

over the Memorial Day weekend? I spent mine fixing up, repairing, and helping my neighbors so that their homes can be lived in once again. I think you should come out here and spend a few days in the stink and the mud and the junk on the curbs and the streets. All we want is answers. Why is this taking so long? Stop playing games with the disaster bill and get it passed. We are tired of waiting for an issue that should have been taken care of long ago."

I mentioned earlier today of a call last evening when I was part of the vigil last night from midnight until 3 in the morning, a call from a man named Mark from Grand Forks, ND, whose wife is dying, whose home was flooded, whose family was separated, and who now, like thousands of others in Grand Forks, ND, waits for an answer. Mark is dealing with his wife's illness, with a family that is separated, with a natural disaster, and now he needs to deal with answers to the questions he has. "What about my future? What is going to happen to my community? How can I put my family and my life back together again?" And the answers are in this piece of legislation.

We still have people here who, as of last night, are making the case that this doesn't matter. "Nothing is being held up. It doesn't matter." FEMA, the Federal Emergency Management Agency, they say, has money in the pipeline. "Money is flowing. What are people complaining about?"

Anyone who asks that question has a responsibility to go to Grand Forks, ND, and peek through the tent flap of a tent on the front of a yard of a home that is destroyed where the family is now living, or knock on the door of a camper trailer that is parked in the yard of a home that is destroyed where a family is now living, or go to a shelter where a family now still lives, and ask them, "What is the hurry? Why are you so anxious?" Anyone who believes that there is money in the pipeline to do that needs to go talk to those folks, has a responsibility to go to talk to those folks, and then come back and stand on the floor of the Senate or the House and say, "There is no emergency here." And, if they do that, then they will not be telling the truth because they will have known better. They will have known differently.

This is urgent. The thousands of people this morning who woke up not in their own bed, not in their own homes, know it is urgent. They woke up somewhere else—another town, another home, living with a relative, in a shelter, in a motel, in a camper trailer, and, yes, a tent. They know it is urgent. Yet, day after day we continue to hear people in and around this Capitol justifying the stalling on the disaster bill by saying, "Well, it is not urgent. There is nothing in this bill that will provide urgently needed relief. This is for long-term relief." It is fundamentally false; wrong.

Will Rogers said—I quoted him the other day—about someone, "You know,

it is not what he knows that bothers me so much. It is what he says he knows for sure that just ain't so." We have people who apparently say they know for sure this aid isn't urgent, and they ought to know it ain't so. If they do not know that, they have a responsibility to become informed.

As long as I serve in this Congress I will never attach a controversial unrelated amendment to a disaster bill because it is unfair to do it. I will not do that. And I hope others will not do it in the future either.

In fact, I think we ought to change the rules of the Senate, and I will intend to propose such a change. I expect it will be hard to get adopted. But I think we ought to change the rules of the Senate and say that on bills that are disaster bills, or emergency bills, you ought not be able to offer extraneous or unrelated or nongermane amendments. Will that be hard to get passed in this body? Of course, it will. But shouldn't there be some category of legislation that is an emergency that represents a response to a disaster that at least ought to be held aside and say, "All right, this is different. This is urgent, and you don't add extraneous controversial amendments to this?"

I think we ought to have a rule change to require that with respect to those select categories of legislation that represent urgent disaster or urgent emergency disaster relief.

I hope maybe today, after now nearly 3 additional weeks of delay, that we might be able to provide an answer to the victims of these disasters and that the answer would be that the generous amount of relief that has been worked on by both sides but now which has been locked up by the maneuvering of some, that generous amount of relief will now be made available to people to help them put their lives back together. If it is done now, if it is done in the next couple of hours, it can be signed into law this evening and the disaster aid will be available immediately.

If it is not done today, will it be done tomorrow? If not tomorrow, will it be next week, or next month? How long do disaster victims have to wait? How long do they have to wait and how many letters do we have to read? How many phone calls do we have to recount about people's lives which are being interrupted, families split, homes destroyed and lives in chaos because Congress has not done its job?

Let's hope this is resolved today.

Mr. President, I yield the floor.

Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

VOLUNTARY ENVIRONMENTAL SELF-AUDIT

Mr. LOTT. Mr. President, yesterday Senator KAY BAILEY HUTCHISON, my colleague and friend, introduced S. 866, legislation that provides a necessary Federal standard regarding voluntary environmental self-auditing for states. There are nearly two dozen States which are experimenting with laws to encourage self-audits. These laws are aimed at increasing environmental protection and directing scarce enforcement resources toward the real bad actors. We need Federal legislation to make these state laws work, and Senator HUTCHISON has a balanced, fair approach.

I want to take this opportunity today to share with my colleagues how this legislative proposal will strengthen America's environmental policies. I will join Senator HUTCHISON as an active cosponsor to S. 866.

First, I would like to explain what voluntary environmental self-auditing is all about.

In the past 10 years, the number of environmental statutes and regulations that impose compliance obligations, and the corresponding civil and criminal penalties and sanctions for violations, have dramatically increased. In response to these developments, more and more companies are using environmental self-audit programs as a tool to ensure compliance.

Generally, an environmental audit is a means of reviewing a business in order to get a snapshot of its overall compliance with environmental laws and to troubleshoot for potential future problems. EPA defines an audit as "a systematic, documented, periodic and objective review by regulated entities of facility operations and practices related to meeting environmental requirements." Audits can include inspections of equipment to insure that permit requirements are being met; review of future and present risks of regulated and unregulated materials used at the facility; and surveys of the day-to-day operation of environmental management structure and resources. Some companies have compliance management systems that include day-to-day, even shift-to-shift, voluntary activities to assure compliance.

No State or Federal law requires companies to undertake comprehensive environmental self-auditing. This is just a good business practice initiated by companies that are taking extra steps to be in full compliance with environmental law.

There are no guidelines or standard practices—audits vary considerably because they must accommodate the individual needs of companies or specific facilities to be most effective. They are typically much more extensive than an inspection by a State or Federal regulator because they are done more often and because companies simply know much more about their operations and permit obligations than regulators do. A company conducting its own audit

can identify and correct a much wider range of potential environmental violations.

Mr. President, doesn't this sound like a great idea?

Unfortunately, many companies do not perform voluntary self-audits because the information contained in the audit documents can be obtained by Government regulators, prosecutors, citizens' groups, or private citizens and used to sue the company. Companies completing environmental audits develop documentation of their instances of noncompliance or areas of potential concern. These documents, if made public, are a roadmap for third parties or governments to sue even if the problem has already been corrected and no environmental harm has occurred.

Remember, we have an incredibly complex compliance system. Last year a survey conducted by Arthur Anderson and the National Law Journal found that nearly 70 percent of 200 corporate attorneys interviewed said that they did not believe total compliance with the law was achievable. This is due to the complexity of the law, the varying interpretations of the regulators and the ever-present role of human error and the cost.

Because of this complexity, it is possible and logical that companies which take on the task of self-evaluation will find violations—and that is what we want them to do. Find problems and fix them without waiting a year for a Government inspection.

Companies are already vulnerable to extensive liability under environmental laws. Under the Clean Air Act Amendments of 1990, for example, the maximum civil penalty that may be assessed is now \$25,000 per day per violation. EPA's fiscal year 1994 enforcement and compliance assurance accomplishments report shows that 166 civil judicial penalties were brought in 1994 totaling \$65.6 million. On average, that is about \$400,000 a case. There were 1,433 administrative penalty orders for the same year totaling \$48 million.

Mr. President, that's a lot of money. A pretty powerful disincentive to self-auditing.

Yet, nearly two dozen states have recognized this disincentive to self-auditing and have enacted laws to fix the problem. These states and their citizens want more companies to conduct self-audits. Mississippi is one of the States that has acted on this issue.

These State laws typically do three things: First, provide qualified evidentiary protection for internal company audit documents; second, grant penalty immunity to companies that conduct audits and voluntarily disclose all violations they discover in their audit; and third, require prompt clean-up of the violation.

In other words, the States are saying that responsible, self-auditing companies that find and report problems to State authorities are rewarded. The companies do not have to pay a fine and are protected from any court action on an internal company audit.

Mr. President, this is a fair deal. We get more environmental protection—which should be the goal of environmental laws—not just freedom from sanctions and penalties. Senator HUTCHISON's legislation brings better environmental compliance with a voluntary flexible component.

Mr. President, this is basic common sense—companies have an incentive to find and fix their problems right away. What could be better for the environment?

State officials also benefit because they can establish cooperative relationships with companies instead of the current adversarial enforcement system. Taxpayers get a better return from their tax dollars because enforcement resources can be redirected toward the bad guys who are not following the law. And, most importantly, we all benefit from greater compliance with our environmental laws.

Some will say that these State laws are about secrecy and letting polluters off the hook. Opponents say that these laws make it more difficult to prosecute and that they will interfere with enforcement actions or compromise the public's right to know.

Mr. President, this is just not true. These laws protect only the voluntary self-audit document. They do not protect any information required by law to be collected, developed, maintained, reported or otherwise made available to a Government agency. The opponents are saying that protection of the audit document will allow bad actors to hide violations and endanger human health. Of course, that is not true. Any action that causes an imminent threat is not protected and must be immediately reported to authorities. Companies gain nothing from these laws if they are using an audit for a fraudulent purpose, or if they find a violation and don't fix it. If they're cheating, they're out.

These laws present a new way of doing business. No safeguards are removed. The State legislature is just as eager as the Federal Government to protect its citizens. Senator HUTCHISON's legislation has the same safeguards.

Twenty-one States think this is a better way to get things done. Twenty-five other State legislatures are considering this voluntary self-audit legislation. Let me give you those numbers again: 21 states have enacted a voluntary audit law and 25 are considering one.

Mr. President, that is a grand total of 46 States. I'd say this is a definite trend. The Federal Government ought to open its eyes and join the parade.

We need to enact similar legislation on the Federal level to complement and assist those States with a full and effective implementation of this concept. That is what this bill is all about. No rollback of standards. No removal of any environmental law. Yes, a different approach, but one already tested in States where 95 million Americans

are currently living. It is time for EPA to see the wisdom of 95 million Americans.

Why not let the States continue to show us innovative ways to achieve environmental progress? I frequently ask that question. The answer is EPA wants to retain the right to enforce the law after it delegates program authority to a State. This means that without a Federal law granting a qualified exception for voluntary self-audits, the EPA can take separate enforcement actions—or overfile—regardless of any State action.

The sad consequence is that a company that wishes to take advantage of a State audit law is not protected from Federal enforcement actions—even though the Federal inspectors didn't find the problem and the company has fixed it.

Why would a company voluntarily disclose violations to a State when the Federal Government can come after them for the same thing?

EPA has been very clear about its intent to scrutinize companies in States that have enacted laws and that are currently addressing audit bills in their legislatures. EPA has set up a task force to monitor the approval of State delegated programs under the Clean Air Act for States with voluntary environmental audit statutes. The agency has indicated that approval of certain State programs may be delayed or denied because of their State audit privilege statutes. EPA has used this threat to withhold Federal program delegation in order to influence pending State legislation. Does this sound like an agency whose charter is to clean up the environment or does this sound like a bureaucracy that focuses on punishment first? Is this a constructive environmental approach?

Why—in the face of such Federal challenges—did the 21 States enact legislation? Because 95 million citizens want a cleaner environment. The States know it is the right thing to do. Americans want an approach that cleans the environment first. That is also why 25 other States want to consider alternatives. These States have shown great environmental courage.

I firmly believe that States can design and implement effective and successful environmental laws. In fact, States have proven that the Federal Government does not always know best and does not always get the job done.

I hope that EPA does not continue to minimize the independent sovereign rights of States to adopt and enforce environmental laws that protect the environment and add to our quality of life. Perhaps EPA needs to get a copy of the Constitution.

Full use of these State laws will never happen as long as EPA continues an adversarial approach. And Americans miss an opportunity to achieve creative and cost-effective solutions to environmental problems.

Even the Clinton administration has recognized the value of promoting environmental self-auditing when it issued a policy statement in December of 1995. It was a good first step forward, but in 2 years, we've seen only intimidation.

Basically, the administration policy says that if companies come forward and voluntarily disclose violations, then EPA will not prosecute them as aggressively as they could otherwise. Not a real bonus. No evidentiary protection, no protection against citizen suits, and it is only a policy, not a rule, so it does not have the force of law nor does it have any impact on what the Justice Department or the FBI can do. And this policy can and will vary from State to State and company to company.

It is now time for legislation. Senator KAY BAILEY HUTCHISON has accepted the challenge and introduced a sound bill yesterday. This bill fully recognizes the sovereignty of the State. Mr. President, Senator HUTCHISON's bill, S. 866, will encourage environmental self-auditing by setting up incentives at the Federal level for those States with the provision. Nothing more.

Americans get better environmental compliance. I urge my colleagues to give serious consideration to the proposal being advanced by Senator HUTCHISON.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 10, 1997, the Federal debt stood at \$5,351,973,547,710.08. (Five trillion, three hundred fifty-one billion, nine hundred seventy-three million, five hundred forty-seven thousand, seven hundred ten dollars and eight cents.)

One year ago, June 10, 1992, the Federal debt stood at \$5,134,653,000,000. (Five trillion, one hundred thirty-four billion, six hundred fifty-three million.)

Five years ago, June 10, 1992, the Federal debt stood at \$3,939,456,000,000. (Three trillion, nine hundred thirty-nine billion, four hundred fifty-six million.)

Ten years ago, June 10, 1987, the Federal debt stood at \$2,294,202,000,000. (Two trillion, two hundred ninety-four billion, two hundred two million.)

Fifteen years ago, June 10, 1972, the Federal debt stood at \$1,073,704,000,000 (One trillion, seventy-three billion, seven hundred four million) which reflects a debt increase of more than \$4 trillion—\$4,278,269,547,710.08 (Four trillion, two hundred seventy-eight billion, two hundred sixty-nine million, five hundred forty-seven thousand, seven hundred ten dollars and eight cents) during the past 15 years.

COMMEMORATING THE 30TH ANNIVERSARY OF THE REUNIFICATION OF JERUSALEM

Mr. MACK. Mr. President, I rise today to commemorate the 30th anniversary of the reunification of Jerusalem and to congratulate the people of Israel on their commitment to freedom.

Jerusalem, Mr. President, is a city unique in all the world. We know much of its 3,000 year history. We know that Jerusalem has been a great city for many people; we know that it remains a holy city for people throughout the world; we know that it is an inseparable part of the Jewish state, a fundamental part of Jewish identity; and we know that it is the undivided capital of the State of Israel.

It was on the hill which we call the Temple Mount that overlooked the Jerusalem of Abraham, where God called upon Abraham to bring his son to be sacrificed; it was here that God made His covenant with man. Jerusalem holds the remains of the first and second temples including the Western Wall of the temple's courtyard, Judaism's holiest site. It is to Jerusalem that Jews everywhere in the world turn in prayer and, no matter where they live, they conclude their celebrations with the refrain "next year in Jerusalem."

Mr. President, I would like to read from perhaps the most moving description of this great city delivered by one of Israel's greatest leaders and statesmen. In 1995, the late Prime Minister Yitzhak Rabin delivered the following remarks here in the U.S. Capitol:

Jerusalem is the heart of the Jewish people and a deep source of our pride. On this festive occasion, thousands of miles from home, here and now, we once again are raising Jerusalem above our highest joy, just like our fathers and our fathers' fathers did.

Jerusalem has a thousand faces—and each one of us has his own Jerusalem.

My Jerusalem is Dr. Moshe Wallach of Germany, the doctor of the sick of Israel and Jerusalem, who built Sha'arei Zedek hospital and had his home in its courtyard so as to be close to his patients day and night. I was born in his hospital . . .

My Jerusalem is the focus of the Jewish people's yearnings, the city of its visions, the cradle of its prayers. It is the dream of the return to Zion. It is the name millions murmur, even on their death bed. It is the place where eyes are raised and prayers are uttered.

My Jerusalem is the jerrycan of water measured out to the besieged in 1948, the faces of its anxious citizens quietly waiting in line for bread, the sky whose blackness was torn by flares.

My Jerusalem is Bab el-Wad—the road to the city—which cries out, "Remember our names forever." It is the ashen faces of dead comrades from the War of Independence, and the searing cold of the rusting armored cars among the pines on the side of the road.

My Jerusalem is the great mountain, the military cemetery on Mount Herzl, the city of silence whose earth holds the treasured thousands of those who went to bitter battle—and did not return.

My Jerusalem is the tears of the paratroopers at the Western Wall in 1967 and the flag which once more waved above the remnant of the Temple.

My Jerusalem is the changing colors of its walls, the smells of its markets and the faces of the members of every community and every faith, where all have freedom of thought and freedom of worship in the city where holiness envelops every stone, every word, every glance.

And my Jerusalem is the City of Peace, which will bear great tidings to all faiths, to all nations, "For the Torah shall come forth from Zion and the word of the Lord from Jerusalem . . . Peace be within thy walls and prosperity within thy palaces."

We differ in our opinions, left and right. We disagree on the means and the objective. In Israel, we all agree on one issue: the wholeness of Jerusalem, the continuation of its existence as capital of the State of Israel. There are no two Jerusalems. There is only one Jerusalem. For us, Jerusalem is not subject to compromise, and there is no peace without Jerusalem.

Jerusalem, which was destroyed eight times, where for years we had no access to the remnants of our Temple, was ours, is ours, and will be ours—forever.

"Here tears do not weaken eyes," wrote the Jerusalem poet Yehuda Amichai. "They only polish and shine the hardness of faces like stone." Jerusalem is that stone.

Mr. President, Jerusalem is more than the heart of the Jewish people. It is sacred throughout the world. Jesus was crucified inside today's city, and Mohammed was said to have ascended into Heaven from the Temple Mount. Mr. President, Jerusalem indeed is a great city; it is a city of the world, a city revered by the world, and a city for the world. Its freedom is invaluable.

Unfortunately, from 1948 to 1967, beginning with the war waged against the new State of Israel and ending with Israel's victory in the Six-Day War, Jerusalem was a divided city. During this time, Israelis of all faiths and Jews from around the world were prohibited from entering the eastern part of the city and from praying at the holy sites there. Jerusalem had lost its freedom, and the world had lost its Jerusalem.

This week, Mr. President, marks the anniversary of the liberation of the holy city and its return to freedom. That is why we are congratulating the people of Jerusalem.

Today, Jerusalem is a city of growth, prosperity, and freedom. Upon their victory in 1967, those denied the city for so long did not deny it to the defeated. To this day, perhaps the most holy site for all three major religions of the city remains housed in a Moslem mosque, the Dome of the Rock. But it is a place which can be visited by anyone who desires.

So, beyond honoring the freedom of this great city, I want to congratulate the people of Jerusalem and of Israel for their commitment to religious freedom and the principle that religious faiths should not pay the price of political disputes. The Jews of Israel know very well the importance of religious freedom, and the pain of its denial.

Today, as we remember Jerusalem's proud and turbulent past, and honor its