and astronomy, such as the Hubble space telescope, have brought us closer to understanding the forces of the universe. Late last year, the American people were engrossed with the repair mission of the Hubble space telescope. Because of the human risks involved, the world was centered on the activities of the space shuttle and its crew. As Freeman Dyson writes in his book, "Infinite in All Directions," "The American space program is at its most creative when it is a human adventure."

Since the President submitted his NASA budget for fiscal year 1995 this past February, a great deal of attention has been focused on the space station and other NASA Programs. Much of the discussion has been over which programs should be cut and what direction the agency should take. In preparing this legislation, I have discussed funding issues with NASA, the administration, and consulted with outside parties. In doing so, I remain convinced that NASA's priorities support the most important and valuable programs to the Nation. I encourage my colleagues to join me in supporting the National Aeronautics and Space Ad-

ministration Authorization Act, fiscal year 1995 in the coming months.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

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

S. 2116

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, Fiscal Year 1995".

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) Improved understanding of the Earth and space, strengthened national competitiveness in aerospace activities, and international scientific cooperation are all national priorities.

(2) Continued support, within budgetary constraints, of key programs of the National Aeronautics and Space Administration can further advance these national priorities.

(3) The end of the Cold War enables Federal agencies to coordinate resources to pursue civilian research and development in the most effective and efficient manner.

(4) the twenty-fifth anniversary of the first human landing on the Moon reminds all humanity of the wondrous accomplishments of the past and the opportunities that still beckon.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration; and

(2) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations

SEC. 101. HUMAN SPACE FLIGHT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Human Space Flight the following amounts, to become available October 1, 1994:

(1) Space Station, $1,889,600,000, of which $20,000,000 are authorized for the construction of a Neutral Buoyancy Laboratory, Johnson Space Center.

(2) Russian Cooperation, $150,100,000, of which—

(A) $100,000,000 are authorized for Russian space agency contract support; and

(B) $50,100,000 are authorized for Space Shuttle/MIR activities.

(3) Space Shuttle, $3,324,000,000, of which—

(A) $4,800,000 are authorized for modernization of the Firex System, Pads A and B, Kennedy Space Center; and

(B) $7,500,000 are authorized for replacement of the Components Refurbishment Laboratory, Kennedy space Center.

(4) Payload and Utilization Operations, $356,200,000.

SEC. 102. SCIENCE, AERONAUTICS, AND TECHNOLOGY.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Science, Aeronautics, and Technology the following amounts, to become available October 1, 1994:

(1) Space Science, $1,766,000,000 of which—

(A) $1,058,700,000 are authorized for Physics and Astronomy; and

(B) $707,300,000 are authorized for Planetary Exploration.

(2) Life and Microgravity Sciences and Applications, $470,900,000.

(3) Mission to Planet Earth, $1,238,100,000, of which $17,000,000 are authorized for the construction of the Earth Systems Science Building, Goddard Space Flight Center.

(4) Aeronautical Research and Technology, $898,500,000, of which—

(A) $342,800,000 are authorized for Research and Technology Base activities;

(B) $533,700,000 are authorized for Systems Technology Programs, including—

(i) High Speed Research, $221,300,000;

(ii) Advanced Subsonics, $125,800,000;

(iii) High Performance Computing and Communications, $76,100,000; and

(C) $22,000,000 are authorized for the modernization of the Unitary Plan Wind Tunnel Complex, Ames Research Center.

(5) Advanced Concepts and Technology, $608,400,000.

(6) Launch Services, $340,900,000.

(7) Mission Communication Services, $481,200,000.

(8) Academic Programs, $97,200,000.

SEC. 103. MISSION SUPPORT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Mission Support the following amounts, to become available October 1, 1994:

(1) Safety, Reliability, and Quality Assurance, $38,700,000.

(2) Space Communication Services, $268,900,000.

(3) Research and Program Management, including personnel and related costs, travel, and research operations support, $2,220,300,000.

(4) Construction of Facilities, including land acquisition, $135,000,000, of which—

(A) $8,000,000 are authorized to perform seismic upgrade of the Research, Development, and Test Building, Dryden Flight Research Center;

(B) $5,000,000 are authorized to restore the Exterior/Interior Systems, Buildings 3, 13, and 14, Goddard Space Flight Center;

(C) $4,300,000 are authorized to modernize the Condenser Water Systems, Southern Sector, Jet Propulsion Laboratory;

(D) $4,300,000 are authorized to rehabilitate the Utility Tunnel Structure and Systems, Johnson Space Center;

(E) $1,500,000 are authorized to modernize the Payloads Hazardous Servicing Facility HVAC System, Kennedy Space Center;

(F) $4,900,000 are authorized to modernize the Metrology and Calibration Facility, Marshall Space Flight Center;

(G) $30,000,000 are authorized to repair facilities at various locations, not in excess of $1,000,000 per project;

(H) $30,000,000 are authorized to rehabilitate and modify facilities at various locations, not in excess of $1,000,000 per project;

(I) $2,000,000 are authorized for minor construction of new facilities and additions to existing facilities at various locations, not in excess of $750,000,000 per project;

(J) $10,000,000 are authorized for facility planning and design; and

(K) $35,000,000 are authorized for environmental compliance and restoration.

SEC. 104. INSPECTOR GENERAL.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Inspector General $16,000,000, to become available October 1, 1994.

Subtitle B—Limitations and Special Authority

SEC. 151. SPACE STATION LIMITATION.

The aggregate amount authorized to be appropriated for Space Station and related activities under sections 101, 102, and 103 shall not exceed $2,100,000,000.

SEC. 152. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Of the amounts appropriated under sections 101 and 102, $10,000,000 are authorized for the Experimental Program to Stimulate Competitive Research in accordance with title III of the National Aeronautics and Space Administration Act, Fiscal Year 1993 (Public Law 102-588; 106 Stat. 5119).

SEC. 153. USE OF FUNDS FOR CONSTRUCTION.

(a) AUTHORIZED USES.—Funds appropriated under sections 101, 102, and 103 (excluding appropriations for construction of facilities under sections 101(1), 102(3), 102(4)(C), and 103(4), and for personnel and related costs and travel) may be used for the construction of new facilities and additions to, repair of, rehabilitation of, or modification of existing facilities at any location in support of the purposes of which such funds are authorized.

(b) LIMITATION.—None of the funds used pursuant to subsection (a) may be expended for a project the estimated cost of which to the National Aeronautics and Space Administration, including collateral equipment, exceeds $500,000, until 30 days have passed after the Administrator has notified the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives of the nature, location, and estimated cost to the National Aeronautics and Space Administration of such project.

(c) TITLE TO FACILITIES.—If funds are used pursuant to subsection (a) for grants to institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities, title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in the grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefits adequate to justify the making of that grant.

SEC. 154. AVAILABILITY OF APPROPRIATED AMOUNTS.

To the extent provided in appropriations Act, appropriations authorized under subtitle A may remain available without fiscal year limitation.

SEC. 155. REPROGRAMMING FOR CONSTRUCTION OF FACILITIES.

Appropriations authorized for construction of facilities under section 101(1), 102(3), 120(4)(C), or 103(4)—

(1) may be varied upward by 10 percent at the discretion of the Administrator; or

(2) may be varied upward by 25 percent to meet unusual cost variations after the expiration of 30 days following a report on the circumstances of such action by the Administrator to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

The aggregate amount authorized to be appropriated for construction of facilities under sections 101(1), 102(3), 102(4)(C), and 103(4) shall not be increased as a result of actions authorized under this section.

SEC. 156. CONSIDERATION BY COMMITTEES.

Notwithstanding any other provision of this Act, no amount appropriated to the National Aeronautics and Space Administration may be used for any program—

(1) for which the President's annual budget request included a request for funding, but for which the Congress denied or did not provide funding;

(2) in excess of the amount actually authorized for the particular program by subtitle A; and

(3) which has not been presented to the Congress in the President's annual budget request,

unless a period of 30 days has passed after the receipt by the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives of notice given by the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action. The National Aeronautics and Space Administration shall keep the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those committees. Except as otherwise provided by law, any Federal department, agency, or independent establishment shall furnish any information requested by either committee relating to any such activity or responsibility.

SEC. 157. NEW PROJECTS.

The Administrator shall certify to Congress that each new project proposed to be funded, with life cycle costs estimated at $150,000,000 or more, has as part of its development and implementation a technology plan to work with United States industry to identify and pursue technologies of value to both the National Aeronautics and Space Administration and industry.

SEC. 158. LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.

Not later than 30 days after the later of the date of enactment of an Act making appropriations to the National Aeronautics and Space Administration for fiscal year 1995 or the date of enactment of this Act, the Administrator shall submit a report of Congress and to the Comptroller General which specifies—

(1) the portion of such appropriations which are for programs, projects, or activities not specifically authorized under this Act, or which are in excess of amounts authorized for the relevant program, project, or activity under this Act; and

(2) the portion of such appropriations which are specifically authorized under this Act.

SEC. 159. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS OR EXTRAORDINARY EXPENSES.

Funds appropriated under sections 101, 102, and 103 may be used, but not to exceed $35,000 for scientific consultations or extraordinary expenses upon the authority of the Administrator.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. USE OF NASA LIFE SCIENCES FACILITIES.

The Administrator shall issue regulations to provide use of life sciences facilities by extramural investigators pursuant to title VI to the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (P.L. 102-588; 106 Stat. 5130) and enter into reciprocal agreements with the National Institutes of Health to provide access to the ground-based research facilities of the National Aeronautics and Space Administration in life sciences.

SEC. 202. ORBITAL RESEARCH PLAN.

Not later than 30 days after the later of the date of enactment of an Act making appropriations to the National Aeronautics and Space Administration for fiscal year 1995 or the date of enactment of this Act, the Administrator shall submit to Congress a detailed Orbital Research Plan that establishes the science research priorities for the next 5 years for all orbital life sciences, materials research, and biotechnology research. The plan shall include budgets, with the associated support costs, for the Spacelab, Spacehab, Comet, Mir, and Space Station programs.

SEC. 203. UNIVERSITY INNOVATIVE RESEARCH PROGRAM STUDY.

The Administrator shall undertake a study of the feasibility and potential implementation of a University Innovative Research Program which—

(1) promotes technological innovation in the United States by using the Nation's institutions of higher education to help meet the National Aeronautics and Space Administration's research and development needs, by developing technologies of use to both the National Aeronautics and Space Administration and industry, by stimulating technology transfer between institutions of higher education and industry, and by encouraging participation by minority and disadvantaged persons in technological innovation;

(2) is modeled on the Small Business and Innovation and Research Program;

(3) identifies opportunities for 4-year colleges which demonstrate commitment to science and technology;

(4) avoids duplication of existing National Aeronautics and Space Administration programs with the institutions of higher education;

(5) identifies funding from the research and analysis activities, advanced concepts and technology program, and other activities which traditionally award grants and cooperative agreements to institutions of higher education; and

(6) is linked closely with other technology investment activities of the National Aeronautics and Space Administration.

(b) COMPLETION.—The study required by subsection (a) shall be completed and its results submitted within one year after the date of enactment of this Act.

(c) ADVICE.—In carrying out the study required by subsection (a), the Administrator shall seek the advice of the National Aeronautics and Space Administration Advisory Council, the National Research Council's Aeronautics and Space Engineering Board and Space Studies Board, and other organizations as appropriate.

SEC. 204. INDEPENDENT INVESTIGATIONS FOLLOW-UP.

The Administrator shall report annually, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives at the time of the submission of the President's budget request, on—

(1) all actions taken by the National Aeronautics and Space Administration to remedy problems and adopt recommendations identified by each panel convened to investigate vehicle or systems failures and losses; and

(2) where such recommendations have not been adopted, the reasons for not pursuing such recommendations.

SEC. 205. FACILITIES REVIEW.

(a) REVIEW.—The Administrator shall conduct a review of the costs of maintaining all facilities owned by the National Aeronautics and Space Administration. The review shall address—

(1) the function of each facility, its contributions to National Aeronautics and Space Administration missions, and its value to the Nation's technical base;

(2) the current estimated value of each facility and associated land, including details on assets and liabilities; and

(3) annual operating costs of each facility, including but not limited to power, equipment, maintenance, operations, and personnel costs.

(b) REPORT.—The Administrator shall report on the results of the facilities review required by subsection (a), to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives not later than January 1, 1995.

SEC. 206. DIVERSITY FACTORS IN PROCUREMENT.

(a) IN GENERAL.—The Administrator shall ensure to the fullest extent possible that at least 8 percent of the funding made available to the National Aeronautics and Space Administration for each fiscal year is made available for prime contracts and subcontracts in support of authorized programs with—

(1) small business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals;

(2) historically Black Colleges and Universities; and

(3) colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans, and other minority educational institutions.

(b) WAIVER OF COMPETITIVE PROCEDURES.—To the extent necessary to carry out subsection (a), the Administrator may enter into contracts using less than full and open competitive procedures, but shall pay a price not exceeding fair market cost by more than 10 percent in payment per contract to contractors or subcontractors described in subsection (a). This section shall not alter the procurement process under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(c) REGULATIONS.—The Administrator shall issue such regulations as are necessary to carry out this section.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "Historically Black Colleges and Universities" has the meaning given the term "part B institution" in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2));

(2) the term "other minority educational institution" has the meaning given the term "eligible institution" in section 312(b) of the Higher Education Act of 1965 (20 U.S.C. 1058(b)); and

(3) the term "socially and economically disadvantaged individuals" has the meaning given such term in section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6)), and includes women.

SEC. 207. NATIONAL AERONAUTICS AND SPACE ACT OF 1958 AMENDMENTS.

Section 206(a) of the National Aeronautics and Space Act of 1958 is amended—

(1) by striking "January" and inserting in lieu thereof "May"; and

(2) by striking "calendar" and inserting in lieu thereof "fiscal".

SEC. 208. COMMERCIAL SPACE LAUNCH ACT AMENDMENTS.

(a) AMENDMENTS TO AUTHORIZE AUTHORITY FOR COMMERCIAL REENTRY VEHICLES.—The

Commercial Space Launch Act (49 App. U.S.C. 2601 et seq.) is amended—

(1) in section 4—

(A) by inserting "from Earth" after "if any," in paragraph (2);

(B) by redesignating paragraphs (9) through (12) as paragraphs (11), (13), (14), and (15), respectively; and

(C) by inserting after paragraph (8) the following new paragraphs:

"(9) 'reenter' and 'reentry' mean to return purposefully or attempt to return a reentry vehicle and payload, if any, from Earth orbit or outer space to Earth;

"(10) 'reentry vehicle' means any vehicle designed to return from Earth orbit or outer space to Earth substantially intact;";

(2) in section 6(a), by inserting ", or reenter a reentry vehicle," after "operate a launch site" each place it appears;

(3) in section 6(a) (2) and (3), by striking "section 4(11)" each place it appears and inserting in lieu thereof "section 4(14)";

(4) in section 6(a)(3)(A), by inserting "or reentry" after "such launch or operation";

(5) in section 6(a)(3), by inserting ", or reentry of a reentry vehicle," after "operation of a launch site" each place it appears;

(6) in section 6(b)(1)—

(A) by striking "launch license" and inserting in lieu thereof "licensee";

(B) by inserting "or reenter" after "shall not launch";

(C) by inserting "or reentry" after "relate to the launch"; and

(D) by inserting "or reentry" after "to be launched";

(7) in section 6(b)(2)—

(A) by inserting "or reentry" after "prevent the launch";

(B) by inserting "holder of a launch license" and inserting in lieu thereof "licensee"; and

(C) by inserting "or reentry" after "determines that the launch";

(8) in section 6(c)(1), by inserting "or reentry of a reentry vehicle" after "operation of a launch site";

(9) in section 7, by striking "both" and inserting in lieu thereof "for reentering one or more reentry vehicles";

(10) in section 8(a)(1), by inserting ", or reentry of a reentry vehicle," after "operation of a launch site" the first time it appears and by inserting ", or reentry of a reentry vehicle" after "operation of a launch site" the second time it appears;

(11) in sections 8(a)(2), 9(b), 11(a), 11(b), 12(a)(2)(B), and 12(b), by inserting ", or reentry of a reentry vehicle," after "operation of a launch site" each place it appears;

(12) in section 8(b), by inserting "and the reentry of reentry vehicles," after "operation of launch sites,";

(13) in section 11(a), by inserting "or reentry" after "launch or operation";

(14) in section 12(a)(1), by inserting "or reentry" after "prevent the launch";

(15) in section 12(b), by inserting "or reentry" after "prevent the launch";

(16) in section 14(a)(1)—

(A) by inserting "or reentry site" after "observers at any launch site"; and

(B) by inserting "or reentry vehicle" after "assembly of a launch vehicle";

(17) in section 15(B)(4)(A)—

(A) by inserting "and reentries" after "ensure that the launches";

(B) by inserting "or reentry date commitment" after "launch date commitment";

(C) by inserting "or reentry" after "obtained for a launch";

(D) by inserting ", reentry sites," after "United States launch sites";

(E) by inserting "or reentry site" after "access to a launch site";

(F) by inserting ", or services related to a reentry," after "amount for launch services"; and

(G) by inserting "or reentry" after "the scheduled launch";

(18) in section 15(b)(4)(B), by inserting "or reentry" after "prompt launching";

(19) in section 15(c), by inserting "or reentry " after "launch site";

(20) in section 16(a)(1) (A) and (B), by inserting "or reentry" after "any particular launch" each place it appears;

(21) in section 16(a)(1) (C) and (D), by inserting "or a reentry" after "launch service" each place it appears;

(22) in section 16(a)(2), by inserting "or reentry" after "launch services";

(23) in section 16(b)(1) and (4) (A) and (B), by inserting "or reentry" after "particular launch" each place it appears;

(24) in section 17(b)(2)(A)—

(A) by inserting "reentry site," after "launch site,"; and

(B) by inserting "or reentry vehicle" after "site of a launch vehicle";

(25) in section 21(a), by inserting "and reentry" after "approval of space launch";

(26) in section 21(b)—

(A) by inserting ", reentry vehicle," after "A launch vehicle"; and

(B) by inserting "or reentry" after "the launching";

(27) in section 21(c)(1)—

(A) by inserting "or" at the end of subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) reentry of a reentry vehicle, or ";

(28) in section 21(c)(2), by inserting "reentry," after "launch";

(29) in section 22(a)—

(A) by striking "ending after the date of enactment of this act and before October 1, 1989"; and

(B) by striking "and reentries" after "further commercial launches"; and

(30) in section 24, by inserting "There are authorized to be appropriated to the Secretary $6,541,000 to carry out this Act for fiscal year 1995." after "$4,900,00 to carry out this Act.".

(b) REGULATIONS.—The Secretary of Transportation shall issue regulations under the Commercial Space Launch Act (49 App. U.S.C. 2601 et seq.) that include—

(1) guidelines for industry to obtain sufficient insurance coverage for potential damages to third parties;

(2) procedures for requesting and obtaining licenses to operate a commercial launch vehicle and reentry vehicle;

(3) procedures for requesting and obtaining operator licenses for launch and reentry; and

(4) procedures for the application of government indemnification.

(c) PROHIBITION OF SPACE ADVERTISING.—(1) Section 4 of the Commercial Space Launch Act (49 App. U.S.C. 2603) is amended by inserting after paragraph (11), as redesignated by subsection (a)(1)(B) of this section, the following new paragraph:

"(12) 'space advertising' means advertising in outer space that is capable of being seen by a human being on the surface of the earth without the aid of a telescope or other technological device;".

(2) The Commercial Space Launch Act (49 App. U.S.C. 2601 et seq.) is amended by inserting after section 10 the following new section:

"SEC. 10A. PROHIBITION OF SPACE ADVERTISING.

"(a) PROHIBITION.—Notwithstanding the provisions of this Act or any other provision of law—

"(1) the Secretary shall not—

"(A) issue or transfer a license under this Act; or

"(B) waive the license requirements of this Act; for the launch of a payload containing any material to be used for the purposes of space advertising; and

"(2) no holder of a license under this Act, on or after the date of enactment of this section, shall launch a payload containing any material to be used for purposes of space advertising.

"(b) CIVIL PENALTIES.—Any person who violates the provisions of subsection (a)(2) shall—

"(1) be subject to a civil penalty, not to exceed $30,000,000, which shall be assessed by the Secretary; and

"(2) not be issued a license under this Act for a period of 2 years from the date of such violation, or, in the case of multiple violations, from the date of the most recent violation.".

(3)(A) The President is requested to negotiate with foreign launching nations for the purpose of reaching an agreement or agreements that prohibit the use of outer space for advertising purposes.

(B) The United States Trade Representative may authorize the imposition of appropriate sanctions on any foreign nation that launches a payload in violation of an agreement, to which the United States and such nation are parties, that prohibits the use of outer space for advertising purposes.

(C) In this paragraph, the term "foreign launching nation" means a nation—

(i) which launches, or procures the launching of, a payload into outer space; or

(ii) from whose territory or facility a payload is launched into outer space.

NASA AUTHORIZATION ACT, FISCAL YEAR 1995

BILL SUMMARY

The bill authorizes appropriations in Fiscal Year (FY) 1995 to the National Aeronautics and Space Administration for Human Space Flight, Science, Aeronautics, and Technology, Mission Support, and Inspector General and for other purposes.

The bill authorizes appropriations at the President's request, a total of $14.3 billion to NASA for FY 1995. This is a $200 million reduction from FY 1994 appropriations.

Section 101 authorizes 40% of the total NASA budget for Human Space Flight activities, providing $1,889.6 million for the Space Station, $150.1 million for Russian Cooperation, and $3,324.0 million for the Space Shuttle.

Section 102 authorizes 41% of the total NASA budget for Science, Aeronautics, and Technology activities, providing $1,766.0 million for Space Science, $470.9 million for Life and Microgravity Sciences and Applications, $1,238.1 million for Mission to Planet Earth, and $898.5 million for Aeronautics Research and Technology.

Section 103 authorizes 19% of the total NASA budget for Mission Support. This section provides authorizations for Safety, Reliability, and Quality Assurance, Space Communication Services, Research and Program Management, and Construction of Facilities.

Section 151 limits the aggregate amount authorized for Space Station and related activities to $2.1 billion.

Section 152 provides $10 million of amounts appropriated in Human Space Flight and Science, Aeronautics, and Technology, for

the Experimental Program to Stimulate Competition Research (EPSCOR).

Section 157 requires the Administrator to provide a technology plan to pursue technologies with domestic industries for all new projects estimated to cost $150 million or more.

Section 201 requires NASA to enter into reciprocal agreements with the National Institutes of Health to use unique ground-based life sciences facilities.

Section 202 requires NASA to submit an orbital research plan that establishes the science research priorities for all orbital life sciences, materials research, and biotechnology research for the Space Station, Mir, and other space platforms.

Section 203 requires a study of the feasibility and potential implementation of a university innovative research program.

Section 204 requires annual reporting of recommendations made by panels convened to investigate vehicle or systems failures or losses.

Section 205 requires the Administrator to conduct a facilities review and report on operating cost and value of NASA-owned facilities.

Section 206 provides at least 8% of funding for NASA prime contracts and subcontracts be made available for small disadvantaged businesses.

Section 208 amends the Commercial Space Launch Act of 1984 to authorize the Secretary of the Department of Transportation to regulate and license commercial reentry vehicles and issue regulations. This section also prohibits advertising in outer space.●

ADDITIONAL COSPONSORS

S. 1924

At the request of Mr. HATCH, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1924, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 1951

At the request of Mr. MOYNIHAN, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1951, a bill to establish a comprehensive system of reemployment services, training and income support for permanently laid off workers, to facilitate the establishment of one-stop career centers to serve as a common point of access to employment, education and training information and services, to develop an effective national labor market information system, and for other purposes.

SENATE JOINT RESOLUTION 90

At the request of Mr. ROBB, the names of the Senator from North Dakota [Mr. DORGAN], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Joint Resolution 90, a joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

AMENDMENTS SUBMITTED

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

KOHL (AND OTHERS) AMENDMENT NO. 1707

Mr. KOHL (for himself, Mr. JEFFORDS, and Mr. FEINGOLD) proposed an amendment to the bill (S. 2019) to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes; as follows:

At the appropriate place, insert the following new section:

SEC. . RESEARCH PLAN FOR HARMFUL SUBSTANCES IN DRINKING WATER.

Section 1412 (42 U.S.C. 300g–1) is amended by adding at the end the following new subsection:

"(f) RESEARCH PLAN FOR HARMFUL SUBSTANCES IN DRINKING WATER.—

"(1) DEVELOPMENT OF PLAN.—The Administrator shall—

"(A) not later than September 30, 1994, develop a research plan to support the development and implementation of the most current version of the—

"(i) enhanced surface water treatment rule (announced at 59 Fed. Reg. 6332 (February 10, 1994));

"(ii) disinfectant and disinfection by-products rule (Stage 2) (announced at 59 Fed. Reg. 6332 (February 10, 1994)); and

"(iii) ground water disinfection rule (availability of draft summary announced at 57 Fed. Reg. 33960 (July 31, 1992)); and

"(B) carry out the research plan.

"(2) CONTENTS OF PLAN.—

"(A) IN GENERAL.—The research plan shall include, at a minimum—

"(i) an identification and characterization of new disinfection byproducts associated with the use of different disinfectants;

"(ii) toxicological and epidemiological studies to determine what levels of exposure from disinfectants and disinfection byproducts, if any, may be associated with developmental and birth defects and other potential toxic end points;

"(iii) toxicological and epidemiological studies to quantify the carcinogenic potential from exposure to disinfection byproducts resulting from different disinfectants;

"(iv) the development of practical analytical methods for enumerating microbial contaminants, including giardia, cryptosporidium, and viruses;

"(v) the development of dose-response curves for pathogens, including cryptosporidium and the Norwalk virus;

"(vi) the development of indicators that define treatment effectiveness for pathogens and disinfection byproducts; and

"(vii) bench, pilot, and full-scale studies and demonstration projects to evaluate optimized conventional treatment, ozone, granular activated carbon, and membrane technology for controlling pathogens (including cryptosporidium) and disinfection byproducts.

"(B) RISK DEFINITION STRATEGY.—The research plan shall include a strategy for determining the risks and estimated extent of disease resulting from pathogens, disinfectants, and disinfection byproducts in drinking water, and how the risks can most effectively be controlled, taking into consideration the costs of various control methods and the sizes of various systems.

"(3) IMPLEMENTATION OF PLAN.—In carrying out the research plan, the Administrator shall use the most cost-effective mechanisms available, including coordination of research with, and use of matching funds from institutions and utilities.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $12,500,000 for each of fiscal years 1995 through 1998.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Friday, May 13, at 10:30 a.m. to hold a hearing on the Chemical Weapons Convention—Treaty Document 103–21.

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

ADDITIONAL STATEMENTS

TO AMEND THE SMALL BUSINESS INVESTMENT ACT OF 1958—S. 2061

● Mr. GORTON. Mr. President, I speak today on behalf of the many small businessowners in Washington State, who, through their hard work and determination, provide jobs and economic opportunity to thousands of Washingtonians. One such small businessowner, Doris Johnson of Vancouver Bolt and Supply, Inc., has led a grassroots effort to right a wrong imposed by the Government on small businesses throughout the Nation. Ms. Johnson's efforts have attracted thousands of supporters and her movement continues to gain strength and momentum across the country.

Ms. Johnson brought to my attention, and to the attention of many in the Federal Government, the problem thousands of small businessowners face today because of their ambition to start or expand their businesses in the 1980's. The problem I am addressing today is that of the enormous prepayment penalties associated with Small Business Administration 503 loans. In the 1980's, when interest rates were much higher, SBA 503 loans provided long-term fixed rate financing to small businesses that needed industrial or commercial buildings, machinery, and equipment. Today, over 3,000 such loans remain in existence. Many of these loans have interest rates as high as 15.7 percent. However, businessowners are prevented from prepaying these loans because of their devastating prepayment penalties—some as high as 40 percent.

The prepayment penalties are discouraging many small businessowners

from expanding their businesses and taking out additional loans. In effect, the 503 loan prepayment penalties are damaging our economy. It is for this reason that I have decided to join my colleagues in cosponsoring S. 2061, a bill to amend the Small Business Investment Act of 1958. This legislation, introduced last week by Senator BUMPERS at the request of the administration, would replace the 503 loan prepayment penalty with a much more reasonable penalty, that currently associated with SBA 504 loans.

I have cosponsored similar legislation in the past, and will continue to give my full support to a revision of the 503 prepayment penalty until this situation is rectified. I would like to commend the administration for its efforts to work with the small business community and its supporters in Congress. It is my hope that this legislation will be successful in its attempt to find a long-awaited solution to a problem which has prohibited small business from creating jobs and economic opportunity long enough.

Many small business men and women in Washington State and across the country need this legislation to expand or sell their businesses. The elimination of the excessive prepayment penalty for 503 loans will undoubtedly lead to economic growth and provide jobs and opportunities for families and communities cross Washington State and the Nation. For this reason alone, Mr. President, I urge the Senate to act quickly on this legislation.●

ORDERS FOR MONDAY, MAY 16, 1994

Mr. DORGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stands adjourned until 2 p.m. on Monday, May 16; and that when the Senate reconvenes on that day, the Journal of proceedings be deemed to have been approved to date; the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; that the time for the two leaders be reserved for their use later in the day; that immediately thereafter, the Senate resume consideration of S. 2019, the Safe Drinking Water Act.

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

ORDER TO ADJOURN UNTIL MONDAY, MAY 16, 1994, AT 2 P.M.

Mr. DORGAN. Mr. President, I ask unanimous consent that upon the completion of Senator DOLE's remarks, if any, the Senate stand adjourned, as under the previous order.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNITED STATES POLICY TOWARD HAITI

Mr. DOLE. Mr. President, it is high time for cooler heads to prevail on U.S. policy toward Haiti. We seem to be heading for another foreign policy mistake. The administration appears to be lurching toward the use of U.S. military force in Haiti, without clearly considering the consequences of such action and the history of United States involvement in Haiti.

Moreover, the administration is not taking into account the views of the majority of Members of Congress who believe that any deployment of forces in Haiti should be authorized by the Congress. Today, there are reports, too, of opposition among a number of our friends in Latin America.

United States policy in Haiti needs to be reviewed, and the first step toward rational consideration of United States options in Haiti should be the establishment of a bipartisan factfinding commission, an idea I have proposed to the President. The findings of such a commission could form the foundation for a new policy.

Everyone wants to see democracy return to Haiti. However, it is not in the United States interest for Haiti to become a de facto United States colony. It is not in the U.S. interest to send American troops to put President Aristide back in power. I would certainly urge the President to support an independent commission as a critical first step toward a policy that does reflect U.S. interests.

ADJOURNMENT UNTIL MONDAY, MAY 16, 1994, AT 2 P.M.

The PRESIDING OFFICER. There being no further business, under the previous order, the Senate stands adjourned until 2 p.m. on Monday.

Thereupon, at 2:06 p.m., the Senate adjourned until Monday, May 16, 1994, at 2 p.m.