[From the Sun, Jan. 3, 1996]

BOOTSTRAPS FOR MIDDLE-AGED CHILDREN

(By Ellen Goodman)

BOSTON.—This one is for Priscilla Parten, the Derry, N.H., woman who had the temerity to ask Lamar Alexander who would care for the elderly if the budget is cut according to the GOP pattern.

The answer from the presidential candidate, one of the men hawking their wares across New Hampshire was that ''We're going to have to accept more personal responsibility in our own families for reading to our children and caring for our parents, and that's going to be inconvenient and difficult.''

Happy New Year, Priscilla and open up your calendar. Scribble down two rather large words under 1996: Personal Responsibility. They're going to be the watchwords of the 1996 campaign.

Personal Responsibility is the catchall moral phrase uttered by politicians in favor of removing the guaranteed safety net and parceling the money out in incredibly shrinking block grants to the states. It's the all-purpose ethical disclaimer for those who equate the task of caring for the elderly sick with ''reading to children,'' for those who blithely describe eldercare as ''inconvenient'' or ''difficult'' but character-building.

To know what they have in mind, get past the P.R. campaign and go to the fine print of the GOP's Medicaid Transformation Act of 1995. That's the Orwellian title for the bill that would ''transform'' Medicaid by eliminating its guarantee.

From the day Medicaid is block-granted, adult children earning more than the national median income—that's $31,000 a year per household—may be held responsible for the bill if their parents are in a nursing home. If they don't pay up, these newly defined Deadbeat Kids may find a lien put on their incomes, their houses, their savings.

A secret of the current system is that Medicaid, the health program established for the poor and their children, now pays for 60 percent of nursing-home care. That's because nursing care eats up the assets of elders at a rate of about $35,000 a year until they are indigent.

Not surprisingly, the folks calling for Personal Responsibility draw on examples of personal irresponsibility to justify a change that is beginning to make middle-class eyes widen. They point to elderly millionaires who deliberately transfer their assets to the kids in order to go on the dole in nursing homes. They describe deadbeat kids who callously drop their parents at the government door and go off to the Bahamas.

THE ONES WHO WILL SUFFER

But if and when states begin sending bills to the kids, those folks aren't the ones who'll suffer. Thousands of middle-aged ''children'' of the 3 million elders in nursing homes may have to pay for their parents out of their children's education fund and their own retirement savings. Adult children, perhaps elders themselves, may have to choose between nursing sick parents at home or emptying the bank.

How neglectful are we, anyway? Despite the bad P.R. we are getting, families do not by and large look to nursing homes for their parents until they are overwhelmed. Elders do not, by and large, go there until they are too ill to be cared for at home. Only one-fifth of the disabled elderly are in nursing homes.

Daughters and daughters-in-law provide most of the care of elders and they will shoulder the increased Personal Responsibility at the cost of their jobs, their pensions, their own old age. The daughter of a disabled 88-year-old may, after all, be 66 herself. It is their characters that will be built on deteriorating lives. One politician's social issue is another woman's life.

There is enough guilt in every family to trip the responsibility wire, to push the button that says families should take care of their own. As a political slogan, P.R. passes what Dan Yankelovich calls the ''they have a point'' test.

But there is an awful lot of Personal Responsibility going around already. As educational loans are cut we are told to be responsible for our own children. As company pensions are fading, we are told to be responsible for our own retirement. At the same time we are to be responsible for disabled parents and even grandparents.

Dear Priscilla, when the politicians up there start talking about Personal Responsibility, they mean our responsibility, not theirs. The GOP Congress isn't just trying to balance the budget. They want to end the idea of government as an agent of mutual responsibility.

This is what you get in return for a safety net: a pair of bootstraps, a middle-class tax cut of less than a dollar a day and, oh yes, a nursing-home bill of $35,000 a year.

FEDERAL REGULATION OF WETLANDS

Mr. BOND. Mr. President, for years, I have tried to reform the way our Federal Government protects wetlands. The current system is bureaucratic and cumbersome; it is full of delay, waste, and uncertainty. I believe that wetlands should be protected. I believe that the Federal Government should continue to have an important role. But clearly, whatever is done to address the outstanding questions surrounding the Federal regulation of wetlands, the system must be streamlined. This is not radical or extreme. It is not even partisan. If one is not an employee of the Environmental Protection Agency or if one is not a K-Street concrete environmentalist, streamlining makes sense. Streamlining is a bipartisan issue. Depending on which day one decides to listen to the President, he believes in streamlining.

Senators may remember the National Performance Review to re-invent Government making Government work better and cost less. We have been told that the administration wants to make the Government user friendly, that it wants to streamline and reduce duplication and waste.

Our goal is to make the entire Federal Government both less expensive and more efficient, and to change the culture of our national bureaucracy away from complacency and entitlement toward initiative and empowerment. We intend to redesign, to reinvent, to reinvigorate the entire national government.

This is President Clinton on March 3, 1993. He also said:

It is time the Federal Government follow the example set by the most innovative State and local leaders and by the many huge private sector companies that have had to go through the same sort of searching reexamination over the last decade, companies that have downsized and streamlined and become more customer-friendly and, as a result, have had much, much more success.

Apparently, Vice President GORE also believes in streamlining and reinventing Government. On that same day, Vice President GORE said:

It's time we cut the red tape and trimmed the bureaucracy, and it's time we took out of our vocabulary the words, 'Well, we've always done it that way.

The Vice President also requested action from citizens and policymakers.

Help us get rid of the waste and inefficiency. Help us get rid of unnecessary bureaucracy. Let us know when you spot a problem and tell us when you've got an idea.

I have spotted a problem and I have an idea. Outside of Washington, this is common sense. The problem is that we have multiple agencies doing the same thing with regard to wetlands. My idea was to eliminate just a fraction of the existing redundancy in wetlands regulation. The Clinton administration already has employees at the U.S. Army Corps of Engineers who have had the lead in making permitting decisions on wetlands for 20 years. The Clinton administration also has employees at the Environmental Protection Agency which oversee the same permitting decisions. My idea is that one team of professionals should be enough. If it is not enough, then we have more management problems than a National Performance Review could remedy.

I included a provision in the VA–HUD appropriations bill which removes EPA's duplicative authority to veto corps-issued permits. According to the corps, there is no other Federal regulatory program that gives two Federal agencies decisional authority over the same Federal permit of action. The corps has been the lead agency in wetlands protection for almost 20 years and it simply cannot be demonstrated that we need to hire one set of bureaucrats to second-guess what the first set of bureaucrats is hired to do in the first place. We are here today to balance a budget. To balance a budget, tough choices must be made. Eliminating redundant activities is an easy choice. It is common sense. Leave it to the environmental lobbyists to argue that we need two or more different Federal agencies conducting the same task—looking over each other's shoulder—adding expense, confusion, delay and frustration for our Nation's citizens.

There have been many changes recommended to improve the administration of this important program. This change is the easiest one. In that sense, I thought the provision should be noncontroversial. In fact, no Senator offered an amendment on the floor to address this provision. It was not challenged in the House. Hearings have been held in both the House and the Senate. The House-passed reauthorization of the Clean Water Act removes this duplicative authority. The bipartisan bill introduced in the Senate to reform the wetlands regulatory program removes this authority.

Knowing of the Clinton's administration's efforts to streamline Government, I was surprised to learn in the President's veto message that this provision is one of the reasons for the

President vetoing the bill that funds Federal employees at EPA, the Veteran's Administration, Housing and Urban Development, and others. Not even rank and file people at the EPA could think this is a very good reason for the President to prevent their funding bill from becoming law. This is truly an astonishing notion put forth by the President. He is saying, in effect, I don't trust the people who I hired and the people who work for me at the U.S. Army Corps of Engineers to protect wetlands and to obey the law so I want to make sure I have another agency of people who I hired and who work for me to keep an eye on them.

Mr. President, for me, this issue is a flashback to another streamlining provision I proposed in the 102d and 103rd Congress. Several years ago, a farmer in St. Louis County came to my office with a real problem. He had some wet places of ground on his land and he had four different agencies coming out to that land telling him different things. I sent representatives out. The four agencies could not agree. They had swampbuster, they had section 404 regulations in hand. We got two different opinions on the particular wetlands problems and the agencies could not agree.

I had a modest suggestion and introduced legislation to make the Soil Conservation Service the lead agency responsible for technical determinations about wetlands on agricultural lands. After several years passed, I offered this proposal as an amendment on May 4, 1993, to S. 171, the Department of the Environment bill to elevate the EPA to Cabinet level. The administration opposed that idea also—at least initially. The opposition dug out all the same bogeymen, ghosts, and goblins. I was actually told that this amendment would make things more complicated—not less—if SCS was the lead agency. I was told this was the wrong vehicle and that the amendment would make wetlands regulation more expensive. The bipartisan amendment failed 40–54. Eight months later, the administration adopted this idea administratively and said they were glad they thought of it. In the interagency press release, they noted:

> The agreement eliminates this duplication of effort and gives the farmer one wetland determination from the Federal Government. Farmers can now rely on a single wetland determination by the Soil Conservation Services.

Interior Assistant Secretary for Fish and Wildlife and Parks George T. Frampton, Jr., said:

> This agreement represents a common sense approach to administering wetlands programs affecting our Nation's farmers. We are minimizing duplication of effort.

For this administration, it is a fine line between extremism and common sense. I would hope that another change of heart could be in order but I fear that the pressure from environmental lobbyists may be too great.

During Senate hearings, EPA argued repeatedly that they never use the authority so we shouldn't care about them having it. I will argue that if they never use it, then why have it? I would like to know why the administration desperately needs an authority that has only been used 11 times in the last 20 years as tens of thousands of permit decisions were made. Is the President trying to say, well, yes, we agree that the EPA has not officially objected to corps decisions 99.9978 percent of the time, but we can never be too careful. We have so much extra money and so many people looking for work at EPA, that we better have them ready for that eventuality that occurs .0022 percent of the time.

The other argument that is used is that we would have the corps permitting themselves for their own activities. As Senators know, the corps does not actually issue itself section 404 permits but does follow all of the steps involved in the permitting process. Every other existing internal and external decision safeguard is affected by my legislative provision. The corps must meet the public interest review which requires the careful weighing of all public interest factors. Mr. President, listen to the list of criteria to be considered under the public interest review:

> All factors which may be relevant to the proposal must be considered including the cumulative effects thereof: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use shore erosion, etc.

Additional criteria the corps are bound to follow are found in the section 404(b)(1) guidelines developed by the EPA. EPA retains its 404(q) authority, known as elevation authority, which allows the EPA and the Department of Commerce and the Interior to request higher level review within the Department of the Army. Individual State permitting and water quality certification requirements provide an additional form of objective safeguard to the corps regulatory program. Section 401 of the Clean Water Act requires State certification or waiver of certification prior to issuance of a section 404 permit—effectively giving States veto authority.

In addition to these requirements, the corps' implementing regulations require that district engineers conduct additional evaluations on applications with potential for having an effect on a variety of special interests such as Indian reservation lands, historic properties, endangered species, and wild and scenic rivers. The corps must satisfy the National Environmental Policy Act requirements during the permit process and permit decisions are subject to legal challenges. EPA also has lead enforcement authority. One final safeguard is provided by my fellow Senators. The great majority of corps projects are authorized by Congress. I believe this Congress has the understanding and concern to put the brakes on bad projects—environmental lobbyists and EPA wetlands experts are not the only people who understand and are willing to protect valuable wetlands.

As anyone can see, the cries from the environmental lobby are a red herring. There remains lots of bureaucracy and lots of redundancy for those who cherish it. In this case, they are crying wolf. My provision will do nothing to harm wetlands. Under my provision, if a wetland is or is not permitted, it will be because of an official decision made by an official of the Clinton administration.

What is this about? It is a plain old-fashioned bureaucratic turf fight. EPA bureaucrats have power and they don't want to surrender any of it. They have good working relationships with environmental lobbyists who don't want to see their access reduced. I have no doubt that EPA employees work very hard and have expertise in wetlands issues, but I am simply saying that the corps does, too, and one agency is enough. I expect bureaucrats to fight to protect power and to protect turf. What I do not expect, however, is their political leadership to provide them cover for doing so. Is the President here to create a government that works better and costs less or is he here to protect bureaucratic turf and the regulatory status quo. Unfortunately, the bureaucrats whose turf the President is protecting are currently at home because the President vetoed their funding bill—in part, and astonishingly, over this common-sense issue.

Mr. President, there was a New York Times article printed in the RECORD on December 14 [S18650] that discusses this issue. I ask unammious consent that my response to that letter be printed in the RECORD. I also ask unanimous consent to have printed in the RECORD a Wall Street Journal op-ed piece entitled ''Death of a Family Farm,'' detailing an abuse of wetlands regulations.

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

U.S. SENATE,
Washington, DC, December 15, 1995.

MS. KRIS WELLS,
Editor, Letters to the Editor, The New York Times, New York, N.Y.

DEAR MS. WELLS: The December 12, 1995, story entitled ''Brief Clause in Bill Would Curb U.S. Power to Protect Wetlands'' is a very catchy headline, but grossly inaccurate. As the article accurately notes, the U.S. Army Corps of Engineers and the Environmental Protection Agency (EPA) have dual decisional authority in permitting activities in wetlands. According to the Corps of Engineers, no other program maintains this dual decisional authority over the same permit or action.

In the spending measure I crafted for Veterans Affairs, Housing and Urban Development and the EPA, I included a provision that eliminates this dual authority by removing EPA's authority to veto permits the Corps has issued. Therefore, the provision would indeed curb one and only one of the many ''EPA'' powers to protect wetlands, but it certainly does not curb ''U.S.'' power to protect wetlands unless you think the

''U.S.'' Army Corps of Engineers in not a federal agency. Additionally, these two agencies just happen to report to the same boss/es; ie., the President, Office of Management and Budget, the Counsel on Environmental Quality and the Vice President, who is a self-proclaimed advocate for the environment.

There are many things this government can no longer afford, and on the top of that list is bureaucratic redundancy. Leave it to the environmentalists to argue that we need two or more different federal agencies conducting the same task—looking over each other's shoulder—adding expense, confusion, delay and frustration. The bottom line on this issue and on the projects that were mentioned in the article is this: if a wetland is or is not permitted, it will be because of an official decision rendered by officials of the Clinton Administration. If people in the environmental community do not feel that the Clinton Administration has hired aggressive enough regulators, then they should take it up with the Clinton Administration and quit crying wolf about a common-sense provision to streamline government—a goal that the President has repeatedly endorsed.

As Vice-President Gore said on March 3, 1993: ''It's time we cut the red tape and trimmed the bureaucracy, and it's time we took out of our vocabulary the words, 'Well, we've always done it that way.' . . . Help us get rid of the waste and inefficiency. Help us get rid of the unnecessary bureaucracy. Let us know when you spot a problem and tell us when you've got an idea.'' Don't bother telling the environmental activists and lobbyists when you've got an idea. Which conservative ever called such dug-in-defenders of the status quo liberals?

Sincerely,

CHRISTOPHER S. BOND.

[From the Wall Street Journal]

DEATH OF A FAMILY FARM

(By Jonathan Tolman)

''My mother lives in Cranston. There aren't any wetlands there.'' This was the incredulous statement of a co-worker when I tried to explain to her the plight of the Stamp farm. Bill Stamp, president of the Rhode Island Farm Bureau, and his wife Carol own one of the few farms left in the state. But due to federal regulations, their farm is slated to close at the first of the year.

The Stamps' troubles all started when the city of Cranston, R.I., rezoned their property from agricultural to industrial. For years, Cranston had been trying to get the Stamps to develop their property. To give them an added incentive, the city decided to raise their taxes to the industrial bracket in1983.

In order to pay the higher taxes and keep their farming operation alive, the Stamps decided to develop part of the property at Cranston and move their farm to another part of the state. Their first encounter with wetlands happened three years later after they built a road on part of their property. The Stamps had already received permits from both the city and the state to proceed with the road when the Army Corps of Engineers decided to get involved.

Under Section 404 of the Clean Water Act, before anyone can deposit dredged or fill material into a ''navigable water'' of the U.S., they must get a permit from the Army Corps of Engineers. Over the years, with the legal prodding of environmentalists and a string of court cases, the Corps has expanded its definition of ''navigable water'' to include areas you wouldn't normally expect to see boats, namely wetlands.

Identifying wetlands is a difficult business. As the Corps pointed out in one of its recent press releases, ''Wetlands don't have to have visible water.'' Because of the tricky nature of wetland identification, in 1987 the Corps developed a 150-page manual filled with flow charts, appendices and guidelines for identifying wetlands.

Upon learning about the road, the Corps told the Stamps, ''Since a Federal permit has not been issued for the work you are presently performing, you are hereby ordered to cease and desist from any further work within Corps jurisdiction.'' In order to continue, the Stamps had to apply for a permit for the road they had already built. The Corps denied the permit, and demanded that the road be removed. In addition, the Corps demanded that the Stamps also remove the water and sewer lines which had been placed on their property. The Corps refused to consider any additional permits until the Stamps complied with their demands.

Realizing the mess they were in, the Stamps hired an expert consultant to help them with their wetland problems. After surveying the area with the Corps' own manual, the consultant came to the conclusion that the area where the Stamps built their road wasn't even a wetland. Just to be sure, he brought in two other wetland and soil scientists to look at the area. In a letter to Mr. Stamp, one of the experts, a dean at the University of Rhode Island, wrote: ''The delineation of wetlands on that portion of your property is obviously in error.'' The other consultant, a former New York State soil scientist, concluded, ''Since the soils would not qualify as hydric soils, the area would not be a wetland under the U.S. Army Corps of Engineers jurisdiction.''

Yet when the Corps was asked to reevaluate the site, it refused. The consultant, feeling that the Stamps had been wronged, wrote the Washington headquarters of the Corps and asked for a re-evaluation. The Acting Assistant Secretary of the Army. G. Edward Dickey, refused, ''because the Corps is a decentralized agency, the divisions and districts are responsible for most permit decisions and other related regulatory decisions, including delineations.'' (Perhaps someone should tell the secretary of the Army that he is now in charge of a ''decentralized agency.'')

Now, after the Stamps have spent thousands to restore the ''wetland,'' as well as having paid $15,000 in fines, thousands of dollars in legal fees and a lot more in increased property taxes, the original permits from the state of Rhode Island have expired. Unless the state can come through with new permits in the next few weeks, the Stamps will be unable either to sell or develop their land, and their financiers will likely foreclose on their farm in January.

Some might argue that in order to protect our nation's fragile wetlands, some errors and unfortunate incidents will happen, but in the long run it will be worth the price. The problem with this reasoning is that the 404 program doesn't really protect wetlands. Although the unwitting can get caught in the regulatory morass of the 404 program, savvy developers are aware of myriad exemptions, such as a rule that if the Corps does not respond within 30 days of being notified about a construction project of less than 10 acres, the developer can proceed with the project.

Because of such loopholes it is not surprising that many environmentalists detest the 404 program almost as much as landowners. An article published last spring in Audubon magazine described the 404 program as ''a hoax perpetrated and perpetuated by a wasteful, bloated bureaucracy that is efficient only at finding ways to shirk its obligations and that when beaten on by developers, spews wetland destruction permits as if it were a pinata.'' The environmentalists' argument isn't just liberal griping. Recent data from a nationwide survey of wetlands, conducted by the U.S. Agriculture Department, suggests that even though wetland regulation has increased in the last decade, wetland losses to development have not slowed. Even more ironic is that despite the continued loss of wetlands to development, a host of non-regulatory, incentive-based programs have restored so many wetlands that this year the U.S. will gain more wetlands than it lost.

Recently, Sen. John Chafee (R. R.I.), chairman of the Environment and Public Works Committee, announced plans to consider the re-authorization of the Clean Water Act, including the 404 program. The senator has the power to eliminate a program that both landowners and environmentalists agree is a bloated, wasteful bureaucracy. Maybe he can do it before another farm in his home state goes belly up.

Mr. BOND. Mr. President, there are many ways in which we can reform this program. We can do so in a bipartisan way. We can do so in a way that cuts redtape and offers new incentives for wetlands protection. We can do so in a way that includes more respect for those who currently protect wetlands—private property owners. We can bring rationality to the program and turn an important program into a more effective and maybe—maybe—even a more popular program. In the process, we might even give the States a greater role. In my State, I know we have officials who understand and care just as much about wetlands as the folks who work here in Washington. I am hopeful that these issues can be addressed. In the meantime, this legislative provision is an important start toward removing duplicative redtape and an important test for the President to see if he is so wed to the regulatory status quo, that he would reject this commonsense reform.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, before discussing today's bad news about the Federal debt, how about ''another go'', as the British put it, with our pop quiz. Remember—one question, one answer.

The question: How many millions of dollars in a trillion? While you are thinking about it, bear in mind that it was the U.S. Congress that ran up the enormous Federal debt that is now about $12 billion shy of $5 trillion.

To be exact, as of the close of business Wednesday, January 3, the total Federal debt—down to the penny—stood at $4,988,377,902,358.91. Another depressing figure means that on a per capita basis, every man, woman, and child in America owes $18,935.97.

Mr. President, back to our quiz—how many million in a trillion? There are a million million in a trillion, which means that the Federal Government will shortly owe $5 million million.

Now who's not in favor of balancing the Federal budget?

THE NEW YEAR

Mr. MOYNIHAN. Mr. President, the new year is now upon us, a Presidential