recruited day in and day out. The American people—not to mention this particular father—have a great deal to be proud of. So I commend him for his statement.

Mr. KEMPTHORNE. I thank the Senator.

SAFE DRINKING WATER ACT AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. COHEN. Mr. President, I want to commend Senator KEMPTHORNE along with Senators CHAFEE, REID, and others, for their efforts to bring to the floor this important safe drinking water legislation, which I was pleased to cosponsor. The changes that would be made by this bill—reducing unnecessary burdens and costs to communities and ratepayers while guaranteeing reliable drinking water—have been sought by cities and towns in my State for many years now.

The Safe Drinking Water Act is perceived at the local level to be one of the most expensive and onerous Federal environmental requirements that we have. Reform of drinking water regulations has been a top priority of local officials across the country as they expressed increasing frustration with unfunded Federal mandates. As a former mayor, I understand the difficulties local officials encounter when they are faced with an enormous number of requirements and little money to pay for them.

I was pleased to be an initial cosponsor of the Unfunded Mandates Reform Act of 1995 which was the first step taken by Congress to reduce the impact of unfunded mandates. That was enacted into law last March under the leadership of Senator KEMPTHORNE. It is going to make it much more difficult to enact new unfunded mandates.

The second step toward reducing the burden on communities is to directly address the unfunded mandates that currently exist on the books. The bill before us today represents a very thoughtful and prudent approach to this critical second step.

The purpose of the bill is to maintain a safe drinking water supply while reducing the cost to communities and ratepayers. We need to remind ourselves that while cutting costs is very important, it is also critical that we do not lose sight of the fundamental goal of providing citizens with clean drinking water. People expect the water coming out of the tap to be safe, and we must not do anything that would jeopardize public health.

It is a sorry comment indeed that you read in the local paper in this community that people need to boil their drinking water. Here we are in the Nation's Capital where people have to be alerted that the water they are drinking is not safe, that it contains harmful bacteria. Therefore, local residents are told to be sure to boil their water. That does not say very much for the state of affairs in this community, to say the least. But it is a warning, perhaps, to all of us that we cannot simply engage in looking at the costs without taking into account what the major and central goal has to be: protecting the health and welfare of our people.

This bill would amend the Safe Drinking Water Act to increase the role of risk assessment and cost-benefit analysis in standard setting. It would also provide waivers from various requirements for small drinking water systems, and would authorize a revolving loan fund to provide funding for drinking water infrastructure projects. This legislation goes a long way toward providing flexibility for States and municipalities to develop drinking water programs that make sense for particular communities instead of the current one-size-fits-all approach.

One of the most critical aspects of this legislation is its recognition of the unique problems expensive Safe Drinking Water Act requirements pose to small communities. A recent CBO study found that the Safe Drinking Water Act has resulted in fairly modest costs for a majority of the households in this country. Approximately 80 percent of the households are expected to incur costs of $20 annually. However, the CBO noted that ''the household served by small water systems are particularly likely to face high costs,'' some well in excess of $100 per year. Additionally, that study found that costs to ratepayers tend to be higher for surface water systems than for groundwater systems.

In Maine, the majority of households get their water from municipal systems, all but a handful of which serve fewer than 10,000 users, and most of which serve less than 4,000 users. Maine has a relatively high percentage of water systems that rely on surface water as their source. Because this water has historically been very clean, few towns had filtration facilities. As a result, Maine water systems now have spent over $150 million in the past few years to comply with the surface water treatment rule, which has been particularly hard for these small community systems.

One example of this would be Southport, ME. It is an island town of about 650 year-round residents, where the voters recently rejected—overwhelmingly, I should point out—a $300,000 plan to bring the town into compliance with the Safe Drinking Water Act. The town's 70-year-old system relies on surface water since there is little potable ground water on the island. Providing water that meets the law's standards would raise the annual water rates for seasonal residents from $136 to $306.

In Searsport, ME, the water district is currently proposing a 66-percent rate increase due to the need to convert from surface to ground water. As a result, the water costs of one Searsport company would increase by $48,000 a year. The company, understandably, is considering other water sources, although the implication for other users are going to be enormous if that company left the town system.

Finally, I would like to share just one more example of the need to reform the Safe Drinking Water Act. Among the many letters I have received from Mainers expressing concerning about the law's impact is a very thoughtful letter from Mrs. Audrey Stone of Bucksport. Mrs. Stone wrote:

> As I rely totally on my Social Security check and therefore am restricted to a fixed income, as are many other residents in this community, you can readily see that the impact of a water rate increase in excess of $200 per year poses grave threats to my ability to maintain my residence. Additionally, those residents who have another source of water supply may choose to shut off the water company at the street, returning to their own source of water and defeating the purpose of this previously enumerated act. Further, this leaves less ratepayers to absorb the cost of the mandated improvements.

Mr. President, I strongly believe we have to preserve public confidence in the safety of our drinking water, but current Federal laws seek to achieve the goal of clean drinking water in a very expensive and sometimes very wasteful manner.

This bill will maintain a safe drinking water supply and reduce unnecessary costs and burdens to communities and utilities that provide the water. By reducing unnecessary costs and providing additional Federal funding, communities will be better able to maintain reasonable rates and address other public works concerns and priorities such as law enforcement and education.

Mr. President, there was a former city official from Lewiston, ME, who said, as a result of the costs of water regulations to communities, ''We will have the cleanest water in the State and the dumbest kids.''

It was a provocative statement, but it certainly hit home because he indicated that he was faced with a Hobson's choice of either obeying Federal environmental mandates or spending money on educating the community's children. He could not do both.

I think this legislation will help solve that Hobson's choice and allow some flexibility to small communities so they may meet the goal of protecting our people while not forcing them to cut education and other high-priority items.

I urge my colleagues to support this important legislation. I yield the floor.

Mr. BURNS. Mr. President, I rise today to support final passage of Senate bill 1316, the Safe Drinking Water Act Amendments of 1995. I am proud to be an original cosponsor of this important bill.

Montana is an extremely rural State. In fact, we don't have a drinking water system that serves more than 100,000 people. Most of our water systems don't serve more than 10,000 people. Meeting the requirements under the

existing water laws has been difficult, at best, for many of these communities.

The bill we are considering today is a step in the right direction. It will give relief to communities and improve public health regulations by reducing burdensome and unnecessary regulations.

Over the next 8 years, this bill authorizes $1 billion annually in Federal grants. These grants go directly to the States where loans or grants can be made to local water systems. In addition, this bill contains a provision where a percentage of the funds can be allocated for disadvantaged communities. This bill also gives our Governors the flexibility to transfer funds between the clean water and drinking water State revolving loan funds.

The bill provides $15 million for technical assistance for small systems. This is a $5 million increase over existing levels. The technical assistance program often is the only contact systems have to meet the requirements under the Safe Drinking Water Act. In addition, S. 1316 allows the technical assistance funding to be used for the rural water wellhead-groundwater protection program. This has been one of the most successful programs in rural communities. And prevention is less expensive than remediation.

Included in the current law, is a mandate to promulgate standards for 25 additional contaminants every 3 years. S. 1316 repeals this mandate and sets a new mechanism to identify contaminants for future regulations.

The most expensive part of running a water system is the monitoring which must occur. S. 1316 moves the decision to the States regarding monitoring. This will allow local conditions to be considered. Systems serving up to 10,000 people can skip repeat testing for many contaminants that do not pose health risks if the first sample in a quarterly series does not detect the contaminant. This could reduce the monitoring by 75 percent in some communities.

Most importantly, this bill contains no new Federal mandates. S. 1316 does not contain any new Federal regulatory program. Montanans want the Federal Government out of their lives, and this bill not only does not add new regulations, it streamlines the requirements contained in the current bill.

There is no constituency for dirty water. However, the problem with the existing law is it is based on fines and penalties. The bill we will pass today takes us away from that mentality. It gives the States and communities the tools to provide folks with safe water. It is a bill based on providing communities with assistance, not penalties.

I am pleased to be an original cosponsor of this bill and I look forward to it being enacted into law.

Mr. LIEBERMAN. Mr. President, I am pleased to rise in support of the Safe Drinking Water Amendments Act of 1995. I want to commend Senators CHAFEE, KEMPTHORNE, BAUCUS, and REID for their excellent work in crafting a bipartisan bill.

This bipartisan effort is particularly important because environmental issues have been marked by such sharp and bitter controversy this Congress. Twenty-five years of bipartisan support for strong environmental protection have been placed in jeopardy. I hope that this bill will serve as a model for getting us back on track. The bill makes reasonable changes to the Safe Drinking Water Act but does not roll back protection of human health.

The No. 1 responsibility Congress has, and what people demand from us, is to protect the people we serve from harm. That means guarding our national security with a strong defense, and keeping our streets safe from crime. But that also means protecting people from drinking poisonous water, breathing dangerous air, and from eating contaminated food—in other words, protecting people from harms from which they cannot protect themselves. We can and should reform our laws to make them more cost-effective and to eliminate unnecessary requirements. But we should not waiver from our responsibility to protect people.

One of the major reasons that the current Safe Drinking Water Act needs adjustment is that many drinking water systems—mostly smaller systems—have difficulty complying with the law because of lack of funding and expertise. These systems also often lack trained operators. The legislation addresses these issues by authorizing a State revolving fund of $1 billion per year through 2003 to upgrade facilities to enable systems to come into compliance with the current standards, and by requiring that States receiving SRF money must have a system of operator certification and a training program.

The issue of the use of cost-benefit analysis in setting standards for protecting human health and the environment has been extremely controversial this Congress, particularly in the context of regulatory reform legislation. This bill demonstrates that the most effective way for Congress to consider the use of cost-benefit analysis is in the context of individual statutes. In the abstract, in the context of a broad regulatory reform bill covering every health, safety, and environmental law, cost-benefit analysis becomes highly contentious because we simply don't know the impact on all the laws we are affecting. But this legislation demonstrates that we can clearly reach agreement when we look at individual statutes.

This legislation allows the EPA Administrator discretion to utilize cost-benefit analysis to move away from technology-based standards in those circumstances where benefits do not justify costs. But there are logical limits restrictions on this authority that make sense in the context of the Safe Drinking Water Act. These restrictions include the following. First, the discretion is solely with the Administrator to use this authority. No court may compel the Administrator to use this authority. Second, the Administrator cannot use this discretion when the benefits justify the costs for large systems and variances from the standards are available for small systems. Third, the Administrator cannot use this authority to make any existing standard less stringent. In other words, there can be no rollback of human health protection. Fourth, the authority may not be used for rules relating to cryptosporidium and disinfectants or disinfectant byproducts. Fifth, there must be a full consideration of nonquantifiable benefits in any analysis of whether benefits justify costs. Sixth, the health effects on sensitive subpopulations must be considered in determining whether benefits justify costs. Seventh, judicial review of the Administrator's determination of whether benefits justify costs can only occur as part of the final rule and can only be considered by the court under the arbitrary and capricious standard.

Some concern has been expressed in the Litchfield County area of my State regarding levels of radon found in their drinking water, and the environmental community has raised concerns that the radon standard in the bill is not strong enough. Unfortunately, since 1992, Congress as part of the appropriations process has prevented EPA from issuing a radon standard. The EPA spending bill this year, which I opposed, again included this restriction. Those who have led this effort cite the fact that the EPA Science Advisory Board, in a report to Congress, raised serious concerns about EPA's approach to regulating radon.

This bill moves the process forward by establishing for the first time a Federal standard for radon at a level which the managers of the bill indicate finds support in the EPA Science Advisory Board report. Importantly, however, the bill contains a specific provision allowing the EPA Administrator to set a more stringent level for radon if certain conditions are met; in addition, States have the authority to set more stringent standards. I am confident that the EPA Administrator will take this authority very seriously, and I intend to follow up with the Agency on its use of this authority.

Finally, the provisions relating to source-water protection are, in my view, not strong enough. As we have found in Connecticut, protecting the sources of drinking water makes good common sense—it's pollution prevention that will save water systems and communities money. I hope these provisions can be strengthened in the House and conference.

Again, my congratulations to the managers.

Mr. BOND. Mr. President, today the Senate has the opportunity to demonstrate that the Federal Government is responsive to needs of the States and localities as they seek to provide quality drinking water to their citizens. It

is imperative that Congress move forward on a Safe Drinking Water Act [SDWA] that revises the standard setting process that bases drinking water standards on an analysis of costs and public health benefits, eliminates unnecessary monitoring requirements, and has regulations based on the occurrence of a given contaminant and existence of public health risks instead of an arbitrary and escalating schedule of contaminants.

Congress passed the Safe Drinking Water Act in 1974 following public concern over findings of harmful chemicals in drinking water supplies. The intentions were admirable, but today's SDWA is a law that is too rigid and fails to prioritize risks. The current law operates under the notion that EPA bureaucrats are better able than local public health officials to determine the public health needs of a local community. Because of this, contaminants like cryptosporidium that ought to be regulated go unregulated because water operators are too busy expending limited resources on testing for so many random and sometimes obscure substances. In addition, the law fails to acknowledge that today's drinking water systems are capable of efficiently delivering 40 million gallons of safe water to American homes every day.

The current SDWA is also an excellent example of a statute where litle or no science is required to regulate; there is no flexibility to set priorities based on risk to public health until 83 contaminants are regulated.

The 1986 amendments to the Safe Drinking Water Act required EPA to regulate a specific list of 83 contaminants, allowing the Agency seven substitutions. Regardless of the health risk associated with each of the contaminants listed in the statute, EPA was told to regulate 9 contaminants 1 year after enactment of the statute; 40 contaminants within 2 years of enactment; and the remainder 1 year later. Once EPA completes the list of 83, the statute goes on to require EPA to finalize regulations for 25 new contaminants every 3 years regardless of whether the contaminants occur in drinking water, or whether they are of public health concern.

Nowhere in the statute does it say that the Agency should have good science, or peer-reviewed science or that if there are contaminants in drinking water supplies of greater health concern than those on the list, that EPA should regulate them first.

EPA acknowledges that they have found it impossible to keep up with the statute's requirements and recognizes that the requirement has resulted in some pretty poorly drafted rules. In fact, in EPA's 1993 report to Congress, the Agency was quite frank about the statute's required deadlines and the quality of the data used. The Agency said in its report:

> To meet these deadlines, data collection and analysis have not always been as thorough as desired. Document drafting and management review had to occur simultaneously and documents have needed to be rewritten and rereviewed. Short review periods have resulted in oversights and the need to publish correction notices. Regulations covering multiple contaminants have often been lengthy and complex. Thus, the public had difficulty providing thoughtful comments and the Agency had limited resources for gathering and analyzing additional data in response to comments. In some cases, unrealistic deadlines have contributed to the Agency's difficulty in addressing the unique technical and economic capacity problems of very small systems.

The current drinking water law, in other words, has played a large role in creating the information vacuum that now exists on the regulation of cryptosporidium for instance.

One reason it has taken EPA so long to focus on cryptosporidium is the current law. Its rigidity and lack of flexibility have created a situation where even EPA's resources have gone to complying with a requirement to regulate an arbitrary list of 83 contaminants, most of which according to EPA occur in drinking water seldom and rarely at levels of public health concern, rather than concentrating efforts on priority contaminants. Even more wasteful is the significant amount of funds being spent by local communities monitoring for contaminants that do not occur in their particular source of water. Hundreds of millions of dollars a year are spent on monitoring for the contaminants regulated currently.

If we are not looking at what is occurring in the drinking water supply and we are not required to have adequate or even good science to regulate, it is not surprising that we wind up regulating contaminants that may not be of the highest concern—and those priority contaminants, such as cryptosporidium, go unregulated.

Local water suppliers, however, have recognized the need to move ahead without EPA regulations and have led the effort to develop a voluntary partnership with the States and EPA to enhance existing treatment processes to help safeguard drinking water from cryptosporidium in advance of the knowledge needed to develop an appropriate national regulation.

It is past time that the Federal Government get in step and develop reforms that allow for prioritization of standards based on risk to the human population.

It is past time to bring common sense to both laws and regulations.

I commend Senators KEMPTHORNE, REID, CHAFEE, and BAUCUS for working diligently to get this broad, bipartisan supported legislation to the floor. I will support this legislation because it goes a long way in improving the current law. It eliminates the arbitrary schedule of contaminants, provides much-needed assistance to small systems, requires good, peer-reviewed science, changes standard setting requirements, implements voluntary sourcewater protection initiatives, and many more things. It is imperative that these changes are made. However, I do have some concerns with the legislation and this is why I have not cosponsored the bill.

I believe we need to do more to ensure that those responsible for providing safe drinking water can adequately pursue the activities deemed most important in protecting public health with the resources available. We need to continue to address seriously the issues of risk assessment and cost-benefit analysis.

According to the National Academy of Public Administration, the NAPA report:

> The tools of risk analysis and economic analysis help clarify regulatory and priority-setting issues confronting EPA and Congress. The discipline of analyzing risks, costs, and benefits encourages a degree of consistency in approach to understanding problems and defining solutions. The tools can and do provide information that is important for decisionmakers to consider. Shelving any of these tools, as some advocate, would be foolish and counterproductive, an invitation to muddle through rather than to learn and think.

By setting risk based priorities we have the best opportunity to allocate, in the most cost-effective manner, the resources of the Government and private sector in protecting the public from contaminants in drinking water. We need to do all we can to provide greater protection to the public at less cost than the current system mandates.

Once again, the NAPA report urges that:

> Congress should ask the agency to explain its significant regulatory decisions in terms of reductions in risk, and in terms of other benefits and costs. The agency should support state and local efforts to engage the public in comparing environmental risks, report periodically to Congress on a national ranking of risks and risk-reduction opportunities, and use comparative risk analysis to help set program and budget priorities.

One of the reasons that I stress the issues of risk assessment and cost benefit as they relate to budget priorities is because that is the only way we are going to get the ''biggest bang for the buck.'' My colleagues on the committee have already heard my concerns regarding the authorization for appropriations in this bill. I was hoping that my concerns were going to be addressed, but I understand my colleagues on the other side of the aisle have objected. Therefore, I am compelled to share with everyone, once again, my views regarding this issue.

Every single one of us, Republican or Democrat, has a responsibility to balance the budget. We have seen over the last several weeks that our views might not be identical on how to achieve this objective, but the objective is the same—a balanced budget.

As authorizers, not just on this committee, but all committees, we must start to be more realistic in our funding expectations. Do not get me wrong, I know that as an authorizer I would probably authorize more than I know would be appropriated—so as not to tie

the hands of the appropriators and just in case the slim chance would exist that full funding could be achieved. However, authorized pie-in-the-sky numbers have contributed to our budget problems and in my opinion, when we know from the beginning that the proposed authorization for appropriation is not possible we are being unfair to all our constituents.

Reality is that discretionary spending is declining. The EPA budget was reduced this year. We have no choice but to try to do more with less. We must prioritize. As chairman of the relevant appropriations committee I would love to appropriate what everyone wants—point me to the money machine.

Since the funding does not exist—how can we continue to mislead and give the impression that things are possible when they are not. Unfortunately, there is a wide gap between the wish list in this bill and available resources.

Once again, I was hoping that this concern would be addressed, and am disappointed that it was not. I guess I will follow the direction that the distinguished committee chairman, Senator CHAFEE, provided during markup. The decisions will have to be made solely in appropriations.

I also need to address one final concern in relation to the proposed disinfection-disinfection byproducts rule. The provision in the bill, in my opinion, greatly discourages the use of chlorine in water treatment despite the many health benefits chlorine provides. The language exempts this rule from cost-benefit analysis, sound science and comparative risk assessment. Considering the proposed cost of this rule, I am concerned that this will be an unfunded mandate to the States and localities.

Once again, I thank Chairman CHAFEE, Senator BAUCUS, Senator KEMPTHORNE, and Senator REID for their leadership and diligence on this issue. I learned long ago that you do not always get what you want. Maybe next time.

Mr. HATFIELD. Mr. President, the bill now before the Senate represents the best of this body. This legislation has been a long time in the works, and the final product shows the high level of commitment to this important area of policy.

There are few things that touch more aspects of life in Oregon than water. From electricity, to fishing, forestry, and agriculture, no issue is more central to Oregon. And of course, the women, men, and children of my State, like all others, depend on a clean, healthy supply of water to drink.

I have always supported the Safe Drinking Water Act. I voted for the original provision in 1974 and for the 1986 amendments. I am proud to be an original cosponsor of the legislation introduced by a bipartisan group led by Senator KEMPTHORNE.

In 1993, I met with over 150 representatives of water systems in Oregon to discuss the approaching reauthorization of the Safe Drinking Water Act. I have also received hundreds of letters in the last year from system operators and local officials. These are truly committed public servants who care deeply about the health of those in their communities. Their input has greatly assisted me in navigating through this debate.

Mr. President, I believe water is our most vital resource. Water provides much of the clean electric power produced in the Northwest. Water is vital to Oregon's strong agricultural production. And where would our fisheries and forestry industries be without water? None of these is of more intimate importance to each of us than the water we consume. Our bodies cannot live without water.

Many inside the beltway call Oregon the land of liquid sunshine. They say we do not tan, we rust. Well, we know that is not always true. We have recently experienced the difficulties of a 6-year drought, which taught us that water should never be taken for granted.

Today Oregonians are confronting the damage that can come about due to too much rain. Heavy rains have hit the Pacific Northwest in the past several days causing significant problems, particularly in Yamhill and Tillamook Counties. Our Governor has declared a state of emergency in these counties.

I ask unanimous consent that an article from today's Oregonian newspaper be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HATFIELD. The heavy rains have resulted in a landslide in Portland's renown Bull Run watershed, which has provided pure drinking water from the Portland area for generations. The slide severely damaged a bridge crossing which carries two of the three conduits which bring drinking water from the Bull Run watershed to Portland. No water is flowing through the two damaged pipes. The third pipe is underground and is still in operation. The two dams in the watershed are undamaged.

City officials have two main concerns: public health and adequate supply. The Portland Water Bureau is closely monitoring both contamination levels and turbidity. At this stage, no public health problems have arisen.

The second issue is adequate supply. The city's daily water usage this time of year is 90 million gallons per day. The one remaining conduit from Bull Run has a capacity of 75 million gallons per day. Any additional supply up to the 90 million gallons per day will come from the city's existing well fields in northeastern Portland near the Columbia River. In addition, over 270 million gallons is currently stored in reservoirs throughout the city.

Temporary repair of the two conduits from Bull Run could take weeks. A permanent fix could take months. Engineering studies are already underway.

This shows us once again the importance of our precious water resources. It shows us the importance of providing our local officials with the resources they need to respond to unpredictable challenges. These officials must have the flexibility and the resources to carry out their responsibilities.

The legislation before us today meets that and many other goals. It is a significant accomplishment and I am proud to cosponsor it. Let me take a moment to review the concerns I have heard from hundreds of Oregon communities and take note of how these concerns have been addressed in the legislation before us.

As my colleagues recall, last year, many months of effort were put toward crafting a bipartisan Safe Drinking Water Act reauthorization bill. I was proud to work closely with Senator KERREY in an attempt to bridge the partisan differences that had emerged on the issue. The final product passed this body with overwhelming bipartisan support. Efforts to bring the bill to a conclusion late in the session were not successful. I am pleased that many of the provisions in the bill before us today clearly emanate from last year's bill.

SELECTION OF NEW CONTAMINANTS

One of the most frequently cited problems with the current law is that in the 1986 reauthorization, Congress required EPA to regulate 25 new contaminants every 3 years, whether they need to or not. The bill before us eliminates this requirement and replaces it with a requirement that EPA take action with respect to at least five contaminants every 5 years beginning in 2001. This change will provide tremendous regulatory relief to EPA, States and water systems.

RISK ASSESSMENT

Citizens of Oregon want to know that the contaminants EPA decides to regulate actually pose a health risk. They feel that the process of regulation is too often divorced from sound scientific evidence of risk from a contaminant.

This legislation requires EPA to use good science and assess the risk of contaminants before proceeding with regulation. The bill gives EPA authority to regulate contaminants based on their actual occurrence in drinking water and the real risks they pose. This will help EPA pursue regulations of the substances in drinking water that pose the greatest threat to human health.

COST-BENEFIT ANALYSIS

Nearly everyone I have spoken to in Oregon is concerned that EPA sets standards for contaminants at a level that is unrelated to the level of health protection secured for the cost. Small systems need consideration of risk even more than larger ones. The bill before us allows the Administrator the flexibility to set standards at levels

other than those technically feasible and affordable to large systems, when it makes sense to do so in light of the risk reductions to be achieved and the compliance costs.

This is a critical element of reauthorization because it will create a tighter and more explicit relationship between regulations, health protection, and the compliance costs. I strongly commend Senators KEMPTHORNE, CHAFEE and BAUCUS for helping solve this thorny issue.

MONITORING BURDEN

Oregonians have complained that they monitor for contaminants that have never been in their water. By ignoring differences among geographic areas, we force local systems to devote resources to contaminants they do not have. This takes vital resources from real problems. This bill includes provisions similar to those added by Senator KERREY and myself to the 1994 Safe Drinking Water Act reauthorization bill that will allow State drinking water programs to design monitoring programs that are appropriate to conditions faced by their State.

SMALL SYSTEM FLEXIBILITY

In Oregon, I learned that small systems are particularly hard hit by many of the current Safe Drinking Water Act regulations because they do not have the economies of scale of a large city. The bill before us addresses this problem in several ways. First, there is monitoring relief for small systems. Moreover, systems serving less than 10,000 people are eligible for a streamlined variance process and a small system technology program. A number of other flexibility provisions are included in the bill for small systems.

SUFFICIENT RESOURCES

Oregonians have told me that the regulations governing drinking water are technical and expensive. In addition, GAO reported last year that State programs are underfunded.

To begin to solve this problem, the bill authorizes a $1 billion annual State revolving loan fund. The bill also authorizes an additional $90 million for health effects research, a wise investment for public health.

CONCLUSION

I strongly urge the Senate to support this bill. These provisions strengthen the Safe Drinking Water Act, not because they make the act more rigid and stringent, but rather because they will help us—in Congress, at EPA, in the States and in every local water system—focus drinking water resources on the most pressing problems and on the biggest threats to health.

Again, let me commend the managers of this legislation for their fine efforts in bringing this matter to the floor in such a sound bipartisan manner. I look forward to casting my vote in favor of this legislation.

EXHIBIT 1

[From the Oregonian, Nov. 29, 1995]

WHEN IT RAINS, IT POURS

(By Stuart Tomlinson, David R. Anderson, and Pat Forgey)

Oregonians paused to assess and clean up the damage caused by heavy rain Monday and Tuesday and braced for another, stronger storm expected to hit Wednesday.

Gov. John Kitzhaber declared a state of emergency Tuesday in Tillamook and Yamhill counties because of landslides, flooding and road washouts.

''It's a mess,'' Tillamook County Commissioner Jerry Dove said after a helicopter tour Tuesday. ''I have never seen anything so devastating.''

Heavy rain falling on ground saturated during one of the wettest Novembers on record sent several coastal rivers over their banks, trapping motorists, closing schools and driving residents from their homes.

By Tuesday afternoon, the rain slackened, which allowed the river levels to subside. But forecasters warned of heavier rains Wednesday, accompanied by winds that could reach 75 mph on the coast.

''The flood season has just begun,'' said Clint Stiger, a hydrologist for the National Weather Service in Portland. ''We're very concerned about the storm coming Wednesday because there is just not much more moisture the soil can contain.''

Flood alerts were posted Tuesday for rivers throughout Western Washington, and Gov. Mike Lowry declared a state of emergency in Clark County and 10 other Washington counties late Tuesday. The declaration is retroactive to Nov. 7, when heavy rains began causing flood damage in Washington.

While flooding was reported on the Clackamas River, Johnson Creek and the Tualatin and Salmon rivers outside Portland, the northern Oregon coast was hardest hit.

Kitzhaber's emergency declaration will allow the Oregon Department of Transportation to use highway safety money for emergency road repairs. The declaration also means the governor can use the Oregon National Guard to assist in flood cleanup or for security.

More than 6 inches of rain fell in about 36 hours at Lee's Camp, a reporting station outside Tillamook. A rain gauge at a Tillamook city reservoir can measure a maximum of 7.5 inches, but it overflowed in less than 24 hours Monday night and Tuesday morning.

Snow that had fallen during the weekend melted under the onslaught of record warm temperatures. With 58 degrees, Portland broke a record for the date set in 1982, while Eugene had a record-tying 60 degrees.

Portland is inching toward breaking the all-time rain-fall record for November, which was 11.57 inches in 1942.

By 10 p.m. Tuesday, rainfall at Portland International Airport reached 10.28 inches.

Rain was the main problem Tuesday, but high winds could bring problems throughout the day Wednesday.

Forcasters issued high wind warnings for the north and central Oregon coast through Wednesday, with gusts up to 75 mph on exposed headlands and gusts to 40-plus mph inland.

Heavy rain also hit Eastern Oregon. The National Weather Service issued small stream advisories for portions of Umatilla County.

Snow levels rose to about 8,000 feet by Tuesday, but they were expected to plummet Thursday and Friday to about 4,000 feet, with more snow forecast for the northern Oregon Cascades.

A storm containing moisture from nearly 1,000 miles southwest of Hawaii brought the rain and warm temperatures to the state. It's part of a pattern of storms that rake the region during November and December.

Oregon is on the edge between warm, tropical air to the south and colder air to the north.

''Where the two air masses come together, there is often a violent meeting on the boundary,'' said state climatologist George Taylor. ''The atmosphere is trying to reach equilibrium.''

So were Tillamook County residents.

Crews worked all Tuesday to reach people trapped in their homes by mudslides, mostly on the Trask and Kilchis River roads.

By late Tuesday, about 50 homes, with as many as 200 residents, on Trask River Road still were cut off by 15 to 18 landslides. Some routes were cleared only to be closed again by slides or flooding.

Tillamook County Sheriff Thomas Dye said a U.S. Coast Guard helicopter dropped a paramedic in the area to check on a 3-year-old girl suffering from the flu. The girl checked out fine, and the paramedic left by helicopter.

Jon Oshel, the county public works director, said he hoped to have Trask River Road open by dark. Kilchis River Road presented a bigger problem, although only about 10 families still were cut off.

''We lost a major piece of road there that's just flat gone into the river,'' Oshel said.

Tillamook County Commissioner Ken Burdick lives up Trask River Road, where he saw what he called the worse devastation in 42 years.

''We sat there last night until 4 a.m., listening to canyons blow out,'' he said.

Burdick didn't get out of his house until late Tuesday, when county road crews working their way up the Trask River reached him.

During a helicopter tour, Dove said every canyon they looked at east of Tillamook had been hit with a gully-washer, blocking roads, washing out culverts and carrying trees and stumps downriver.

Dove said he saw houses flooded and dairy farmers cut off from their cows.

The Wilson River Highway, the main road between Tillamook and Portland, was closed between Tillamook and Glendale by landslides. The road wasn't expected to be open to through traffic until late Wednesday, traffic officials said.

Mike Fredericks, who lives along the Wilson River, was forced from his trailer by rising floodwaters. When he came back Tuesday, he expected his trailer to be in Tillamook Bay.

When he left the night before, his trailer was an island buffeted by what used to be the hillside across the Wilson River Highway.

Because of a clear-cut last summer, he said, the culvert that drains the hill clogged Monday night.

The water had to go somewhere. When he went next door to talk to his neighbor, a veteran of six years on the river, Fredericks found out where.

''As soon as we turned our heads, down came the hill,'' Fredericks said. ''The creek was hitting the trailer house and fanning around each side.''

Fredericks' cat, Cubby, was washed away. His mailbox, telephone bill and all, ended up about 50 yards from the house.

The trailer, which is about five miles east of Tillamook, survived the deluge and moved not an inch toward the Wilson River. If it weren't for the mess in his yard, Fredericks would have felt fortunate.

The new stream cut a 10-foot-deep gully across the lawn, halfway between his trailer home and recreational vehicle. Sheared logs, about a foot of mud and hundreds of basketball-size rocks littered his lawn.

In Yamhill County, the Three Rivers Highway dropped about 4 feet at milepost 13.5. The highway was reopened after emergency repairs were completed.

Although the rains were impressive, river levels still were below historic flood levels.

During a January 1990 flood, the Nehalem River crested at 25 feet; Tuesday's peak reached 16.2 feet. In January 1972, the Wilson River crested at 16.9 feet; Tuesday's peak reached 13.2 feet.

Flooding caused the aptly named Roaring River Bridge, at the confluence of the Roaring and Clackamas rivers about 17 miles southeast of Estacada, to sink two feet Tuesday morning.

A large log, probably loosened from an embankment eroded by the floodwater, rammed and bent the bridge pilings, said Gary McNeel, an assistant district manage of the Oregon Department of Transportation office. The 45-year-old bridge serves about 1,100 vehicles a day.

In Clackamas County, firefighters and the sheriff's deputies evacuated residents of the Eagle Creek Mobile Home Park near stormswollen Eagle Creek for several hours early Tuesday.

Worst hit were Terry and Toni Hirbeck. Their doublewide at 30773 S.E. Creekside Lane, about a mile upstream from the Clackamas River, had water up to its subflooring and no yard at all.

''I woke Terry up at 11 o'clock last night to tell him the water was coming up,'' said Toni Hirbeck, 33. ''And from 11 o'clock to midnight, the water rose so much that stuff was already floating.''

By 2:30 a.m., firefighters from the Boring Fire Department had to rig a rope across the lane as a lifeline so the lane could be forded more safely.

WEATHER WOES

The coast

Tillamook: High water and mudslides closed dozens of roads. Many residents were stranded in homes and cars. The Wilson River Highway, the main road between Tillamook and Portland, was blocked by slides. School districts in north and central Tillamook County closed Tuesday, after officials decided it was to risky to send buses out.

Multnomah County

Bull Run: A mudslide smashed two of three conduits supplying Portland's water from the Bull Run watershed Tuesday, sharply reducing the Portland area's water delivery system. Officials planned to avert a water shortage my drawing on reservoirs and turning on backup wells along the Columbia River.

Clackamas County

Roaring River: Flooding caused Oregon 224's Roaring River Bridge, over the Roaring River at the confluence with the Clackamas River about 17 miles southeast of Estacada, to sink about the two feet Tuesday. A large log rammed into and bent the pilings of the 45-year-old bridge that serves about 1,100 vehicles a day. Workers are expected to complete a temporary plate-steel bridge in about a week.

Clackamas River: The river was above flood stage at several sites, but particularly threatening at Carver. Residents of a mobile home park were bracing for possible evacuation.

Eagle Creek: Crews evacuated families from 12 homes about 1:30 a.m. Tuesday but allowed them to return later in the morning.

Salmon river: In the Mount Hood area, a few families were driven from their homes Monday night.

Sanbag help: County officials recommend calling 655—8224 to get information about sandbags and available help.

Clark County

Salmon Creek: A handful of residents north of Vancouver evacuated their homes Tuesday when Salmon Creek overflowed, sending several feet of water into basements, submerging lawns and uprooting trees. Homeowners and fire District 6 personnel sandbagged six homes at 136th Way and Salmon Creek Avenue to stem the damage.

Road Closures: Southeast Evergreen Highway was closed at 190th Avenue by water 3-feet deep across the pavement. Water crested above the guardrail and closed Leadbetter Road at 232nd Avenue north of Lacamas Lake.

Eastern Oregon

The storm caused flooding and power failures across much of Eastern Oregon. Several families on the Umatilla Indian Reservation near Pendleton wee stranded when the Umatilla river flooded rural roads. Eight inches of snow fell on the Ladd Canyon mountain pass between Baker City and La Grande, causing a massive tie-up.

Mr. SIMPSON. Mr. President, the Safe Drinking Water Act is important to every community in this country—large or small—rich or poor. This public health statute ensures that our citizens have clean water to drink when they turn on the tap. But this law is important for another reason as well—it can be very costly for small rural communities that simply do not have the financial resources necessary to comply with many of the stringent standards and monitoring requirements required by the act. All of us in Congress have been sensitized to the issue of unfunded Federal mandates because of the regulatory excesses brought out by the previous reauthorization of the Safe Drinking Water Act.

The Clinton administration makes the claim that Republicans don't care about the environment but that is pure balderdash. We care about the environment just as much and we are passing this legislation because we do care. We also care about real people—cities and small towns—and that is why we are putting some common sense back into the law.

The environmental groups may think that unfunded mandates are part of what they call an unholy trinity, but I can tell you that to a Member of Congress this issue is a very real concern. When I travel around my State and stop in small towns I always hear complaints about the Clean Water Act and the Safe Drinking Water Act and unfunded mandates.

The last time we reauthorized the Safe Drinking Water Act we caused a near crisis in small town America. Thousands of small towns are financially unable to meet Federal drinking water requirements and need help finding less expensive ways to make their water safe to drink. A recent GAO report said that meeting Federal drinking water standards is an acute problem for around 50,000 small communities that account for 90 percent of the drinking water violations. We need to find more cost-effective ways to provide these small towns with safe drinking water or we are going to be wholly discredited in the eyes of the American public.

The EPA estimates that it will cost small communities $3 billion to comply with current Federal drinking water regulations and another $20 billion to repair and replace and expand their current drinking water infrastructure and to meet future needs. It has been estimated that 70 percent of the costs will be incurred by small communities that account for 10 percent of the population. These communities cannot afford that kind of expense and I don't think a simple revolving loan fund will help enough.

Neither the Federal Government nor the States have developed policies that will reduce costs through less expensive technology or development of better financing and funding mechanisms. This situation must be remedied. We need to make direct grants to small communities along with a loan program and more importantly we need to revise monitoring requirements and change the ways standards are being set.

The bill we are considering is an improvement in this regard, but I don't think it goes far enough. The environmental groups have taken a paternalistic approach to this issue and they don't believe the States should be given flexibility in carrying out the act. This isn't the classic case where it is industry versus the greenies. This is Governors, mayors, State legislators, and water administrators saying ''Congress must do something radical to fix this program or we are going to go broke.''

I don't think the committee bill goes as far as I would have liked in directing EPA to consider cost and good science, but I think the final version represents a genuine effort to improve current law and it will cause EPA to take a more realistic approach to the standard setting issue in the future. For this reason I intend to vote for this bill and I trust the President will sign it when Congress sends it on to the White House.

Ms. SNOWE. Mr. President, Senator COHEN and I would like to engage the Senator from Rhode Island and the Senator from Idaho in a colloquy.

Mr. CHAFEE. I would be pleased to participate in a colloquy with the Senators from Maine.

Mr. KEMPTHORNE. I would be happy to engage the Senators from Maine in a colloquy as well.

Ms. SNOWE. As the Senators from Rhode Island and Idaho are aware, a number of very small, economically disadvantaged communities across the country are having serious difficulties trying to comply with the surface water treatment rule. Compliance with this rule can be very expensive, sometimes requiring a disadvantaged community with less than 500 residents to build a filtration plant costing over $1 million. Unfortunately, many of these communities cannot afford to construct these expensive facilities without substantial Federal assistance, and that assistance has not been adequate to meet the demand. This predicament

has caused a lot of frustration in certain small towns, particularly since the quality of their local water sources, which are often located in isolated rural areas, can be quite high and is not vulnerable to imminent degradation.

Mr. COHEN. I concur with Senator SNOWE on this point. There are 19 small, economically disadvantaged towns in Maine currently under compliance order to install filtration systems as required by the SWTR, and the deadlines for those orders will be expiring over the next year. Without adequate Federal financial assistance, these disadvantaged communities will not be able to comply with the filtration requirement.

We understand that section 13(b) of S. 1316 allows a State to exempt an economically disadvantaged public water system serving a population of less than 3,300 people from the requirements of a national primary drinking water regulation as they relate to maximum contaminant standards or treatment techniques for a period of up to 3 years, as long as there is a reasonable expectation that the system will receive Federal financial assistance during the exemption period. In addition, the bill would allow a State to renew this exemption in 2-year increments up to an additional 6 years.

Ms. SNOWE. We further understand that the authorities available under section 13(b) apply to the surface water treatment rule, as they do to other national primary drinking water regulations, and that section 13(b) would therefore allow a State to provide an exemption to a system serving an economically disadvantaged community in the predicament that we just described, provided the system meets the terms and conditions set forth in the section.

We would like to ask the chairman of the Environmental and Public Works Committee, Senator CHAFEE, and the chief sponsor of S. 1316, Senator KEMPTHORNE, if our understanding of this provision is correct.

Mr. CHAFEE. The Maine Senators' understanding of section 13(b) is correct. This section does apply to the surface water treatment rule as well as other Federal drinking water regulations. I very much recognize the problems that small disadvantaged towns are facing in complying with some of the expensive requirements of the act, and we hope that section 13(b) and other sections of S. 1316 will address these problems.

Mr. KEMPTHORNE. I concur with Senator CHAFEE that the Maine Senators' understanding of section 13(b) is correct. The surface water treatment rule is covered under this section. One of my major interests in drafting S. 1316 was to find ways to ease the compliance burden of the act on small, disadvantaged communities while maintaining public health protections. Section 13(b) is one of the provisions in the bill that will help us achieve this important goal.

Ms. SNOWE. We thank the Senators for clarifying this important matter.

Mr. KEMPTHORNE. Mr. President, there is an issue on which I would like to engage in a colloquy and get the support of the chairman of the subcommittee. I understand that efforts to gain an accurate and valid determination of drinking water quality often can be compromised by brief weather changes. Current regulations call for water quality compliance of a contaminant to be based on the annual average of four quarterly samples. But when quarterly samples are collected during such brief periods, inaccurate and misleading impressions of the water's annual average quality can result.

This situation is especially prevalent with respect to determination of agricultural and other non-point contaminants. spring thunderstorms often follow farmland tillage operations and necessary applications of fertilizers and crop protection chemicals, and natural storm water runoff can briefly elevate concentrations of these contaminants in water. A single spring quarter sample taken immediately after a major thunderstorm can put the water supplier out of compliance for the entire year and result in expensive and unnecessary water treatment.

More frequent sampling would give a more accurate assessment of the long-term exposure to these seasonal contaminants. Mr. Chairman, it is my impression that the provisions for alternative monitoring programs authorized in section 19 of the bill would authorize each State with primary enforcement responsibility to allow utilities to conduct time-weighted sampling during the quarters of concern. To balance accuracy with economic considerations, such alternative monitoring programs could allow utilities to composite monthly or more frequent samples for a single quarterly analysis for those contaminants which are known to be stable in storage.

Is this the understanding of the chairman of this committee?

Mr. CHAFEE. If the Senator will yield, Mr. President, that is correct.

Mr. KEMPTHORNE. I thank the chairman of the committee for his support and clarification of this section.

REGULATION OF ZINC

Mr. THOMPSON. I would like to engage the majority managers of the bill in a brief colloquy concerning the regulation of zinc—an essential trace element—under the Safe Drinking Water Act. As they are undoubtedly aware, there are a number of studies showing that children, particularly poor children, are seriously deficient in their intake of zinc. Drinking water is one important source of zinc for those children.

The managers are surely also aware that the Environmental Protection Agency has established at least one reference dose—or safe exposure level—that allows for less than the recommended dietary allowance for zinc for infants, children and possibly pregnant and nursing mothers, despite the needs of these particularly sensitive groups. In light of the essential nature of, and the recommended dietary allowances established for, zinc, is it the manager's view that EPA should consider these factors when regulating additional trace elements such as zinc?

Mr. KEMPTHORNE. I agree with the Senator from Tennessee that EPA should take into account: First, the essential nature of the zinc, and second, the recommended dietary allowances for the element for infants, children and pregnant and nursing women, when deciding whether or not the essential trace element zinc should be regulated under the Safe Drinking Water Act.

Mr. CHAFEE. I agree with the statement of the Senator from Idaho.

SMALL PUBLIC WATER SYSTEMS TECHNOLOGY CENTERS

Mr. BYRD. Mr. President, the bill before the Senate, S. 1316, the Safe Drinking Water Act Amendments of 1995, provides for the establishment of a grant program, to be administered by the Environmental Protection Agency [EPA], that would fund not fewer than five Small Public Water Systems Technology Assistance Centers across the United States. I commend the Committee on Environment and Public Works for the action it has taken in this regard. I would, however, ask for some clarification of the criteria listed in the new subsection (h). The criteria listed in the bill reference technical assistance support activities that would be provided by regional centers. My question to the managers of the bill is:

Would a national center engaged in the following activities meet the criteria listed for the proposed Small Public Water Systems Technology Centers?

A clearinghouse service engaged in both the collection and distribution, at no or low cost, of technical literature and other educational resource materials, including government documents, research papers, video tapes, brochures, and diagrams;

A toll-free telephone assistance and referral service providing access to engineers and other specialists;

A quarterly newsletter service, published at no cost to subscribers, that addresses such topics as the health effects of contaminated waters, small community assistance providers, small water system regulatory issues, and water system operation maintenance; and

A toll-free electronic bulletin board service that enables users to post questions and have those questions answered, as well as to read and comment on water-related topics.

In reading the bill and the committee's report, I would presume that a national center that provides such services would be eligible to receive funding under the grant program established in the bill. I would simply ask the manager of the bill if this is correct.

Mr. CHAFEE. The Senator is correct. Let me add that the concept of providing grants to regional centers that the Senator refers to is primarily intended to ensure that such centers are distributed throughout our Nation. It is not intended to limit the scope of assistance these centers can provide.

Mr. KEMPTHORNE. I would also add that the regional technology assistance centers are intended to be sited in areas that are representative of their region in regards to the water supply needs of small rural communities. In this respect, these centers are supposed to have expertise in the particular water supply problems associated with that region.

Mr. BAUCUS. The Senator from West Virginia is correct, however, in pointing out that the information these centers provide can also be national in scope. The access to this information, therefore, should not be limited to any particular State or region. In providing assistance on a national basis, these centers should coordinate their activities to minimize any duplication of effort and to maximize the utility of the information provided.

Mr. BYRD. I thank the managers of the bill for providing this clarification.

Mr. MOYNIHAN. Mr. President, I am pleased to join with my colleagues in support of the Safe Drinking Water Act. This bill represents a bipartisan effort which couples protection of public health and welfare with the flexibility necessary for cost-effective implementation.

The bill contains a number of provisions that are of particular interest to New York State. The components of the bill which provide for watershed protection directly impact the 9 million residents of New York City who rely on the Croton, Catskill, and Delaware watersheds to provide approximately 1.4 billion gallons of water each day. The State of New York recently announced the establishment of a partnership between New York City and the communities located within the watershed region. This agreement will effectively limit contamination of the water supply, preventing the need for a multibillion-dollar water filtration facility. The bill would authorize up to $15 million per year for 7 years to help fund the implementation and assessment of demonstration projects as part of the New York City Water Protection Program. Thus, the bill supports New York State's efforts to achieve prudent, cost-effective protection of the quality of New York City's drinking water.

A second provision will provide long-term benefits for the Great Lakes region by establishing a program to test chemical pollutants believed to cause so-called estrogenic effects in human populations. These effects may result in a variety of cancers—especially breast cancer—in addition to affecting the human reproductive system adversely. Pollutants which may be associated with these effects are known to accumulate in bodies of water and are pervasive in the Great Lakes System. The testing program sponsored by this provision will incorporate quality science and peer-review to allow the Administrator of EPA to identify such substances and take effective action to prevent human exposure.

Unfortunately, despite Senator CHAFEE'S valiant efforts today, it has become necessary to eliminate section 28 of the bill which, was reported unanimously out of committee. This section would have required the EPA Administrator to compare and rank various sources of pollution with respect to their relative degree of risk to human health and the environment, and evaluate the costs and benefits of existing regulations. I believe this analysis, which would have been included in a peer-reviewed report to the Congress, would have provided us with information critical to enhancing the effectiveness of the Nation's environmental programs.

I would point out that the requirement to conduct cost-benefit analyses and to evaluate the effectiveness of environmental legislation was first incorporated in the Clean Air Act amendments of 1990. I felt it was very important when passing the acid rain provisions of the Clean Air Act to evaluate their effectiveness, and requirements to conduct such an evaluation were incorporated in that law.

In any case, because of the importance of safe drinking water legislation, I urge my colleagues to join me in support of the Safe Drinking Water Act. I extend my sincere gratitude to Senator CHAFEE for his support of future consideration of the issue by the Environment and Public Works committee. I intend to work with him and other interested Members to secure passage of a bill authorizing these important studies. I have introduced legislation to achieve this end in the past three Congresses, and I look forward to the upcoming hearings on the measure.

ESTROGENIC SCREENING PROGRAM

Mr. D'AMATO. Mr. President, I want to commend and thank the managers of this bill for including in the manager's amendment package our amendment establishing an estrogenic chemicals screening program at EPA. This amendment is identical to an amendment that was adopted unanimously by the Senate when offered by my senior colleague from New York and myself during consideration of the Safe Drinking Water Act in the 103d Congress.

The amendment requires EPA to gather information that may prove essential in the war against breast cancer. Specifically, this amendment will require the EPA to develop and implement a testing program to identify pesticides and other chemicals that can cause estrogenic and other biological effects in humans, and to report their findings to Congress within 4 years.

This amendment is critical in view of growing evidence linking environmental chemicals that are capable of mimicking or blocking the action of the hormone estrogen to a host of developmental and reproductive abnormalities in wildlife and humans. The most alarming findings suggest a link between exposure to these chemicals and the dramatic increase in human breast cancer that has become so tragically apparent in our Nation over the past several decades.

In 1960, the chances of a woman developing breast cancer were 1 in 14. Today, they are one in eight. This year alone, breast cancer will strike an estimated 182,000 American women, and will take the lives of over 46,000. It has become the most common female cancer and the leading cause of death among American women between the ages of 35 and 54.

For years, researchers have understood that breast cancer is influenced by how much estrogen a woman produces. If you take the existing known risk factors—including early puberty, late menopause, delayed childbearing, or having no children at all—they have one thing in common: they all contribute to a high lifetime exposure to estrogen. There is clear evidence that the more estrogen a woman is exposed to in her lifetime, the higher her risk of developing breast cancer.

Recently, scientists have been taking a close look at the relation between so-called xeno-estrogens and increased breast cancer risk. It is theorized that these estrogenic materials—which include pesticides and other chemicals capable of affecting the internal production of the hormone estrogen—may hold the key to explaining some of the 70 percent of all breast cancer cases not associated with any of the existing known risk factors.

The research is compelling.

Perhaps the most startling findings are those of Dr. Mary Wolff of Mt. Sinai Medical Center, whose research involved the estrogenic chemicals PCB and DDE, which is a breakdown product of the pesticide DDT. Dr. Wolff tested the blood of 58 women with breast cancer and compared it to that of 171 women who were cancer-free, taking pains to ensure that the women were identical when it came to age, childbearing history, and every other characteristic known to influence breast cancer risk. She found that the women who had developed breast cancer had PCB levels in their blood that were 15 percent higher than the cancer-free women, and DDE levels that were 35 percent higher. She also discovered that as the level of DDE increased, so did the risk of developing breast cancer—to the extent that the women with the highest DDE levels were four times as likely to get breast cancer as those with the lowest levels.

A subsequent study by Canadian researchers, published on February 2, 1994, in the Journal of the National Cancer Institute, found a further link between DDE levels in breast tissue and the development of breast cancer.

In this case, higher DDE levels were associated with a higher risk for a particular-type of breast cancer which feeds on estrogen—a type of breast cancer which, according to researchers, has made up a larger and larger portion of the increase in breast cancer in recent years. In the words of the study's authors, ''this study supports the hypothesis that exposure to estrogenic organochlorine may affect the incidence of hormone-responsive breast cancer.''

The women of Long Island, NY, have long suspected a connection between the region's unusually high breast cancer rates and the exceptional concentrations of DDT and other potentially estrogenic pesticides that were once applied in an effort to rid former potato fields of a parasite known as the golden nematode.

Women who have grown up and raised families in residential subdivisions that were built on top of these abandoned potato fields have good reasons to be suspicious. Not least of these is the recent finding that if you are a woman and you have lived in Nassau County for more than 40 years, your risk of getting breast cancer is 72 percent greater than a woman of the same age who has lived in the county for less than 20 years.

The National Cancer Institute is now in the process of further examining the connection between breast cancer and xeno-estrogens as part of a comprehensive study into the causes of Long Island's high breast cancer rates. Their findings—expected within the next several years—will contribute greatly to our knowledge base about this important issue.

As we wait for the results of this and other studies, it is vital that we begin to systematically identify those pesticides and other compounds present in the environment that possess estrogenic properties. We must do this so we will be ready, should further research confirm a clear link between these substances and breast cancer, to take appropriate steps to protect the public.

This amendment will give us some of the information needed to begin taking these steps should they become necessary.

The amendment would require the EPA to utilize appropriate, scientifically validated test systems as part of a screening program to identify pesticides and other substances capable of altering estrogenic activity in the human body.

Several quick and inexpensive test systems have been developed in recent years which could potentially be utilized in such a screening program. Examples include tests developed by Dr. Ana M. Soto of Tufts University School of Medicine in Boston and Dr. Leon Bradlow of the Strang-Cornell Cancer Research Laboratory in New York, as well as a third test utilizing state-of-the-art biotechnology techniques described recently in Environmental Health Perspectives by Dr. John McLachlan of the National Institute of Environmental Health Sciences.

Because these tests are simple, inexpensive and quick, they are well suited for the kind of large-scale screening needed to identify potentially hazardous estrogenic compounds. Since reproduction requires complex interactions between hormones and cells in the intact body, the tests are not intended to replace existing animal testing models, but to complement them by quickly flagging suspect compounds which can then be targeted for additional testing or public health approaches.

Given the availability of these new techniques, I was shocked when I learned 2 years ago that EPA does not routinely screen pesticides for estrogenicity. I raised this concern in testimony before a joint hearing of House Subcommittee on Health and the Environment and the Senate Committee on Labor and Human Resources on September 21, 1993. In my testimony I called for a much more aggressive EPA response to the evidence which has been put forward linking estrogenic chemicals and breast cancer.

The EPA has now become more interested in this area—for which I commend and encourage them. But I would like to encourage them further by requiring them to undertake the kind of widespread screening program that our Nation's breast cancer epidemic demands, utilizing appropriate, scientifically validated testing techniques, coupled with a research program to understand the health risks associated with exposure to xenoestrogens.

This amendment would ensure that such a program is underway within 1 year, and would give the EPA Administrator a deadline of 2 years to implement a peer-reviewed plan, with a report to Congress due in 4 years detailing the program's findings and any recommendations for further action the administrator deems appropriate.

Mr. President, we simply cannot afford to wait until we have a smoking gun before we act to identify those chemicals in the environment that are estrogenic. Breast cancer is claiming the lives of women in this country at a rate of one death every 11 minutes. It would be unconscionable not to arm ourselves with crucial knowledge about chemicals that may be contributing to this scourge so that we can rapidly implement appropriate public health measures when scientific research indicates they are warranted.

Mr. President, this amendment will ensure that we are armed with this crucial information, and I again thank the managers for agreeing to accept this amendment.

PESTICIDE CHEMICAL SCREENING AMENDMENT

Mr. MOYNIHAN. Mr. President, would the Senator from New York yield for some questions regarding this amendment?

Mr. D'AMATO. Certainly.

Mr. MOYNIHAN. Given the concerns that reproductive effects in wildlife may be linked to endocrine disruption, some are concerned that the amendment is too limited because it focuses on human breast cancer. Does the amendment take a position on this issue?

Mr. D'AMATO. I recognize the concern that environmental estrogens and other hormone mimics may cause significant effects on nonhuman species. However, the top priority of this amendment is to learn more about substances that may lead to breast and other related forms of cancer in humans. It is silent about the possibility that effects may occur in other species and leaves that judgment to the Administrator.

Mr. MOYNIHAN. I have heard concerns raised about other endocrine and immune system impairments too. Does the discretion provided the Administrator under this amendment extend to health effects other than breast cancer?

Mr. D'AMATO. Yes. For example, if the Administrator so chose, she could include screening for male reproductive effects, effects to the immune system, and so forth. Would the Senator address a question about the scope of the amendment?

Mr. MOYNIHAN. Certainly.

Mr. D'AMATO. When the results of the screening study become available, subsection g(6) directs the Administrator to ''. . . take such action, including appropriate regulatory action by rule or by order under statutory authority available to the Administrator, as is necessary to ensure the protection of public health.'' Is the intent that the Administrator regulate all substances found positive in the study under the amendment?

Mr. MOYNIHAN. No. The testing called for in the amendment is a screening study to identify active and inert pesticide ingredients that mimic estrogens. It is a hazard identification process designed to identify the magnitude of the potential problem and to help set priorities for the future. As we learned from the experience with the Ames test for carcinogens in the 1970's and 1980's, hazard identification tests do not provide enough information to be the sole basis for regulatory action. Having said that, let me quickly note that the Administrator may have additional information about the exposure levels, or about the relationship between exposure and effect for certain of the substances to be tested such that she makes a risk management decision that regulatory action is needed. If, as a result of such evaluations, the Administrator finds a substance likely has a potential adverse effect in humans she must take appropriate regulatory action. The amendment gives her authority to do so through appropriate regulatory action under the Federal Insecticide, Fungicide and Rodenticide Act or the Toxic Substances Control Act or under other authority available to the Administrator.

Mr. D'AMATO. What happens once the screening study called for in this amendment is completed?

Mr. MOYNIHAN. The screening study will identify certain pesticide ingredients that mimic estrogens and perhaps other hormones. Consequently, people will be concerned, some very concerned, about their health. It is important to be realistic, honest and responsible throughout the design and conduct of this study so that we do not create undue apprehension, but it is also important to inform the public and to take action where significant hazards are identified.

Mr. D'AMATO. The Senator raises something that I feel very strongly about. Frankly, I am extremely worried about the health impacts associated with exposure to pesticides, and I am deeply concerned that they may lead to diseases such as breast cancer. At the same time I think that the women of Long Island and elsewhere have suffered enough anguish, and I do not want to scare people unnecessarily.

Mr. MOYNIHAN. The Senator raises an extremely important issue—how best to determine whether pesticides, a widespread class of environmental chemicals, pose a potential risk without creating unwarranted public concern. An important part of this process should be a risk communication strategy to identify the likely outcomes, and to keep the public informed and aware of the purpose of the study, including its strengths and limitations. It is important not to over promise and raise false expectations.

Turning to another issue, could the Senator elaborate on what is intended by the exemption described in subsection g(4)?

Mr. D'AMATO. Of course. While it is our intent to require broad screening of active and inert pesticide ingredients, we recognize that there are biologic substances, and perhaps other substances, that the Secretary will find do not warrant testing because she concludes that they do not mimic estrogen in humans. Subsection g(4) would allow her to exempt such substances from the screening program called for under this amendment. We expect the Secretary to rely upon the best available scientific information in identifying substances to be exempted.

Would the Senator like to comment on why the amendment requires that the testing requirements and communication strategies be reviewed by the Science Advisory Panel and Science Advisory Board, and any other review group the Administrator deems appropriate before finalizing the requirements.

Mr. MOYNIHAN. Yes, certainly. It is because we are just coming to learn that certain environmental pollutants mimic naturally occurring hormones and that they may contribute to breast cancer, reproductive failure, and other diseases. There is no consensus about the magnitude and nature of the problem, and so it will be controversial, with those on opposite sides of the issue voicing strong opinions. It is our intent that EPA be as responsible and credible as it can be. This means that the Administrator should work with expert scientists from government, academia, industry, and the public health sector to select criteria for what constitutes a validated test, to select the set of validated tests to be used, and to design the protocols for study. She may wish to engage organizations such as the National Academy of Sciences or other appropriate independent scientific organizations for assistance.

Similarly, when the study is completed, the report to Congress required under subsection g(7) should reflect guidance from the scientific community, summarizing the findings of the screening study, and recommending followup actions, as necessary.

Mr. D'AMATO. Could the Senator discuss the potential followup actions that might be recommended?

Mr. MOYNIHAN. Obviously, that depends on the outcome of the screening program. If only a few substances screen positive, the followup might include conducting more detailed tests on each substance that tests positive; if a number are positive, however, priorities must be set to identify those chemicals of greatest concern for which dose-response relationships are needed. Though we may wish it were not so, we simply cannot do everything at once.

The criteria for setting priorities may well be to select those chemicals found most often in the environment and in the highest concentrations, those that are most active or that bioaccumulate, those for which there are testable hypotheses for action, and those which are representative of specific categories of chemicals. The goal is to develop plausible biologically-based risk-assessment models for use by EPA and others to inform their risk management decisions.

Mr. D'AMATO. Does the Senator know just what kinds of follow-up studies will likely need to be conducted and how much they will cost?

Mr. MOYNIHAN. The amendment is silent on exactly what additional studies to require after the screening study because we want to benefit from the screening results and from EPA's guidance before deciding what, if anything, to do next. The determination about how much science is needed before making a regulatory decision is a policy call. There will never be enough information to unambiguously answer every question about environmental safety. When the EPA makes its report to Congress it would be appropriate to examine just how much science is recommended by EPA to resolve this issue, how much additional research or action beyond that initiated by EPA would cost, and how much Congress thinks is appropriate to pay.

Mr. DOLE. Mr. President, the Senate today is considering legislation that is of primary importance to every home in America. Every individual, every family, and every community is directly affected by the quality of their drinking water. Perhaps in no other area do we need to provide assurances of adequate protection to public health than in drinking water. This legislation enhances important public health priorities by using sound science and appropriate treatment and testing technologies.

As a cosponsor of the legislation, I would like to commend Senator KEMPTHORNE and Senator CHAFEE for what turned out to be a year-long debate over the specifics of this bill. It is, as others have pointed out, compromise legislation. I am disappointed that some sections of the bill are not stronger. However, this legislation sets important new directions for Federal policy by providing States and local governments with a much stronger say in dealing with their own particular drinking water issues. Specifically, the new variance section provided to small systems will be of significant assistance in addressing the economic constraints on many of these smaller communities. It is important to note that States decide the affordability criteria, making these decisions closer to home.

I am pleased that the standard setting section of the bill includes a requirement that EPA conduct a cost benefit analysis of alternative standards. However, this legislation specifically states only that it allows EPA to consider cost and benefits to set new standards; EPA is not clearly required to use that analysis to ensure that benefits justify costs.

During the regulatory reform debate, we heard from representatives of the administration that such reform was unnecessary. If there were problems with individual statutes—like the current safe drinking water law—they should be addressed individually, statute by statute. We were told that the President's executive order currently calls cost-benefit analysis and is used to make sure that benefits outweigh costs.

Therefore, passage of this Safe Drinking Water Act sets forth an important test for EPA. Let's see how this bill is implemented. If the administration actually conducts cost-benefit analysis and uses the results, this will go a long way toward passing the test. This statute, by allowing EPA the flexibility to conduct a cost-benefit test, will determine how serious it is about meeting this goal.

In this regard, I am disappointed that the cost benefit language is not available for use in the disinfection byproducts rule. I understand that this was a closely negotiated compromise among the various parties associated with this bill. While I respect the compromises that have been made, I do not believe that the unfortunate results of codifying this proposed rule should be overlooked. EPA has received letters of concern from many communities, including Kansas communities, who are worried about the impact of this rule. It is ironic that this legislation seeks

to provide more flexibility for States by providing variances to small communities. Yet on this particular issue, EPA will continue to have the final say. I am concerned that the legislation before us essentially codifies a proposed rule which is extremely expensive and ignores sound science and the potentially adverse substitute risks that could result from overregulation of disinfection byproducts.

Taking into consideration these concerns, I will support this bill. A strong bipartisan effort has been made and there is support of the compromises that were achieved in this bill. A great deal of work has gone into this legislation. I look forward to further discussions on this bill and how we can move forward to assure the quality of our Nation's drinking water.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, I rise today in support of S. 1316, the Safe Drinking Water Act Amendments of 1995, introduced by the Senator from Idaho, Senator KEMPTHORNE. I am pleased to be an original cosponsor of this important legislation. The bill introduced by the distinguished chairman of the Subcommittee on Drinking Water, Fisheries, and Wildlife will provide the Nation with a more workable, rational, and flexible law that reduces the burdens placed on small, rural water systems while protecting public health and assuring a safe supply of drinking water.

The Safe Drinking Water Act has been one of the most frequently mentioned examples of an unfunded mandate on America's small towns, and justifiably so. The Congressional Budget Office recently released a report entitled ''The Safe Drinking Water Act: A Case Study of an Unfunded Federal Mandate.'' Mr. President, that report documents what many of us already knew about the current law. It is especially burdensome on small water systems, such as most of the systems in my State. The CBO report states, ''Households served by small water systems are particularly likely to face high costs. Furthermore, compliance costs could increase significantly over time.''

Mr. President, it would be one thing if those costs were justified by a need for safety. But many of these costs have little or nothing to do with safety. In fact, they are regulation for regulation's sake.

The Safe Drinking Water Act has also been roundly criticized as unnecessarily inflexible. The CBO report also addressed the flexibility concern, indicating that there are significant barriers to adequately using the flexibility provisions in the existing law. Mr. President, we can instill flexibility for our small communities into the Safe Drinking Water Act, and still ensure that our constituents are drinking safe, clean water. I believe the bill before us today inserts some much-needed common sense into the law, and frankly Mr. President, it is long overdue.

But the current law is inflexible in other, unnecessary ways as well. For example, the current statute requires that EPA regulate 25 new contaminants every 3 years, regardless of the overall risk posed by these contaminants. Mr. President, that is absurd. That is unnecessary. That is regulation for regulations sake, and it should be stopped.

The bill before us repeals the requirement that the EPA regulate 25 new contaminants every 3 years. Instead, the bill takes a flexible approach that requires the Administrator of EPA to develop a list of high-priority contaminants, and make regulatory decisions about at least five of those contaminants every 5 years. The bill does not mandate that EPA regulate additional contaminants on an arbitrary and costly schedule. This legislation takes the commonsense approach that says the EPA must analyze possible threats to public health. If no new threat exists, no regulation is necessary. This provision lets EPA consider risk, rather than simply imposing additional costs on water systems that may or may not increase protection of public health.

The bill introduced yesterday includes a number of important provisions to address the shortcomings of the existing Safe Drinking Water Act. In addition to addressing the flexibility question, it authorizes a State revolving fund to give States funding to make grants or loans to water systems to help them comply with the Safe Drinking Water Act. In fact, the conference report for the fiscal year 1996 VA, HUD, and independent agencies appropriations bill provides $275 million for this SRF, providing we reauthorize the bill. While I would have preferred to see more resources go to this vital SRF, this funding is essential to small water systems to help them upgrade drinking water treatment systems, replace wells that provide unsafe drinking water, develop alternative sources of water, and comply with drinking water regulations. This funding will also help provide important technical assistance to local communities.

Let me just say that the local communities have told me over and over how valuable that technical assistance is. I am pleased to say it is part of this new legislation.

The State Revolving Fund is absolutely essential to our small communities so that they can adequately protect the health of the American public. The bill before us today gives a great deal of flexibility to small water systems so they can provide safe and affordable drinking water to their consumers. It gives States flexibility to reduce monitoring for contaminants that do not occur in their water system. That just makes common sense. States can also approve alternative treatment plans for small systems, taking into account affordability, without compromising the safety of the drinking water supplies.

Last year, this body passed a balanced, flexible and workable bill to reform the Safe Drinking Water Act. I supported that bill. I was proud to do so. Unfortunately, we simply ran out of time at the end of the session before a conference committee could reconcile the differences between the House and Senate versions of the bill. I was extremely disappointed we could not pass a final version last year.

I wish to applaud Senator KEMPTHORNE for the significant effort he has put forward to craft a reasonable and responsible bill, and I commend him for his willingness to work with our colleagues on both sides of the aisle in drafting this legislation.

Many people from State health department officials to managers of small rural water systems in my State have told me they believe this bill is even better than the bill we were addressing last year. I am proud to join the majority leader, the minority leader, the chairman and ranking members of the Environment Committee and the drinking water subcommittee in sponsoring this important piece of legislation.

What could be more clear than the current legislation, the Safe Drinking Water Act, needs to be reformed. It is my hope that this bill will lead to the kind of flexible, workable solutions that have been needed for years. I urge my colleagues to support this commonsense legislation, and I urge our colleagues in the House to quickly turn to reforming the Safe Drinking Water Act. We cannot afford to let this opportunity slip away again during this session of Congress.

I thank the Chair, and I especially thank my colleague from Idaho for really an excellent job in putting this legislation together.

I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, let me thank my colleague from North Dakota for the comments he has made in his statement. I greatly appreciate both the tone and the spirit and the points the Senator raised. I agree with the Senator. The existing Safe Drinking Water Act needs a healthy dose of common sense, as the Senator points out, and I believe that this bill, S. 1316, provides that common sense. That is why I believe we have the support of the Governors, the mayors, and the county commissioners of the Nation supporting us in this legislation. I am

proud that the Senator is a cosponsor of this legislation.

The Senator also pointed out with regard to the funds—and the Senator is correct—that up until the passage of this bill, which we are looking forward to, we have never provided the funds to the communities, to the water systems, and ironically we have had the situation where the appropriators have appropriated the money but it has never been authorized. For the first time, we will authorize the funds and use them where they ought to be on a priority basis to help our communities ensure that we not only continue to have safe drinking water but it will improve the public health of this country, plus the technical assistance that the Senator pointed out to the small communities. They have, as we all do, such finite resources, and yet they want to comply and they want to ensure that their constituents or the customers that they are serving get the standards to the greatest extent possible. We provide the technical assistance to do so.

Another point that I would just mention is source water protection. I think we owe a great deal of credit to our agricultural organizations throughout the country that really have come forward and said we are going to support you in this because, again, in the previous Safe Drinking Water Acts we never addressed source water protection.

So what is this source water protection? Again, it is common sense, as the Senator from North Dakota has pointed out, that is, if you can keep water upstream from being contaminated so that you do not then have to wait until it is downstream and then treat all of the contamination so that people can then drink it. It is a lot cheaper to go ahead upstream and put in a few little amenities that may prevent the contamination than to just simply turn your back on it and say, well, we will wait and see what happens down here. But it is voluntary.

And so again, it is a progressive step forward, but we have all of the stakeholders upstream saying, wonderful; we will be willing partners in making this happen.

I believe this legislation, which is very much bipartisan, shows that you can be creative and innovative in protecting the environment but doing it at the most economically feasible level. We say in this legislation just because you can do something technologically does not mean it will be justifiable. Now we have cost-benefit.

So, again, I thank the Senator from North Dakota. It has been a pleasure to work with the Senator on this legislation.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I again thank my colleague from Idaho. It has been a pleasure to work with him. He has been open-minded and absolutely fair with respect to listening to both sides on this matter, and I really have appreciated the way he has addressed this matter.

I can remember so well going to a meeting of county commissioners and mayors in my State, and them saying to me, you know, it is nuts; we are being asked to test for things that have never been present in our system for 20 years. We have had testing for 20 years. We have never had this contaminant show up, and we keep having to do tests that may cost us $20 or $40 a test every month.

When you are talking Washington talk, $20 or $40 a month does not sound like very much, but if you have towns such as we have in North Dakota, we have four of them incorporated that have 10 people or less and when you are talking about $20 or $40 a test on things that are totally unnecessary that may have to be done on a quarterly or monthly basis, it mounts up and it becomes an absurdity.

So again, I think it is absolutely time that this job gets done. I again wish to thank my colleague from Idaho for the job he has done.

I thank the Chair and yield the floor. I note the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. EXON. Mr. President, I rise today in support of the Safe Drinking Water Amendments Act of 1995. I am particularly pleased to see this legislation come before the Senate after the disappointment of last year when we were unable to come to an agreement.

I have been involved in this debate for a long time. Back in January of this year I wrote a letter to the chairman of the Environment and Public Works Committee, Senator CHAFEE, urging the Senator to focus the committee's attention once again on this important piece of legislation. I thought we had a good bill last year. But, Mr. President, I believe this year's bill is even better. And I thank Senator CHAFEE and others associated with him for their efforts.

This year we are able to craft a bipartisan bill which improves our Nation's drinking water law in several important and meaningful ways. Communities throughout the United States, including many in Nebraska, have had a difficult time complying with current law. As we all know, unnecessary and heavy-handed mandates have cost our Nation, especially the small communities, very dearly.

This bill recognizes that the needs of small communities are different from those of large communities. The bill combines flexibility with a good dose of common sense by allowing smaller communities to find the best way to protect their water quality.

This bill gives new authority to the States in determining what contaminants pose the greatest risk to their communities and empowers States to direct their resources toward monitoring those contaminants rather than those that pose a trivial risk to their communities, removes excessive Federal regulation and keeps our Nation's drinking water safe.

I am proud of the work that Senator KERREY and I and others have done on this legislation. I believe that the bill that we have crafted strikes a fair balance by recognizing the need to protect our drinking water but also allowing States flexibility in determining how best to protect this valuable and very vital resource.

Mr. President, in closing, I wish to emphasize once again my thanks for the leadership of Senator CHAFEE and others associated with him on the committee for their very successful job. And I hope that the Safe Drinking Water Amendments Act of 1995 will shortly become the law of the land. I thank the Chair and I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I thank the Senator from Nebraska for his comments. I know that from his perspective, as a former Governor, a Governor from the great State of Nebraska, he realizes the need for State flexibility, and by granting that flexibility and authority to the States, that not all wisdom resides in Washington, DC, but that we happen to have 50 Governors throughout this country who really can make decisions that are tailored to the needs of their respective States in conjunction with their legislatures and the agencies they have set up in place.

And, too, Senator EXON referenced Senator KERREY, whom I also want to applaud for his efforts, because really he was a catalyst toward assuring that this particular legislation would be bipartisan, as it should be. So, again, the team from Nebraska served well, and I appreciate it. It is a joy to work with the Senator.

Mr. EXON. Mr. President, I thank very much my colleague from Idaho. I thank him for his keen perception in this whole area. I was very proud to follow his leadership earlier this year in the mandates area where we had required that of States for far too long. But I know that he has played a very keen part in crafting this measure, which I think is fair and reasonable, workable, and eliminates much of the consternation and expense, in many cases unnecessarily expensive procedures. So I thank him and the full committee for the excellent job they did. It was a pleasure working with the Senator.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that Senator

SNOWE of Maine be added as a cosponsor to the legislation.

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

Mr. KEMPTHORNE. Mr. President, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Chair. I rise in support of this legislation to authorize the Safe Drinking Water Act. I want to commend my colleague and my friend from Idaho for his hard work on this, and to express at the same time my appreciation to the chairman of the Environment and Public Works Committee, on which we both serve, Senator CHAFEE, for the open process that he and Senator KEMPTHORNE established for drafting this bill.

It has not been a lightning experience, though it has been an enlightening experience. I say it has not been lightning because it has taken a fair amount of time to get this to this point. As a matter of fact, the committee has been meeting since February, both Democrats and Republicans, to try to get this legislation into shape so that it could meet the bipartisan test and pass. They have been meeting almost constantly over the year, and into September and October, to reach the consensus that exists now on this legislation.

The process has produced a bill that, though imperfect, does substantially improve the Safe Drinking Water Act. When I say, ''though imperfect,'' I do not remember a time when there was a bill that involved a complicated process that had been produced here that was perfect. There is always a point of view that something could be better. It was often said by a former majority leader, George Mitchell, that the perfect is the enemy of the good. And what we have is we have a good bill.

This committee, Mr. President, the Environment and Public Works Committee, has a good history of working in a bipartisan fashion. The environmental legislation has been a joint enterprise, going back to at least 1969. This bipartisanship continued when Democrats chaired the committee from 1969 to 1980 and then through Senator Robert Stafford's tenure as chairman in the early 1980's. That spirit continues today, as demonstrated by this bill.

The legacy of this process has been a system of environmental protection that, frankly, is a model for the industrial world. More importantly, the process has led to cleaner water, cleaner air, and a safer disposal of waste. It has led to a better world. But that should not be surprising.

There has been strong bipartisan support across the country for effective environmental standards. Poll after poll shows support not only for EPA but for toughening of standards to protect the air, the water and our land. Although some special interests have taken the recent election results as a repudiation of the environment agenda over the last 25 years, I hope that this bill demonstrates that we, in a bipartisan fashion, can make progress, evidenced by this joint, bipartisan commitment to protect our environment.

Time will tell if an optimistic view will prevail when Congress deals with other environmental issues.

Mr. President, in any compromise, especially in this second generation of environmental statutes, agreement does not please everyone. Reaching a consensus requires both sides to accept provisions that they would rather not have. There are provisions in this bill that I would like to strengthen and I am sure others might want to weaken. However, the overall view is that this is a good bill.

It is critical to ensure that drinking water is safe. Guaranteeing that safety is an important responsibility of Government, and it cannot be delegated entirely to the States or to the private market. At the same time, some State and local flexibility is essential to ensure efficient regulation. This legislation seeks to strike a balance between the critical need to guarantee public safety and the need to provide for reasonable regulatory flexibility. Once again, not a perfect balance, but a definite improvement over current law.

For example, we have attempted to add additional cost-benefit and risk-assessment tests before we regulate chemical contaminants. These tests will apply to arsenic and sulfates and chlorinated byproducts. They are a reasonable compromise between provisions in the regulatory reform proposal and present law.

As we debate this legislation, it is important to do what we can to strengthen public confidence in the water supply. Unfortunately, Americans now have little confidence in the safety of their drinking water. They worry about it, for their families. That is one of the reasons why 42 million Americans, one out of six, regularly drink bottled water. When I was a child, Mr. President—it was not a century ago, I assure you—I never heard of anybody drinking bottled water. Seltzer water or soda water, or something like that, but plain old bottled water? Never heard of it and never had the money for it even if we had heard of it.

In the Washington area, Safeway or Giant Food stores, generic bottled water—and I am not talking about the highly advertised designer shaped bottles—in these places, water costs about $1.35 a gallon. It is 1,000 percent more than tap water—1,000 percent.

Despite these high costs, sales of nonsparkling bottled water increased 100 percent between 1986 and 1994. To be sure, some people drink bottled water because of the notion it provides. It is kind of a cachet of things that people do, but many simply do not trust local water supplies and are willing to pay a stiff premium for alternatives to tap water.

I personally believe that the tap water provided by public and private systems in New Jersey, my State, are safe. But given the widespread distrust of our water supplies, it is essential that in our deregulatory zeal, we do not further undermine public confidence in tap water.

This bill should move us closer to the goal of safe, drinkable water at affordable prices. I have been pleased to cosponsor the bill, and I urge its support.

I add, Mr. President, that an amendment of mine that is included in the bill is there to guarantee the safety of bottled water, because this amendment requires that bottled water meet the same safety standards set for tap water.

There is an anomaly out there that tap water is tested rather rigorously, and water that is paid for out of one's pocket has not had the same requirements. We want to make them the same. People ought to know simply because it is in a bottle and thought to be pure that there should be a test that applies to this water.

The amendment is supported by the International Bottled Water Association, and it will assure consumers that bottled water is at least as safe as the water they receive at the tap. The public needs to know that all their drinking water is safe, whether it comes out of the tap or out of a bottle.

So, Mr. President, I am supporting this bill and reserve, however, the right to change my mind if there are amendments offered that do not have direct relationship to the Safe Drinking Water Act changes as we propose them. We have heard other subjects being discussed on the floor, and I hope they will not be offered as amendments to this bill.

Barring that, I am 100 percent behind it and will do whatever I can to help make it turn into law.

Once again, I thank my colleague from Idaho for his good, hard work which he continually shows in the committee and on the floor. We try to get things done, as I suggested earlier, in a bipartisan manner. It always is easier when we do, Mr. President. There are a few things that are on tap, to use the expression, a few things that we are working on in the Environment and Public Works Committee that I hope we will be able to use this effort as a model to move along. I have particular interest in Superfund and some other environmental legislation, and we just need to get together to make it happen.

With that, Mr. President, I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I thank the Senator from New Jersey for his comments. I appreciate so much working with Senator LAUTENBERG on the committee. I appreciate his cosponsorship of this legislation.

He has pointed out something that I agree with, and that is, oftentimes, while the motive may have been pure, you have regulations or legislation that is nonworkable, that is difficult to achieve, and so we have, again, turned our efforts toward establishing a dose of common sense in this legislation.

As the Senator from New Jersey said, there are probably amendments he would like to offer that he would feel would strengthen the bill, and there are others who would offer amendments that would weaken the bill.

The interesting thing is, his amendment he would determine as strengthening and I would determine as actually weakening, and vice versa.

So I think we have found that good balance in this legislation, that while reducing the cost to the States and cities, we are increasing public health. Just because we have the technology to do something and it is technologically feasible, does not necessarily mean it is justifiable to require the States and cities to do.

So we do have in this environmental legislation cost-benefit analysis that is in place. So, again, I have appreciated working with the Senator from New Jersey. I thank him for his comments this afternoon. In this fashion, I believe this legislation is going to move forward.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. CHAFEE. Mr. President, we have two items that have been cleared, and that can now be adopted.

AMENDMENT NO. 3071

(Purpose: To authorize additional criteria for alternatives to filtration)

Mr. CHAFEE. Mr. President, the first item was brought to our attention by the Presiding Officer, Senator GORTON, and Senator MURRAY. The Safe Drinking Water Act requires filtration for most drinking water systems that are served by surface water. But some cities have made extraordinary efforts to protect their watersheds from development that might contribute to contamination. One such city is Seattle, WA. That city owns virtually all of the land around its reservoir. This amendment recognizes the efforts made by the city of Seattle and allows Seattle, in cooperation with the State of Washington, to employ treatment approaches in lieu of filtration that will be more cost effective.

So, Mr. President, I send on behalf of myself and both Senators from Washington a printed amendment, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE), for himself, Mr. GORTON, Mrs. MURRAY, Mr. KEMPTHORNE, Mr. BAUCUS, and Mr. REID, proposes an amendment numbered 3071.

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

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

The amendment is as follows:

On page 64, after line 5, insert the following:

''(a) FILTRATION CRITERIA.—Section 1412(b)(7)(C)(i) is amended by adding at the end thereof the following: ''Not later than 18 months after the date of enactment of the Safe Drinking Water Act Amendments of 1995, the Administrator shall amend the criteria issued under this clause to provide that a State exercising primary enforcement responsibility for public water systems may, on a case-by-case basis, establish treatment requirements as an alternative to filtration in the case of systems having uninhabited, undeveloped watersheds in consolidated ownership, and having control over access to, and activities in, those watersheds, if the State determines (and the Administrator concurs) that the quality of the source water and the alternative treatment requirements established by the State ensure significantly greater removal efficiencies of pathogenic organisms for which national primary drinking water regulations have been promulgated or that are of public health concern than would be achieved by the combination of filtration and chlorine disinfection (in compliance with this paragraph and paragraph (8)).''.

On page 64, line 6, strike ''(a)'' and insert ''(b)''.

On page 64, line 21, strike ''(b)'' and insert ''(c)''.

● Mr. GORTON. Mr. President, I am happy to support S. 1316, amendments to the Safe Drinking Water Act. This legislation will go a long way to help small and large water systems in my State to provide safe, clean, and affordable drinking water to their customers.

Last year, the Senate considered legislation to amend the Safe Drinking Water Act. I was a strong supporter of that legislation, which, unfortunately, never made it to the President's desk. The bill before the Senate today improves upon last year's legislation, and I am proud to support the committee's legislation once again.

Over the past several years I have heard from small and large water systems in my State urging Congress to amend the current law in order to break free of the one-size-fits-all approach of current law. The legislation before the Senate today accomplishes this goal. Washington State ranks fifth in the Nation in the number of small public water systems, and, as a result, the mandates of current law are especially burdensome on my State's small systems. For many of my State's small communities the price tag associated with filtration costs is incomprehensible. These communities simply cannot afford this costly technology.

The legislation before us today ensures that small systems will be better able to provide safe drinking water to their customers. The bill directs the Administrator to identify a range of technologies for a range of small systems. The legislation recognizes that small systems have unique needs and cannot afford the costly technology that is affordable for larger systems. In addition, many of my State's small system operators have told me that monitoring compliance was one of the most costly aspects of the current law. By giving States with primary enforcement responsibility the opportunity to establish their own monitoring requirements, this legislation eliminates another costly burden for small systems.

The legislation also makes a critical improvement over existing law on standard setting. The bill establishes that maximum contaminant level goals [MCLG] for contaminants that are known or likely to cause cancer in humans may be set at a level other than zero, if the Administrator determines based upon available, peer-reviewed science, that there is a threshold level below which there is unlikely to be any increase in cancer risk and the Administrator sets the MCLG at that level with an adequate margin of safety. MCLG's for carcinogens—elements known to cause cancer—are set at zero under current law. Many in the scientific community believe that this number has been set arbitrarily. The setting of the standard at zero is the equivalent of the Delany clause for drinking water contaminants. Many communities in my State have argued that a MCLG set at zero is an ineffective use of funds, and results in a great deal of effort expended, in many cases, for a marginal reduction in the likelihood of cancer. By granting the Administrator the flexibility to establish a MCLG at a level other than zero, S. 1316 makes a good improvement to existing law.

Mr. President, I would also like to thank the chairman and ranking member of the Environment and Public Works Committee, and their staff, for accepting an amendment to the bill offered by this Senator and the junior Senator from Washington. The amendment establishes a limited alternative to filtration, if the system can utilize another form of treatment that will provide a significantly greater removal of pathogens, than that of filtration.

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

Currently the Cedar is an unfiltered system, and therefore must comply with the surface water treatment rule. The rule sets forward 11 specific criteria, and calls for extensive monitoring of the system, to ensure that the

system continues to provide clean water to its customers. During 1992, the Cedar violated 1 of the 11 criteria, and, consequently, was required to initiate filtration plans. Shortly thereafter the city entered into an agreement with the State and EPA region 10 to achieve compliance with the rule without filtration.

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

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

The city of Seattle—together with mayors from Tacoma, Redmond, Bothell, and Bellevue—support the amendment because the majority of their communities are served by the Seattle water system. On behalf of the Puget Sound residents served by the city of Seattle's water supply, I would like to thank Senators CHAFEE and BAUCUS, and their staff, for working on this amendment.

I urge my colleagues to support the committee's bill, and this Senator hopes that we can get legislation to the President's desk for his signature this year.●

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

The amendment (No. 3071) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I have a request from Senator SNOWE that she be added as a cosponsor of S. 1316 and as a cosponsor of the managers' amendment to S. 1316.

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

Mr. CHAFEE. Mr. President, I ask that Senator GORTON also be added as cosponsor of S. 1316 and the managers' amendment thereto.

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

AMENDMENT NO. 3072

(Purpose: To authorize grants for wastewater treatment and drinking water supply to communities commonly referred to as colonias)

Mr. CHAFEE. Mr. President, on behalf of myself and Senators DOMENICI, KEMPTHORNE, BAUCUS, and REID, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE), for himself, Mr. KEMPTHORNE, Mr. BAUCUS, Mr. DOMENICI, and Mr. REID, proposes an amendment numbered 3072.

On page 195, after line 20, insert the following: ''(h) ASSISTANCE TO COLONIAS.—

''(1) DEFINITIONS.—As used in this subsection—

''(A) ELIGIBLE COMMUNITY.—The term 'eligible community' means a low-income community with economic hardship that—

''(i) is commonly referred to as a colonia;

''(ii) is located along the United States-Mexico border (generally in an unincorporated area); and

''(iii) lacks basic sanitation facilities such as a safe drinking water supply, household plumbing, and a proper sewage disposal system.

''(B) BORDER STATE.—The term 'border State' means Arizona, California, New Mexico and Texas.

''(C) TREATMENT WORKS.—The term 'treatment works' has the meaning provided in section 212(2) of the Federal Water Pollution Control Act (33 U.S.C. 1292(2)).

''(2) GRANTS TO ALLEVIATE HEALTH RISKS.—The Administrator of the environmental Protection Agency and the heads of other appropriate Federal agencies are authorized to award grants to any appropriate entity or border State to provide assistance to eligible communities for—

''(A) the conservation, development, use and control (including the extension or improvement of a water distribution system) of water for the purpose of supplying drinking water; and

''(B) the construction or improvement of sewers and treatment works for wastewater treatment.

''(3) USE OF FUNDS.—Each grant awarded pursuant to paragraph (2) shall be used to provide assistance to one or more eligible community with respect to which the residents are subject to a significant health risk (as determined by the Administrator or the head of the Federal agency making the grant) attributable to the lack of access to an adequate and affordable drinking water supply system or treatment works for wastewater.

''(4) OPERATION AND MAINTENANCE.—The Administrator and the heads of other appropriate Federal agencies, other entities or border States are authorized to use funds appropriated pursuant to this subsection to operate and maintain a treatment works or other project that is constructed with funds made available pursuant to this subsection.

''(5) PLANS AND SPECIFICATIONS.—Each treatment works or other project that is funded by a grant awarded pursuant to this subsection shall be constructed in accordance with plans and specifications approved by the Administrator, the head of the Federal agency making the grant, or the border State in which the eligible community is located. The standards for construction applicable to a treatment works or other project eligible for assistance under title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) shall apply to the construction of a treatment works or project under this subsection in the same manner as the standards apply under such title.

''(6) AUTHORIZATION OF APPROPRIATIONS.—there are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal years 1996 through 2003.''.

Mr. CHAFEE. Mr. President, this is an amendment that has been cleared by both sides. As you understood from the reading of it, it deals with those very low-income settlements along the United States side of the United States-Mexican border, and it is of particular concern to the senior Senator from New Mexico, and I am sure for the junior Senator from New Mexico likewise.

Mr. DOMENICI. Mr. President, I rise in strong support of S. 1316, the Safe Drinking Water Act Amendments of 1995. I am proud to be an original cosponsor of this outstanding, broadly bipartisan bill.

Mr. President, I have long been involved in the drinking water debate, having introduced a reform bill of my own last session. Coming from a predominantly rural State, one of my biggest concerns with the current Safe Drinking Water Act is the fact that the overwhelming majority of small rural water systems simply do not have the economic or technical capability to comply with the act as it now exists. Senator KEMPTHORNE'S bill goes very far in addressing this problem by giving States the flexibility to grant variances for small water systems.

In addition, I am very happy to see that Senator KEMPTHORNE'S bill requires EPA to use the best available, peer-reviewed science in implementing the act. I worked hard to get this commonsense provision put into last session's reauthorization effort, and I am glad it has been retained in this session's bill.

I would like to take a few moments to discuss an issue of particular importance to me, and that is the issue of colonias. Mr. President, for those who do not speak Spanish or come from the Southwest, colonia is the Spanish word for neighborhood. Traditionally, in my State of New Mexico and throughout the Southwest, colonias referred to long-established, unincorporated small towns with rich community heritages.

Over the past decade, colonias have also come to refer to densely populated, poverty-stricken communities that have sprung up along the border in the past 10 to 15 years. They are often populated primarily by Mexican-Americans and legal immigrants working as seasonal farm laborers. These are decent, honest, hardworking people trying their best to create a good life for themselves and their families. The tragedy of these new colonias, however, is that they are typified by desperate poverty, by severe overcrowding, by inadequate housing, by pathetic roads, and, most important for purposes of the bill before us, by nonexistent drinking and waste water services.

Mr. President, I would like to read a few passages from an article that appeared earlier this year in one of my State's newspapers, the Las Cruces Sun News. Las Cruces is the largest city in Dona Ana County, a county with a large number of colonias. The article, written by Deborah Baker of the Associated Press, is titled ''Colonias: The American dream is more of a nightmare for many State residents.'' Mr. President, the passages I would like to read, which could apply to most of the new colonias dotting our Nation's southwestern border, describe the appalling conditions under which these people live every day:

> The American dream lives on a trash-strewn hillside at the end of a rutted road in a cluster of trailer and shacks called El Milagro—''The Miracle.''
>
> There, two families share three rooms: a two-room trailer, and a dirt-floored addition with walls that stop several feet short of the ceiling.
>
> Cooking is done on a grate balanced between cinderblocks over an open fire on the dirt floor. Water comes from a pipe, run from a neighbor's house, that sticks up from the ground behind the trailer. There is no bathroom—not even an outhouse. No electricity. No heat.

Mr. President, this is a description of third-world living conditions existing here in the United States of America. Such conditions are unsafe, unhealthy, and, I believe, simply intolerable. Nor is this a small problem. I know that in New Mexico we have at least 60 such communities in desperate need of this basic infrastructure. In Dona Ana County alone, there are 35 colonias.

Our border States have made great efforts in trying to deal with this problem. My State of New Mexico, for example, has spent large amounts of money to build community centers, health facilities, fire stations, and day care centers for its colonies. New Mexico also recently enacted a statute to tighten up zoning laws that had previously allowed developers to subdivide plots of land repeatedly for residential use without first supplying basic infrastructure.

Unfortunately, however, many of the border States simply do not have the financial capability to help with some of the more costly infrastructure that these communities need, especially drinking water and wastewater facilities. The colonias themselves certainly do not have these funds.

Consequently, I am offering an amendment, for myself and for Senator BINGAMAN, that I believe will greatly help these most needy of communities.

Mr. President, my amendment will authorize the Environmental Protection Agency, or any other appropriate agency, to award grants to any appropriate entity or border State to provide assistance for the construction of drinking and wastewater facilities.

My amendment also authorizes these agencies to use funds to operate and maintain these drinking and wastewater facilities. I believe this is a key point. It is not enough just to build these systems. Without the technical assistance to keep them operating, and operating well, we haven't accomplished anything.

In closing, Mr. President, I would like to thank Chairman CHAFEE and Senator KEMPTHORNE for their gracious help with this important amendment. I believe the amendment will go a long way in helping some of the neediest communities in the United States in two crucial public health areas. These colonias will finally get adequate sewer service, and they will finally receive clean, safe water to drink.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment (No. 3072) was agreed to.

Mr. CHAFEE. Mr. President, move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GORTON. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for not to exceed 5 minutes.

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

A BALANCED BUDGET

Mr. GORTON. Mr. President, as we are here, I think, close to completing a very important piece of legislation on safe drinking water, we, as Members of this body, recognize that in another sense we are marking time during negotiations between the Republican leadership of the House and Senate and the President of the United States on the question of the balanced budget.

There was, just a few weeks ago, a crisis in the course of our Government as the President vetoed a continuing resolution and thus put out of work many hundreds of thousands of Government employees. Crisis negotiations led to a further continuing resolution under which each of the agencies of Government will continue in operation until the 15th of December while the various parties negotiate a long-term budget.

One of the conditions of that return, a part of the law signed by the President of the United States, was an agreement to reach before the end of this session of Congress, that is to say, before the end of the year, a budget which would be projected to be in balance by the year 2002 under figures and statistics provided by the Congressional Budget Office, so that each of us knew the parameters within which that debate would take place.

At the same time as these temporary arrangements were being made, this body and the House of Representatives passed, and is about to send to the President of the United States, a bill, the Balanced Budget Act of 1995, which accomplished precisely that goal. Many of the elements of that proposal are controversial, though it does for the first time truly reform our entitlement programs, including Medicare, Medicare in a way that preserves its financial security, keeps part A from going bankrupt, fairly continues the present percentage of premiums paid by the beneficiaries of part B, and adds to the premiums only of very well-off Americans.

The President has announced—and in this case we have no reason to doubt him—that he will veto that Balanced Budget Act of 1995. So far, in spite of that announced intention, in spite of his signature solemnly affixed to a bill which calls for just such a balanced budget under just such a set of statistics, the President has submitted no alternative budget which would be balanced under those rules by 2002.

As a consequence, the negotiations, which began abortively more than a week ago and seriously just a couple of days ago, have not even produced an agreement on an agenda. This is not surprising. We have produced and sent to the President the Balanced Budget Act of 1995. We believe that it covers all of the conditions asked for by the President: that it properly and appropriately funds Medicare, Medicaid, welfare, the national defense, the environment, and a wide range of other activities.

The President disagrees. That is the President's prerogative. But, Mr. President, it is not an appropriate response to that disagreement to simply sit still and say, ''Give me another alternative.'' The President has a duty, if he is serious at all about the budget crisis facing this country, to say,

> Here is my proposal for a balanced budget by the year 2002, based on these same propositions. Here are the differences between the two parties. Let us negotiate those differences.

To this point, every economic indicator since the election of just more than a year ago is in a positive direction. Interest rates are lower, inflation is down, employment and the gross domestic product are up, based, as we understand, primarily on the proposition that our financial markets believe that the budget will be balanced.

In my opinion, if the President continues to refuse to propose any alternative, if he believes that the politics of scare tactics about Medicare and other programs are a better election platform on which to run than an actual balanced budget, we will almost certainly suffer a loss in each one of