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Mr. WARNER. Mr. President, I thank the Chair and yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, the remarks of the Senator from Virginia, as always, are thoughtful, articulate, and in this case somber and serious, given the gravity of the situation that he described. They are important remarks and important for each of us in this body to thoughtfully and seriously consider.

The Senator's commitment, as a valued member of the Senate Armed Services Committee, and ex-chairman of that committee—his commitment to traveling to where the action is taking place and meeting with representatives from all sides, analyzing the problem and bringing back the very latest of information, is invaluable to those of us who serve on that committee and everyone here in this body who needs to make decisions about what the policy of the United States should be in regard to these difficult situations that arise.

The Senator has indicated he has made close to 10 separate trips to this very difficult area of the world. This is not easy travel. This is a commitment that is extraordinary but also extraordinarily important to us in terms of formulating our policy. I thank the Senator for his leadership in that effort.

Mr. WARNER. Mr. President, I express my humble gratitude to my good friend who has served these many years that we have been together on the Armed Services Committee and, indeed, has made trips to remote parts of the world. I remember well a trip to the gulf region, and other regions. And I and other Members of this body on both sides of the aisle will dearly miss the wisdom and the insight that you have in these complex problems, and problems that you have addressed very forthrightly in your distinguished career in this body. As you bring it to a close, we wish you well.

I thank the Chair and thank my colleague.

Mr. COATS. I thank my colleague from Virginia for those kind words.

SENATOR DOMENICI REPRESENTED THE SENATE AT THE SUMMIT IN RUSSIA

Mr. LOTT. Mr. President, Senator DOMENICI has been on official Senate business earlier this week and was therefore, necessarily absent for the two votes held on Tuesday and the five votes held on Wednesday. He attended the Summit in Russia.

During the Summit an important agreement was signed regarding the management and disposition of weapons-grade plutonium. Senator DOMENICI was instrumental in first identifying this issue and recommending a strategy for significantly reducing the amount of dangerous plutonium in the world and to make sure that it is kept away from rogue states and terrorists. Senator DOMENICI's suggestions were a blueprint for taking advantage of this opportunity for the United States and Russia to work together to withdraw approximately 50 metric tons of weapons-grade plutonium from each countries' respective nuclear weapons programs. This is very important arms control/non-proliferation objective. The countries agreed to cooperate in transforming this weapons-grade plutonium into a form that cannot be readily used to make nuclear weapons. This agreement, when its terms are carried out, will make the world a safer place.

I am pleased that the Senator from New Mexico represented the majority and the Senate at this United States-Russian Summit.

THE \$2 BILLION FAILURE

Mr. LOTT. Mr. President, we have failed.

For the past nine months, I have worked with the members of the Environment and Public Works Committee and the Administration to draft much needed reforms to our nation's hazardous waste program. These reforms would have made RCRA work more quickly and more cheaply. They would have removed the bureaucratic obstacles that hinder environmental cleanups. They would have given the states the proper authority and freedom they need to responsibly manage their RCRA sites.

My colleagues, the Senate has failed to save the federal government \$2 Billion this year in clean up costs. Despite our best efforts, agreement could not be reached on a bill to save two billion dollars per year.

Early in this Congress, the General Accounting Office released a report highlighting the need for a legislative change in remediation waste policy. The Administration, states, stakeholders—even the EPA—agreed that only a legislative fix could adequately streamline the program and speed the pace of cleanups. This GAO report also said that a legislative fix would save the federal government \$2 billion each year.

Unfortunately, the Congress and the administration were unable to come to

agreement on how to structure this legislative fix. Discussions among interested parties and legislators clearly showed the need for a bill, but translating this need into legislative language has been difficult. Progress was made, but not enough.

And so, Mr. President, the next Congress is tasked with addressing this two billion dollar environment opportunity. Although I am truly disappointed that these many months of educating and negotiating have left us without a bill to champion, I am hopeful that the Senate will return to this issue with renewed vigor next year.

I know that Senator CHAFEE, the Chairman of the Environment and Public Works Committee, and Senator SMITH, Chairman of the Superfund, Waste Control and Risk Assessment Subcommittee, share my commitment to seeing meaningful RCRA reform enacted in the next Congress and will make it a priority. With this leadership, I believe that we can resolve the outstanding issues quickly and move forward with legislation that will indeed make the cleanup of contaminated sites smarter, faster and better. This is also true of those on the House Commerce Committee as well as many in the Administration.

I was encouraged by the RCRA team built this year and look forward to working with this team again next Congress.

I again want to stress that the RCRA reform goals have not changed. To make RCRA work more cheaply and quickly, to streamline the bureaucratic process and give more authority to the states and to speed site clean up. It is unfortunate that yet another year has passed without reform.

Mr. President, let's make sure Congress gets the job done next year. The nation expects and deserves its RCRA sites to be cleaned up. This nation wants \$2 billion in savings each year. I would like to thank my colleagues and their staffs for the work done this session and look forward to redoubled efforts in the 106th Congress.

RCRA REFORM WILL BE A PRIORITY FOR THE
106TH CONGRESS

Mr. CHAFEE. Mr. President, for the past year, the Majority Leader, Senator BOB SMITH, and I have been working with our colleagues on the Environment and Public Works Committee and the Administration to draft legislation to address some of the requirements of the Resource Conservation and Recovery Act ("RCRA") that currently impede the cleanup of literally thousands of contaminated sites across the nation. This so-called "RCRA rifle-shot" would have been an important piece of legislation. It would have demonstrated once again that we can improve our environmental laws, without jeopardizing human health or the environment, and reduce unnecessary costs. Just last year, the Government Accounting Office reported that eliminating those impediments to cleanup could save up to \$2.1 billion per year

and, at the same time, significantly expedite environmentally responsible cleanups.

It was our hope to craft a bipartisan bill that could be enacted this year. Our goal was a shared one—to develop legislation to eliminate overly restrictive treatment standards for mediation waste, to streamline permitting requirements, and preserve existing State cleanup programs, all while still ensuring that human health and the environment are protected. Under Senator LOTT's leadership, we worked hard to achieve that goal and I believe that we made significant progress in resolving our differences. Unfortunately, we were not able to reach a final agreement and we have essentially run out of time.

I remain committed, however, to the goal of improving the remediation waste program. I continue to believe that this is an important issue and that with appropriate legislation we can achieve a significant environment benefit—cleaning up thousands of contaminate sites and saving billions of dollars. That is clearly a worthwhile goal. Therefore, I intend to make RCRA reform a priority for the Environment and Public Works Committee in the next Congress. Building on the progress that we have made this year, and with Senator LOTT's continued leadership, it is my hope that we will move legislation through the Senate early in the next Congress.

RCRA REMEDIATION WASTE LEGISLATION

Mr. SMITH of New Hampshire. Mr. President, it is with some regret that I am here today to join my colleagues, Majority Leader TRENT LOTT and Environment Committee Chairman JOHN CHAFEE, in announcing that we will be unable to enact legislation this year to reform the remediation waste provisions of the Resource Conservation and Recovery Act.

As many of my colleagues know, since I became Chairman of the Senate Superfund Subcommittee, which has jurisdiction over the RCRA, it had become apparent to me that hazardous waste cleanups in the United States take too long, are too costly, and result in widespread areas of our country becoming brownfield wastelands.

Since I introduced RCRA remediation legislation in the 104th Congress, S. 1286, I have attempted to work with Senators LOTT, CHAFEE, BREAUX, BAUCUS, and LAUTENBERG, with the Clinton administration, States, and members of the industrial and environmental communities to achieve a bipartisan fix to this confusing and burdensome law. Despite our best efforts and the dedicated work of our respective staff, we weren't able to come to agreement.

It is particularly troublesome that we come to this juncture given the fact that just about a year ago we received a report from the GAO (*Hazardous Waste—Remediation Waste Requirements Can Increase the Time and Cost of Cleanups*) that demonstrated the urgency of fixing the remediation waste program.

Although I have quoted that report previously, I believe that it is worth repeating today.

Despite the fact that remediation waste “does not pose a significant threat to human health and the environment,” the RCRA requirements are so costly and time consuming that “parties often try to avoid triggering the requirements by containing waste in place or by abandoning cleanups entirely.”

The report further stated that RCRA “can drive parties to use less aggressive and perhaps less effective cleanup methods, such as leaving contaminated soil in place and placing a waterproof cover over it rather than treating it.” Instead of dealing with the problem, the statute forces parties to “purchase land elsewhere for their plant expansion or other needs.”

Even the EPA, which is responsible for implementing the statute is quoted in the report as stating: “Although cleaning up a site may offer economic benefits, such as relief from liability for contamination and increased property values, industry sometimes concludes that the costs of complying with RCRA can outweigh the benefits.”

According to the GAO report we could save upwards of \$2 billion per year by making some common sense legislative fixes to RCRA—cost savings that would really jump-start the efforts by industry to address these languishing sites. Nonetheless, despite tireless efforts by members and staff, and notwithstanding good progress in translating these changes into legislative language, it appears that we will not be able to accomplish our shared goal of passing a RCRA remediation waste rifle shot during the time we have left in the 105th Congress.

As I conclude my statement, I would like to join Senator LOTT and Senator CHAFEE in pledging my desire to press forward on this issue when the Senate returns next year. Perhaps the additional time will give the staff the additional opportunity to bridge the gaps that currently separate us.

Finally, in addition to thanking Senator LOTT and Senator CHAFEE for their leadership on this issue, I would like to thank our staff, Jeff Merrifield, Lynne Stauss, Ann Klee Carl Biersack and Kristy Sims for their hard work on this issue. Similarly, I would like to recognize Senator BAUCUS and LAUTENBERG and their staff for their hard work on attempting to come to a consensus.

Again, I am disappointed that we were unable to make this happen this year, but I am hopeful that we can make it happen in 1999.

UPDATE ON THE WIPO LEGISLATION

Mr. ASHCROFT. Mr. President, I wanted to take a few minutes to advise my colleagues that H.R. 2281, a bill to implement the World Intellectual Property Organization copyright treaties, has been adopted by the House, but in a substantially different form than the Senate bill to implement these treaties. The House version of the bill includes some improvements

agreed to by representatives of the affected industries, but it also includes some extraneous provisions, which in some cases were negotiated without the full participation of important affected individuals. A number of my colleagues have expressed to my office their continuing interest in this legislation, and so I thought it would be helpful to provide an update on the legislative developments in the House, and to share with you some of my concerns about the many extraneous provisions added to the bill.

On July 22, the Committee on Commerce filed its report on H.R. 2281, the Digital Millennium Copyright Act of 1998. In drafting the bill, the Committee used as the base text the bill approved by the Senate, and then made some substantive and clarifying changes. I understand that the Commerce Committee version of the legislation represents an agreed upon compromise by the content community and the fair use community. Moreover, I understand that these groups have agreed to support the agreement throughout the remaining process. Some aspects of this agreement concern important issues that I worked to have addressed in the Senate version of the bill. Let me describe a few of the most important aspects of the agreement.

First, with respect to “fair use,” the Committee adopted an alternative to section 1201(a)(1) that would authorize the Secretary of Commerce to waive selectively the prohibition against the act of circumvention to prevent a diminution in the availability to individual users of a particular category of copyrighted materials. As adopted by the Senate, this section would have established a flat prohibition on the circumvention of technological protection measures to gain access to works for any purpose, and thus a system that some have described as the beginning of a “pay-per-use” society. Under the compromise embodied in the Commerce Committee's version of the bill, the Secretary of Commerce would have authority to address the concerns of libraries, educational institutions, and others potentially threatened with a denial of access to categories of works in circumstances that otherwise would be lawful today.

Second, the Committee made an important contribution by eliminating the potential for misinterpretation of the “no mandate” provision of the bill. I had been very concerned that S. 2037 could be interpreted as a mandate on product manufacturers to design products so as to respond affirmatively to or to accommodate technological protection measures that copyright owners might use to deny access to or prevent the copying of their works. To address this potential problem, I offered an amendment providing that nothing in the bill required that the design of, or design and selection of parts and components for, a computing product, a consumer electronics, or a telecommunications product must provide