

National Recreation River; to the Committee on Energy and Natural Resources.

EC-2674. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation entitled "The Comprehensive Electricity Competition Act"; to the Committee on Energy and Natural Resources.

EC-2675. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a notice of the proposed issuance of an export license relative to Turkey; to the Committee on Foreign Relations.

EC-2676. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the report under the Foreign Agents Registration Act for the period January 1, 1998 through June 30, 1998; to the Committee on Foreign Affairs.

EC-2677. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of the annex on domestic preparedness to the report on government-wide spending to combat terrorism; to the Committee on Armed Services.

EC-2678. A communication from the Under Secretary, Policy, Department of Defense, transmitting, pursuant to law, a report relative to actions taken to develop an integrated program to prevent and respond to terrorist incidents involving weapons of mass destruction; to the Committee on Armed Services.

EC-2679. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on government-wide spending to combat terrorism; to the Committee on Armed Services.

EC-2680. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the financial report of the United States government for fiscal year 1998; to the Committee on Governmental Affairs.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. COVERDELL:

S. 857. A bill to amend the Emergency Planning and Community Right-To-Know Act of 1986 to cover Federal facilities; to the Committee on Environment and Public Works.

S. 858. A bill to designate the Federal building and United States courthouse located at 18 Greenville Street in Newman, Georgia, as the "Lewis R. Morgan Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself and Ms. SNOWE):

S. 859. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself, Mr. MACK, Mr. HOLLINGS, and Mr. LEVIN):

S. 860. A bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. FEINGOLD, Mr. LAUTENBERG, Mrs. MUR-

RAY, Mr. KENNEDY, Mr. TORRICELLI, Mr. KERRY, Mr. REED, Mrs. BOXER, Mr. HARKIN, Mr. SCHUMER, and Mr. WELLSTONE):

S. 861. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mr. CONRAD):

S. 862. A bill to protect Social Security surpluses and reserve a portion of non-Social Security surpluses to strengthen and protect Medicare; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DASCHLE (for himself, Mrs. BOXER, and Mr. DORGAN):

S. 863. A bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. CHAFEE):

S. 864. A bill to designate April 22 as Earth Day; to the Committee on the Judiciary.

By Mr. BIDEN:

S. 865. A bill to amend the Internal Revenue Code of 1986 to provide the same tax treatment for danger pay allowance as for combat pay; to the Committee on Finance.

By Mr. CONRAD (for himself, Mr. CRAIG, and Mr. DORGAN):

S. 866. A bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. CHAFEE, Mr. BAUCUS, Mr. JEFFORDS, Mr. LIBERMAN, Mr. BIDEN, Mr. LAUTENBERG, Mrs. MURRAY, Mrs. BOXER, Mr. KERRY, Mr. KENNEDY, Mr. WELLSTONE, Mr. TORRICELLI, Mr. HARKIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. FEINGOLD, Mr. KOHL, Mr. DODD, Mr. LEAHY, Mr. WYDEN, and Mr. DURBIN):

S. 867. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 868. A bill to make forestry insurance plans available to owners and operators of private forest land, to encourage the use of prescribed burning and fuel treatment methods on private forest land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN:

S. 869. A bill for the relief of Mina Vahedi Notash; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mr. ROTH, Mr. GRASSLEY, and Mr. BOND):

S. 870. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of Inspector General within Federal departments, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LEAHY:

S. 871. A bill to amend the Immigration and Nationality Act to ensure that veterans of the United States Armed Forces are eligible for discretionary relief from detention, deportation, exclusion, and removal, and for other reasons; to the Committee on the Judiciary.

By Mr. VINOVICH (for himself, Mr. BAYH, Mr. DEWINE, Mr. ABRAHAM, Mr. LEVIN, and Mr. LUGAR):

S. 872. A bill to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself, Mr. SCHUMER, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. HARKIN, Mr. KERRY, Ms. LANDRIEU, Mr. FEINGOLD, and Mr. WELLSTONE):

S. 873. A bill to close the United States Army School of the Americas; to the Committee on Armed Services.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND (for himself, Mr. LOTT, Mr. DASCHLE, Mr. McCONNELL, and Mr. DODD):

S. Res. 82. A resolution expressing the gratitude of the United States Senate for the service of Thomas B. Griffith, Legal Counsel for the United States Senate; considered and agreed to.

By Mr. THURMOND:

S. Res. 83. A resolution expressing the sense of the Senate regarding the settlement of claims of citizens of Germany regarding deaths resulting from the accident near Cavalese, Italy, on February 3, 1998, before the settlement of claims with respect to the deaths of members of the United States Air Force resulting from the accident off Namibia on September 13, 1997; to the Committee on Foreign Relations.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. McCONNELL, and Mr. DODD):

S. Con. Res. 29. A concurrent resolution authorizing the use of the Capitol Grounds for concerts to be authorized by the National Symphony Orchestra; considered and agreed to.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COVERDELL:

S. 857. A bill to amend the Emergency Planning and Community Right-To-Know Act of 1986 to cover Federal facilities; to the Committee on Environment and Public Works.

#### FEDERAL FACILITIES COMMUNITY RIGHT TO KNOW ACT OF 1999

Mr. COVERDELL. Mr. President, I rise today to introduce legislation—the Federal Facilities Community Right-To-Know Act of 1999—which provides that the federal government is held to the same reporting requirements under the Emergency Planning and Community Right-To-Know Act (EPCRA) of 1986 as private entities. In 1986, Congress directed the Environmental Protection Agency (EPA) to establish a national inventory to inform the public about chemicals used and released in their communities. Since enactment of the Emergency Planning and Community Right-To-Know Act, manufacturers have been required to keep extensive records on how they use and store hazardous chemicals and report releases of

hundreds of hazardous chemicals annually. EPA compiles the reported information into the Toxic Release Inventory (TRI).

The Toxic Release Inventory is a publicly available data base containing specific chemical release and transfer information from manufacturing facilities throughout the United States. The TRI is intended to promote planning for chemical emergencies and to provide information to the public regarding the presence and release of toxic and hazardous chemicals in their communities.

In August 1993, President Clinton signed Executive Order 12856, which required Federal facilities to begin submitting TRI reports beginning in calendar year 1994 activities. I commend President Clinton for taking this action. However, this executive order does not have the force of law and could be changed by a future Administration. The National Governors Association's policy on federal facilities states that "Congress should ensure that federal and state 'right to know' requirements apply to federal facilities." My legislation simply amends the Emergency Planning and Community Right-To-Know Act to cover federal facilities. It is important for the Federal government to protect the environment and its citizens from hazardous substances. People living near federal facilities have the right to know what hazardous substances are being released into the environment by these facilities so they can better protect themselves and their children from these potential threats. It is my strong belief that federal facilities should be treated the same as private entities. My legislation attempts to move us closer towards that goal.

By Mr. JEFFORDS (for himself and Ms. SNOWE):

**S. 859.** A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Environment and Public Works.

**NATIONAL BEVERAGE CONTAINER REUSE AND RECYCLING ACT OF 1999**

Mr. JEFFORDS. Mr. President, I rise today in celebration of Earth Day to introduce the National Beverage Container Reuse and Recycling Act of 1999. I introduce this bill again today because I firmly believe that deposit laws are a common sense, proven method to increase recycling, save energy, create jobs, and decrease the generation of waste and proliferation of landfills. Unfortunately, recycling rates for beverage containers have recently dropped, making this legislation even more important.

The experience of ten states, including Vermont, attest to the success of a deposit law or bottle bill as it is commonly called. The recycling rates in these states for aluminum cans is 80

percent, while the overall national average in 1998 was only 55 percent. Cans recycled in deposit states accounted for half of all cans recycled in the country during this period. Although a national recycling rate of 55 percent may seem significant, every three seconds, 14,000 aluminum cans are discarded as waste.

Such waste is rapidly overflowing landfills, washing up on our beaches, and piling up on our roadways. Our country's solid waste problems are very real, and they will continue to haunt us until we take action. The throw-away ethic that has emerged in this country is not insurmountable, and recycling is part of the solution.

The concept of a national bottle bill is simple: to provide the consumer with an incentive to return the container for reuse or recycling. Consumers pay a nominal cost per bottle or can when purchasing a beverage and are refunded their money when they bring the container back either to a retailer or redemption center. Retailers are paid a fee for their participation in the program, and any unclaimed deposits are used to finance state environmental programs.

Under my proposal, a 10-cent deposit on certain beverage containers would take effect in states which have beverage container recovery rates of less than 70 percent, the minimum recovery rate achieved by existing bottle bill states. Labels showing the deposit value would be affixed to containers, and retailers would receive a 2-cent fee per container for their participation in the program.

This legislation I introduce today is consistent with our nation's solid waste management objectives. A national bottle bill would reduce solid waste and litter, save natural resources and energy, and create a much needed partnership between consumers, industry, and local governments. I urge my colleagues to join these ten states, including Vermont, and support a nationwide bottle deposit law. Because for our children, the health of the planet may be our most enduring legacy.

By Mr. GRAHAM (for himself, Mr. MACK, Mr. HOLLINGS, and Mr. LEVIN):

**S. 860.** A bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements; to the Committee on Agriculture, Nutrition, and Forestry.

**IMPORTED PRODUCE LABELING ACT OF 1999**

Mr. GRAHAM. Mr. President, I rise today to introduce legislation that would require country of origin labeling of perishable agricultural commodities imported into the United States. I offer the "Imported Produce Labeling Act" to ensure that Americans know the origin of every orange, banana, tomato, cucumber, and green pepper on display in the grocery store.

For two decades, Floridians shopping at their local grocery stores have been

able to make educated choices about the food products they purchase for their families. In 1979, in my first year as Governor, I proudly signed legislation to make country of origin labels commonplace in produce sections all over Florida. This labeling requirement has proven to be neither complicated nor burdensome for Florida's farmers or retailers.

Country of origin labeling is not new to the American marketplace. For decades, "Made In" labels have been as visible as price tags on clothes, toys, television sets, watches, and many other products. It makes little sense that such labels are nowhere to be found in the produce section of grocery stores in the vast majority of states.

The current lack of identifying information on produce means that Americans who wish to heed government health warnings about foreign products or who have justifiable concerns about other nations' labor, environmental, and agricultural standards are powerless to choose other perishables. In fact, according to nationwide surveys, between 74 and 83 percent of consumers favor mandatory country of origin labeling for fresh produce.

This is a low-cost, common sense method of informing consumers, as retailers will simply be asked to provide this information by means of a label, stamp, or placard. Implementation of this practice in Florida resulted in an estimated cost of only \$10 monthly per grocery store, a remarkably small price to pay to provide American consumers with the information they need to make informed produce purchases.

In addition, a study by the U.S. Department of Agriculture found that twenty-six of our key trading partners require country of origin labeling for fresh fruits and vegetables. By adopting this amendment, our law will become more consistent with the laws of our global trading partners.

Consumers have the right to know basic information about the fruits and vegetables that they bring home to their families. Congress can take a major step toward achieving this simple goal by passing the "Imported Produce Labeling Act," thereby restoring American shoppers' ability to make an informed decision.

By Mr. DURBIN (for himself, Mr. FEINGOLD, Mr. LAUTENBERG, Mrs. MURRAY, Mr. KENNEDY, Mr. TORRICELLI, Mr. KERRY, Mr. REED, Mrs. BOXER, Mr. HARKIN, Mr. SCHUMER, and Mr. WELLSTONE):

**S. 861.** A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

**AMERICA'S RED ROCK WILDERNESS ACT**

Mr. DURBIN. Mr. President, today I am introducing America's Red Rock Wilderness Act to protect an important part of our nation's natural heritage. America's Red Rock Wilderness Act

designates 9.1 million acres of public land in Utah as wilderness.

Passage of America's Red Rock Wilderness Act is essential to protect a national treasure for future generations of Americans. It provides wilderness protection for magnificent canyons, red rock cliffs and rock formations unlike any on earth. The lands included in this legislation contain steep slick rock canyons, high cliffs offering spectacular vistas of rare rock formations, desert lands, important archeological sites, and habitat for rare plant and animal species.

The areas designated for wilderness protection in America's Red Rock Wilderness Act are based on a detailed inventory of lands managed by the Bureau of Land Management conducted by volunteers from the Utah Wilderness Coalition. Between 1996 and 1998, UWC volunteers and staff surveyed thousands of square miles of BLM land, taking over 50,000 photos and compiling documentation to ensure that these areas meet federal wilderness criteria.

As a result of this inventory, an additional 3.4 million acres not included in earlier Utah wilderness bills have been added to the wilderness designations in America's Red Rock Wilderness Act. Most of the areas added to the bill are in the remote Great Basin deserts in the western portion of the state and the red rock canyons in Southern Utah, which had not been included in earlier inventories.

Recently, BLM completed a re-inventory of approximately 6 million acres of federal land which had been proposed for wilderness designation in previous wilderness bills. The results provide a convincing confirmation of the inventory conducted by UWC volunteers. Of the 6 million acres it re-inventoried, BLM found that 5.8 million acres qualified for wilderness consideration. Almost all of these lands are included in America's Red Rock Wilderness Act.

Theodore Roosevelt once stated, "The Nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased and not impaired in value." Unfortunately, these fragile, scenic lands in Utah are threatened by oil, gas and mining interests, destructive use by off-road vehicles, increased commercial development, and proposals to construct roads, communication towers, transmission lines, and dams. We must act now to protect these lands for future generations.

America's Red Rock Wilderness Act is supported by a broad coalition of over 150 environmental, conservation, and recreational organizations and citizen groups. In independent television and newspaper surveys and public hearings on this issue, the citizens of Utah also have expressed overwhelming support for a strong wilderness bill.

Yesterday was John Muir's birthday. He observed that "Thousands of tired, nerve-shaken, over-civilized people are beginning to find out that going to the mountains is going home; that wilder-

ness is a necessity; that mountain parks and reservations are useful not only as fountains of timber and irrigating rivers, but as fountains of life." America's Red Rock Wilderness Act honors his vision.

The preservation of our nation's vital natural resources will be one of our most important legacies. I urge my colleagues to join me as a cosponsor of this important bill to protect the America's Red Rock Wilderness area in Utah for future generations.

Mr. FEINGOLD. Mr. President, I am very pleased to join the Senator from Illinois (Mr. DURBIN) as an original cosponsor of legislation to designate 9.1 million acres of Bureau of Land Management (BLM) lands in Utah as wilderness.

Though this is the second time this particular measure has been introduced in this body, this year's legislation has been substantially revised. As the Senator from Illinois (Mr. DURBIN) has already described, these revisions have been made on the basis of a citizen-led re-inventory of the wilderness quality lands that remain on BLM lands in Utah.

During the April recess I had an opportunity to travel to Utah. I viewed firsthand some of the lands that would be designated for wilderness under Senator DURBIN's bill. I was able to view most of the proposed wilderness areas from the air, and was able to enhance my understanding through hikes outside of the Zion National Park on the Dry Creek Bench wilderness unit contained in this proposal, and inside the Grand Staircase-Escalante National Monument to Upper Calf Creek Falls.

I support this legislation, for a few reasons, Mr. President, but most of all because I have personally seen what is at stake, and I know the marvelous resources that Wisconsinites and all Americans own in the BLM lands of Southern Utah.

Second, Mr. President, I support this legislation because I believe it sets the broadest and boldest mark for the lands that should be protected in Southern Utah. I believe that when the Senate considers wilderness legislation it ought to know, as a benchmark, the full measure of those lands which are deserving of wilderness protection. This bill encompasses all the BLM lands of wilderness quality in Utah. Unfortunately, Mr. President, the Senate has not, as we do today, always had the benefit of considering wilderness designations for all of the deserving lands in Southern Utah. During the 104th Congress, I joined with the former Senator from New Jersey (Mr. Bradley) in opposing that Congress' Omnibus Parks legislation. It contained provisions, which were eventually removed, that many in my home state of Wisconsin believed not only designated as wilderness too little of the Bureau of Land Management's holding in Utah deserving of such protection, but also substantively changed the protections afforded designated lands under the Wilderness Act of 1964.

The lands of Southern Utah are very special to the people of Wisconsin. In writing to me last Congress, my constituents described these lands as places of solitude, special family moments, and incredible beauty. In December 1997, Ron Raunikar of the Capital Times, a paper in Madison, WI, wrote:

Other remaining wilderness in the U.S. is at first daunting, but then endearing and always a treasure for all Americans.

The sensually sculpted slickrock of the Colorado Plateau and windswept crag lines of the Great Basin include some of the last of our country's wilderness which is not fully protected.

We must ask our elected officials to redress this circumstance, by enacting legislation which would protect those national lands within the boundaries of Utah.

This wilderness is a treasure we can lose only once or a legacy we can be forever proud to bestow to our children.

Some may say, Mr. President, that this legislation is unnecessary and Utah already has the "monument" that Wallace Stegner wrote about, designated by President Clinton on September 18, 1997. However, it is important to note, the land of the Grand Staircase Escalante National Monument comprises only about one tenth of the lands that will be granted wilderness protection under this bill.

I supported the President's actions to designate the Grand Staircase Escalante National Monument. On September 17, 1997, amid reports of the pending designation, I wrote a letter to President Clinton to support that action which was co-signed by six other members of the Senate. That letter concluded with the following statement "We remain interested in working with the Administration on appropriate legislation to evaluate and protect the full extent of public lands in Utah that meet the criteria of the 1964 Wilderness Act."

I believe that the measure being introduced today will accomplish that goal. Identical in its designations to legislation sponsored in the other body by Rep. MAURICE HINCHEY of New York, it is the culmination of more than 15 years and four Congresses of effort in the other body beginning with the legislative work of the former Congressman from Utah (Mr. Owens).

The measure protects wild lands that really are not done justice by any description in words. In my trip I found widely varied and distinct terrain, remarkable American resources of red rock cliff walls, desert, canyons and gorges which encompass the canyon country of the Colorado Plateau, the Mojave Desert and portions of the Great Basin. The lands also include mountain ranges in western Utah, and stark areas like the new National Monument. These regions appeal to all types of American outdoor interests from hikers and sightseers to hunters.

Phil Haslanger of the Capital Times, answered an important question I am often asked when people want to know why a Senator from Wisconsin would

co-sponsor legislation to protect lands in Utah. He wrote on September 13, 1995 simply that "These are not scenes that you could see in Wisconsin. That's part of what makes them special." He continues, and adds what I think is an even more important reason to act to protect these lands than the landscape's uniqueness, "the fight over wilderness lands in Utah is a test case of sorts. The anti-environmental factions in Congress are trying hard to remove restrictions on development in some of the nation's most splendid areas."

Wisconsinites are watching this test case closely. I believe, Mr. President, that Wisconsinites view the outcome of this fight to save Utah's lands as a sign of where the nation is headed with respect to its stewardship of natural resources. For example, some in my home state believe that among federal lands that comprise the Apostle Islands National Lakeshore and the Nicolet and Chequamegon National Forests there are lands that are deserving of wilderness protection. These federal properties are incredibly important, and they mean a great deal to the people of Wisconsin. Wisconsinites want to know that, should additional lands in Wisconsin be brought forward for wilderness designation, the type of protection they expect from federal law is still available to be extended because it had been properly extended to other places of national significance.

What Haslanger's Capital Times comments make clear is that while some in Congress may express concern about creating new wilderness in Utah, wilderness, as Wisconsinites know, is not created by legislation. Legislation to protect existing wilderness insures that future generations may have an experience on public lands equal to that which is available today. The action of Congress to preserve wild lands by extending the protections of the Wilderness Act of 1964 will publicly codify that expectation and promise.

Third, this legislation has earned my support, and deserves the support of others in this body, because all of the acres that will be protected under this bill are already public lands held in trust by the federal government for the people of the United States. Thus, while they are physically located in Utah, their preservation is important to the citizens of Wisconsin as it is for other Americans.

Finally, I support this bill because I believe that there will likely be action during this Congress to develop consensus legislation to protect the lands contained in this proposal. We all need to be involved in helping to forge that consensus in order to ensure the best stewardship of that land. As many in this body know, the BLM has completed a review of the lands designated in the bill sponsored in the last Congress by the Senator from Illinois (Mr. DURBIN) and adjacent areas. BLM has found that 5.8 million acres of lands, slightly more than the acreage of the old bill, meet the criteria for wilder-

ness protection under the Wilderness Act. While the re-inventory is not a formal recommendation to Congress for wilderness designation, it suggests that there are and should be more lands in play as the debate over wilderness protection in Utah moves forward.

I am also watching closely the ongoing dialogue between Governor Leavitt and Secretary Babbitt regarding possible wilderness protection for some of the West Desert lands that are contained in this legislation, and the formal Section 202 process in which the BLM will be engaged in Utah. I hope that the leaders of those efforts will look to this legislation as a guide in identifying the areas that need to be protected as wilderness.

I am eager to work with my colleague from Illinois (Mr. DURBIN) to protect these lands. I commend him for introducing this measure.

By Mr. LAUTENBERG (for himself and Mr. CONRAD):

S. 862. A bill to protect Social Security surpluses and reserve a portion of non-Social Security surpluses to strengthen and protect Medicare; to the Committee on the Budget and the Committee on Government Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

#### SOCIAL SECURITY AND MEDICARE LOCK BOX ACT

Mr. LAUTENBERG. Mr. President, today, along with Senator CONRAD, I am introducing legislation, the Social Security and Medicare Lock Box Act, to reserve budget surpluses for both Social Security and Medicare.

Mr. President, this bill is an alternative to the Abraham-Domenici-Ashcroft lock box legislation now before the Senate. There are several differences between the two versions. But I want to highlight this, most importantly: the Republican proposal claims to protect Social Security, but it doesn't even pretend to protect Medicare. This bill would reserve surpluses for both Social Security and Medicare. And the main question for the Senate is whether we care enough about Medicare to provide it with a real lock box.

Mr. President, as I explained earlier, the Republican lock box has three major flaws.

First, it fails to protect Social Security, and actually threatens benefits.

Second, it reserves nothing for Medicare.

And, third, it could result in a government default, which could trigger a world-wide economic catastrophe.

Our plan corrects each of these problems in a responsible way that will work. It provides an ironclad guarantee that 100 percent of the Social Security surplus will be saved for Social Security. It reserves 40 percent of the non-Social Security, on-budget surplus for Medicare. And, the lock box is enforced not by a risky new limit on public debt, but though the same budget pro-

cedures that produced the first budget surplus in 30 years.

With respect to Social Security, Mr. President, our lock box would create a new point of order against a budget resolution that spends the Social Security surplus. This provision is also in the Republican amendment. But our point of order requires a supermajority to waive while theirs can be waived by a simple majority vote.

The Republican amendment also contains a trap door that would allow Social Security contributions to be diverted for purposes other than Social Security benefits, such as risky new privatization schemes. Our proposal includes no such trap door. To the contrary, its enforcement procedures would remain in effect until legislation is enacted certifying that Social Security's life has been extended for the long-term.

In addition to protecting Social Security, Mr. President, our lock box extends similar protections to the Medicare program. The proposal creates supermajority points of order against a budget resolution or any subsequent legislation that fails to reserve roughly 40 percent of the on-budget surplus for Medicare over the next 15 years.

Mr. President, the Medicare Trust Fund is now expected to be bankrupt by 2015. We should move quickly to reform and modernize the program. But it's also clear that we'll need additional resources when the baby boom generation starts to retire. Even with reforms that substantially reduce costs, the revenues coming to the Medicare Trust Fund will not support this larger number of beneficiaries. Nor will they provide the resources needed to modernize the program or provide a prescription drug benefit.

In case anyone has any doubt about that, consider the so-called Breaux-Thomas plan that was considered by the bipartisan Medicare Commission.

By their own calculation, that plan would save \$100 billion over ten years and extends the Trust Fund for only 3 additional years. In the scheme of things, that's not very long. But even this meager extension of the Trust Fund relies on several controversial proposals, including raising the age of eligibility for Medicare, establishing unlimited home health copayments, and completely eliminating the Direct Medicare Education program from Medicare.

The bottom line, Mr. President, is that we need more resources for Medicare. And our amendment would give us an opportunity to provide them.

Under our proposal, in the short term, the Medicare reserve would be used to reduce the debt. Over the next ten years, our proposal would reduce debt held by the public by \$30 billion more than the Republican plan. By reducing debt held by the public, our lockbox would dramatically reduce the government's interest costs. And that would free up resources to allow the government to meet its existing commitments to Medicare. By contrast,

under the Republican plan, every penny of the non-Social Security surplus is consumed. That would increase interest costs and almost guarantee further cuts in benefits in the future.

Mr. President, not only does our lockbox do more to protect Medicare and reduce debt, it also has a stronger lock and more responsible enforcement procedure for both Social Security and Medicare.

As I've explained, Mr. President, the Republican amendment includes a reckless new scheme that relies on the threat of a default to enforce its provisions. That not only could permanently damage our credit standing, it could force the government to stop issuing Social Security checks.

We have a better idea, Mr. President. As I said earlier, we have a 60-vote point of order against including Social Security in the budget totals, as well as a 60-vote point of order against using any of the Medicare reserve. Then, even if Congress tries to spend that money, our lockbox blocks it through automatic across-the-board cuts, rather than creating a crisis.

Mr. President, this is the best way to ensure fiscal restraint. Not by causing a crisis after money has already been committed. But by using the tools of the budget process to block those commitments in the first place. That's why our legislation would enforce the lockbox through the tried and true mechanisms of the pay-go rules and across-the-board cuts.

If Congress attempts to spend part of the Social Security surplus or Medicare reserve, the sequester rules of the Balanced Budget Act would make automatic spending cuts in order to keep the reserve intact. This is far better than triggering a debt crisis, and threatening a government default, as the Republican amendment proposes.

To sum up, Mr. President, the Republican amendment claims to protect Social Security, but it really threatens Social Security benefits. Ours is a real lockbox that protects both Social Security and Medicare. It's a more responsible alternative that avoids the risk of default. And it would reduce debt by more than the underlying amendment.

I hope my colleagues will support it and I ask unanimous consent that a copy of the bill, along with certain related materials, be printed in the RECORD.

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

S. 862

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security and Medicare Lock Box Act".

#### SEC. 2. DEFINITIONS.

Section 3 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(11) The term 'Medicare surplus reserve' means the surplus amounts reserved to

strengthen and preserve the Medicare program as calculated in accordance with section 316.".

#### SEC. 3. PROTECTION BY CONGRESS

Congress reaffirms its support for the provisions of section 13301 of the Omnibus Budget Reconciliation Act of 1990 that provides that the receipts and disbursements of the Social Security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

#### SEC. 4. SOCIAL SECURITY OFF-BUDGET POINT OF ORDER.

Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) SOCIAL SECURITY OFF-BUDGET POINT OF ORDER.—It shall not be in order in the House or the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that violates section 13301 of the Budget Enforcement Act of 1990.".

#### SEC. 5. MEDICARE SURPLUS RESERVE POINT OF ORDER.

Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(k) MEDICARE SURPLUS RESERVE POINT OF ORDER.—It shall not be in order in the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the surplus in any of the fiscal years covered by the concurrent resolution below the levels of the Medicare surplus reserve for those fiscal years calculated in accordance with section 316.".

#### SEC. 6. ENFORCEMENT OF MEDICARE SURPLUS RESERVE.

Section 311(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(4) ENFORCEMENT OF THE MEDICARE SURPLUS RESERVE.—After a concurrent resolution on the budget has been agreed to, it shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a decrease in the Medicare surplus reserve in any of the fiscal years covered by the concurrent resolution. This paragraph shall not apply to a provision that appropriates new subsidies from the general fund to the Medicare Hospital Insurance Trust Fund.".

#### SEC. 7. SUPERMAJORITY.

Subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 are amended by inserting after "301(i)," the following: "301(j), 301(k), 311(a)(4),".

#### SEC. 8. MEDICARE SURPLUS RESERVE.

Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following:

##### "MEDICARE SURPLUS RESERVE

"SEC. 316. (a) IN GENERAL.—Subject to adjustment pursuant to subsection (b), the amounts reserved for the Medicare surplus reserve in each year are—

- "(1) for fiscal year 2000, \$0;
- "(2) for fiscal year 2001, \$3,000,000,000;
- "(3) for fiscal year 2002, \$26,000,000,000;
- "(4) for fiscal year 2003, \$15,000,000,000;
- "(5) for fiscal year 2004, \$21,000,000,000;
- "(6) for fiscal year 2005, \$35,000,000,000;
- "(7) for fiscal year 2006, \$63,000,000,000;
- "(8) for fiscal year 2007, \$68,000,000,000;
- "(9) for fiscal year 2008, \$72,000,000,000;
- "(10) for fiscal year 2009, \$73,000,000,000;
- "(11) for fiscal year 2010, \$70,000,000,000;
- "(12) for fiscal year 2011, \$73,000,000,000;
- "(13) for fiscal year 2012, \$70,000,000,000;
- "(14) for fiscal year 2013, \$66,000,000,000; and

"(15) for fiscal year 2014, \$52,000,000,000.

"(b) ADJUSTMENT.—

"(1) IN GENERAL.—The amounts in subsection (a) for each fiscal year shall be adjusted in the budget resolution each fiscal year through 2014 by a fixed percentage equal to the adjustment required to those amounts sufficient to extend the solvency of the Federal Hospital Insurance Trust Fund through fiscal year 2027.

"(2) LIMIT BASED ON TOTAL SURPLUS.—The Medicare surplus reserve, as adjusted by paragraph (1), shall not exceed the total baseline surplus in any fiscal year.".

#### SEC. 9. PAY-AS-YOU-GO AND DISCRETIONARY CAP EXTENSION.

(a) IN GENERAL.—Notwithstanding any other provision of law, sections 251 and 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 and section 202 of H. Con. Res. 67 (104th Congress) shall be enforced until Congress enacts legislation that—

(1) ensures the long-term fiscal solvency of the Social Security trust funds and extends the solvency of the Medicare trust fund through fiscal year 2027; and

(2) includes a certification in that legislation that the legislation complies with paragraph (1).

(b) DISCRETIONARY CAP EXTENSION.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after paragraph (7) the following:

"(8) for each fiscal year after 2002, the current services baseline based on the discretionary spending limit for fiscal year 2002;".

#### SEC. 10. ADJUSTMENT OF BUDGET LEVELS AND REPEAL.

(a) ADJUSTMENTS.—Upon the enactment of this Act, the Chairmen of the Committees on the Budget shall file with their Houses appropriately revised budget aggregates, allocations, and levels (including reconciliation levels) under the Congressional Budget Act of 1974 to carry out this Act.

(b) REPEAL.—Section 207 of H. Con. Res. 68 (106th Congress) is repealed.

#### TWO LOCK BOX PROPOSALS

##### REPUBLICAN LOCK BOX

The Republican lock box purports to protect Social Security surpluses by establishing new limits on debt held by the public. The proposal creates a new super majority point of order against legislation that would increase the limits on public debt. The limits are set at levels that would allow all non-Social Security surpluses to be used for tax cuts or spending.

The GOP lock box has three major problems:

(1) *It does nothing to protect Medicare.* Instead, it allows Congress to use funds needed for Medicare to provide tax cuts.

(2) *It threatens Social Security.* If the economy slows, the government could be unable to issue Social Security or other benefit checks. Also, the GOP amendment includes a provision that would allow Social Security surpluses to be used for purposes other than Social Security benefits, if labeled as "Social Security reform."

(3) *It threatens default.* Secretary Rubin is concerned that the proposal could permanently damage our credit standing. The risk of default would increase interest costs for American taxpayers.

In November 1995, a debt crisis was precipitated when Government borrowing reached the debt limit and in January Moody's credit rating service placed Treasury securities on review for possible downgrade.

The proposal could trigger an actual default based on factors beyond Congress's control. Although the GOP proposal adjusts the debt ceiling for discrepancies between the actual and projected Social Security surpluses, it does not make similar corrections for unanticipated developments on the non-Social Security side of the budget. This means that an

economic slowdown, a reduction in anticipated revenues, or an unexpected increase in mandatory spending could cause publicly held debt to exceed the new limits and create a debt crisis.

#### DEMOCRATIC LOCK BOX

The Democratic Lock Box creates a supermajority point of order against a budget resolution or any legislation that does not save at least 40 percent of the on-budget surplus for Medicare over the next 15 years and adds a new supermajority point of order against a budget resolution that violates the off-budget treatment of Social Security. (The budget act already contains supermajority points of order against a budget resolution or any legislation that reduces the Social Security surplus.)

The Democratic Lock Box has several advantages over the Republican approach.

(1) *It protects Social Security.* The language reserves all Social Security surpluses for Social Security, and does not allow these surpluses to be used for anything that does not increase the Solvency of the Social Security program.

(2) *It protects Medicare.* The Democratic bill reserves 40 percent of the on-budget surplus for Medicare; allows sufficient funding to extend the life of the Medicare HI Trust Fund through at least 2027.

(3) *It relies on responsible enforcement mechanisms.* The Democratic approach does not establish binding limits on publicly held debt and does not create a risk of default. Enforcement is through current budget procedures and across-the-board cuts. The Lock Box also restores the current pay-as-you-go point of order, which makes certain that no on-budget surplus can be used. Without a change in law, the Republican tax cuts will result in a pay-as-you-go sequester, which will come largely from Medicare.

(4) *It reduces more debt.* The Democratic Lock Box reduces more debt than the Republican proposal, which will lower future interest costs and free up government resources to meet its existing Social Security and Medicare obligations.

#### COMPARISON OF DEMOCRATIC AND REPUBLICAN LOCK BOX PROPOSALS

Democratic	Republican
Reserves 77 percent of unified surplus for Social Security and Medicare.	Claims to reserve 62 percent of unified surplus for Social Security but includes "trap door" loophole.
Prevents Social Security surplus from being used for other purposes.	Allows Social Security surplus to be used for anything labeled "Social Security reform" including tax cuts.
Reserves 40 percent of on-budget surplus for Medicare; allows solvency through 2027.	Reserves nothing for Medicare.
Enforcement through existing budget rules and across-the-board cuts; procedures that created the first budget surplus since 1969.	Enforcement through debt crisis; putting United States creditworthiness at risk and jeopardizing Social Security benefits.
Requires 60 votes to violate off-budget treatment of Social Security or for using Medicare reserve.	Requires 60 votes to violate off-budget treatment of Social Security; reserves nothing for Medicare.
Reduces debt held by the public to \$1.6 trillion in 2009, \$300 billion below the Republicans.	Reduces debt held by the public to \$1.9 trillion in 2009.

#### SOCIAL SECURITY AND MEDICARE LOCK BOX ACT

The "Social Security and Medicare Lock Box Act" creates new budget points of order and budget enforcement mechanisms that would preclude any portion of the Social Security surplus or any portion of the surplus reserved for Medicare from being used for new spending or tax cuts. Over the next 15 years, the lockbox would save 77 percent of the total unified surplus. The Medicare reserve would save 15 percent of the unified surplus and 40 percent of the on-budget surplus over the next 15 years.

SECTION 1: SHORT TITLE  
Titles the bill the "Social Security and Medicare Lock Box Act."

#### SECTION 2. DEFINITIONS

Amends section 3 of the Congressional Budget Act of 1974 by adding a definition of the term "Medicare surplus reserve." The Medicare surplus reserve refers to surplus amounts reserved to strengthen and extend the Medicare program.

#### SECTION 3: PROTECTION OF SOCIAL SECURITY TRUST FUNDS

Section 3 reaffirms Congress's support for the off-budget treatment of Social Security (section 13301 of the Omnibus Budget Reconciliation Act of 1990).

#### SECTION 4: SOCIAL SECURITY OFF-BUDGET POINT OF ORDER

Section 4 creates a supermajority point of order in the House and Senate against a budget resolution that violates the off-budget treatment of Social Security (section 13301 of the Omnibus Budget Reconciliation Act of 1990).

#### SECTION 5: MEDICARE SURPLUS RESERVE POINT OF ORDER

Section 5 creates a supermajority point of order in the House and Senate against a concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the surplus in any of the fiscal years covered by the budget resolution below the level of the Medicare surplus reserve.

#### SECTION 6: ENFORCEMENT OF MEDICARE SURPLUS RESERVE

Section 6 creates a supermajority point of order in the House and Senate against any bill, joint resolution, amendment, motion, or conference report that would decrease the Medicare surplus reserve in any of the years covered by the budget resolution.

#### SECTION 7: SUPERMAJORITY POINTS OF ORDER

Section 7 makes all new points of order created in this amendment waivable only by a three-fifths supermajority vote.

#### SECTION 8: MEDICARE SURPLUS RESERVE

Section 8 lists the amounts reserved for Medicare in each year from 2000-2014. These amounts total \$65 billion over 2000-2004; \$376 billion over the period 2000-2009, and \$707 billion for the period 2000-2014. This section also creates a procedure that requires these amounts to be adjusted annually in the budget resolution to make certain that they are sufficient to extend the solvency of the Hospital Insurance Trust Fund through 2027. The Medicare surplus reserve, however, cannot exceed the total on-budget surplus in any year so as not to deplete the Social Security surplus.

#### SECTION 9: PAY-AS-YOU-GO AND DISCRETIONARY CAP EXTENSION

Section 9 extends current budgetary discipline embodied in the discretionary spending caps, the paygo rule in the Senate, and the paygo sequestration provisions of the Budget Enforcement Act until Congress enacts legislation certifying that it has ensured the long-term fiscal solvency of Social Security and extend the solvency of Medicare through fiscal year 2027.

#### SECTION 10: ADJUSTMENT OF BUDGET LEVELS AND REPEAL

Section 10 directs the Chairmen of the Budget Committees to revise the budget resolution to make it consistent with this Act and repeals the provision of the budget resolution that weakened the paygo rule in the Senate by allowing the on-budget surplus to be used for tax cuts.

By Mr. DASCHLE (for himself, Mrs. BOXER, and Mr. DORGAN):

S. 863. A bill to amend title XIX of the Social Security Act to provide for Medicaid coverage of all certified nurse practitioners and clinical nurse specialists; to the Committee on Finance.

#### MEDICAID NURSING INCENTIVE ACT

Mr. DASCHLE. Mr. President, today I am introducing the Medicaid Nursing Incentive Act, a bill to provide direct Medicaid reimbursement for nurse practitioners and clinical nurse specialists.

This legislation eliminates a counterproductive Medicaid payment policy. Under current law, State Medicaid programs may exclude certified nurse practitioners and clinical nurse specialists from Medicaid reimbursement, even though these practitioners are fully trained to provide many of the same services as those provided by primary care physicians. This policy is both discriminatory and shortsighted; it severs a critical access link for Medicaid beneficiaries.

The ultimate goal of this proposal is to enhance the availability of cost-effective primary care to our nation's most vulnerable citizens.

Studies have documented the fact that millions of Americans each year go without the health care services they need, because physicians simply are not available to care for them. This problem plagues rural and urban areas alike, in parts of the country as diverse as south central Los Angeles and Lemmon, South Dakota.

Medicaid beneficiaries are particularly vulnerable, since in recent years an increasing number of health professionals have chosen not to care for them or have been unwilling to locate in the inner-city and rural communities where many beneficiaries live. Fortunately, there is an exception to the trend: nurse practitioners and clinical nurse specialists frequently accept patients whom others will not treat and serve in areas where others refuse to work.

Studies have shown that nurse practitioners and clinical nurse specialists provide quality, cost-effective care. Their advanced clinical training enables them to assume responsibility for up to 80 percent of the primary care services usually performed by physicians, often at a lower cost and with a high level of patient satisfaction.

Congress has already recognized the expanding contributions of nurse practitioners and clinical nurse specialists. For more than a decade, CHAMPUS has provided direct payment to nurse practitioners. In 1990, Congress mandated direct payment for nurse practitioner services under the Federal Employee Health Benefits Plan. The Medicare program, which already covered nurse practitioners and clinical nurse specialist services in rural areas, was modified under the Balanced Budget Act of 1997 to provide coverage for these services in all geographic areas. The bill I am introducing today establishes the same payment policy under Medicaid.

Mr. President, the ramifications of this issue extend beyond the Medicaid program and its beneficiaries. There is a broader lesson here that applies to our effort to make cost-effective, high-quality health care services available and accessible to all Americans.

One of the cornerstones of this kind of care is the expansion of primary and preventive care, delivered to individuals in convenient, familiar places where they live, work, and go to school. More than 2 million of our nation's nurses currently provide care in these sites—in home health agencies, nursing homes, ambulatory care clinics, and schools. In places like South Dakota, nurses are often the only health care professionals available in the small towns and rural counties across the state.

These nurses and other nonphysician health professionals play an important role in the delivery of care. And this role will only increase as we move from a system that focuses on the costly treatment of illness to one that emphasizes primary preventive care and health promotion.

But, first, we must reevaluate outdated attitudes and break down barriers that prevent nurses from using the full range of their training and skills in caring for patients. In 1994, the Pew Health Professions Commission concluded that nurse practitioners are not being fully utilized to deliver primary care services. The commission recommended eliminating fiscal discrimination by paying nurse practitioners directly for the services they provide. This step will help nurse practitioners and clinical nurse specialists expand access to the primary care that so many communities currently lack.

As I have worked on access and reimbursement issues related to nurse practitioners and clinical nurse specialists, I have encountered two related issues I would also like to highlight.

Later this month, I plan to introduce legislation to increase the reimbursement rate for nurse practitioners and clinical nurse specialists who practice in rural and underserved areas. Currently, physicians who serve in a health professional shortage area receive a 10 percent boost in their Medicare payment as an incentive to provide services in the regions that need them the most. As we know, nurses are already providing critical primary and preventive care in these areas and deserve the bonus payments that physicians are already receiving.

I would also encourage my colleagues to closely monitor the impact of Medicaid managed care on access to care provided by nurse practitioners and clinical nurse specialists. In some areas of the country, implementation of managed care has prevented patients from continuing to receive health care services from nurse practitioners and clinical nurse specialists because they are not listed as primary care providers or preferred providers. Advanced practice nurses provide cost-effective,

local, quality care, and I am concerned about early reports that access to these professionals is being limited by new health delivery arrangements. We should certainly keep an eye on this issue as Medicaid managed care systems develop.

Mr. President, I hope my colleagues will carefully consider the issues I have raised and support the measure I am introducing today, recognizing the critical role nurse practitioners and other nonphysician health professionals play in our health care delivery system, as well as the increasingly significant contribution they can make in the future. I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 863

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Medicaid Nursing Incentive Act of 1999".

**SEC. 2. MEDICAID COVERAGE OF ALL CERTIFIED NURSE PRACTITIONER AND CLINICAL NURSE SPECIALIST SERVICES.**

(a) IN GENERAL.—Section 1905(a)(21) of the Social Security Act (42 U.S.C. 1396d(a)(21)) is amended to read as follows:

"(21) services furnished by a certified nurse practitioner (as defined by the Secretary) or clinical nurse specialist (as defined in subsection (v)) which the certified nurse practitioner or clinical nurse specialist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law), whether or not the certified nurse practitioner or clinical nurse specialist is under the supervision of, or associated with, a physician or other health care provider";.

(b) CLINICAL NURSE SPECIALIST DEFINED.—Section 1905 of such Act (42 U.S.C. 1396d) is amended by adding at the end the following:

"(v) The term 'clinical nurse specialist' means an individual who—

"(1) is a registered nurse and is licensed to practice nursing in the State in which the clinical nurse specialist services are performed; and

"(2) holds a master's degree in a defined area of clinical nursing from an accredited educational institution.".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective with respect to payments for calendar quarters beginning on or after January 1, 2000.

By Mr. BINGAMAN (for himself and Mr. CHAFEE):

S. 864. A bill to designate April 22 as Earth Day; to the Committee on the Judiciary.

**EARTH DAY ACT**

Mr. BINGAMAN. Mr. President, this bill that I have sent to the desk is being introduced on behalf of myself and Senator CHAFEE. It is entitled "The Earth Day Act." Its purpose is to designate April 22 as Earth Day.

Today, of course, is April 22. Let me provide a little history for my colleagues or anyone listening.

The first Earth Day was 29 years ago, in 1970, and I think we are all aware that Earth Day was first conceived by

our former colleague, Senator Gaylord Nelson, who is universally considered the founder of Earth Day.

He has written a short summary of what brought Earth Day about, how it came about. In it he points out that in a speech that he gave in Seattle in September of 1969, he announced that there would be a national environmental teach-in in the spring of 1970. And the wire services picked up that story. And the next thing he knew, there was a movement afoot to actually have that happen.

That first Earth Day involved some 20 million Americans. Since then, the concept and the idea of Earth Day has focused the attention of the country, focused the attention of the world, in fact, on the importance of our environment and the importance of preserving and maintaining our environment. We have a great debt of gratitude we owe to former Senator Nelson for his leadership on this.

We also owe a great debt of gratitude to the person that did the nuts and bolts work of organizing that first Earth Day, and that, of course is Denis Hayes. He is now president of the Seattle-based Bullitt Foundation, but he has been recognized recently by Time magazine as one of their heroes of the planet. I think his instrumental role, his essential role in bringing about that first Earth Day, making such a success of it, has been recognized by all.

He is now, of course, trying to get in place the organization to make Earth Day 2000, which will occur exactly a year from today, an even greater celebration than we have known before.

Mr. President, I firmly believe that it is appropriate that we officially designate April 22 as Earth Day and that we permanently designate it as Earth Day. It has come to be known as Earth Day—April 22—for all of us. There are celebrations and teach-ins, and recognitions going on throughout our country today. As we hear the news about Kosovo, which is bad, and the news about Littleton, Colorado, and the terrible tragedy there, which is bad, and many of the other news stories that bombard us, it is good to know that there is one news story that we can all celebrate and rally around, and that is that today, again, we will be able to celebrate Earth Day.

Mr. President, it is my sincere hope that Senator CHAFEE and I can work in the next year to gain additional cosponsors and to obtain enactment of this, so that by the time Earth Day 2000 arrives, we will be able to have this in law, have it signed by the President. I am sure it will be supported by all of our colleagues. I think we all recognize the importance of this to many of the people we represent. I hope very much that the bill can be enacted.

By Mr. BIDEN:

S. 865. A bill to amend the Internal Revenue Code of 1986 to provide the same tax treatment for danger pay allowance as for combat pay; to the Committee on Finance.

## DIPLOMATIC DANGER PAY

Mr. BIDEN. Mr. President, today I want to right a wrong—a small wrong, but a wrong nevertheless. It affects a handful of our diplomats who serve in the world's most dangerous places: Beirut, Bosnia, Kosovo, the unsettled nations of Africa and the former Soviet Union and elsewhere. And unfortunately, as the events of recent weeks prove, the need for Americans—soldiers and diplomats alike—to go in harm's way, is unlikely to abate.

Our diplomats, colleagues of those killed last summer in the tragic embassy bombings in Africa, receive an allowance for their service in the most frightening places in the world—a danger allowance.

This allowance is not unlike that paid to our military when they are in combat. In fact, in some places, such as Bosnia, where our military and diplomatic personnel serve side by side, both receive a special allowance for their sacrifices.

The military justifiably receives this benefit tax-free. But our diplomatic personnel do not. Through an oversight in the Internal Revenue Code, diplomats are taxed on their danger pay, even though they often face similar hardships and dangers. I think that's wrong.

I have a bill which would amend the Internal Revenue Code to right this wrong. It affects just a handful of people. But to them it will serve as recognition of the sacrifice they make when they represent the American people in dangerous settings overseas. I urge its quick passage.

I ask unanimous consent that the text of the bill appear in the RECORD.

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

S. 865

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

**SECTION 1. TREATMENT OF DANGER PAY ALLOWANCE.**

(a) IN GENERAL.—Subchapter C of chapter 80 of the Internal Revenue Code of 1986 (relating to provisions affecting more than one subtitle) is amended by adding at the end the following:

**“SEC. 7874. TREATMENT OF DANGER PAY ALLOWANCE.**

“(a) GENERAL RULE.—For purposes of the following provisions, a danger pay allowance area shall be treated in the same manner as if it were a combat zone (as determined under section 112):

“(1) Section 2(a)(3) (relating to special rule where deceased spouse was in missing status).

“(2) Section 112 (relating to the exclusion of certain combat pay of members of the Armed Forces).

“(3) Section 692 (relating to income taxes of members of Armed Forces on death).

“(4) Section 2201 (relating to members of the Armed Forces dying in combat zone or by reason of combat-zone-incurred wounds, etc.).

“(5) Section 3401(a)(1) (defining wages relating to combat pay for members of the Armed Forces).

“(6) Section 4253(d) (relating to the taxation of phone service originating from a

combat zone from members of the Armed Forces).

“(7) Section 6013(f)(1) (relating to joint return where individual is in missing status).

“(8) Section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone).

“(b) DANGER PAY ALLOWANCE AREA.—For purposes of this section, the term ‘danger pay allowance area’ means any area in which an individual receives a danger pay allowance under section 5928 of title 5, United States Code, for services performed in such area.”

(b) CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 80 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“Sec. 7874. Treatment of danger pay allowance.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to remuneration paid in taxable years ending after the date of the enactment of this Act.

Mr. THURMOND. Mr. President, among the worst situations facing spouses, children, and families of members of the United States Armed Forces, is to be greeted by an official party, wearing their dress blue uniforms, announcing the grim news that their loved one has been killed or declared missing.

On Sunday, September 14, 1997 nine families endured such an experience as the United States Air Force declared one of its C-141 Starlifter cargo planes, en route from Namibia to Ascension Island, was overdue and presumed to have gone down in the Atlantic Ocean. At the same time, a German military plane was also declared missing in the same area, amid indications that the two planes had collided and crashed into the Atlantic.

An extensive search was begun, during which only a few airplane seats, a few papers, some debris from the U.S. cargo plane, remnants of the German aircraft, and the body of one victim were recovered. No other remains were recovered, and no survivors were located. On Saturday, September 27, 1997 the search for the crewmen of the Air Force jet ended and all were declared dead.

Mr. President, an investigation confirmed everyone's worst fears. In fact, on that fateful day—September 13, 1997—a German Luftwaffe Tupelov TU-154M collided with a U.S. Air Force C-141 Starlifter off the coast of Namibia, Africa. As a result of that mid-air collision nine United States Air Force Service members were killed. These are the rank, name, age, assignment, and hometowns of those killed: Staff Sergeant Stacy D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrns Road, Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. Roberts, 27, flight engineer, Library, Pennsyl-

vania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania.

At McGuire Air Force Base, New Jersey, families and members of the crewmen's squadron from the 305th Operation Group were trying to make sense of what happened. Monica Cindrich, wife of the pilot, had to explain to her 3 year-old son why his father would not be returning. On the day following the crash, Sharla Bucknam went alone to her son Andrew's third birthday party. Any Smart held out hope that her fiancé, Captain Ramsey, would return for their wedding, planned for the following May. And Justin Drager's father, Larry, a retired Air Force Master Sergeant prayed for a miracle. It was his son's very first mission since the Air Force certified him as a loadmaster on the giant cargo plane that would take the 19-year-old from Colorado Springs to the faraway places he joined the military to see.

At a memorial service at McGuire Air Force Base, the nine crew members were honored as heroes who gave their lives for a humanitarian mission. The plane was returning home to McGuire after delivering troops and 32,000 pounds of mine-clearing equipment to Namibia. As the chaplain called the names of each crew member in a final roll call, a squadron member answered “Absent, sir.” The crowd of more than 3,000 stood solemnly as a lone bugler played taps and three C-141s flew over in formation.

Formal investigations by both the government of Germany and the United States Air Force found that the German military plane was flying at the wrong altitude. The two planes, occupying the same air space, at the same altitude, closed on each other at a combined speed of over 1,000 miles per hour. The two planes hit almost nose to nose.

The German crew saw the U.S. plane about a second before impact and struggled for two-and-a-half minutes to regain control of the TU-154 as it crashed into the Atlantic.

The German military transport was carrying 12 German marines, two of their spouses and 10 crew members. Unfortunately, there were no survivors. The German Air Force plane was en route from Germany to Cape Town, South Africa, where the marines were to have participated in a boat race marking the 75th anniversary of the South African Navy.

The details concerning the crash are unsettling and I doubt anyone would want to die in the manner that the crew of “MISSION REACH 4201” did. While the German crew had about a one-and-one-half second warning that they were going to collide with another aircraft, the crew aboard the C-141 literally did not know what hit them.

The cockpit voice recorder aboard the American aircraft chillingly captures the conversations of the “MISSION REACH 4201” crew as fate cruelly

steers the two military transports toward a deadly collision. Reviewing the transcript shows that Captains Greg Cindrich and Peter Vallejo—the two pilots of the Starlifter—had no inclination that a collision was imminent until it was too late. The two officers were discussing topics such as Social Security and the exploration of Mars.

The tape indicates that the crew survived for at least 13 seconds following the impact with the German transport. In those 13 seconds, the C-141 and crew of "MISSION REACH 4201" began hurtling toward the Atlantic Ocean. They spent the last 13 seconds of the flight, of their lives, strapping on oxygen masks and looking for flashlights to cope with a failed electrical system. Aviation experts have determined that it is possible that the nine doomed men may have actually survived for as long as 30-seconds before the C-141 exploded. For thirteen to 30 seconds, these men fought to survive, fought to right their plane, fought for their very lives. If thirteen to 30 seconds sounds like a short amount of time, I challenge anyone to try holding their hand over a burning match for that amount of time, let alone spend that amount of time aboard a multi-ton aircraft as it plummets toward the ocean. These men were able to contemplate for thirteen to 30 seconds that their aircraft was damaged and diving toward the ocean from an altitude of 35,000 feet. That was thirteen to 30 seconds that these men could have been thinking that no C-141 had successfully survived a crash landing in water. It was thirteen to 30 seconds for these men to realize that they were about to die.

Somewhere between thirteen and thirty seconds after the collision, the C-141 of "Mission Reach 4201" exploded and what did not vaporize became debris that was spread on the surface of the ocean, or sunk to its cold and murky depths. Needless to say, rescuers and salvage operators never recovered much of the American aircraft or crew. The Air Force ultimately found a few parts of the airplanes and 15 pounds of human remains of such minute quantities that DNA testing had to be conducted to determine who was who. As a point of comparison, a bag of cement is approximately 20 pounds. You could have put the entire remains of nine adult men in a bag that is used to hold cement and have room left over. There were not enough remains left of any one of the crew members to afford their families the comfort of laying their sons, fathers, brothers, and husbands to rest. Instead, only mementos were placed in caskets and buried.

Accident investigations conducted by the United States Air Force and the German Ministry of Defense both concluded that fault for the collision and deaths lay with the German crew, who not only filed an inaccurate flight plan, but were flying at the wrong altitude. The crew of the C-141 were operating appropriately, and were exactly where

they were supposed to be when they met their untimely deaths. These nine men died through no fault or negligence of their own, the United States Air Force, or the government of the United States.

The families of each of the nine victims have endured not only tremendous mental anguish and suffering, but significant financial losses, and understandably, they are seeking compensation from the German government. Sadly, despite the fact that this crash took place almost two-years-ago, the German government has still to make the first pfenning of compensation to any of the victims' families.

I rise today to offer a Sense of the Senate resolution that calls upon the German government to make quick and generous compensation to these families. Just as this Body agreed by unanimous consent on March 23, to authorize the Secretary of Defense to make humanitarian relief payments of up to \$2 million to each of the families killed in Cavalese, Italy when a Marine Corps jet struck a ski gondola, we should go on the record as expecting equitably fair and expeditious relief for the families of our servicemen killed through the negligence of the German government.

It gives me no pleasure to offer this resolution. The German government and people are unquestionably among the closest of allies and the best of friends. We stood side-by-side during the Cold War, facing down the Eastern threat; we are working side-by-side in the Balkans now; our economies are linked; and we value the strong relationship between our two nations. Nevertheless, the Federal Republic of Germany has an undeniable responsibility to make quick and generous compensation to the nine families who lost loved ones aboard "MISSION REACH 4201" and I have pledged to Monica Cindrich, the widow of Captain Gregory Cindrich and the mother of their four-year-old son, that I will do all within my power to bring not only compensation to her, but closure to this tragedy. Passing this sense of the Senate resolution will help do just that.

Each of us gets into public service because we desire to help people, to do what is right, and to fight for fairness. This Sense of the Senate resolution allows us to achieve each of those goals. By securing compensation for the deaths of the nine men killed, we will unquestionably be helping their families; we will be making a stand for what is right by making a stand for our military families; and finally, we will be fighting for fairness. Just as our government has recognized our responsibility in the case of the Italian ski gondola incident, it is only fair that the German government recognize their responsibility and obligation in this matter.

It is my hope that this resolution will pass with the support of an overwhelming majority of Senators. By voting for this provision, each of you

will not only be sending an unmistakable message to the German government, but perhaps even more importantly, you will be signaling to our men and women in uniform that their elected officials will always stand by them.

By Mr. CONRAD (for himself, Mr. CRAIG, and Mr. DORGAN):

S. 866. A bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the Medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements; to the Committee on Finance.

#### ANESTHESIA SERVICE PRESERVATION ACT

Mr. CONRAD. Mr. President, I rise today to introduce legislation which would help clarify an issue that relates to Medicare coverage for anesthesia services and its impact on rural health care.

As a senator representing a predominantly rural state, I know only too well the difficulties facing rural health care needs. Access to care in rural areas is slowly worsening as more and more rural hospitals close their doors in the face of overwhelming cost pressures. Clearly, one aspect of access to care is access to surgical procedures. And without anesthesia services, general surgery becomes impossible.

Certified registered nurse anesthetists (CRNAs) tend to be the predominant anesthesia provider in rural and underserved urban areas. In fact, CRNAs are the sole anesthesia provider in 65% of rural hospitals and in addition, provide at least 65% of the nation's anesthesia needs. The simple fact is that anesthesiologists have not been moving into rural areas in any significant numbers, and are not expected to do so in the foreseeable future. Given this trend, if rural hospitals are going to stay open, they desperately need CRNAs for their anesthesia and ultimately their surgical needs. That means we have to maintain a healthy supply of CRNAs to maintain access to care for rural Medicare beneficiaries.

Unfortunately, current Medicare rules with respect to supervision provide a disincentive for hospitals to use nurse anesthetists. Medicare's regulations require physician supervision of CRNAs as a condition for hospitals or ambulatory surgical centers to receive Medicare reimbursement, despite many state laws that allow nurse anesthetists to practice without such supervision. Although HCFA has issued a proposed rule that would drop this requirement and defer to states on the issue of supervision, this rule has never been finalized.

The federal supervision requirement creates several problems for CRNAs. First, some surgeons and hospitals have been dissuaded from working with

CRNAs, in the face of arguments that the physicians may be subjecting themselves to liability for engaging in supervision. But the truth is, the attending physician—or the hospital—is no more legally liable for the CRNAs actions than he or she is for the acts of an anesthesiologist. Second, the federal restriction is anti-competitive, acting as a disincentive for CRNAs to be used. Finally, the restriction creates an inaccurate perception among some surgeons that they have an obligation to direct or control the substantive course of the anesthetic process, even though there is no such obligation.

The legislation I am introducing today would eliminate the Federal supervision requirement and instead direct Medicare to defer to state law requirements on supervision. By eliminating this prescriptive federal regulation, we can better maximize the use of nurse anesthetists and eliminate the confusion surrounding CRNA supervision. At a time when the Congress is seeking ways to reduce costs for the Medicare program without sacrificing quality or access to care, increasing the use of nurse anesthetists seems particularly appropriate.

In terms of quality of care, there are no significant differences between anesthesia provided by CRNAs or that provided by anesthesiologists. Notwithstanding the claims of anesthesiologists, it is clear from a careful reading of the studies that there are no quantifiable differences in outcomes when CRNAs work with anesthesiologists, or when anesthesiologists provide anesthesia alone. CRNAs have been providing anesthesia services for more than a century. They have been the principal anesthesia providers in combat areas in every war the United States has been engaged in since World War I. CRNAs have received medals and accolades for their dedication, commitment and competence. And CRNAs perform the same anesthesia delivery function as anesthesiologists and work in every setting in which anesthesia is delivered: traditional hospital suites, obstetrical delivery rooms, dentist's offices, HMO's ambulatory surgical centers, Veterans Administration facilities and others.

Mr. President, the Federal Government is deferring to state judgment on a whole host of issues, so it seems completely consistent to let states decide how best to use nurse anesthetists, particularly in light of CRNA's long track record of success. States, which have the primary responsibility for regulating nurse practice, have generally not seen any need for a physician supervision requirement in non-Medicare settings. Twenty-nine states do not require supervision of CRNAs in nurse practice acts or board of nursing rules. This clearly indicates that many states, as a matter of public policy, do not believe it is necessary to require physician supervision of CRNAs. It is easy to understand why. Anesthesia is provided only when necessary to per-

mit some medical procedure or intervention. Thus, as a practical matter even when supervision is not required as a matter of law, a surgeon, podiatrist, or dentist will be in the room when anesthesia is provided, and would be capable of handling any emergency that might arise.

Finally, I would note that when CRNAs were given direct Medicare reimbursement in 1986, there was no statutory requirement that CRNAs be supervised by physicians in order to receive reimbursement. This was not a requirement imposed by Congress then, nor has there been one since. Had Congress believed that such a requirement was appropriate, it would have been imposed as a condition of reimbursement at that time. Moreover, HCFA routinely defers to the states on scope of practice issues as its relates to other health care professionals.

This proposed change is supported by the American Hospital Association and the National Rural Health Association. I urge my colleagues to support this legislation and let the states make their own decisions about how to regulate a health care professional's scope of practice. Rural and undeserved urban areas need CRNAs and it's time the federal government removed impediments in regulations so that consumers' access to anesthesia care, particularly in rural areas, will not be jeopardized.

By Mr. ROTH (for himself, Mr. CHAFEE, Mr. BAUCUS, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. BIDEN, Mr. LAUTENBERG, Mrs. MURRAY, Mrs. BOXER, Mr. KERRY, Mr. KENNEDY, Mr. WELLSTONE, Mr. TORRICELLI, Mr. HARKIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. FEINGOLD, Mr. KOHL, Mr. DODD, Mr. LEAHY, Mr. WYDEN, and Mr. DURBIN):

S. 867. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

ARCTIC NATIONAL REFUGE WILDERNESS ACT OF 1999

Mr. ROTH. Mr. President, in 1960 President Dwight Eisenhower had the wisdom to set aside a portion of America's Arctic for the benefit and enjoyment of future generations. His Arctic National Wildlife Refuge protected the highest peaks and glaciers of the Brooks Range, North America's two largest and most northerly alpine lakes, and nearly 200 different wildlife species, including polar bears, grizzlies, wolves, caribou, and millions of migratory birds.

Eisenhower's Secretary of Interior Fred Seaton called the new Arctic Range, "one of the most magnificent wildlife and wilderness areas in North America . . . a wilderness experience not duplicated elsewhere."

With this in mind, I reintroduce legislation today, Earth Day 1999, that designates the coastal plain of Alaska

as wilderness area. At the moment this area is a national wildlife refuge—one of our most beautiful and last frontiers. This legislation, the Arctic National Refuge Wilderness Act of 1999, would forever safeguard this great national treasure from oil exploration and development.

And I can't stress how important this is.

The Alaskan wilderness area is not only a critical part of our Earth's ecosystem—the last remaining region where the complete spectrum of arctic and subarctic ecosystems comes together—but it is a vital part of our national consciousness. It is a place we can cherish and visit for our soul's good.

The Alaskan wilderness is a place of outstanding wildlife, wilderness and recreation, a land dotted by beautiful forests, dramatic peaks and glaciers, gentle foothills and undulating tundra. It is untamed—rich with caribou, polar bear, grizzly, wolves, musk oxen, Dall sheep, moose, and hundreds of thousands of birds—snow geese, tundra swans, black brant, and more. Birds from the Arctic Refuge fly to or through every state in the continental U.S. In all, Mr. President, about 165 species use the coastal plain.

It is an area of intense wildlife activity. Animals give birth, nurse and feed their young, and set about the critical business of fueling up for winters of unspeakable severity.

The fact is Mr. President, there are parts of this Earth where it is good that man can come only as a visitor. These are the pristine lands that belong to all of us. And perhaps most importantly, these are the lands that belong to our future.

Considering the many reasons why this bill is so important, I came across the words of the great Western writer, Wallace Stegner. Referring to the land we are trying to protect with this legislation, he wrote that it is 'the most splendid part of the American habitat; it is also the most fragile.' And we cannot enter 'it carrying habits that [are] inappropriate and expectations that [are] surely excessive.'

What this bill offers—and what we need—is a brand of pragmatic environmentalism, an environmental stewardship that protects our important wilderness areas and precious resources, while carefully and judiciously weighing the short-term desires of our country against its long-term needs.

Together, we need to embrace environmental policies that are workable and pragmatic, policies based on the desire to make the world a better place for us and for future generations. I believe a strong economy, liberty, and progress are possible only when we have a healthy planet—only when resources are managed through wise stewardship—only when an environmental ethic thrives among nations—and only when people have frontiers that are untrammeled and able to host their fondest dreams.

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

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

S. 867

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

**SECTION 1. DESIGNATION OF PORTION OF ARCTIC NATIONAL WILDLIFE REFUGE AS WILDERNESS.**

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended by adding at the end the following:

“(p) DESIGNATION OF CERTAIN LAND AS WILDERNESS.—Notwithstanding any other provision of this Act, a portion of the Arctic National Wildlife Refuge in Alaska comprising approximately 1,559,538 acres, as generally depicted on a map entitled ‘Arctic National Wildlife Refuge—1002 Area. Alternative E—Wilderness Designation, October 28, 1991’ and available for inspection in the offices of the Secretary of the Interior, is designated as a component of the National Wilderness Preservation System under the Wilderness Act (16 U.S.C. 1131 et seq.).”

Mr. LIEBERMAN. Mr. President, I am proud to again join with Senator ROTH in the very important bipartisan effort to designate the coastal plain of the Arctic National Wildlife Refuge as wilderness—forever.

Today is Earth Day 1999. The introduction of the Arctic Wilderness Act is particularly appropriate on Earth Day because it will provide permanent protection for the unique and irreplaceable natural resources of an area that is the “biological heart” of the North Slope of Alaska. The coastal plain is a vital part of the tundra ecosystem that some have referred to as “America’s Serengeti.”

On Earth Day, we should take extra measure of special, rare, and threatened places. The Arctic National Wildlife Refuge coastal plain is one of these places. It is one natural treasure that we must protect as wilderness for current and future generations.

The coastal plain of the Arctic National Wildlife refuge represents the wildest and most pristine arctic coastal ecosystem in the United States. The coastal plain is where the calves of the awe-inspiring Porcupine caribou herd are born every year. It is also where snow geese feed in the fall and many female polar bears choose to den.

During the summer, migratory birds such as the red-throated loon, American golden-plover, and semipalmated sandpiper and others flock to the coastal plain of the Arctic National Wildlife Refuge in great numbers. In the fall, they return southward to and through the state of Connecticut among other places. By dedicating the coastal plain of the Arctic National Wildlife Refuge as wilderness, we can help ensure that this ancient natural resource continues into the 21st Century.

For more than a decade, Congress has repeatedly debated the advisability of opening the Arctic National Wildlife Refuge coastal plain to oil and gas ex-

ploration and development. Time and again, Congress and the American people have rejected the notion that we should sacrifice our last vestige of arctic coastal plain to petroleum development. The decision to prohibit coastal plain petroleum development reflects the tremendous value Americans place in the preservation of our great wilderness areas.

The degradation caused by developing oil and gas in places worthy of wilderness designation is irreversible. Once developed, the wilderness value of a place is lost.

The Alaska Wilderness Act designates the coastal plain of the Arctic National Wildlife Refuge as wilderness—an area to remain wild and undeveloped in perpetuity—and thereby preserves one of the last great natural treasures on the North American continent for generations to come.

Mr. WELLSTONE. Mr. President, Earth Day is a celebration of the value and importance of our natural environment and a reminder of our duty to protect, rather than carelessly exploit and deplete, our natural heritage. Our commitment to future generations is something we in Minnesota take very seriously. It is a commitment to ensure that the environmental legacy we pass on to our children and grandchildren is not marred by failures such as the poisoning of our oceans, rivers, lakes and streams, the destruction of the natural habitat, and the irreversible extinction of species.

Environmental concerns have always been very important to me and to Minnesotans, and I am proud of the progress that we are making in protecting the environment. However, while recognizing the progress we have made, we Minnesotans also realize how much more needs to be done.

That is why I feel it is very appropriate that Senator ROTH, myself, and several of our colleagues, are introducing legislation on this day to designate a portion of the Arctic National Wildlife Refuge in Alaska as wilderness. My good friend Congressman BRUCE VENTO from Minnesota, along with over 150 of his colleagues, have introduced similar legislation in the House, called the Morris K. Udall Wilderness Act. This legislation is a tremendous step forward, crucial to preserving the biodiversity of one of our nation’s last remaining frontiers.

This bill will designate the coastal plain of the Arctic Refuge as wilderness, protecting 1.5 million acres of some of the most unspoiled wilderness remaining in the United States. The Arctic National Wildlife Refuge is a one-of-a-kind national treasure, home to many unique species of plant and animal life, several of which are considered endangered or threatened. This magnificent wilderness contains a complete spectrum of arctic and sub-arctic ecosystems, which can be found nowhere else on the continent.

Moreover, the fragile balance of life in this wilderness is critical to the sur-

vival of the native Gwich’in Athabascan Indians of northeast Alaska, who depend on the land to maintain their centuries-old nomadic way of life. The Gwich’in rely on the 150,000-strong Porcupine River caribou herd, whose calving grounds are on the coastal plain.

Unfortunately, a few multinational oil companies have set their sights on this crown jewel of America’s wilderness to extract their short-term profits. Oil drilling on the coastal plain would mean despoliation of this pristine land with hundreds of oil rigs, pipelines, air strips, and other industrial facilities. It would destroy one of the most magnificent wilderness areas in North America.

And it would do so much harm for so little gain. Allowing these multinationals to boost their profits by drilling oil would do nothing to solve our energy problems. The amount of oil that could potentially be recovered from the Refuge is relatively small, and most of it would likely be exported to Asia.

Instead of promoting oil drilling that destroys our natural environment, we should be promoting renewable sources of energy. In so doing, we could save more energy than would ever be extracted from the coastal plain of the Arctic Refuge.

Polls show that Americans strongly support protection of the Arctic Refuge. Yet the oil lobby in Washington has never suffered from a lack of representation. The oil multinationals pressure Congress every year to open up this coastal plain to drilling. It’s time Congress stood up for the public interest, rather than the economic interests of the largest oil companies.

We have a responsibility to protect the environment for future generations. We must voice our protest and prevent those reckless policies which ignore the real costs of exhausting our natural resources and permanently distort our ecosystem’s fragile balance.

We must continue to be a world leader in deterring the destruction of our natural heritage. We must continue to facilitate and promote successful programs that help us conserve and use our lands and resources wisely.

As we celebrate the last official Earth Day of the twentieth century, we must ensure that we will have cause to celebrate Earth Day in the twenty-first century. This legislation represents a significant step in the right direction, and I urge my colleagues to join us in cosponsoring this legislation on this very special day.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 868. A bill to make forestry insurance plans available to owners and operators of private forest land, to encourage the use of prescribed burning and fuel treatment methods on private forest land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

## FORESTRY INITIATIVE TO RESTORE THE ENVIRONMENT ACT OF 1999

Mr. GRAHAM. Mr. President, I have asked recognition this afternoon to commend the firefighters providing relief to the State of Florida and its citizens, which is once again besieged by fire due to excessive drought conditions. This, unfortunately, is not the first occasion on which I have risen to speak about forest fires in Florida.

The natural conditions in the State have been altered to the point where fires, normally a natural and essential part of the pine forests of this region, have burned uncontrollably, causing damage to local communities, private homes, and to the Florida forestry industry.

Last year, Florida sustained almost \$300 million in private fire-related damage, and State and local governments spent over \$100 million in responding to wild fires. Approximately 500,000 acres of forest were completely destroyed in 1998. And in 1999, fires in Florida have again commenced a process with severe consequences. As of today, 2,542 fires have burned more than 58,000 acres; 18 divisional forestry firefighters have been injured; 59 structures have been destroyed, and another 81 were damaged by fire.

Florida is not alone. Similar fires are occurring in Georgia, North Carolina, Arizona and New Mexico. My heart goes out to the unfortunate victims of these fires, as well as to the firefighters and volunteers who are working bravely to save families, homes and communities. As we speak, Americans from Alabama, Delaware, and Georgia, are fighting side by side with Floridians to prevent these fires in my State from endangering more lives, homes, and property. National Guardsmen, meteorologists, insurance specialist, and volunteers have converged in Florida to assist in response and recovery. These individuals' bravery and willingness to support people who they never met reaffirms our belief in the selflessness and vitality of the human spirit.

Mr. President, they say that a picture speaks a thousand words. I would like to draw your attention to the front page of the St. Petersburg Times of Tuesday, April 20, which has this dramatic picture of the Everglades afire. The Everglades, home to many endangered species, and the water source for millions of Floridians, has for the last several days been besieged by fire.

Now, fire is a natural phenomenon in the Everglades. It serves an important part in maintaining the ecosystem. However, human manipulation of this system has decreased water levels, making the Everglades more susceptible to fire and more ravaging consequences of that fire. This condition mirrors circumstances throughout Florida and many other States where efforts to prevent fires have allowed a large quantity of undergrowth to accumulate in our forestry lands.

As many of you know, the long-leaf pine ecosystem, which is prevalent in

Florida and other southeastern States, depends heavily on the role of natural fire to rejuvenate the ecosystem. Prescribed burning mimics naturally occurring lightning fires, clears excess underbrush, which can rob lower plants of sunlight. This frequent, low-intensity fire retains the rich flora of the healthy long-leaf pine ecosystem. Without these frequent fires, underbrush robs lower plants, which in drought condition creates a ready fuel source for a fire. It is this situation that has led to severe wildfires in Florida.

Mr. President, today, I will be introducing legislation that is aimed at the prevention of the recurrence in the future and to assure that this tragedy does not bring a second tragedy—a permanent loss of our forest lands in Florida and in the southeast. I am introducing the Forestry Initiative to Restore the Environment Act of 1999 to mitigate the damages and prevent fire disasters in the future.

What exactly does mitigation of losses mean for us today? Let me focus on my State of Florida. There are currently 16 million acres of forested lands, making up 47 percent of the State's total land area. The majority of this land—over 7 million acres—is owned by private farmers and individual corporate landowners. The State of Florida is continuing to grow at an explosive pace. It already has over 15 million people, and in 25 years it is projected to have over 20 million people. This rapid growth is creating pressure on land values throughout Florida and creating a circumstance in which there could be a massive conversion of this 7 million acres of privately owned timberland for development purposes.

These 7 million acres not only provide a substantial amount of forest products for the Nation but also provide critical habitats for a unique group of plants and animals.

These 7 million acres help to contain a human population explosion that would create additional demands on the already scarce water supply in Florida and lead to degradation of water quality.

It is therefore in our Nation's interest to maintain Florida's existing timber lands for community use.

This legislation provides a long-term plan to restore and protect private forestry lands damaged by wildfires and other natural disasters. It directs the U.S. Department of Agriculture to act on its existing authority to develop a crop insurance program for small forestry landowners.

This type of program—which allows producers to invest in their own future to protect themselves from natural disasters such as fires, hurricanes, or tornadoes—will provide the same protection for forestry producers as is provided through USDA insurance plans for crops such as wheat or corn.

The availability of this support in times of disaster will provide incentives for private landowners to retain

lands in forestry after disasters such as the current wildfires that we are experiencing in 1999.

The second part of our legislation will help to reduce the severity of future fire disasters by increasing the incentives for prescribed burning.

The State of Florida has an active prescribed burning program and burns an average of two million acres per year, including forestry, grasslands, and agricultural lands.

However, as evidenced by this week's events, existing levels of prescribed burning are not enough.

Large quantities of brush fuel accompanied by drought have created dangerous wildfire conditions.

One solution is to increase the frequency of prescribed burning to reduce fuel levels and the severity of fires when they occur.

In a study conducted by the Florida Division of Forestry, Orlando District, for the period 1981 to 1990, it was shown that an increase in prescribed burning leads to a decrease in the frequency of wildfires.

The study compared two counties—Osceola County and Brevard County which differ in the amount of prescribed burning they conduct.

Approximately five-hundred thousand acres are burned in Osceola County every 2 or 4 years. This compares with just over two-hundred and fifty thousand acres of lands in Brevard County on which prescribed burning is conducted.

The study found that the number of wildfires, the acres burned, and the average wildfires per acre were lower in Osceola County than Brevard County.

Our legislation attempts to encourage the use of prescribed burning as a forest management tool on private lands.

First, it authorizes the U.S. Forest Service to provide both technical and financial assistance for prescribed burning to states.

Grants to pay up to 75 percent of the cost of carrying out prescribed burns would be made to private landowners.

Second, our legislation seeks to enhance public support for the use of prescribed fire by addressing one of the most challenging issues—the misunderstanding of urban and suburban residents of the purpose of prescribed burning.

In the urban interface zone where much of Florida's forested lands are located, the opposition of local residents to smoke plumes can stop any efforts to conduct prescribed burning.

Our bill requires that the U.S. Forest Service and the Environmental Protection Agency develop education and outreach programs on this topic and make them available to state environmental and forest management agencies.

With these actions, this legislation will create a system to mitigate damages from wildfires. It will help to reduce the severity of future fires by removing obstacles for private landowners to conduct prescribed burns.

I hope you will join me in our long-term efforts to create a system for mitigating damages from natural disasters and reducing the severity of future wildfires by encouraging prescribed burning.

Mr. President, I ask unanimous consent that two items be printed in the RECORD.

The first is an April 18 article from the Miami Herald describing some of the wildfire damage which occurred in that city last week.

The second is an Associated Press story summarizing remarks made by the Secretary of the Interior supporting the use of prescribed burning at a wildlife conference in Gainesville, Florida this week.

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

[From the Miami Herald, Apr. 18, 1999]  
“HUGE WAVE” OF FIRE STUNS PORT ST. LUCIE  
(By Curtis Morgan)

PORT ST. LUCIE.—When Don Tagner pulled into his driveway at 4 p.m., the faint smoke curling in the pine scrub looked as harmless as late morning fog.

The fire seemed at a safe distance, a dozen blocks away. But as a precaution he sent his daughters off with a neighbor. Then he called around to cancel that evening's soccer practice.

When a neighbor pounded on his door 30 minutes later, Tagner opened it to a world he described as “hell on a rampage.”

Black smoke blotted out the sun. He ran to his backyard just in time to recoil from a towering wall of fire rolling in like “a huge wave. It sounded like a subway coming through. Whoosh.”

Like that, it engulfed Frank Schultz's home next door. Tagner rushed back in his home, grabbed his car keys and as he turned up a street toward safety, houses two blocks up San Sebastian Avenue turned into roaring red balls.

For the hundreds who fled it and the hundreds who fought it, Thursday's blaze truly was hellish, the wickedest, most destructive one-day wildfire in Florida in almost 15 years.

In a bit more than four hours, it raced three miles north-northeast from its starting point in southernmost Port St. Lucie—destroying 43 homes, damaging 33 others and scorching 545 acres in the heavily wooded neighborhoods east of Interstate 95.

“I've seen them travel fast before but I've never seen anything of this magnitude in the 16 years I've been fighting fires,” said a weary, soot-stained Lt. Mike Gablemann of the St. Lucie County Fire District, who led a crew dousing hundreds of hot spots Friday—including a smoldering file cabinet in the Schultz home.

#### DROUGHT INDEX PEAKED

An unlucky combination of factors turned the small brush fire into a full-blown inferno.

Like most of Florida, a record drought has left much of rural St. Lucie County bone-dry and crisp as kindling.

“Just look at the grass,” said Gene Madden, safety director for the state Division of Forestry. “It's not green, it's brown. It crunches when you walk on it.”

At 1 p.m. Thursday, forecasters warned Treasure Coast counties that conditions for wildfires would peak that afternoon.

When the blaze flared up, so did the winds. It was like blowing on a hot coal.

#### A FIRE STORM

Fire crews rushing to contain the blaze battled to keep up, but couldn't, Gablemann said. They were outmanned and outmaneuvered by the relentless winds. As quickly as trucks pulled up to one house, flames would appear in treetops a quarter of a mile away.

“No fire department, no fire personnel are going to get out in front of it and stop a fire like this,” Madden said.

Fires leapt from point to point and house to house in a path a mile wide, with destruction as unpredictable as wind currents.

“What we saw was the definition of a fire storm,” said Lt. Ron Parish of the St. Lucie County Fire District.

Firefighters were frustrated by their inability to do what they normally do: Put out fires. This was more like triage. Sometimes, they had to drive past one burning house to get to another where they believed people were trapped.

“Having to leave a house unprotected . . . gives you a sick feeling,” Parrish said.

#### UNPREDICTABLE PATTERN

The random patterns of damage showed just how difficult it was to predict where the fires would turn next.

On one block, two homes back-to-back burned but a wooden swing set between them wasn't even singed. Hundreds of brush-choked undeveloped lots and wood-framed homes provided plentiful fuel—enough for the fire to jump the 100-foot-wide C-24 Canal.

Franklin Navas, a former firefighter from Costa Rica and now an equipment manager, credited the survival of his home to clearing brush a few feet behind his property line. Flames left the vinyl siding on one side of his home drooping like limp spaghetti—but the home stood.

Ironically, a large group of Port St. Lucie residents had opposed bringing city water to their neighborhoods—and even sued the town to block the process. Hydrants had been scheduled for the area within two years.

#### NO TIME TO GET DRESSED

Navas and his wife, Mayra, and two sisters visiting from New Jersey left at 4 p.m. as police began rolling through the neighborhood ordering evacuations by loud-speakers.

“Just in time,” he said. As they pulled away, the flames had hit the lot next door.

For many, there was little time to pack family papers or heirlooms or even to get dressed.

Mike Azbell said his wife, Shelby, pulled children Marissa, 4, and Tyler, 2, into the car in a panic once she got word. “Tyler was running around the house naked and he left naked.”

At 5 p.m., Florida Power & Light shut off power to about 5,000 customers—a move to protect firefighters from live, fallen wires. It also left remaining homeowners defenseless. Without power, their pumps couldn't pull water from their wells for the garden hoses that some tried to use in mostly fruitless efforts to halt flames.

Outside the roadblocks, homeowners worried about what they would find when they returned or pitched in to help others protect their homes.

About 50 evacuees gathered at Mike Schachter's house a block outside the cordoned-off area. Some helped hose down his house, while Schachter's mother, Barbara, fed others and baby-sat panicky children—including Mike's son, who celebrated his first birthday that night.

“Everyone just tried to help everyone else,” Mike Schachter said.

#### SURVEYING THE DAMAGE

By 7:30 that night, man and nature combined to tame the wildfire.

“Mother Nature started it and Mother Nature pinched it off,” Madden said.

Local firefighters managed with the help of crews that came from as far south as Hollywood and vital reinforcements from water-bearing helicopters and a tanker plane.

Several hundred residents spent the night in a Red Cross shelter at the Port St. Lucie Community Center. At daylight on Friday residents returned to neighborhoods that, while devastated in spots, could have been hit much worse. No one was killed or hurt and the number of homes that escaped damage far outnumbered those lost.

Martha Brann began crying when she thought about all she lost: photos of her children, her mother's gold wedding band and the diamond ring from her former husband—mementos representing the special people in her life.

“I couldn't get nothing,” said Brann, 59.

But Tagner found all: His wood-framed home remained almost as he had left it. Grass had burned to within a foot of his patio and he lost two plastic garbage cans and a recycling bin, which, as it burned, slightly charred a small section of his garage.

“Everybody keeps asking me what my secret was,” he said. “It was just luck.”

#### BABBITT ADVOCATES PRESCRIBED BURNING

GAINESVILLE, FLA. (AP)—State and local governments need to get more aggressive in preventing wildfires by using prescribed burns, Interior Secretary Bruce Babbitt said Tuesday.

“By taking fire off the land, we've actually increased the fire hazard,” Babbitt said. “We must abandon a warfare suppression model and find a thoughtful, scientific, cooperative way to acknowledge this force of nature and harness it to provide a better balance on the landscape.”

In addition to the controlled burns, which are intentionally set fires ignited to reduce fuel for wildfires, Babbitt also advocated requiring stringent building requirements that help fireproof communities.

Babbitt, whose office oversees national parkland, spoke to about 300 foresters at the University of Florida's John Gray Distinguished Lecture Series.

Babbitt said most legislators haven't done enough to plan for prescribed burns and push private property owners to act.

“In Oakland, Calif., after the fire in the early '90s which just about wiped out the city, Alameda County actually passed an ordinance requiring brush control,” Babbitt said.

“For landowners who didn't do it, the county would do it and add the costs to their property taxes. I don't know if that's the right answer, but it's a way to do it,” he said.

In Florida, the state's Division of Forestry said it has authorized prescribed burns for 700,000 acres of land this year.

There is no statewide plan for specific prescribed burns, though private and public landowners have their own plans. A state forestry official said landowners are encouraged to perform prescribed burns, but they can't be forced.

“We can designate areas as high fire hazards and by designating that we can burn it for them, but we can't tell them that they're going to burn one-third of their acreage,” said Jim Brenner, fire management administrator for the forestry division.

As for fireproofing communities, Babbitt said local governments need to ensure that homes get built with fire resistant roofing. He also said the homes should be far enough away from thick woods and hanging trees, such as pines, to prevent damage from an approaching fire.

Babbitt also said if Florida's fires tap the state's firefighting resources, federal authorities will help provide the needed manpower and equipment.

By Ms. COLLINS (for herself, Mr. ROTH, and Mr. GRASSLEY):

S. 870. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of the Inspector General within Federal departments, and for other purposes; to the Committee on Governmental Affairs.

INSPECTOR GENERAL ACT

Ms. COLLINS. Mr. President, today I am introducing the Inspector General Act Amendments of 1999. I am very pleased to be joined by my colleagues, Senators ROTH, GRASSLEY, and BOND, who have demonstrated unparalleled leadership on IG issues in the Senate. Indeed, Senator ROTH is one of the architects of the inspector general law, having advocated its creation in 1978 and, in 1982, having introduced legislation that created IGs in the Departments of Defense, Justice, and the Treasury. In such distinguished company, I am confident that my legislation hits the mark of improving an already invaluable program.

As chairman of the Permanent Subcommittee on Investigations, one of my top priorities since coming to the Senate has been the seemingly never-ending fight against waste, fraud, and abuse. We have all heard the horror stories of \$500 hammers and roads built to nowhere. The waste of scarce Federal resources not only picks the pockets of taxpayers, but also places severe financial pressures on already overburdened programs, in some cases forcing cutbacks in the delivery of vital Government services.

Over the past 2 years in my capacity as the subcommittee's chairman, I have seen disturbing fraud and waste firsthand in a wide variety of programs. Last year, for example, the subcommittee held several hearings to shine a spotlight on the massive fraud in the Medicare Program. To cite just one example of the subcommittee's findings, our investigation revealed that the Federal Government had been sending Medicare checks to 14 fraudulent health care companies. These companies provided absolutely no services to our senior citizens at all. Indeed, the address listed by one such company did not even exist, and if it had existed, it would have been located in the middle of the runway of the Miami International Airport.

The fraud we uncovered was stunning. It costs taxpayers millions of dollars each year, diverting scarce resources from the elderly and legitimate health care providers in a program already under enormous financial strain.

The Medicare fraud investigation and others like it were undertaken by my subcommittee working hand in hand with the inspectors general for a variety of Federal agencies. The inspectors general are charged with identifying and eliminating waste, fraud, and abuse in Federal programs administered by the agencies they monitor.

Last year marked the 20th anniversary of the IG Act, the law that Con-

gress passed to create these guardians of the public purse. As we recognize this important milestone, it is important for Congress to take a close look at the IG system. We must build on its strengths and remedy its weaknesses.

Over the past 21 years, the inspector general community has grown from 12 in 1978 to 58 inspectors general today. Offices of Inspectors General receive more than a billion dollars in annual funding and employ over 12,000 auditors, criminal investigators, and support personnel. Each Office of Inspector General shoulders tremendous responsibilities and is given considerable power to uncover waste, fraud, and abuse within Federal programs.

By and large, the IG community has performed in an outstanding manner. IGs have made thousands of recommendations to Congress, ultimately saving taxpayers billions of dollars. Inspectors general have conducted investigations that have resulted in the recovery of hundreds of millions of dollars from companies and individuals who have defrauded the Federal Government.

The inspectors general have a demonstrated record of success over the past 20 years. But as with all Government entities, we must ensure that the IG community is as well-managed, accountable, and effective as possible. IGs are public watchdogs, but they, too, must be watched. With these principles in mind and drawing on my extensive work with the inspectors general over the past 2 years, I am today introducing legislation to improve the accountability, independence, and efficiency of the inspectors general program.

The legislation I am introducing is designed to increase the accountability of inspectors general while retaining and, in some aspects, strengthening the provisions in law that guarantee their independence from the agencies they oversee.

My bill establishes a renewable 9-year term of office for each of the inspectors general who are appointed by the President and confirmed by the Senate. Currently, Presidential IGs serve for an indeterminate term.

The IG community has testified that having a fixed term of office would provide them with the assurances they need to be able to perform their vital but, in some cases, unpopular oversight responsibilities in a more independent environment.

The 9-year term also would enhance IG autonomy because it would extend beyond two Presidential administrations.

There has been considerable turnover in some of the IG positions, and the establishment of a fixed term would also encourage inspectors general to serve for longer periods of time, thus, adding experience to the IG community. Finally, by providing a defined term of service, an appropriate framework is provided for the evaluation of the performance of each IG to determine if re-

appointment is warranted. Thus, Mr. President, the 9-year term I am proposing would both enhance the independence of the IGs while improving their accountability.

My legislation also takes steps to streamline the IG offices themselves, making them more efficient and flexible, by consolidating existing offices and by reducing the frequency with which IGs must prepare and file resource-intensive reports.

Some of the IGs' offices that exist today are very small, with just a handful of employees. They could be made more efficient and effective by transferring their functions to larger IG offices that oversee similar programs.

For example, my legislation consolidates the current stand-alone office of the Federal Labor Relations Authority IG, which has just one employee, into the Office of Personnel Management, thus eliminating unnecessary overhead and bureaucracy but continuing the vital audit and oversight capacity of both agencies. In total, three existing small IGs' offices would be consolidated into the IG offices of major departments and two smaller IG offices would be consolidated into one office.

Currently, Mr. President, the Offices of Inspectors General are required by law to provide semiannual reports to Congress. To increase the value of these reports, I am reducing this requirement to a single annual report and streamlining the information presented. In this way, Congress can focus on high-risk areas before they get worse and before the problems become more difficult to solve.

Mr. President, the inspectors general have made very valuable contributions to the efficient operation of the Federal Government. Their record, however, is not without blemish. For example, the community's record was tarnished by the activities of the inspector general at the Department of Treasury. After an extensive investigation, the Permanent Subcommittee on Investigations found this particular IG violated Federal contract laws in her award of two noncompetitive, sole source contracts.

These actions not only wasted thousands of dollars but also shook the confidence of Congress, the agency, and the public in the IG's ability to operate with the highest degree of integrity. It was extremely disturbing to find that this inspector general was herself guilty of wasting resources and abusing the public trust. At the conclusion of our investigation, one could not help but wonder, who is watching the watchdogs?

Let me emphasize, Mr. President, that in my view, problems like the ones we uncovered in the Treasury Department are very unusual. They are not characteristic of the IG community. They are not widespread. However, because the inspectors general are the very officials in the Government responsible for combating waste, fraud, and abuse, they should be held

to the very highest ethical standards. Even one example of impropriety is cause for concern.

To increase accountability, my legislation requires independent external reviews of each IG office every 3 years. It gives each office the flexibility to choose the most efficient method of review, but it does require that the watchdogs themselves submit to oversight by a qualified third party. This provision is intended to help ensure public confidence in the management and the efficiency of the IG offices and will provide valuable guidance to Congress in fulfilling our oversight responsibilities.

Mr. President, I am pleased to announce that the National Commission on the Separation of Powers has endorsed my recommendation that such an independent, external review be conducted of each IG office. The Commission is a bipartisan committee sponsored by the Miller Center for Public Affairs at the University of Virginia, and includes among its members former Senator Howard Baker, former White House Counsel Lloyd Cutler, former U.S. Attorney William Barr, former Secretary of State Lawrence Eagleburger, and former Director of Central Intelligence William Webster. I am very proud that my proposal has been endorsed by such an esteemed organization.

Mr. President, the legislation I introduce today represents a major step toward improving the effectiveness, the independence, and the accountability of the inspectors general program. I urge my colleagues to join me in this effort to strengthen and improve the inspectors general program as we approach the next century.

Thank you, Mr. President.

By Mr. LEAHY:

S. 871. A bill to amend the Immigration and Nationality Act to ensure that veterans of the United States Armed Forces are eligible for discretionary relief from detention, deportation, exclusion, and removal, and for other reasons; to the Committee on the Judiciary.

FAIRNESS TO IMMIGRANT VETERANS ACT OF 1999

Mr. LEAHY. Mr. President, I rise today to introduce legislation that would ensure that veterans of the United States Armed Forces are not summarily deported from this country. This bill would correct a grave injustice wrought by the recent changes in immigration policy, which has resulted in decorated war veterans being deported without any administrative or judicial consideration of the equities.

Under the immigration "reform" legislation enacted in 1996, Congress passed and the President endorsed a broad expansion of the definition of what makes a legal resident deportable. In the rush to be the toughest on illegal immigration, the bill also vastly limited relief from deportation and imposed mandatory detention for thousands of permanent residents in deportation proceedings.

The zealousness of Congress and the White House to be tough on aliens has successfully snared permanent residents who have spilled their blood for our country. As the INS prepares to deport these American veterans, we have not even been kind enough to thank them for their service with a hearing to listen to their story and consider whether, just possibly, their military service or other life circumstances outweighs the government's interest in deporting them.

Here is the cold and ugly side of our "tough" immigration policies. Here are the human consequences of legislating by 30-second political ad. Unfortunately the checks and balances of our government have failed these veterans because Congress and this Administration are determined not to be outdone by each other. "Tough" in this case means blinding ourselves to the personal consequences of these people. It means substituting discretion with a cold rubber stamp that can only say "no."

Our national policy on deportation of veterans is particularly outrageous at a time when we are sending tens of thousands of U.S. servicemen and women, including untold numbers of permanent residents, into harms way. Why has Congress asked the INS to devote its limited resources to hunting down non-citizens who previously answered this country's call to duty, some of whom were permanently disabled in the course of their service?

Interestingly, it appears that even the INS agrees that military service or other life circumstances may, on occasion, outweigh the government's interest in deportation. In one recent case, which I brought to the attention of INS Commissioner Meissner, the INS eventually reached this conclusion. I am honored if my intervention played a part in obtaining some semblance of justice for Sergeant Rafael Ramirez and his family. However, Sergeant Ramirez's example confirms the need to ensure that every veteran's case is carefully reviewed by an immigration judge empowered to do justice.

The legislation that I introduce today restores for veterans the opportunity to go before an immigration judge to present the equities of their case and to have a Federal court review any deportation decision. It also provides veterans with an opportunity to be released from detention while their case is under consideration.

The injustice addressed by this bill is just one egregious example of how recent immigration "reform" has resulted in the break-up of American families and the deportation of people who have contributed to our country. This Congress needs to address the broader injustices that our prior one-upmanship caused. In the meantime, this bill is an important step in the right direction.

By Mr. VOINOVICH (for himself, Mr. BAYH, Mr. DEWINE, Mr.

ABRAHAM, Mr. LEVIN, and Mr. LUGAR):

S. 872. A bill to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

MUNICIPAL SOLID WASTE INTERSTATE TRANSPORTATION AND LOCAL AUTHORITY ACT OF 1999

Mr. VOINOVICH. Mr. President, today I am introducing legislation along with my colleague, Senator BAYH, that will allow states to finally obtain relief from the seemingly endless stream of solid waste that is flowing into states like Ohio and Indiana and many others.

Our bill, "the Municipal Solid Waste Interstate Transportation and Local Authority Act," gives state and local governments the tools they need to limit garbage imports from other states and manage their own waste within their own states.

Ohio receives about 1.4 million tons of municipal solid waste annually from other states. While I am pleased that these shipments have been reduced since our record high of 3.7 million tons in 1989, I believe it is still entirely too high.

Because it is cheap and because it is expedient, other states have simply put their garbage on trains or on trucks and shipped it to states like Ohio, Indiana, Michigan, Pennsylvania and Virginia. This is wrong and it has to stop.

Many state and local governments have worked hard to develop strategies to reduce waste and plan for future disposal needs. As Governor of Ohio, I worked aggressively to limit shipments of out-of-state waste into Ohio through voluntary cooperation of Ohio landfill operators and agreements with other states. We saw limited relief. But honestly Mr. President, Ohio has no assurance that our out-of-state waste numbers won't rise significantly with the upcoming closure of the Fresh Kills landfill on Staten Island in 2001.

However, the federal courts have prevented states from enacting laws to protect our natural resources. What has emerged is an unnatural pattern where Ohio and other states—both importing and exporting—have tried to take reasonable steps to encourage conservation and local disposal, only to be undermined by a barrage of court decisions at every turn.

Quite frankly, state and local governments' hands are tied. Lacking a specific delegation of authority from Congress, states that have acted responsibly to implement environmentally sound waste disposal plans and recycling programs are still being subjected to a flood of out-of-state waste. In Ohio, this has undermined our recycling efforts because Ohioans continue to ask why they should recycle to conserve landfill space when it is being used for other states' trash. Our citizens already have to live with the consequences of large amounts of out-of-

state waste—increased noise, traffic, wear and tear on our roads and litter that is blown onto private homes, schools and businesses.

Ohio and many other states have taken comprehensive steps to protect our resources and address a significant environmental threat. However, excessive, uncontrolled waste disposal in other states has limited the ability of Ohioans to protect their environment, health and safety. I do not believe the commerce clause requires us to service other states at the expense of our own citizens' efforts.

A national solution is long overdue. When I became Governor of Ohio in 1991, I joined a coalition with other Midwest Governors—Governor BAYH (now Senator BAYH), Governor Engler and Governor Casey, and later Governors Ridge and O'Bannon—to try to pass effective interstate waste and flow control legislation.

In 1996, Midwest Governors were asked to reach an agreement with Governors Whitman and Pataki on interstate waste provisions. Our states quickly came to an agreement with New Jersey—the second largest exporting state—on interstate waste provisions. We began discussions with New York, but these were put on hold indefinitely in the wake of their May, 1996 announcement to close the Fresh Kills landfill.

The bill that Senator BAYH and I are introducing today reflects the agreement that our two states, along with Michigan and Pennsylvania, reached with Governor Whitman.

For Ohio, the most important aspect of this bill is the ability for states to limit future waste flows. For instance, they would have the option to set a "permit cap," which would allow a state to impose a percentage limit on the amount of out-of-state waste that a new facility or expansion of an existing facility could receive annually. Or, a state could choose a provision giving them the authority to deny a permit for a new facility if it is determined that there is not a local or in-state regional need for that facility.

These provisions provide assurances to Ohio and other states that new facilities will not be built primarily for the purpose of receiving out-of-state waste. For instance, Ohio EPA had to issue a permit for a landfill that was bidding to take 5,000 tons of garbage a day—approximately 1.5 million tons a year—from Canada alone, which would have doubled the amount of out-of-state waste entering Ohio. Thankfully this landfill lost the Canadian bid. Ironically though, the waste company put their plans on hold to build the facility because there is not enough need for the facility in the state and they need to ensure a steady out-of-state waste flow to make the plan feasible.

With the announcement to close the Fresh Kills landfill, it is even more critical to Ohio that states should receive the authority to place limits on new facilities and expansions of exist-

ing facilities. The Congressional Research Service estimates that when Fresh Kills closes, there will be an additional 13,200 tons of garbage each day diverted to other facilities. However, CRS also points out that there is only about 1,200 tons per day of capacity available in the entire state of New York. Even if New York handles some of that 13,200 tons a day in-state, it is estimated that about 4 million tons per year will still need to be managed outside the state from that landfill alone.

In addition, this bill would ensure that landfills and incinerators could not receive trash from other states until local governments approve its receipt. States also could freeze their out-of-state waste at 1993 levels, while some states would be able to reduce these levels to 65 percent by the year 2006. This bill also allows states to reduce the amount of construction and demolition debris they receive by 50 percent in 2007 at the earliest.

States also could impose up to a \$3-per-ton cost recovery surcharge on out-of-state waste. This fee would help provide states with the funding necessary to implement solid waste management programs.

And finally, the bill grants limited flow control authority in order for municipalities to pay off existing bonds and guarantee a dedicated waste stream for landfills or incinerators.

Flow control is important to states like New Jersey, which has taken aggressive steps to try to manage all of its trash within its borders by the year 2000. New Jersey communities have acted responsibly to build disposal facilities to help meet that goal. However, if Congress fails to protect existing flow control authorities, repayment of the outstanding \$1.9 billion investment in New Jersey alone will be jeopardized.

I am deeply concerned that responsible decisions made by Ohio, New Jersey and other states have been undermined and have put potentially large financial burdens on communities and have encouraged exporting states to pass their trash problems onto the backs of others.

Twenty-four Governors, including Governor Whitman, and the Western Governors' Association have sent letters to Congress strongly supporting the provisions that are in our bill.

Unfortunately, efforts to place reasonable restrictions on out-of-state waste shipments have been perceived by some as an attempt to ban all out-of-state trash. On the contrary, Senator BAYH and I are not asking for outright authority for states to prohibit all out-of-state waste, nor are we seeking to prohibit waste from any one state.

We are asking for reasonable tools that will enable state and local governments to act responsibly to manage their own waste and limit unreasonable waste imports from other states. Such measures would give substantial authority to limit imports and plan facilities around our own states' needs.

I believe the time is right to move an effective interstate waste bill. The bill we are introducing today is a consensus of importing and exporting states—states that have willingly come forward to offer a reasonable solution.

Congress must act this year to give citizens in Ohio and other affected states the relief they need from the truckloads of waste passing through their communities. We have waited too long for a solution. Congress must act now to prevent this problem from spreading further to our neighbors out West and to help our neighbors in the East better manage the trash they generate.

I ask unanimous consent that the full text of the bill and a letter from Governors O'Bannon, Taft, Engler and Whitman and one from Governor Ridge be printed in the RECORD.

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

S. 872

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Municipal Solid Waste Interstate Transportation and Local Authority Act of 1999".

**SEC. 2. AUTHORITY TO PROHIBIT OR LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT EXISTING FACILITIES.**

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following:

**"SEC. 4011. AUTHORITY TO PROHIBIT OR LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT EXISTING FACILITIES.**

"(a) DEFINITIONS.—In this section:

"(1) AFFECTED LOCAL GOVERNMENT.—The term 'affected local government', with respect to a facility, means—

"(A) the public body authorized by State law to plan for the management of municipal solid waste for the area in which the facility is located or proposed to be located, a majority of the members of which public body are elected officials;

"(B) in a case in which there is no public body described in subparagraph (A), the elected officials of the city, town, township, borough, county, or parish selected by the Governor and exercising primary responsibility over municipal solid waste management or the use of land in the jurisdiction in which the facility is located or proposed to be located; or

"(C) in a case in which there is in effect an agreement or compact under section 105(b), contiguous units of local government located in each of 2 or more adjoining States that are parties to the agreement, for purposes of providing authorization under subsection (b), (c), or (d) for municipal solid waste generated in the jurisdiction of 1 of those units of local government and received in the jurisdiction of another of those units of local government.

**"(2) AUTHORIZATION TO RECEIVE OUT-OF-STATE MUNICIPAL SOLID WASTE.**

"(A) IN GENERAL.—The term 'authorization to receive out-of-State municipal solid waste' means a provision contained in a host community agreement or permit that specifically authorizes a facility to receive out-of-State municipal solid waste.

"(B) SPECIFIC AUTHORIZATION.—

“(i) SUFFICIENT FORMULATIONS.—For the purposes of subparagraph (A), only the following, shall be considered to specifically authorize a facility to receive out-of-State municipal solid waste:

“(I) an authorization to receive municipal solid waste from any place within a fixed radius surrounding the facility that includes an area outside the State;

“(II) an authorization to receive municipal solid waste from any place of origin in the absence of any provision limiting those places of origin to places inside the State;

“(III) an authorization to receive municipal solid waste from a specifically identified place or places outside the State; or

“(IV) a provision that uses such a phrase as ‘regardless of origin’ or ‘outside the State’ in reference to municipal solid waste.

“(ii) INSUFFICIENT FORMULATIONS.—For the purposes of subparagraph (A), either of the following, by itself, shall not be considered to specifically authorize a facility to receive out-of-State municipal solid waste:

“(I) A general reference to the receipt of municipal solid waste from outside the jurisdiction of the affected local government.

“(II) An agreement to pay a fee for the receipt of out-of-State municipal solid waste.

“(C) FORM OF AUTHORIZATION.—To qualify as an authorization to receive out-of-State municipal solid waste, a provision need not be in any particular form; a provision shall so qualify so long as the provision clearly and affirmatively states the approval or consent of the affected local government or State for receipt of municipal solid waste from places of origin outside the State.

“(3) DISPOSAL.—The term ‘disposal’ includes incineration.

“(4) EXISTING HOST COMMUNITY AGREEMENT.—The term ‘existing host community agreement’ means a host community agreement entered into before January 1, 1999.

“(5) FACILITY.—The term ‘facility’ means a landfill, incinerator, or other enterprise that received municipal solid waste before the date of enactment of this section.

“(6) GOVERNOR.—The term ‘Governor’, with respect to a facility, means the chief executive officer of the State in which a facility is located or proposed to be located or any other officer authorized under State law to exercise authority under this section.

“(7) HOST COMMUNITY AGREEMENT.—The term ‘host community agreement’ means a written, legally binding agreement, lawfully entered into between an owner or operator of a facility and an affected local government that contains an authorization to receive out-of-State municipal solid waste.

“(8) MUNICIPAL SOLID WASTE.—

“(A) IN GENERAL.—The term ‘municipal solid waste’ means—

“(i) material discarded for disposal by—

“(I) households (including single and multifamily residences); and

“(II) public lodgings such as hotels and motels; and

“(ii) material discarded for disposal that was generated by commercial, institutional, and industrial sources, to the extent that the material—

“(I) is essentially the same as material described in clause (i); or

“(II) is collected and disposed of with material described in clause (i) as part of a normal municipal solid waste collection service.

“(B) INCLUSIONS.—The term ‘municipal solid waste’ includes—

“(i) appliances;

“(ii) clothing;

“(iii) consumer product packaging;

“(iv) cosmetics;

“(v) disposable diapers;

“(vi) food containers made of glass or metal;

“(vii) food waste;

“(viii) household hazardous waste;

“(ix) office supplies;

“(x) paper; and

“(xi) yard waste.

“(C) EXCLUSIONS.—The term ‘municipal solid waste’ does not include—

“(i) solid waste identified or listed as a hazardous waste under section 3001, except for household hazardous waste;

“(ii) solid waste resulting from—

“(I) a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604, 9606);

“(II) a response action taken under a State law with authorities comparable to the authorities contained in either of those sections; or

“(III) a corrective action taken under this Act;

“(iv) recyclable material—

“(I) that has been separated, at the source of the material, from waste destined for disposal; or

“(II) that has been managed separately from waste destined for disposal, including scrap rubber to be used as a fuel source;

“(iv) a material or product returned from a dispenser or distributor to the manufacturer or an agent of the manufacturer for credit, evaluation, and possible potential reuse;

“(v) solid waste that is—

“(I) generated by an industrial facility; and

“(II) transported for the purpose of treatment, storage, or disposal to a facility (which facility is in compliance with applicable State and local land use and zoning laws and regulations) or facility unit—

“(aa) that is owned or operated by the generator of the waste;

“(bb) that is located on property owned by the generator of the waste or a company with which the generator is affiliated; or

“(cc) the capacity of which is contractually dedicated exclusively to a specific generator;

“(vi) medical waste that is segregated from or not mixed with solid waste;

“(vii) sewage sludge or residuals from a sewage treatment plant; or

“(viii) combustion ash generated by a resource recovery facility or municipal incinerator.

“(9) NEW HOST COMMUNITY AGREEMENT.—The term ‘new host community agreement’ means a host community agreement entered into on or after the date of enactment of this section.

“(10) OUT-OF-STATE MUNICIPAL SOLID WASTE.—

“(A) IN GENERAL.—The term ‘out-of-State municipal solid waste’, with respect to a State, means municipal solid waste generated outside the State.

“(B) INCLUSION.—The term ‘out-of-State municipal solid waste’ includes municipal solid waste generated outside the United States.

“(11) RECEIVE.—The term ‘receive’ means receive for disposal.

“(12) RECYCLABLE MATERIAL.—

“(A) IN GENERAL.—The term ‘recyclable material’ means a material that may feasibly be used as a raw material or feedstock in place of or in addition to, virgin material in the manufacture of a usable material or product.

“(B) VIRGIN MATERIAL.—In subparagraph (A), the term ‘virgin material’ includes petroleum.

“(b) PROHIBITION OF RECEIPT FOR DISPOSAL OF OUT-OF-STATE WASTE.—No facility may receive for disposal out-of-State municipal solid waste except as provided in subsections (c), (d), and (e).

“(c) EXISTING HOST COMMUNITY AGREEMENTS.—

“(1) IN GENERAL.—Subject to subsection (f), a facility operating under an existing host community agreement may receive for disposal out-of-State municipal solid waste if—

“(A) the owner or operator of the facility has complied with paragraph (2); and

“(B) the owner or operator of the facility is in compliance with all of the terms and conditions of the host community agreement.

“(2) PUBLIC INSPECTION OF AGREEMENT.—Not later than 90 days after the date of enactment of this section, the owner or operator of a facility described in paragraph (1) shall—

“(A) provide a copy of the existing host community agreement to the State and affected local government; and

“(B) make a copy of the existing host community agreement available for inspection by the public in the local community.

“(d) NEW HOST COMMUNITY AGREEMENTS.—

“(1) IN GENERAL.—Subject to subsection (f), a facility operating under a new host community agreement may receive for disposal out-of-State municipal solid waste if—

“(A) the agreement meets the requirements of paragraphs (2) through (5); and

“(B) the owner or operator of the facility is in compliance with all of the terms and conditions of the host community agreement.

“(2) REQUIREMENTS FOR AUTHORIZATION.—

“(A) IN GENERAL.—Authorization to receive out-of-State municipal solid waste under a new host community agreement shall—

“(i) be granted by formal action at a meeting;

“(ii) be recorded in writing in the official record of the meeting; and

“(iii) remain in effect according to the terms of the new host community agreement.

“(B) SPECIFICATIONS.—An authorization to receive out-of-State municipal solid waste shall specify terms and conditions, including—

“(i) the quantity of out-of-State municipal solid waste that the facility may receive; and

“(ii) the duration of the authorization.

“(3) INFORMATION.—Before seeking an authorization to receive out-of-State municipal solid waste under a new host community agreement, the owner or operator of the facility seeking the authorization shall provide (and make readily available to the State, each contiguous local government and Indian tribe, and any other interested person for inspection and copying) the following:

“(A) A brief description of the facility, including, with respect to the facility and any planned expansion of the facility, a description of—

“(i) the size of the facility;

“(ii) the ultimate municipal solid waste capacity of the facility; and

“(iii) the anticipated monthly and yearly volume of out-of-State municipal solid waste to be received at the facility.

“(B) A map of the facility site that indicates—

“(i) the location of the facility in relation to the local road system; and

“(ii) topographical and general hydrogeological features;

“(iii) any buffer zones to be acquired by the owner or operator; and

“(iv) all facility units.

“(C) A description of—

“(i) the environmental characteristics of the site, as of the date of application for authorization;

“(ii) ground water use in the area, including identification of private wells and public drinking water sources; and

“(iii) alterations that may be necessitated by, or occur as a result of, operation of the facility.

“(D) A description of—

“(i) environmental controls required to be used on the site (under permit requirements), including—

- “(I) run-on and run off management;
- “(II) air pollution control devices;
- “(III) source separation procedures;
- “(IV) methane monitoring and control;
- “(V) landfill covers;
- “(VI) landfill liners or leachate collection systems; and
- “(VII) monitoring programs; and

“(ii) any waste residuals (including leachate and ash) that the facility will generate, and the planned management of the residuals.

“(E) A description of site access controls to be employed by the owner or operator and road improvements to be made by the owner or operator, including an estimate of the timing and extent of anticipated local truck traffic.

“(F) A list of all required Federal, State, and local permits.

“(G) Estimates of the personnel requirements of the facility, including—

“(i) information regarding the probable skill and education levels required for job positions at the facility; and

“(ii) to the extent practicable, a distinction between preoperational and postoperational employment statistics of the facility.

“(H) Any information that is required by State or Federal law to be provided with respect to—

“(i) any violation of environmental law (including regulations) by the owner or operator or any subsidiary of the owner or operator;

“(ii) the disposition of any enforcement proceeding taken with respect to the violation; and

“(iii) any corrective action and rehabilitation measures taken as a result of the proceeding.

“(I) Any information that is required by Federal or State law to be provided with respect to compliance by the owner or operator with the State solid waste management plan.

“(J) Any information that is required by Federal or State law to be provided with respect to gifts and contributions made by the owner or operator.

“(4) ADVANCE NOTIFICATION.—Before taking formal action to grant or deny authorization to receive out-of-State municipal solid waste under a new host community agreement, an affected local government shall—

“(A) notify the State, contiguous local governments, and any contiguous Indian tribes;

“(B) publish notice of the proposed action in a newspaper of general circulation at least 15 days before holding a hearing under subparagraph (C), except where State law provides for an alternate form of public notification; and

“(C) provide an opportunity for public comment in accordance with State law, including at least 1 public hearing.

“(5) SUBSEQUENT NOTIFICATION.—Not later than 90 days after an authorization to receive out-of-State municipal solid waste is granted under a new host community agreement, the affected local government shall give notice of the authorization to—

- “(A) the Governor;
- “(B) contiguous local governments; and
- “(C) any contiguous Indian tribes.

“(e) RECEIPT FOR DISPOSAL OF OUT-OF-STATE MUNICIPAL SOLID WASTE BY FACILITIES NOT SUBJECT TO HOST COMMUNITY AGREEMENTS.—

“(1) PERMIT.—

“(A) IN GENERAL.—Subject to subsection (f), a facility for which, before the date of enactment of this section, the State issued a

permit containing an authorization may receive out-of-State municipal solid waste if—

“(i) not later than 90 days after the date of enactment of this section, the owner or operator of the facility notifies the affected local government of the existence of the permit; and

“(ii) the owner or operator of the facility complies with all of the terms and conditions of the permit after the date of enactment of this section.

“(B) DENIED OR REVOKED PERMITS.—A facility may not receive out-of-State municipal solid waste under subparagraph (A) if the operating permit for the facility (or any renewal of the operating permit) was denied or revoked by the appropriate State agency before the date of enactment of this section unless the permit or renewal was granted, renewed, or reinstated before that date.

“(2) DOCUMENTED RECEIPT DURING 1993.—

“(A) IN GENERAL.—Subject to subsection (f), a facility that, during 1993, received out-of-State municipal solid waste may receive out-of-State municipal solid waste if the owner or operator of the facility submits to the State and to the affected local government documentation of the receipt of out-of-State municipal solid waste during 1993, including information about—

“(i) the date of receipt of the out-of-State municipal solid waste;

“(ii) the volume of out-of-State municipal solid waste received in 1993;

“(iii) the place of origin of the out-of-State municipal solid waste received; and

“(iv) the type of out-of-State municipal solid waste received.

“(B) FALSE OR MISLEADING INFORMATION.—Documentation submitted under subparagraph (A) shall be made under penalty of perjury under State law for the submission of false or misleading information.

“(C) AVAILABILITY OF DOCUMENTATION.—The owner or operator of a facility that receives out-of-State municipal solid waste under subparagraph (A)—

“(I) shall make available for inspection by the public in the local community a copy of the documentation submitted under subparagraph (A); but

“(II) may omit any proprietary information contained in the documentation.

“(3) BI-STATE METROPOLITAN STATISTICAL AREAS.—

“(A) IN GENERAL.—A facility in a State may receive out-of-State municipal solid waste if the out-of-State municipal solid waste is generated in, and the facility is located in, the same bi-State level A metropolitan statistical area (as defined and listed by the Director of the Office of Management and Budget as of the date of enactment of this section) that contains 2 contiguous major cities, each of which is in a different State.

“(B) GOVERNOR AGREEMENT.—A facility described in subparagraph (A) may receive out-of-State municipal solid waste only if the Governor of each State in the bi-State metropolitan statistical area agrees that the facility may receive out-of-State municipal solid waste.

“(f) REQUIRED COMPLIANCE.—A facility may not receive out-of-State municipal solid waste under subsection (c), (d), or (e) at any time at which the State has determined that—

“(1) the facility is not in compliance with applicable Federal and State laws (including regulations) relating to—

“(A) facility design and operation; and

“(B)(i) in the case of a landfill—

“(I) facility location standards;

“(II) leachate collection standards;

“(III) ground water monitoring standards; and

“(IV) standards for financial assurance and for closure, postclosure, and corrective action; and

“(ii) in the case of an incinerator, the applicable requirements of section 129 of the Clean Air Act (42 U.S.C. 7429); and

“(2) the noncompliance constitutes a threat to human health or the environment.

“(g) AUTHORITY TO LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE.—

“(1) LIMITS ON QUANTITY OF WASTE RECEIVED.—

“(A) LIMIT FOR ALL FACILITIES IN THE STATE.—

“(i) IN GENERAL.—A State may limit the quantity of out-of-State municipal solid waste received annually at each facility in the State to the quantity described in paragraph (2).

“(ii) NO CONFLICT.—

“(I) IN GENERAL.—A limit under clause (i) shall not conflict with—

“(aa) an authorization to receive out-of-State municipal solid waste contained in a permit; or

“(bb) a host community agreement entered into between the owner or operator of a facility and the affected local government.

“(II) CONFLICT.—A limit shall be treated as conflicting with a permit or host community agreement if the permit or host community agreement establishes a higher limit, or if the permit or host community agreement does not establish a limit, on the quantity of out-of-State municipal solid waste that may be received annually at the facility.

“(B) LIMIT FOR PARTICULAR FACILITIES.—

“(i) IN GENERAL.—An affected local government that has not executed a host community agreement with a particular facility may limit the quantity of out-of-State municipal solid waste received annually at the facility to the quantity specified in paragraph (2).

“(ii) NO CONFLICT.—A limit under clause (i) shall not conflict with an authorization to receive out-of-State municipal solid waste contained in a permit.

“(C) EFFECT ON OTHER LAWS.—Nothing in this subsection supersedes any State law relating to contracts.

“(2) LIMIT ON QUANTITY.—

“(A) IN GENERAL.—For any facility that commenced receiving documented out-of-State municipal solid waste before the date of enactment of this section, the quantity referred to in paragraph (1) for any year shall be equal to the quantity of out-of-State municipal solid waste received at the facility during calendar year 1993.

“(B) DOCUMENTATION.—

“(i) CONTENTS.—Documentation submitted under subparagraph (A) shall include information about—

“(I) the date of receipt of the out-of-State municipal solid waste;

“(II) the volume of out-of-State municipal solid waste received in 1993;

“(III) the place of origin of the out-of-State municipal solid waste received; and

“(IV) the type of out-of-State municipal solid waste received.

“(ii) FALSE OR MISLEADING INFORMATION.—Documentation submitted under subparagraph (A) shall be made under penalty of perjury under State law for the submission of false or misleading information.

“(3) NO DISCRIMINATION.—In establishing a limit under this subsection, a State shall act in a manner that does not discriminate against any shipment of out-of-State municipal solid waste on the basis of State of origin.

“(h) AUTHORITY TO LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE TO DECLINING PERCENTAGES OF QUANTITIES RECEIVED DURING 1993.—

“(1) IN GENERAL.—A State in which facilities received more than 650,000 tons of out-of-State municipal solid waste in calendar year 1993 may establish a limit on the quantity of out-of-State municipal solid waste that may be received at all facilities in the State described in subsection (e)(2) in the following quantities:

“(A) In calendar year 2000, 95 percent of the quantity received in calendar year 1993.

“(B) In each of calendar years 2001 through 2006, 95 percent of the quantity received in the previous year.

“(C) In each calendar year after calendar year 2006, 65 percent of the quantity received in calendar year 1993.

“(2) UNIFORM APPLICABILITY.—A limit under paragraph (1) shall apply uniformly—

“(A) to the quantity of out-of-State municipal solid waste that may be received at all facilities in the State that received out-of-State municipal solid waste in calendar year 1993; and

“(B) for each facility described in clause (i), to the quantity of out-of-State municipal solid waste that may be received from each State that generated out-of-State municipal solid waste received at the facility in calendar year 1993.

“(3) NOTICE.—Not later than 90 days before establishing a limit under paragraph (1), a State shall provide notice of the proposed limit to each State from which municipal solid waste was received in calendar year 1993.

“(4) ALTERNATIVE AUTHORITIES.—If a State exercises authority under this subsection, the State may not thereafter exercise authority under subsection (g).

“(i) COST RECOVERY SURCHARGE.—

“(1) DEFINITIONS.—In this subsection:

“(A) COST.—The term ‘cost’ means a cost incurred by the State for the implementation of State laws governing the processing, combustion, or disposal of municipal solid waste, limited to—

“(i) the issuance of new permits and renewal of or modification of permits;

“(ii) inspection and compliance monitoring;

“(iii) enforcement; and

“(iv) costs associated with technical assistance, data management, and collection of fees.

“(B) PROCESSING.—The term ‘processing’ means any activity to reduce the volume of municipal solid waste or alter the chemical, biological or physical state of municipal solid waste, through processes such as thermal treatment, bailing, composting, crushing, shredding, separation, or compaction.

“(2) AUTHORITY.—A State may authorize, impose, and collect a cost recovery charge on the processing or disposal of out-of-State municipal solid waste in the State in accordance with this subsection.

“(3) AMOUNT OF SURCHARGE.—The amount of a cost recovery surcharge—

“(A) may be no greater than the amount necessary to recover those costs determined in conformance with paragraph (5); and

“(B) in no event may exceed \$3.00 per ton of waste.

“(4) USE OF SURCHARGE COLLECTED.—All cost recovery surcharges collected by a State under this subsection shall be used to fund solid waste management programs, administered by the State or a political subdivision of the State, that incur costs for which the surcharge is collected.

“(5) CONDITIONS.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a State may impose and collect a cost recovery surcharge on the processing or disposal within the State of out-of-State municipal solid waste if—

“(i) the State demonstrates a cost to the State arising from the processing or disposal

within the State of a volume of municipal solid waste from a source outside the State;

“(ii) the surcharge is based on those costs to the State demonstrated under subparagraph (A) that, if not paid for through the surcharge, would otherwise have to be paid or subsidized by the State; and

“(iii) the surcharge is compensatory and is not discriminatory.

“(B) PROHIBITION OF SURCHARGE.—In no event shall a cost recovery surcharge be imposed by a State to the extent that—

“(i) the cost for which recovery is sought is otherwise paid, recovered, or offset by any other fee or tax paid to the State or a political subdivision of the State; or

“(ii) to the extent that the amount of the surcharge is offset by voluntary payments to a State or a political subdivision of the State, in connection with the generation, transportation, treatment, processing, or disposal of solid waste.

“(C) SUBSIDY; NON-DISCRIMINATION.—The grant of a subsidy by a State with respect to entities disposing of waste generated within the State does not constitute discrimination for purposes of subparagraph (A).

“(j) IMPLEMENTATION AND ENFORCEMENT.—A State may adopt such laws (including regulations), not inconsistent with this section, as are appropriate to implement and enforce this section, including provisions for penalties.

“(k) ANNUAL STATE REPORT.—

“(1) FACILITIES.—On February 1, 2000, and on February 1 of each subsequent year, the owner or operator of each facility that receives out-of-State municipal solid waste shall submit to the State information specifying—

“(A) the quantity of out-of-State municipal solid waste received during the preceding calendar year; and

“(B) the State of origin of the out-of-State municipal solid waste received during the preceding calendar year.

“(2) TRANSFER STATIONS.—

“(A) DEFINITION OF RECEIVE FOR TRANSFER.—In this paragraph, the term ‘receive for transfer’ means receive for temporary storage pending transfer to another State or facility.

“(B) REPORT.—On February 1, 2000, and on February 1 of each subsequent year, the owner or operator of each transfer station that receives for transfer out-of-State municipal solid waste shall submit to the State a report describing—

“(A) the quantity of out-of-State municipal solid waste received for transfer during the preceding calendar year;

“(B) each State of origin of the out-of-State municipal solid waste received for transfer during the preceding calendar year; and

“(C) each State of destination of the out-of-State municipal solid waste transferred from the transfer station during the preceding calendar year.

“(3) NO PRECLUSION OF STATE REQUIREMENTS.—The requirements of paragraphs (1) and (2) do not preclude any State requirement for more frequent reporting.

“(4) FALSE OR MISLEADING INFORMATION.—Documentation submitted under paragraphs (1) and (2) shall be made under penalty of perjury under State law for the submission of false or misleading information.

“(5) REPORT.—On March 1, 2000, and on March 1 of each year thereafter, each State to which information is submitted under paragraphs (1) and (2) shall publish and make available to the public a report containing information on the quantity of out-of-State municipal solid waste received for disposal and received for transfer in the State during the preceding calendar year.”

“(b) CONFORMING AMENDMENT.—The table of contents of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4010 the following:

“Sec. 4011. Authority to prohibit or limit receipt of out-of-State municipal solid waste at existing facilities.”

**SEC. 3. AUTHORITY TO DENY PERMITS FOR OR IMPOSE PERCENTAGE LIMITS ON RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT NEW FACILITIES.**

(a) AMENDMENT.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 2(a)), is amended by adding after section 4011 the following:

**“SEC. 4012. AUTHORITY TO DENY PERMITS FOR OR IMPOSE PERCENTAGE LIMITS ON RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT NEW FACILITIES.**

“(a) DEFINITIONS.—In this section:

“(1) TERMS DEFINED IN SECTION 4011.—The terms ‘authorization to receive out-of-State municipal solid waste’, ‘disposal’, ‘existing host community agreement’, ‘host community agreement’, ‘municipal solid waste’, ‘out-of-State municipal solid waste’, and ‘receive’ have the meaning given those terms, respectively, in section 4011.

“(2) OTHER TERMS.—The term ‘facility’ means a landfill, incinerator, or other enterprise that receives out-of-State municipal solid waste on or after the date of enactment of this section.

“(b) AUTHORITY TO DENY PERMITS OR IMPOSE PERCENTAGE LIMITS.—

“(1) ALTERNATIVE AUTHORITIES.—In any calendar year, a State may exercise the authority under either paragraph (2) or paragraph (3), but may not exercise the authority under both paragraphs (2) and (3).

“(2) AUTHORITY TO DENY PERMITS.—A State may deny a permit for the construction or operation of or a major modification to a facility if—

“(A) the State has approved a State or local comprehensive municipal solid waste management plan developed under Federal or State law; and

“(B) the denial is based on a determination, under a State law authorizing the denial, that there is not a local or regional need for the facility in the State.

“(3) AUTHORITY TO IMPOSE PERCENTAGE LIMIT.—A State may provide by law that a State permit for the construction, operation, or expansion of a facility shall include the requirement that not more than a specified percentage (which shall be not less than 20 percent) of the total quantity of municipal solid waste received annually at the facility shall be out-of-State municipal solid waste.

“(c) NEW HOST COMMUNITY AGREEMENTS.—

“(1) IN GENERAL.—Notwithstanding subsection (b)(3), a facility operating under an existing host community agreement that contains an authorization to receive out-of-State municipal solid waste in a specific quantity annually may receive that quantity.

“(2) NO EFFECT ON STATE PERMIT DENIAL.—Nothing in paragraph (1) authorizes a facility described in that paragraph to receive out-of-State municipal solid waste if the State has denied a permit to the facility under subsection (b)(2).

“(d) UNIFORM AND NONDISCRIMINATORY APPLICATION.—A law under subsection (b) or (c)—

“(1) shall be applicable throughout the State;

“(2) shall not directly or indirectly discriminate against any particular facility; and

“(3) shall not directly or indirectly discriminate against any shipment of out-of-

State municipal solid waste on the basis of place of origin.”.

(b) CONFORMING AMENDMENT.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 1(b)) is amended by adding at the end of the items relating to subtitle D the following:

“Sec. 4012. Authority to deny permits for or impose percentage limits on new facilities.”.

**SEC. 4. CONSTRUCTION AND DEMOLITION WASTE.**

(a) AMENDMENT.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 3(a)), is amended by adding after section 4012 the following:

**“SEC. 4013. CONSTRUCTION AND DEMOLITION WASTE.**

“(a) DEFINITIONS.—In this section:

“(1) TERMS DEFINED IN SECTION 4011.—The terms ‘affected local government’, ‘Governor’, and ‘receive’ have the meanings given those terms, respectively, in section 4011.

“(2) OTHER TERMS.—

“(A) BASE YEAR QUANTITY.—The term ‘base year quantity’ means—

“(i) the annual quantity of out-of-State construction and demolition debris received at a State in calendar year 2000, as determined under subsection (c)(2)(B)(i); or

“(ii) in the case of an expedited implementation under subsection (c)(5), the annual quantity of out-of-State construction and demolition debris received in a State in calendar year 1999.

**“(B) CONSTRUCTION AND DEMOLITION WASTE.**

“(i) IN GENERAL.—The term ‘construction and demolition waste’ means debris resulting from the construction, renovation, repair, or demolition of or similar work on a structure.

“(ii) EXCLUSIONS.—The term ‘construction and demolition waste’ does not include debris that—

“(I) is commingled with municipal solid waste; or

“(II) is contaminated, as determined under subsection (b).

“(C) FACILITY.—The term ‘facility’ means any enterprise that receives construction and demolition waste on or after the date of enactment of this section, including landfills.

“(D) OUT-OF-STATE CONSTRUCTION AND DEMOLITION WASTE.—The term ‘out-of-State construction and demolition waste’ means—

“(i) with respect to any State, construction and demolition debris generated outside the State; and

“(ii) construction and demolition debris generated outside the United States, unless the President determines that treatment of the construction and demolition debris as out-of-State construction and demolition waste under this section would be inconsistent with the North American Free Trade Agreement or the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)).

**“(b) CONTAMINATED CONSTRUCTION AND DEMOLITION DEBRIS.**

“(1) IN GENERAL.—For the purpose of determining whether debris is contaminated, the generator of the debris shall conduct representative sampling and analysis of the debris.

“(2) SUBMISSION OF RESULTS.—Unless not required by the affected local government, the results of the sampling and analysis under paragraph (1) shall be submitted to the affected local government for recordkeeping purposes only.

“(3) DISPOSAL OF CONTAMINATED DEBRIS.—Any debris described in subsection (a)(2)(B)(i) that is determined to be contaminated shall be disposed of in a landfill that meets the requirements of this Act.

**“(c) LIMIT ON CONSTRUCTION AND DEMOLITION WASTE.**

“(1) IN GENERAL.—A State may establish a limit on the annual amount of out-of-State construction and demolition waste that may be received at landfills in the State.

“(2) REQUIRED ACTION BY THE STATE.—A State that seeks to limit the receipt of out-of-State construction and demolition waste received under this section shall—

“(i) not later than January 1, 2000, establish and implement reporting requirements to determine the quantity of construction and demolition waste that is—

“(I) disposed of in the State; and

“(II) imported into the State; and

“(ii) not later than March 1, 2001—

“(I) establish the annual quantity of out-of-State construction and demolition waste received during calendar year 2000; and

“(II) report the tonnage received during calendar year 2000 to the Governor of each exporting State.

“(3) REPORTING BY FACILITIES.—

“(A) IN GENERAL.—Each facility that receives out-of-State construction and demolition debris shall report to the State in which the facility is located the quantity and State of origin of out-of-State construction and demolition debris received—

“(i) in calendar year 1999, not later than February 1, 2000; and

“(ii) in each subsequent calendar year, not later than February 1 of the calendar year following that year.

“(B) NO PRECLUSION OF STATE REQUIREMENTS.—The requirement of subparagraph (A) does not preclude any State requirement for more frequent reporting.

“(C) PENALTY.—Each submission under this paragraph shall be made under penalty of perjury under State law.

“(4) LIMIT ON DEBRIS RECEIVED.—

“(A) RATCHET.—A State in which facilities receive out-of-State construction and demolition debris may decrease the quantity of construction and demolition debris that may be received at each facility to an annual percentage of the base year quantity specified in subparagraph (B).

“(B) REDUCED ANNUAL PERCENTAGES.—A limit on out-of-State construction and demolition debris imposed by a State under subparagraph (A) shall be equal to—

“(i) in calendar year 2001, 95 percent of the base year quantity;

“(ii) in calendar year 2002, 90 percent of the base year quantity;

“(iii) in calendar year 2003, 85 percent of the base year quantity;

“(iv) in calendar year 2004, 80 percent of the base year quantity;

“(v) in calendar year 2005, 75 percent of the base year quantity;

“(vi) in calendar year 2006, 70 percent of the base year quantity;

“(vii) in calendar year 2007, 65 percent of the base year quantity;

“(viii) in calendar year 2008, 60 percent of the base year quantity;

“(ix) in calendar year 2009, 55 percent of the base year quantity; and

“(x) in calendar year 2010 and in each subsequent year, 50 percent of the base year quantity.

“(5) EXPEDITED IMPLEMENTATION.—

“(A) RATCHET.—A State in which facilities receive out-of-State construction and demolition debris may decrease the quantity of construction and demolition debris that may be received at each facility to an annual percentage of the base year quantity specified in subparagraph (B) if—

“(i) on the date of enactment of this section, the State has determined the quantity of construction and demolition waste received in the State in calendar year 1999; and

“(ii) the State complies with paragraphs (2) and (3).

“(B) EXPEDITED REDUCED ANNUAL PERCENTAGES.—An expedited implementation of a limit on the receipt of out-of-State construction and demolition debris imposed by a State under subparagraph (A) shall be equal to—

“(i) in calendar year 2000, 95 percent of the base year quantity;

“(ii) in calendar year 2001, 90 percent of the base year quantity;

“(iii) in calendar year 2002, 85 percent of the base year quantity;

“(iv) in calendar year 2003, 80 percent of the base year quantity;

“(v) in calendar year 2004, 75 percent of the base year quantity;

“(vi) in calendar year 2005, 70 percent of the base year quantity;

“(vii) in calendar year 2006, 65 percent of the base year quantity;

“(viii) in calendar year 2007, 60 percent of the base year quantity;

“(ix) in calendar year 2008, 55 percent of the base year quantity; and

“(x) in calendar year 2009 and in each subsequent year, 50 percent of the base year quantity.”.

(b) CONFORMING AMENDMENT.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 3(b)), is amended by adding at the end of the items relating to subtitle D the following:

“Sec. 4013. Construction and demolition debris.”.

**SEC. 5. CONGRESSIONAL AUTHORIZATION OF STATE AND LOCAL MUNICIPAL SOLID WASTE FLOW CONTROL.**

(a) AMENDMENT OF SUBTITLE D.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 4(a)) is amended by adding after section 4013 the following:

**“SEC. 4014. CONGRESSIONAL AUTHORIZATION OF STATE AND LOCAL GOVERNMENT CONTROL OVER MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS.**

“(a) FLOW CONTROL AUTHORITY FOR FACILITIES PREVIOUSLY DESIGNATED.—Any State or political subdivision thereof is authorized to exercise flow control authority to direct the movement of municipal solid waste and recyclable materials voluntarily relinquished by the owner or generator thereof to particular waste management facilities, or facilities for recyclable materials, designated as of the suspension date, if each of the following conditions are met:

“(1) The waste and recyclable materials are generated within the jurisdictional boundaries of such State or political subdivision, as such jurisdiction was in effect on the suspension date.

“(2) Such flow control authority is imposed through the adoption or execution of a law, ordinance, regulation, resolution, or other legally binding provision or official act of the State or political subdivision that—

“(A) was in effect on the suspension date;

“(B) was in effect prior to the issuance of an injunction or other order by a court based on a ruling that such law, ordinance, regulation, resolution, or other legally binding provision or official act violated the Commerce Clause of the United States Constitution; or

“(C) was in effect immediately prior to suspension or partial suspension thereof by legislative or official administrative action of the State or political subdivision expressly because of the existence of an injunction or other court order of the type described in subparagraph (B) issued by a court of competent jurisdiction.

“(3) The State or a political subdivision thereof has, for one or more of such designated facilities—

“(A) on or before the suspension date, presented eligible bonds for sale;

“(B) on or before the suspension date, issued a written public declaration or regulation stating that bonds would be issued and held hearings regarding such issuance, and subsequently presented eligible bonds for sale within 180 days of the declaration or regulation; or

“(C) on or before the suspension date, executed a legally binding contract or agreement that—

“(i) was in effect as of the suspension date;

“(ii) obligates the delivery of a minimum quantity of municipal solid waste or recyclable materials to one or more such designated waste management facilities or facilities for recyclable materials; and

“(iii) either—

“(I) obligates the State or political subdivision to pay for that minimum quantity of waste or recyclable materials even if the stated minimum quantity of such waste or recyclable materials is not delivered within a required timeframe; or

“(II) otherwise imposes liability for damages resulting from such failure.

“(b) WASTE STREAM SUBJECT TO FLOW CONTROL.—Subsection (a) authorizes only the exercise of flow control authority with respect to the flow to any designated facility of the specific classes or categories of municipal solid waste and voluntarily relinquished recyclable materials to which such flow control authority was applicable on the suspension date and—

“(1) in the case of any designated waste management facility or facility for recyclable materials that was in operation as of the suspension date, only if the facility concerned received municipal solid waste or recyclable materials in those classes or categories on or before the suspension date; and

“(2) in the case of any designated waste management facility or facility for recyclable materials that was not yet in operation as of the suspension date, only of the classes or categories that were clearly identified by the State or political subdivision as of the suspension date to be flow controlled to such facility.

“(c) DURATION OF FLOW CONTROL AUTHORITY.—Flow control authority may be exercised pursuant to this section with respect to any facility or facilities only until the later of the following:

“(1) The final maturity date of the bond referred to in subsection (a)(3)(A) or (B).

“(2) The expiration date of the contract or agreement referred to in subsection (a)(3)(C).

“(3) The adjusted expiration date of a bond issued for a qualified environmental retrofit. The dates referred to in paragraphs (1) and (2) shall be determined based upon the terms and provisions of the bond or contract or agreement. In the case of a contract or agreement described in subsection (a)(3)(C) that has no specified expiration date, for purposes of paragraph (2) of this subsection the expiration date shall be the first date that the State or political subdivision that is a party to the contract or agreement can withdraw from its responsibilities under the contract or agreement without being in default thereunder and without substantial penalty or other substantial legal sanction. The expiration date of a contract or agreement referred to in subsection (a)(3)(C) shall be deemed to occur at the end of the period of an extension exercised during the term of the original contract or agreement, if the duration of that extension was specified by such contract or agreement as in effect on the suspension date.

“(d) INDEMNIFICATION FOR CERTAIN TRANSPORTATION.—Notwithstanding any other provision of this section, no State or political

subdivision may require any person to transport municipal solid waste or recyclable materials, or to deliver such waste or materials for transportation, to any active portion of a municipal solid waste landfill unit if contamination of such active portion is a basis for listing of the municipal solid waste landfill unit on the National Priorities List established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 unless such State or political subdivision or the owner or operator of such landfill unit has indemnified that person against all liability under that Act with respect to such waste or materials.

“(e) OWNERSHIP OF RECYCLABLE MATERIALS.—Nothing in this section shall authorize any State or political subdivision to require any person to sell or transfer any recyclable materials to such State or political subdivision.

“(f) LIMITATION ON REVENUE.—A State or political subdivision may exercise the flow control authority granted in this section only if the State or political subdivision limits the use of any of the revenues it derives from the exercise of such authority to the payment of one or more of the following:

“(1) Principal and interest on any eligible bond.

“(2) Principal and interest on a bond issued for a qualified environmental retrofit.

“(3) Payments required by the terms of a contract referred to in subsection (a)(3)(C).

“(4) Other expenses necessary for the operation and maintenance and closure of designated facilities and other integral facilities identified by the bond necessary for the operation and maintenance of such designated facilities.

“(5) To the extent not covered by paragraphs (1) through (4), expenses for recycling, composting, and household hazardous waste activities in which the State or political subdivision was engaged before the suspension date. The amount and nature of payments described in this paragraph shall be fully disclosed to the public annually.

“(g) INTERIM CONTRACTS.—A contract of the type referred to in subsection (a)(3)(C) that was entered into during the period—

“(1) before November 10, 1995, and after the effective date of any applicable final court order no longer subject to judicial review specifically invalidating the flow control authority of the applicable State or political subdivision; or

“(2) after the applicable State or political subdivision refrained pursuant to legislative or official administrative action from enforcing flow control authority expressly because of the existence of a court order of the type described in subsection (a)(2)(B) issued by a court of the same State or the Federal judicial circuit within which such State is located and before the effective date on which it resumes enforcement of flow control authority after enactment of this section, shall be fully enforceable in accordance with State law.

“(h) AREAS WITH PRE-1984 FLOW CONTROL.—

“(1) GENERAL AUTHORITY.—A State that on or before January 1, 1984—

“(A) adopted regulations under a State law that required or directed transportation, management, or disposal of municipal solid waste from residential, commercial, institutional, or industrial sources (as defined under State law) to specifically identified waste management facilities, and applied those regulations to every political subdivision of the State; and

“(B) subjected such waste management facilities to the jurisdiction of a State public utilities commission,

may exercise flow control authority over municipal solid waste in accordance with the other provisions of this section.

“(2) ADDITIONAL FLOW CONTROL AUTHORITY.—A State or any political subdivision of a State that meets the requirements of paragraph (1) may exercise flow control authority over all classes and categories of municipal solid waste that were subject to flow control by that State or political subdivision on May 16, 1994, by directing municipal solid waste from any waste management facility that was designated as of May 16, 1994 to any other waste management facility in the State without regard to whether the political subdivision in which the municipal solid waste is generated had designated the particular waste management facility or had issued a bond or entered into a contact referred to in subparagraph (A) or (B) of subsection (a)(3), respectively.

“(3) DURATION OF AUTHORITY.—The authority to direct municipal solid waste to any facility pursuant to this subsection shall terminate with regard to such facility in accordance with subsection (c).

“(i) EFFECT ON AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS.—Nothing in this section shall be interpreted—

“(1) to authorize a political subdivision to exercise the flow control authority granted by this section in a manner inconsistent with State law;

“(2) to permit the exercise of flow control authority over municipal solid waste and recyclable materials to an extent greater than the maximum volume authorized by State permit to be disposed at the waste management facility or processed at the facility for recyclable materials;

“(3) to limit the authority of any State or political subdivision to place a condition on a franchise, license, or contract for municipal solid waste or recyclable materials collection, processing, or disposal; or

“(4) to impair in any manner the authority of any State or political subdivision to adopt or enforce any law, ordinance, regulation, or other legally binding provision or official act relating to the movement or processing of municipal solid waste or recyclable materials which does not constitute discrimination against or an undue burden upon interstate commerce.

“(j) EFFECTIVE DATE.—The provisions of this section shall take effect with respect to the exercise by any State or political subdivision of flow control authority on or after the date of enactment of this section. Such provisions, other than subsection (d), shall also apply to the exercise by any State or political subdivision of flow control authority before such date of enactment, except that nothing in this section shall affect any final judgment that is no longer subject to judicial review as of the date of enactment of this section insofar as such judgment awarded damages based on a finding that the exercise of flow control authority was unconstitutional.

“(k) STATE SOLID WASTE DISTRICT AUTHORITY.—In addition to any other flow control authority authorized under this section a solid waste district or a political subdivision of a State may exercise flow control authority for a period of 20 years after the enactment of this section, for municipal solid waste and for recyclable materials that is generated within its jurisdiction if—

“(1) the solid waste district, or a political subdivision within such district, is required through a recyclable materials recycling program to meet a municipal solid waste reduction goal of at least 30 percent by the year 2005, and uses revenues generated by the exercise of flow control authority strictly to implement programs to manage municipal solid waste and recyclable materials, other than incineration programs; and

“(2) prior to the suspension date, the solid waste district, or a political subdivision within such district—

“(A) was responsible under State law for the management and regulation of the storage, collection, processing, and disposal of solid wastes within its jurisdiction;

“(B) was authorized by State statute (enacted prior to January 1, 1992) to exercise flow control authority, and subsequently adopted or sought to exercise the authority through a law, ordinance, regulation, regulatory proceeding, contract, franchise, or other legally binding provision; and

“(C) was required by State statute (enacted prior to January 1, 1992) to develop and implement a solid waste management plan consistent with the State solid waste management plan, and the district solid waste management plan was approved by the appropriate State agency prior to September 15, 1994.

“(I) SPECIAL RULE FOR CERTAIN CONSORTIA.—For purposes of this section, if—

“(1) two or more political subdivisions are members of a consortium of political subdivisions established to exercise flow control authority with respect to any waste management facility or facility for recyclable materials;

“(2) all of such members have either presented eligible bonds for sale or executed contracts with the owner or operator of the facility requiring use of such facility;

“(3) the facility was designated as of the suspension date by at least one of such members;

“(4) at least one of such members has met the requirements of subsection (a)(2) with respect to such facility; and

“(5) at least one of such members has presented eligible bonds for sale, or entered into a contract or agreement referred to in subsection (a)(3)(C), on or before the suspension date, for such facility,

the facility shall be treated as having been designated, as of May 16, 1994, by all members of such consortium, and all such members shall be treated as meeting the requirements of subsection (a)(2) and (3) with respect to such facility.

“(m) RECOVERY OF DAMAGES.—

“(1) PROHIBITION.—No damages, interest on damages, costs, or attorneys' fees may be recovered in any claim against any State or local government, or official or employee thereof, based on the exercise of flow control authority on or before May 16, 1994.

“(2) APPLICABILITY.—Paragraph (1) shall apply to cases commenced on or after the date of enactment of the Solid Waste Interstate Transportation and Local Authority Act of 1999, and shall apply to cases commenced before such date except cases in which a final judgment no longer subject to judicial review has been rendered.

“(n) DEFINITIONS.—For the purposes of this section—

“(1) ADJUSTED EXPIRATION DATE.—The term ‘adjusted expiration date’ means, with respect to a bond issued for a qualified environmental retrofit, the earlier of the final maturity date of such bond or 15 years after the date of issuance of such bond.

“(2) BOND ISSUED FOR A QUALIFIED ENVIRONMENTAL RETROFIT.—The term ‘bond issued for a qualified environmental retrofit’ means a bond described in paragraph (4)(A) or (B), the proceeds of which are dedicated to financing the retrofitting of a resource recovery facility or a municipal solid waste incinerator necessary to comply with section 129 of the Clean Air Act, provided that such bond is presented for sale before the expiration date of the bond or contract referred to in subsection (a)(3)(A), (B), or (C) that is applicable to such facility and no later than December 31, 1999.

“(3) DESIGNATED.—The term ‘designated’ means identified by a State or political subdivision for receipt of all or any portion of the municipal solid waste or recyclable materials that is generated within the boundaries of the State or political subdivision. Such designation includes designation through—

“(A) bond covenants, official statements, or other official financing documents issued by a State or political subdivision issuing an eligible bond; and

“(B) the execution of a contract of the type described in subsection (a)(3)(C),

in which one or more specific waste management facilities are identified as the requisite facility or facilities for receipt of municipal solid waste or recyclable materials generated within the jurisdictional boundaries of that State or political subdivision.

“(4) ELIGIBLE BOND.—The term ‘eligible bond’ means—

“(A) a revenue bond or similar instrument of indebtedness pledging payment to the bondholder or holder of the debt of identified revenues; or

“(B) a general obligation bond, the proceeds of which are used to finance one or more designated waste management facilities, facilities for recyclable materials, or specifically and directly related assets, development costs, or finance costs, as evidenced by the bond documents.

“(5) FLOW CONTROL AUTHORITY.—The term ‘flow control authority’ means the regulatory authority to control the movement of municipal solid waste or voluntarily relinquished recyclable materials and direct such solid waste or recyclable materials to one or more designated waste management facilities or facilities for recyclable materials within the boundaries of a State or political subdivision.

“(6) MUNICIPAL SOLID WASTE.—The term ‘municipal solid waste’ has the meaning given that term in section 4011, except that such term—

“(A) includes waste material removed from a septic tank, septic pit, or cesspool (other than from portable toilets); and

“(B) does not include—

“(i) any substance the treatment and disposal of which is regulated under the Toxic Substances Control Act;

“(ii) waste generated during scrap processing and scrap recycling; or

“(iii) construction and demolition debris, except where the State or political subdivision had on or before January 1, 1989, issued eligible bonds secured pursuant to State or local law requiring the delivery of construction and demolition debris to a waste management facility designated by such State or political subdivision.

“(7) POLITICAL SUBDIVISION.—The term ‘political subdivision’ means a city, town, borough, county, parish, district, or public service authority or other public body created by or pursuant to State law with authority to present for sale an eligible bond or to exercise flow control authority.

“(8) RECYCLABLE MATERIALS.—The term ‘recyclable materials’ means any materials that have been separated from waste otherwise destined for disposal (either at the source of the waste or at processing facilities) or that have been managed separately from waste destined for disposal, for the purpose of recycling, reclamation, composting of organic materials such as food and yard waste, or reuse (other than for the purpose of incineration). Such term includes scrap tires to be used in resource recovery.

“(9) SUSPENSION DATE.—The term ‘suspension date’ means, with respect to a State or political subdivision—

“(A) May 16, 1994;

“(B) the date of an injunction or other court order described in subsection (a)(2)(B) that was issued with respect to that State or political subdivision; or

“(C) the date of a suspension or partial suspension described in subsection (a)(2)(C) with respect to that State or political subdivision.

“(10) WASTE MANAGEMENT FACILITY.—The term ‘waste management facility’ means any facility for separating, storing, transferring, treating, processing, combusting, or disposing of municipal solid waste.”

(b) TABLE OF CONTENTS.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 4(b)), is amended by adding at the end of the items relating to subtitle D the following:

“Sec. 4014. Congressional authorization of State and local government control over movement of municipal solid waste and recyclable materials.”

#### SEC. 6. EFFECT ON INTERSTATE COMMERCE.

No action by a State or affected local government under an amendment made by this Act shall be considered to impose an undue burden on interstate commerce or to otherwise impair, restrain, or discriminate against interstate commerce.

STATE OF INDIANA, STATE OF OHIO,  
STATE OF MICHIGAN, AND STATE OF  
NEW JERSEY

April 22, 1999.

Hon. GEORGE V. VOINOVICH,  
U.S. Senate, Washington, DC.

Hon. EVAN BAYH,  
U.S. Senate, Washington, DC.

DEAR SENATOR VOINOVICH AND SENATOR BAYH: We are writing to express our strong support for the Municipal Solid Waste Interstate Transportation and Local Authority Act of 1999, which you plan to introduce this week. This legislation would at long last give state and local governments federal authority to establish reasonable limitations on the flow of interstate waste and protect public investments in waste disposal facilities needed to address in-state disposal needs.

Both of you know firsthand the problems states face in managing solid waste, as required by federal law. During your terms of office as Governors, you worked to support the passage of effective federal legislation that would vest states with sufficient authority to plan for and control the disposal of municipal solid waste, including non-contaminated construction and demolition debris. The need for such legislation arose from various U.S. Supreme Court rulings applying the commerce clause of the U.S. Constitution to state laws restricting out-of-state waste and directing the flow of solid waste shipments.

We are committed to working with all states and building upon the broad state support which exists to pass legislation in the 106th Congress that will provide a balanced set of controls for state and local governments to use in limiting out-of-state waste shipments and directing intrastate shipments. The need for congressional action on interstate waste/flow control legislation is becoming more urgent. Last year, the Congressional Research Service reported that its most recent data showed interstate waste shipments increasing to a total of over 25 million tons. The closing of the Fresh Kills landfill in New York City is likely to dramatically increase that figure.

Your bill includes provisions which we believe are important for state and local governments such as the general requirement that local officials formally approve the receipt of out-of-state municipal solid waste

prior to disposal in landfills and incinerators. The legislation does include a number of important exemptions for current flows of waste. It also provides authority for states to establish a statewide freeze of waste shipments or, in some cases, implement reductions. In addition, the legislation explicitly authorizes states to implement laws requiring an assessment of regional and local needs before issuing facility permits or establishing statewide out-of-state percentage limitations for new or expanded facilities.

The legislation would also allow states to impose a \$3-per-ton cost recovery surcharge on out-of-state waste and would provide additional authority for states to reduce the flow of noncontaminated construction and demolition debris. Under a separate set of provisions, states would also be authorized to exercise limited flow control authority necessary to protect public investments.

We recognize that the Municipal Solid Waste Interstate Transportation and Local Authority Act of 1999 would not establish an outright ban on out-of-state waste shipments; instead, it would give states and localities the tools they need to better manage their in-state waste disposal needs and protect important natural resources. We pledge our support for your efforts to ensure that no state is forced to become a dumping ground for solid waste. We believe your bill will enjoy wide support and look forward to working with you to secure its passage.

Sincerely,

FRANK O'BANNON,  
*Governor, State of Indiana.*  
JOHN ENGLER,  
*Governor, State of Michigan.*  
BOB TAFT,  
*Governor, State of Ohio.*  
CHRISTINE T. WHITMAN,  
*Governor, State of New Jersey.*

COMMONWEALTH OF PENNSYLVANIA,  
OFFICE OF THE GOVERNOR,  
*Harrisburg, PA, April 22, 1999.*

Hon. GEORGE V. VOINOVICH,  
*U.S. Senate,  
Washington, DC.*  
Hon. EVAN BAYH,  
*U.S. Senate,  
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Sincerely,

TOM RIDGE,  
*Governor.*

Mr. BAYH. Mr. President, states have been struggling for years to ensure safe, responsible management of out-of-state municipal solid waste. As Governor of Indiana, I tried to ensure that Indiana's disposal capacity would meet Indiana's municipal solid waste needs. Efforts to institute effective waste management policies were—and continue to be—thwarted by two obstacles. The first is the massive and unpredictable amounts of out-of-state waste flowing into state disposal facilities. States' attempts to address that problem run into the second obstacle. The Supreme Court has established, in a series of opinions, that Congress must first provide the states the authority to regulate interstate waste.

I rise with my colleague today to introduce legislation to do just that.

Senator VOINOVICH and I, as Governors, participated in a cooperative effort to develop a set of principles for federal action on interstate waste. The Voinovich/Bayh interstate waste con-

trol bill is based on those principles. Mr. President, the need for controls in interstate waste is even more acute today than when I was a Governor. Current governors supporting our bill know this better than anyone.

In Indiana, waste imports are again on the rise. After decreasing from 1992 to 1994, waste imports increased significantly in 1995 and doubled in 1996. Between 1996 and 1998, out-of-state waste received by Indiana facilities increased by 32 percent to their highest level in the last seven years. In fact, in 1998, 2.8 million tons of out-of-state waste were disposed of in Indiana—that's 19 percent of all the waste disposed of in Indiana's landfills. Our Department of Environmental Management has predicted that the state will run out of landfill space in 2011—or earlier, so the time for action is now.

Senator VOINOVICH and I believe we have crafted a comprehensive, equitable approach to interstate waste management. Our bill will give states the power to ensure manageable and predictable waste flows by freezing waste imports at 1993 levels. States bearing the greatest burden of interstate waste—those that disposed of more than 650,000 tons in 1993—could reduce imported waste to 65 percent of the 1993 level by 2006. Our bill will give states the power to set a percentage limitation on the amount of out-of-state waste that new or expanding facilities could receive and give states the option to deny a permit to a new or expanding facility if there is no regional or in-state need for the facility. Local governments would have more power to determine whether they want to accept out-of-state waste. They would be able to prohibit local disposal facilities that didn't receive out-of-state waste in 1993 from starting to take it until the local government approved. This presumptive ban on interstate waste would not interfere with facilities operating under existing host community agreements or permits.

This bill is the culmination of the work we did as Governors and the coalition we are building as Senators. It attempts to forge a new and workable compromise between the needs and rights of importing and exporting states and gives the people who must live with waste planning decisions the power to make them. I look forward to working with my colleagues to move this important legislation forward.

By Mr. DURBIN (for himself, Mr. SCHUMER, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. HARKIN, Mr. KERRY, Ms. LANDRIEU, Mr. FEINGOLD, and Mr. WELLSTONE):

S. 873. A bill to close the United States Army School of the Americas; to the Committee on Armed Services.

LEGISLATION TO CLOSE THE U.S. ARMY SCHOOL  
OF THE AMERICAS

Mr. DURBIN. Mr. President, today I am introducing legislation to close the U.S. Army School of the Americas. The school is the Army's Spanish language training facility for Latin American personnel. It is located in Fort Benning, GA. The school is a relic of the cold war with a terrible legacy of teaching torture and assassination. It deserves to be closed for what it has taught in the past, what it stands for in Latin American democracies today, and what its counterinsurgency training at such a tainted institution may create in the future.

This school was formed after World War II. Its mission, starting in the 1960s, was to fight Communist insurrections in Latin America. To do this, instruction manuals used at the school from 1982 to 1991 recommended execution, torture, and blackmail of insurgents. These manuals at the U.S. Army School of the Americas advocated that Latin American militaries spy on and infiltrate civic organizations such as opposition political parties, community organizations, and unions. They fundamentally confused what constitutes armed insurgency with genuine civic opposition. To the Latin American dictators of the time, insurgents were anybody who did not agree with them, leading to a virtual war against civilians, religious leaders, and Native Americans.

The Chicago Tribune recently wrote an editorial noting the fact that there would likely be very few reunions of the graduates of the Army School of the Americas. It is not surprising when you take a look at the list of the graduates of this U.S. Army School of the Americas and consider that it contains a list of some of the worst human rights abusers in recent Latin American history.

Let me be specific: 19 Salvadoran soldiers linked to the murder of 6 Jesuit priests, their housekeeper, and her daughter in El Salvador in 1989. Among the other graduates of the School of the Americas: 48 of 69 Salvadoran military members cited at the United Nations Truth Commission report on El Salvador for involvement in human rights violations. The list goes on: Former Panamanian dictator and convicted drug dealer Manuel Noriega and nine other Latin American military dictators; El Salvador death squad leader Roberto D'Aubuisson; two of the three killers of Catholic Archbishop Oscar Romero of El Salvador.

I continue reading the list of graduates from the U.S. Army School of the Americas at Fort Benning, GA: Mexican General Juan Lopez Ortiz, whose troops committed the Ocosingo massacre in Chiapas in 1994; Guatamalan Colonel Julio Alpirez, linked to the murder of U.S. citizen Michael Devine in 1990, and Efrain Bamaca, husband of Jennifer Harbury in 1992; 124 of the 247—more than half—Colombian military officials accused of human rights

violations in the 1992 work "State Terrorism in Colombia," compiled by a large coalition of European and Colombian nongovernmental organizations; 2 of the 3 officers prosecuted by Guatemala for masterminding the killing of anthropologist Myrna MACK in 1992, as well as several leaders of the notorious Guatamalan military unit D-2.

I continue to read the list of graduates of the U.S. Army School of the Americas at Fort Benning, GA: Argentinian dictator Leopoldo Galtieri, a leader of the so-called "dirty war," during which some 30,000 civilians were killed or "disappeared;" Haitian Colonel Gambetta Hyppolite, who ordered his soldiers to fire on a provincial electoral bureau in 1987; several Peruvian military officers linked to the July 1992 killings of 9 students and a professor from La Cantuta University.

I read on from the list of graduates of the U.S. Army School of the Americas, Fort Benning, GA: Several Honduran officers linked to a clandestine military force known as Battalion 316 responsible for disappearances in the 1980s; 10 of the 12 officers responsible for the murder of 900 civilians in the El Salvadoran village of El Mozote; and, finally, 3 of the 5 officers involved in the 1980 rape and murder of 4 U.S. churchwomen in El Salvador. These are all graduates of the U.S. Army School of the Americas, Fort Benning, GA.

This school is not a victim of a few isolated incidents of wrongdoing by its graduates. This list shows that human rights violations are endemic among its graduates, with far in excess of 200 murders and other human rights violations by its past roll of honor graduates.

Can the School of the Americas claim innocence in the actions of its graduates? Many do not think it is possible. For example, just a few months ago the Guatemalan Truth Commission Report faulted the school's counterinsurgency training as having "had a significant impact on the human rights violations during the armed conflict," a conflict that killed 200,000 people.

How, in the name of humanity or democracy, can the people of America allow this school to remain open? How can we sanction the legacy perpetuated by its name today? The Latin American dictatorships of the 1970s and 1980s have given way to democracy, some fragile, some strong. But to the people of these countries, the continued existence of the Army School of the Americas perpetuates the unfortunate link between the United States and the perpetrators of the heinous crimes I have just listed. The school should be closed to send a powerful signal to democratic countries of Latin America that America repudiates the terror, the torture, and the murder carried out against civilian populations by Central and South American military forces run amok.

I am not proposing that we hold this U.S. foreign military program accountable for the actions attributed to the graduates. We know from experience

that people can be brutal with or without training. But neither can we deny the links of those human rights abusers to the School of the Americas. Just a few of those examples should have been enough for us to quickly close that school in shame.

In the post-cold-war era, it is more important than ever for the United States to promote democratic values and human rights in developing countries and to reject militaries that view their own countries' citizens as the enemy.

The Pentagon will tell you that the Army has tried to make changes at the school by updating the curriculum to include discussions of human rights and by approving the selection process for students and the quality of the teaching staff. I do not doubt that some changes have been made, but I am not confident that these changes are enough or could ever be enough at a facility with such a sorry history.

To be sure the continuing counterinsurgency training will not lead to future abuses against legitimate civic opposition, we must close this school. The U.S. Army School of the Americas is trying to sell itself with a new mission—certainly a topical mission—counternarcotics training. But the Chicago Tribune in an April 16 editorial addressed this assertion of a new mission directly:

Attempts to recast the school as an anti-narcotics center are so much hokum. Little in the curriculum is related to drug interdiction, and it is not at all clear that the U.S. Army is qualified to impart such instruction or that training the notoriously meddlesome Latin militaries to get involved in civilian law enforcement is advisable.

Most importantly, cosmetic changes in the curriculum cannot salvage the savage reputation of this school's graduates or erase the U.S. Army School of the Americas' bloody and embarrassing legacy. We offer plenty of other training opportunities for Latin American military personnel. We do not need this school, Latin America's fragile democracies do not need it, and it should be closed.

Last weekend it was my privilege to be part of a delegation sent by the leadership in Congress to go to Germany, Italy, Albania, Macedonia, and Belgium. During that visit, we met many of America's finest men and women in uniform who are literally doing their duty for this country, fighting to protect democracy and to accomplish the mission that has been assigned to them. I was so proud to be there and greet those from Illinois and from around the country and to thank them for the job they are doing for this country.

What I am about today is no reflection on them. In fact, I suggest to the leaders in the Pentagon, in the name of the men and women currently in uniform, to make certain that they don't