themselves, to help individuals find and get jobs, to help poor people develop assets for the future, and to restore strong financial institutions that help communities save their own money, invest, borrow, and grow.

But just as the economics of urban America were starting to improve, this bill pulls out one of the most vital initiatives to bring capital, initiative, savings, and growth to those who have been isolated from it: the Community Development Financial Institutions Program. This initiative evolved from the Community Capital Partnership Act that I introduced in 1993. I am very disappointed that the committee included no funds for community development financial institutions, and I want to remind the chairman of the subcommittee that there is significant, passionate support in the Senate for the continuation of this program.

Most of us take basic financial institutions for granted. We have savings and checking accounts, our bank lends our money to businesses in our communities, and we borrow ourselves when it comes time to buy a home or we have an inspiration to start a business. But in most American cities, the only financial institution they know is the check-cashing cubicle, which charges up to 5 percent just to cash a Government check, and takes the money back out of the community. People who want to save have nowhere to go and businesses have no access to capital. Within the 165 squares miles that make up the areas most affected by the Los Angeles riots, there are 19 bank branches, as compared to 135 check cashing establishments.

People who want to borrow have even fewer opportunities. They can buy a car or furniture on time, or on a rent-to-own plan, but if they want to borrow to get ahead, by starting a small service business or a store, they're out of luck. The ''McNeil-Lehrer Newshour'' last year interviewed some ambitious entrepreneurs in rural Arkansas, one of them a woman named Jesse Pearl Jackson, who owns a beauty salon. She needed a loan for new equipment, and when she went to a bank, she says the loan officer ''laughed me clean out the door. She said, 'You want money for what?' She said, 'You don't walk in here and ask me for an application for a loan. That is not the way you do it.' I said, 'Well, if you will tell me what to do, then I will come back, and I will do it right the next time.' She was laughing so hard and making fun of me so bad I never went back.'' There is money to be made here, for any bank willing to take entrepreneurs like Ms. Jackson seriously, but large financial institutions without roots in the community are unlikely to see those opportunities.

But there are islands of hope for people who want to save and invest in troubled communities. Last year I visited La Casa de Don Pedro, which operates a credit union in a very poor section of Newark. La Casa is a multi-purpose community organization that just happens to have a credit union. While I was there, a stream of members poured into the small building which houses the credit union, day care center, and other programs, depositing $20, $50, and $100 at a time. I did not see any banks in the vicinity of La Casa. If it were not for the credit union, many of the community's residents would have no place to deposit their money, secure small loans, or take advantage of other services we often take for granted.

This fund does not, and should not, seek to create organizations that will be perpetually dependent on Government for support. Instead, it seeks to reach in at a point of leverage in capital-starved communities and get them started. It does not set development strategies for either the institutions or the communities they serve. Instead, it lets those involved in the struggle for economic recovery find their own path.

There has been such widespread support for the idea of expanding community financial institutions, even though it is a relatively new idea to many people. I still hear some wariness, though, about this investment from people who argue that poor people do not save and that distressed communities do not have the resources to support economic development.

The evidence contradicts this cynical view. In Paterson, NJ, last year, I visited one of the few banks that had not left that city. I struck up a conversation with a customer, who volunteered that she was depositing $100. Surprised, I asked her how much she generally saved in a week. She told me that she and her husband had five children and earned $20,000 last year—below the poverty line. But even on this income, they saved $3,000 that year, for health emergencies, for college, or to give their children a chance at a better life. Their experience tells me that saving for the future is a fundamental value of our country, not limited to the middle class, and that if we all had access to the institutions that make capitalism work, we could all be a part of vital, self-sufficient communities.

Mr. President, I know we expect this legislation to be vetoed, because it sets all the wrong priorities. The defunding of the CDFI initiative is only one example. I hope that we will have an opportunity to reconsider this bill, to put all its priorities in order, and that when we do, we will find a way to continue to support community development financial institutions.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

Mr. SIMON. Mr. President, I want to express my strong support for the community development financial institutions [CDFI] fund.

Created by legislation enacted in 1993, the CDFI fund, in a new partnership with the private sector, would revitalize economically distressed communities. The fund would create a permanent network of financial institutions that are dedicated to serving these communities.

Today many low- and moderate-income Americans across the country are unable to cash a check, borrow money to buy a home, or secure a small loan to start or invest in a business. Rural communities, because they are remote, have unique problems in this regard.

Designed to encourage community development through lending to underserved low- and moderate-income people and communities, CDFI's are especially important to the people in these communities who do not have affordable credit, capital, and basic banking services.

The CDFI's would go a long way toward stimulating the economy in those communities by helping to create new jobs and promote the development of small business. And at a small cost. CDFI's are required to provide a minimum of $1 of matching funds for each Federal dollar received.

When enacted in 1993, the CDFI fund had the overwhelming support of both Houses of Congress. The President is a strong advocate of the fund. It is not a large program; but it can be an extremely effective one. It should not be terminated before having a chance to succeed.

Mr. President, I strongly urge my colleagues to reinstate funding for this vital program.

EPA PROVISIONS

Mr. KERRY. Mr. President, as we consider the VA-HUD Appropriations bill, we will set the budget for the Environmental Protection Agency, and this budget for EPA turns back the clock on 25 years of bipartisan progress and tips the balance from the protection of people to the protection of the special interests of some industries.

The Gingrich majority and the extremists on the right have placed in jeopardy the gains we have fought for, and the progress we have made to protect the environment and ensure the health and safety of every American in the last 25 years.

Ironically, for 19 of the last 25 years Republicans were in charge of the EPA. It was Richard Nixon who signed into law the National Environmental Policy Act and declared protection of the environment to be a national priority. And today the Republican majority is turning its back on its own promise.

Twenty-five years ago environmental organizations let their voices be heard and the message was loud and clear. We must find that voice again. We must unite in our efforts and let the message resound across this Nation and through the halls of Congress—that we will not turn back the clock on environmental protection.

We will not retreat. We will not give in. We will fight for clean air, clean water, and the preservation of our land and oceans and rivers so that the world we leave our children will be the same magnificent world that was handed down to us.

I call on every one who believes in the importance of environmental protection and who has been part of this fight to stand together and renew the effort we began. We cannot assume we can change the agenda in Congress.

We cannot take anything for granted. We must rebuild, retool, reorganize, and reeducate. We must put aside whatever differences exist between groups or regions and stand up for what we know is right for the Nation and for the environmental gains we have made.

We have to start anew—as people committed to the environment—we must begin again as if this were April 22, 1970, the first Earth Day.

We must take advantage of America's attention on the 25th anniversary of that day to galvanize support across the country for what Americans believe and want for the environment: clean air, clean water, pristine rivers, and protected ecosystems, abundant species of plants and animals, clean beaches, parks and public lands that are clean and safe, cities with breathable air, industries and businesses that are willing to do all they can to protect the environment, and a government that cares.

These should be the 10 commandments for the new environmental movement, and our call to action is clear: Remember April 22, 1970. And, Mr. President, we must do so in a rational bi-partisan manner.

But this bill—this bill—Mr. President, speaks volumes about the new Republican Party and its retreat from responsible policies designed to protect the health and safety of all Americans—of all incomes, all races, and particularly those who are the most vulnerable in society today.

The central question in this debate is: What priority do we place on protecting our Nation's vital natural resources and the health of its citizens? Regrettably, I must say that the Appropriations Committee does not put as high a priority on the environment as the American people do.

This bill cuts the EPA budget by $1.7 billion—23 percent below the level originally appropriated to the EPA for the current fiscal year. In addition, it includes 11 legislative riders that eliminate critical environmental protections provided in such statutes as the Safe Drinking Water Act and the Clean Air Act.

Mr. President, I am cosponsoring several amendments today to restore some of the more egregious cuts and provisions in this bill to bring it more in line with what I believe to be the priorities of most Americans.

In addition to the EPA, the VA-HUD and Independent Agencies appropriations bill before us today includes funding for the Veterans Administration, for Housing and Urban Development, the National Science Foundation, and the National Aeronautic and Space Administration—all important Federal programs.

But of all the agencies, the agency that has the most direct impact on American lives is the EPA.

I find it ironic that it is the EPA budget that takes the largest reduction of any agency's budget in this bill—23 percent cut from funding levels originally appropriated for the current fiscal year.

Americans have, indeed, called for meaningful budget reductions and reforms and the President and Congress have serious plans to meet those reduction goals; and all departments and agencies must join in this effort if we are to succeed. But the best approach, by far, is first to eliminate wasteful spending, and then spread the reductions across agencies. Unfortunately, this is not the approach of the appropriators.

The committee this year, while cutting the EPA budget by 23 percent is reducing its other agencies by far less.

The fiscal year 1996 Senate appropriations bill for EPA would deal a harsh blow to efforts to protect public health and the environment for Massachusetts and the Nation.

While the President has proposed a balanced budget that would preserve the environment and protect the health and safety of American families, the bill before us cuts those protections dramatically, while placing severe limits on existing protections.

Let me take a moment to highlight the key cuts that would have an enormous negative impact on millions of citizens.

First, this bill cuts desperately needed assistance to State and local governments for important water infrastructure programs through the State revolving loan fund [SRF]. This bill cuts almost $600 million to provide assistance to local communities to offset the enormous costs of sewage treatment facilities in order to provide cleaner local water—cleaner water in nearby rivers and adjoining shorelines.

Of that, the $20 million which would be targeted to Massachusetts alone would assist over 300 communities across my State.

Hundreds of thousands of citizens in my State—as in dozens of States across this Nation—rely on clean water for their livelihood.

From tourism to fisheries, industries depend on the quality of water—and history shows that industry did not care about the quality of water when it had the chance—when there was no EPA. I wonder what has changed today.

My State is but one of many that had beaches closed to protect the public from unsafe waters in 1994. These closings cost millions of dollars but can be avoided with prudent, preventive clean water standards and a reliable water infrastructure system.

Local communities cannot shoulder this burden alone. That is why Congress created a Federal-State-local government partnership to finance this process.

That is why, earlier this year, we passed and the President signed into law, the Unfunded Mandates Act requiring that future legislative initiatives provide Federal financial assistance to State and local governments for implementing such large-scale undertakings.

I find it ironic that this same congressional leadership would now support cutting hundreds of millions of assistance to local and State governments when it is so urgently needed.

A second area of concern are funding cuts for the cleanup of the toxic waste sites. The Hazardous Waste Cleanup Program funding is targeted for a 36-percent reduction—$500 million.

A reduction on this scale would slow cleanups and would stall cleanup efforts in communities that have patiently waited for Federal intervention.

In Massachusetts alone, there are four new communities slated to begin cleanup efforts in 1996—New Bedford, Dartmouth, Palmer, and Tyngsborough.

All of these communities would be adversely impacted by these unprecedented cutbacks. And what do we tell the people who live there: ''Don't worry. The problem will take care of itself once we get Government off our backs?''

Mr. President, the problem is that companies did not take care of these situations before there was an EPA—or before a young man named Jimmy Anderson got sick from a contaminated well in Woburn, MA. He died from lymphocytic leukemia in 1981.

Let me digress for a moment because Jimmy Anderson's story makes the point better than any rhetoric I could come up with today.

Almost 30 years ago, Jimmy's mother Anne suspected something was wrong with their water because it smelled bad, only to be assured that the water was safe. Then, in early 1972, Jimmy got sick.

Despite Mrs. Anderson's concerns and protests, the wells remained in use until 1979 when a State environmental inspection triggered by an unrelated incident detected unusually high levels of toxins.

Eventually, other leukemia victims came forward and it turned out that between 1966 and 1986 there were 28 cases of leukemia among Woburn children with victims concentrated in a section of Woburn served by two wells.

Investigations revealed that there were lagoons of arsenic, chromium, and lead discovered on a tract of land that once housed a number of chemical plants, or from a nearby abandoned tannery that had left behind a huge mound of decades old rotting horsehides that gave off a smell that commuters used to call the Woburn odor.

I say to my colleagues, before we rush headlong into getting Government out of the business of protecting people like Jimmy Anderson I think we should reflect for a moment on the consequences of turning back the clock to

a time when there were no real regulations and industry did, indeed, have Government off of its back.

Let me read what Anne Anderson said to a congressional committee. She said,

> It is difficult for me to come before you today, but I do so with the realization that industry has the strength, influence, and resources that we, the victims, do not. I am here as a reminder of the tragic consequences of controlled toxic waste, and the necessity of those who are responsible for it to assume that responsibility.

Mr. President, this is why we have made the choices we did for the last 25 years. And they were the right choices.

I would submit to my colleagues that this bill throws responsibility to the wind, and begins a tragic return to the days when toxic lagoons contaminated the water in Woburn and killed Jimmy Anderson.

Now, getting back to the third point, Mr. President, the massive budget cuts proposed for EPA's enforcement and compliance programs seem extremely shortsighted. The Senate appropriators target the EPA enforcement program for a 20-percent cutback.

This is the office that goes after the bad actors in the environmental arena; they are the ones that most directly protect the public's health and safety.

Cutting back enforcement will only encourage polluters to continue breaking the law. In Massachusetts during 1994, EPA and State inspectors visited 1,091 facilities to ensure public health and safety standards. Of those visits, 117 State and Federal enforcement actions were taken to protect the public.

By weakening enforcement, more polluters are given an unfair economic advantage over responsible industry competitors play by the rules because polluters have lower production costs.

Less enforcement means more risk taking by polluters because they are less likely to get caught.

Let me tell you a tale of two companies. One bought scrubbers; the other bought lobbyists and lawyers.

In the early 1990's, Federal regulators discovered that a number of forest products companies had underestimated certain emissions at plywood and waferboard plants by a factor of 10—and had therefore failed to apply for permits under the Clean Air Act or install necessary but expensive pollution controls.

When EPA moved to require permits and installation of such equipment, Weyerhaeuser and Georgia-Pacific chose very different responses.

The one that played by the rules finds itself at a serious competitive disadvantage—if its rival can get away with it.

Weyerhaueser more or less played by the rules, moving quickly to install tens of millions of dollars in pollution controls at its plants—according to company officials—even before EPA began its enforcement action.

The company paid a substantial fine to State regulators, though it is currently contesting any EPA decision to seek fines.

Georgia-Pacific, on the other hand, chose to fight EPA, claiming it had only followed the agency's own faulty document—though a 1983 industry-produced technical bulletin corrected and publicized the error—and that State regulators had in any event approved its plants.

The company spent its money instead on Washington lawyers and lobbyists, who managed to slip a special provision into the original Dole regulatory reform bill effectively freeing Georgia-Pacific from any obligation to install the expensive equipment.

According to Weyerhaeuser, the pollution controls add $1 million a year to operating costs at each plant. If Georgia-Pacific can get away with its plan to avoid installing any controls whatsoever, Weyerhaeuser plants will then be at a serious disadvantage during the next downturn in the highly cyclical building products industry.

By playing by the rules, Weyerhaeuser will have lost.

Weyerhaeuser's director of environmental affairs says Georgia Pacific's tactic: ''sends exactly the wrong signal. We're finding ourselves in the position of being penalized for coming into compliance. We think that's unfair.''

Finally, Mr. President, in addition to the unjustified draconian budget cuts, there are nearly a dozen legislative riders that have no business being added to an appropriations bill. These legislative proposals should be considered by the authorizing committees with jurisdiction.

This bill guts EPA and virtually lets the free marketeers decide what is right, and puts its faith in the perceived altruism of American capitalists who somehow and for some reason, now, in 1995, have seen the light and will do better in the future than they did in the past.

It puts its faith in industry's willingness to care more about the common man than the bottom line. It says that if Government would only leave everyone alone, everyone will do the right thing. If we stop watching where folks dump their toxic waste, what they spew into the air, and what chemicals they use, everyone will act in the common interest.

I am not sure that is the case. But I am sure that EPA balances the equation between those who care and those who don not. Why now, are we willing to tip that balance—to favor the polluters over the people.

My Republican friends will deny that this bill tips the balance or turns back the clock. They will stand here and tell us that Government has been intrusive and it has—that Government has overregulated and it has—that Government is demanding too much of small business and it is.

They will give us example after example of ludicrous regulations and I agree that those regulations should be abolished, but not at the expense of the progress we have made.

But they will not tell us is why we needed an EPA. They conveniently forget about Jimmy Anderson.

This chorus to cut Government—with its refrain of getting Government off our backs—is becoming a dirge for the common man.

And we are marching into the next century to a slow and painful funeral march for the death of common sense.

I yield the floor.

RENO VA HOSPITAL

Mr. BRYAN. Mr. President, I want to bring to the attention of the Senate the impact the proposed VA/HUD appropriations bill is having on veterans who rely on the Veterans Affairs medical center located in Reno, NV, for inpatient hospital care.

I recognize the difficult funding decisions that faced the VA/HUD Appropriations Subcommittee. And I know the subcommittee wants to provide quality health care for veterans in quality medical facilities. But the decision to not fund any major construction projects jeopardizes the ability of the Reno VA hospital to provide that quality inpatient care to its veterans.

The Reno VA hospital's $20.1 million major construction project to build an inpatient bed wing project is an authorized project. The project's construction plans will be completed in November. The project will be ready for bid award in January, 1996. The House VA/HUD appropriations bill, passed in June, includes $20.1 million for the project. But there is no funding for this authorized project in this Senate bill.

The Reno VA hospital's current inpatient bed wing was designed prior to World War II, and is today a woefully inadequate facility. The Reno VA hospital inpatient bed wind has been in noncompliance with JCAHO accreditation standards for nearly 6 years. It again faces an accreditation evaluation from JCAHO on October 10.

The hospital's inpatient wing's deficiencies include inadequate fire prevention including lacking water sprinklers, an inadequate oxygen system in patient rooms, inadequate air conditioning, and inadequate handicapped access. Further, the patient rooms lack wash basins and toilets which violate both privacy standards for the patients, and health standards for nurses and physicians who are required to wash their hands before leaving a patient's room. With the increase in women patients using the hospital, the lack of wash basins and toilets problem is further exacerbated. Can you imagine being sick in a room with no air conditioning? In a room with no toilet facility except down the hall?

I know we would all agree this situation is intolerable. This inpatient care unit is woefully inadequate to meet even the most basic of standards for care and safety. The personal dignity of all the veterans who receive their inpatient hospital care there is compromised.

This hospital critically needs the new inpatient hospital wing to ensure the

center does not lose the JCAHO accreditation. To date, no Veteran Affairs medical facility has lost its accreditation. However, JCAHO has recently been under industry criticism for not being as stringent as it should be to ensure the quality of its accreditation standards. When a facility like the Reno hospital has been in noncompliance with accreditation standards for 6 years, and is unable to show JCAHO a definitive plan to correct those deficiencies, because its construction project has not been funded, it is surely not beyond the realm of possibility that Reno could be facing nonaccreditation.

And what happens should the hospital lose its accreditation? The hospital will be given a specific time period to move the current inpatient patients out of the facility, and obviously no new patients can be admitted. The hospital's medical residents from the University of Nevada-Reno medical school will have to leave the hospital immediately as they cannot practice in an unaccredited facility. The hospital's physicians will leave as soon as possible, as physicians do not further their professional standing by serving in an unaccredited facility. The hospital's research program will be dismantled because Federal research funds cannot flow to an unaccredited facility. In simple terms, Reno will no longer have an inpatient hospital.

Since coming to the Senate, I have worked to attain funding for a new inpatient bed wing. During the last budget cycle, the Reno hospital and the Department of Veterans Affairs drastically scaled back the construction project by nearly half its original cost. This revision was done to face the reality of funding constraints for major construction projects, and to ensure the hospital would have a definitive plan to meet its accreditation deficiencies. It is ironic that a construction project which has been significantly scaled back, and would solve the Reno hospital accreditation problems cannot go forward.

The subcommittee has recommended that no major construction project, whether authorized or not, should be funded. I understand the concerns of the subcommittee and the Senate Veteran's Affairs Committee that major construction projects should not go forward while the Department of Veterans Affairs is developing a new veterans health care delivery system. However, the veterans who rely upon the Reno VA hospital for inpatient medical care cannot wait.

The subcommittee increased the minor construction account funding to try to provide additional funds for facilities to use to address their accreditation, and life and safety deficiencies. But the minor construction account funding is not the answer for the Reno hospital.

The minor construction account limits funding to no more than $3 million per project. It is estimated to require $13.9 million to renovate the current inpatient bed wing; obviously over the $3 million project limit. Even if a $13.9 million expenditure could be made from the minor construction fund, the hospital would still not meet accreditation standards. This is an old building. Most of this building is uninsulated. Its electrical system is at capacity. Its steam radiator heating system is beyond economical repair. Only so much can be done within the limits of such a building. Is it wise to put millions into an old building, that will not in the end meet accreditation and life safety code requirements? I think not.

It must also be noted that the estimated $13.9 million renovation cost does not include the costs of contracting out inpatient hospital care during the disruption caused by such construction work. There is no other VA health care facility within competitive travel distance to assume any of Reno's inpatient caseload. Given the population influx of veterans into northern Nevada, and the increased patient load of California veterans due to closure of the Martinez VA facility damaged by earthquake, this hospital needs to be able to continue to serve the inpatient hospital needs of veterans for years to come.

None of us wants a VA hospital closed for accreditation noncompliance. None of us wants sick veterans receiving care in a hospital room with no air conditioning or inadequate fire protection. Given extreme budget restraints, hard decisions must be made. But when those hard decisions serve to prevent a vitally needed construction project like the Reno hospital inpatient wing from going forward, the funding priorities are skewed. Reno needs a new inpatient wing without further delay.

NATIONAL SCIENCE FOUNDATION

Mr. INOUYE. Will the Chairman of the Veteran's Affairs and Housing and Urban Development, and Independent Agencies Subcommittee yield for a question?

Mr. BOND. I would be pleased to yield for a question from the senior Senator from Hawaii.

Mr. INOUYE. I thank the chairman for yielding.

As the chairman knows, starting in fiscal year 1991, the Veterans Affairs and Housing and Urban Development Subcommittee urged the creation of a new Directorate for Social, Behavioral and Economic Sciences at the National Science Foundation. This was led by our colleague Senator BARBARA MIKULSKI.

The subcommittee also was instrumental in encouraging the new NSF Directorate to pursue a program called the Human Capital Initiative, which supports basic behavioral research aimed at some of our most serious national problems—such as education, substance abuse, violence, productivity, problems of aging, health, and others.

This year, for fiscal year 1966, the subcommittee has had to make some hard choices among programs to live within their 602(b) allocations. The chairman has been fair and even-handed in his efforts to craft a bill within the spending total available to him.

Is it the chairman's intention that this fairness will also carry over when final allocations are made at NSF, and that NSF's programs in the Social, Behavioral and Economic Sciences Directorate will receive equitable treatment with other research disciplines?

Mr. BOND. I thank the Senator from Hawaii for the question.

It is my intention and my expectation that the National Science Foundation would continue the current practice of recommending support levels for that Directorate and for the programs represented by the Human Capital Initiative, within the overall funding recommendations of the committee in its operating plan. As you know, we generally accord the recommendations of the Foundation considerable deference given the technical nature of many of these allocation decisions, and it is my intention to continue this practice.

Ms. MIKULSKI. As the ranking minority member of the subcommittee, I also would like to thank the Senator from Hawaii for his question, and I wholeheartedly support the answer provided by Chairman BOND. It would be a matter of great concern to me if any area of research at the National Science Foundation is singled out and given inappropriate reductions in funding. Our support for the Social, Behavioral and Economic Sciences Directorate and for the Human Capital Initiative must continue to be strong and I hope to see those programs funded as generously as our appropriations will allow.

Mr. BOND. Mr. President, there are still a number of amendments left on the list. We do not believe the Senators proposing them are planning to come down. Senator DASCHLE has reserved a relevant amendment, Senator SIMPSON has reserved an amendment to eliminate the EPA SEE program. We are preparing to move to the adoption of the final managers' amendment.

I ask that, if there are any Senators who do wish to pursue these amendments, that they call the cloakroom immediately and let us know, because as soon as we do the managers' amendment we will be ready to proceed to third reading.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

PETROLEUM REFINERY MACT STANDARDS

Mr. INHOFE. Mr. President, I am in strong support of language at this

point calling for the EPA to reevaluate the petroleum refinery MACT standards. The refinery MACT legislation is a prime example of the EPA regulations run amok.

As I said at a hearing earlier this year, refinery MACT regulation could be a poster child for nonsensical regulations. Its costs far exceed any possible benefits.

As a member of the authorizing subcommittee, I can speak for a majority of the subcommittee in saying that the EPA has taken the wrong direction in its implementation of the Clean Air Act amendments. The implementation of the act is an issue that the subcommittee will be addressing in the coming months. However, in the meantime we need to put a stop to the refinery MACT rule from taking effect.

These are the rules that were promulgated, yet the standards which were used were standards prior to 1980 when, in fact, the refineries had complied with the 1990 amendments. Those things were not taken into consideration.

We are talking about millions of dollars, if we leave these regulations in effect. This does not roll back any environmental laws. It just allows the EPA the time to fix an obviously flawed regulation.

In the defense of the EPA, I would say they were under a court-ordered deadline when this happened, and I feel this is an opportunity for us to at least have language in there suggesting we rescind compliance for that period of time.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

REMAINING EXCEPTED COMMITTEE AMENDMENTS

Mr. BOND. Madam President, I ask unanimous consent that the remaining committee amendments previously excepted from adoption be adopted en bloc at this time.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, could I ask the managers of the bill to explain No. 12.

Mr. BOND. Madam President, we are referring to the items that were excepted by request of the other side.

Mr. MCCAIN. I have no objection.

Mr. BOND. We are now prepared to go through the list of amendments we propose to adopt en bloc in the managers' amendments.

I will send these amendments to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the remaining committee amendments are agreed to.

AMENDMENTS NOS. 2796 TO 2808 EN BLOC

Mr. BOND. First, I send an amendment proposed by Senator SIMON and Senator MOSELEY-BRAUN providing an effective date for the transfer of the Fair Housing Act enforcement from HUD to the Attorney General;

Second, an amendment by Senator JOHNSTON providing the EPA shall enter into an arrangement with the National Academy of Sciences to investigate and report on scientific bases for regulating indoor radon and other naturally occurring radioactive materials;

Next, an amendment by Senator BINGAMAN relating to energy savings at Federal facilities;

Next, an amendment to increase amounts provided for FEMA salaries and expenses, and Office of Inspector General, and emergency food and shelter;

Next, an amendment to make technical corrections and modifications to the committee amendment to H.R. 2099, about 10 pages of corrections primarily in language to conform to the intent of Congress in the measures adopted here, and to clarify the subsection numbers;

Next, an amendment by Senator KEMPTHORNE and myself to provide additional time to permit enactment of Safe Drinking Water Act reauthorization which will release funds for the financial assistance program;

Next, an amendment by Senator FAIRCLOTH to prevent funds being used for the filing or maintaining of nonfrivolous legal action, and achieving or preventing action by a Government official, entity, or court of competent jurisdiction;

Next, an amendment by Senator FAIRCLOTH to preserve the national occupancy standard of two persons per bedroom in the HUD regulations;

Next, an amendment by Senator FEINSTEIN to expand the eligible activities under the community development block grant to include reconstruction;

Next, an amendment by Senator WARNER to impose a moratorium on the conversion of Environmental Protection Agency contracts for research and development;

Next, an amendment by Senators MOYNIHAN and D'AMATO to transfer a special purpose grant for renovation of central terminal in Buffalo, NY, making available for central terminal and other public facilities;

Next, an amendment by me to provide $6 million for the National and Community Service Act of 1990 to resolve all responsibilities and obligations in connection with the said Corporation and the Corporation's Office of Inspector General;

And, finally, an amendment by Senator FEINGOLD to require a report from the Secretary of the Department of Housing and Urban Development on the extent to which community development block grants have been utilized to facilitate the closing of an industrial commercial plant for the substantial reduction and relocation and expansion of the plant.

Mr. MCCAIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I will not object. I would like to take this opportunity to thank the Senators from Missouri and Maryland, and their staff, for allowing Senator BROWN's staff and my staff, and Senator BROWN and myself, to review these amendments.

I think they are all very appropriate.

I appreciate the degree of cooperation shown.

I remove my objection.

The PRESIDING OFFICER. Without objection, the clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Missouri (Mr. BOND) for himself and others, proposes amendments numbered 2796 through and including 2808.

Mr. BOND. Madam President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments en bloc are as follows:

AMENDMENT NO. 2796

On page 169, at the end of line 7, insert before the period the following: "effective April 1, 1997; *Provided*, That none of the aforementioned authority or responsibility for enforcement of the Fair Housing Act shall be transferred to the Attorney General until adequate personnel and resources allocated to such activity at the Department of Housing and Urban Development are transferred to the Department of Justice."

Mr. KENNEDY. Mr. President, this appropriations bill, as reported by the committee, contained an ill-advised proposal to transfer all enforcement authority under the Fair Housing Act from the Department of Housing and Urban Development to the Department of Justice.

I am strongly opposed to any such transfer of authority, for reasons that I will describe in a moment.

But I and other opponents of the transfer proposal have agreed not to offer an amendment to strike the provision because the chairman of the subcommittee has agreed to include in the managers' package an amendment to postpone any transfer of enforcement authority on the transfer of adequate personnel and resources to the Department of Justice.

Let me explain my reasons for opposing the transfer of fair housing enforcement authority. At the outset, I would note that this sweeping reorganization has not been the subject of a single day of hearings in the Judiciary Committee. Since enactment of the Fair Housing Act, each Department has put in place the procedural mechanisms to fulfill its obligations under the act. In a scant 2 pages of legislative language, this bill seeks to change the fundamental structure of fair housing enforcement.

I was one of the members of the bipartisan coalition that crafted the Fair Housing Act amendments in 1988. That

bill was a comprehensive, carefully considered set of improvements to the act. One of the central components of the 1988 bill was a division of responsibility for fair housing enforcement between the Department of Justice and the Department of Housing and Urban Development. In fact, the enforcement scheme was the product of lengthy discussions with the real estate industry itself.

Under the current structure, the Department of Housing and Urban Development responds to discrimination complaints and provide administrative enforcement of those complaints. It is the only agency which maintains a system of field investigators and the legal staff necessary to respond to complaints of discrimination in housing. It is the only agency which investigates housing discrimination complaints and provides administrative hearings to reduce the need for litigation. It is the only agency with a specific process to encourage voluntary compliance with the Fair Housing Act.

HUD is the only agency which can efficiently and effectively combat housing discrimination on a daily basis because it is the only agency which was set up to enforce the Fair Housing Act on a daily basis.

Only after HUD has conducted a through investigation and attempted to settle the dispute short of litigation, does the Department of Justice become involved in the case. In fact, only one in five cases is ever referred by HUD to the Department of Justice. In 1995, almost half of all complaints filed with HUD were resolved through conciliation.

The Department of Justice is the Nation's litigator. Its only investigatory branch is the FBI. The Justice Department is ill-equipped to handle the major structural change involved in assuming HUD's obligations under the Fair Housing Act. The Department would have to set up a structure to receive, investigate, process, prosecute and adjudicate over 10,000 complaints annually. Concurrently, it would have to administer field enforcement in several State offices. The Justice Department has no State offices for such purposes, and has no resources for procuring such offices. In effect, the Department of Justice would have to recreate the structure already present in HUD; all at a cost to the American taxpayer.

The Justice Department does not have the capacity, nor does it want, to take on HUD's enforcement obligations under the Fair Housing Act. It is a waste of time and money to mandate this restructuring when HUD already has a system in place—a system which works to effectively and quickly investigate and resolve discrimination complaints. Both Attorney General Reno and Secretary Cisneros oppose the transfer proposal.

If H.R. 2099 were to pass without the changes in the managers' amendment, the effect would be devastating. As of September 30, 1995, HUD's swift administrative investigation and resolution of complaints would cease. In addition HUD would be barred from seeking injunctions for plaintiffs whose injuries are immediate and irreparable, continuing settlement negotiations already in progress, investigating complaints, or even providing counsel in pending litigation. As a result, the law protecting people from discrimination in housing would become a dead letter.

My willingness to negotiate a postponement of the transfer should not be interpreted to mean that I now support the transfer of enforcement authority. I do not. I intend to work over the course of the next 18 months to prevent this transfer from taking place.

I understand the managers' amendment to mean that over the next 18 months, both the Judiciary Committee and the Banking Committee will examine this proposal and its implications. If we conclude that such transfer is unwarranted, we will act to avert it by subsequent legislation. And it is further my understanding, as one who has negotiated this compromise, that no transfer of the legal authority to enforce the Fair Housing Act shall ever take effect until and unless adequate personnel and resources are provided to the Department of Justice to enforce the act with the same rigor and dedication as HUD currently does.

Above all, I oppose any legislative effort to weaken the Fair Housing Act. The Senate wisely accepted the Feingold amendment to ensure that the insurance industry is covered by the act. And our resolution of the enforcement question ensures that there will be no precipitous transfer of authority—and perhaps no transfer at all if cooler heads prevail.

Mr. SIMON. Mr. President. I strongly object to a provision in the fiscal year 1996 Veterans Administration/Housing and Urban Development, VA–HUD, appropriations bill. The provision repeals the Department of Housing and Urban Development's, HUD, Fair Housing Act enforcement authority and transfers it to the Department of Justice, DOJ. While I appreciate the efforts of Senator BOND to work with me to improve the language of the provision and to give some time before the transfer of authority is to take place, I still believe that the approach in this bill is wrong.

The VA–HUD Subcommittee report states that ''[t]he intent of this provision is not to minimize the importance of addressing housing discrimination in this Nation.'' Unfortunately, this provision does just that.

The subcommittee report also states that ''the Justice Department with its own significant responsibilities to address all forms of discrimination represents a good place to consolidate and to provide consistency for the Federal Government to combat discrimination * * *'' The Justice Department itself has said that it would not be such an appropriate place.

Make no mistake about it—the repeal of HUD's authority would severely harm fair housing enforcement. HUD receives 10,000 complaints each year filed by those alleging housing discrimination. HUD's 10 regional enforcement centers take action on every bona fide complaint, by investigating, conciliating, and otherwise overseeing the disposition of each complaint. HUD resolves most of its cases through the conciliation process.

DOJ simply cannot devote such resources to enforcement of the Fair Housing Act given its current responsibilities and structure. DOJ's Civil Rights Office is not an investigative agency with a field office structure to investigate individual complaints. DOJ's investigative arm is the FBI, which would have tremendous difficulties handling the volume of housing discrimination cases, and would be deterred from its own crucial responsibilities.

Moreover, under current law, HUD is responsible for providing administrative hearings, writing regulations, and overseeing fair housing policies. If the transfer of authority occurred, DOJ would need to develop its own national infrastructure to implement the administrative enforcement program already in place at HUD. Not only does DOJ lack experience in running administrative enforcement programs, but this transfer of authority would be extremely costly. Enforcement of this important legislation would create unnecessary transition costs to the taxpayer.

Unfortunately, the decision to transfer HUD's authority to DOJ is being done without the benefit of public deliberation and debate. It is my understanding that this proposal has not been the subject of hearings in either committee of jurisdiction—the Judiciary Committee or Banking Committee. In addition, neither HUD nor DOJ was consulted prior to the provision's inclusion in this appropriations bill. Even more importantly, both HUD and DOJ are strenuously opposed to the transfer of authority.

A host of organizations, representing a broad spectrum of interests, also opposes the provision. The Leadership Conference on Civil Rights, an umbrella group over 100 civil right groups, as well as the National Association of Realtors, Institute of Real Estate Management, National Apartment Association, National Assisted Housing Management Association, National Leased Housing Authorities, and the National Multi-Housing Council, all oppose the transfer.

In 1988, the Fair Housing Act was carefully crafted to ensure that there was an effective and efficient mechanism for addressing fair housing concerns. The Department of Housing and urban Development, the source of policymaking and expertise in the area of housing, was determined to be the most appropriate agency to address these concerns. While it may be true

that there have been problems with enforcement, certainly the solution does not lie in dismantling this carefully crafted enforcement mechanism with one stroke of the pen. In closing, I urge my colleagues to reject the inclusion of this provision in the final version of this bill, and I will be working toward that end.

Also, I concur in the views expressed by Senator KENNEDY concerning the effect of the postponement of the transfer proposal and the conditions under which that transfer would take place.

Ms. MOSELEY-BRAUN. Mr. President, while I appreciate the cooperation of the Senator from Missouri, Senator BOND, in allowing for a delay in the proposed transfer of fair housing enforcement from the Department of Housing and Urban Development to the Department of Justice, I strongly object to the transfer occurring at all.

One of the most powerful symbols of America is the home. Having a home is the American dream. Every parent wants to raise their child in a safe, decent home. Every young couple wants to live in a place of their own. Every grandparent wants a home where the family can visit.

The Fair Housing Act guarantees that every American has a chance at home—a chance that cannot be denied because of their race, gender, national origin, color, religion, family status, or disability.

In 1988, the U.S. Congress, after careful deliberation, voted overwhelmingly to strengthen enforcement of the Fair Housing Act. President Reagan and Vice President Bush strongly supported Congress' efforts.

The 1988 amendments to the Fair Housing Act established an administrative enforcement procedure within HUD to facilitate speedy investigation and resolution of fair housing complaints as an alternative to filing suit in Federal courts, where there are lengthy delays.

From 1989 to 1994, the number of discrimination complaints HUD received more than doubled. The number now stands at around 10,000 complaints a year.

Here's an example of the type of complaint HUD investigates: A woman in Chicago was being sexually harassed by her landlord. He was found to have consistently conditioned women's tenancy on their performing sexual favors for him. HUD investigated the case, the Department of Justice brought charges and he was found guilty and made to pay $180,000.

Here's another example: an African-American was turned down for an apartment in a predominantly white New England city because another African-American already lived in the building and the landlord thought the neighbors might care. HUD's Fair Housing Office negotiated a settlement and the man received $2,500.

Discrimination in granting mortgages and homeowners insurance continues to be a serious problem. Since 1989, banks have been required to report the race of their loan applicants. From that information we find that, according to the Federal Reserve, in 1990, minorities of all incomes were rejected for mortgage loans at more than twice the rate of whites.

A study by the National Community Reinvestment Coalition in 1994 found that moderate-income and minority individuals were being consistently underserved by 52 large mortgage lenders.

According to a study by the National Association of Insurance Commissioners, which examined the availability and price of homeowners insurance in 25 cities in 13 States, average premiums are higher, and availability more limited in minority areas, even when loss costs are taken into account.

According to a study by the Missouri Insurance Commissioner, among the 20 largest Missouri homeowner insurance companies, 5 have minority market shares of less than one-twentieth their share of the white markets.

I would like to take a moment to thank Majority Leader DOLE and Senator BOND for their assistance in passing Senator FEINGOLD's amendment providing for the continued enforcement of the Fair Housing Act in cases of discrimination in the granting of homeowners insurance. We preserved an important civil rights protection today.

HUD is better suited to enforcing the Fair Housing Act than the Department of Justice.

HUD's ability to enforce the Fair Housing Act was strengthened in 1988 when they were given the ability to investigate, conciliate, and bring suit in cases where discrimination was occurring. Previously, HUD was not allowed to play an official role in combating any of the housing discrimination it witnessed.

HUD investigates all complaints. If HUD finds that there is a basis for a complaint and no conciliation can be reached, the parties have the option of having a hearing before an administrative law judge or a Federal trial. If any person or HUD chooses a Federal trial that is the venue.

The Department of Housing and Urban Development now investigates 10,000 cases a year.

The Department of Housing and Urban Development is in a unique position to combat discrimination in housing and to make fair housing policy decisions within an overall housing policy framework. HUD works with tenants, landlords, mortgage lenders, advocacy groups, and others every day in nonadversarial ways.

HUD maintains a field operation to receive complaints, including 10 regional offices and has a staff of over 600 in the Office of Fair Housing and Equal Opportunity Office; of the 10,000 complaints it receives, HUD investigates each one and attempts conciliation in each case. HUD provides for administrative hearings and for administering voluntary compliance programs, grant programs and interpretive actions.

In 1994, HUD was able to resolve over 40 percent of the discrimination cases with conciliation—neither side ever had to go to court. HUD resolves over five cases through the conciliation process for every one it refers for litigation.

If HUD believes a violation of the law may have occurred, a complainant may be provided with Government representation at no cost.

The Department of Housing and Urban Development has worked hard to improve their antidiscrimination efforts and wants to continue their efforts. The Department of Justice believes that the appropriate place for these efforts is with the Department of Housing and Urban Development.

If there is a pattern or practice of housing discrimination, the Attorney General can bring civil action in a Federal district court.

Any case before HUD that goes before Federal court is handled by the Department of Justice already.

The traditional role and expertise of DOJ has been to litigate cases, not to perform administrative enforcement. HUD operates a system of administrative adjudication of complaints using administrative law judges.

The Department of Justice does not have the people or the field office structure to handle the caseload or investigate individual complaints. The Civil Rights Division of the Department of Justice is not an investigative agency. The investigative arm of the Department of Justice is the FBI.

This transfer is premature and ill-conceived. There have been no hearings, no reports issued, and no analysis recommending that the Fair Housing Act enforcement authority be transferred from HUD to the Department of Justice.

Appropriations bills are not the appropriate place to effect major policy changes. This is a proposal that should receive the consideration of the Judiciary Committee at the very least since its effects would so dramatically effect the Department of Justice.

It is true that the process for handling discrimination complaints is not flawless. The Department of Housing and Urban Development is having to work hard to make their Fair Housing Office effective and responsive. But, there is no compelling reason for a transfer of enforcement authority to occur. The practical effect of this move would be to reduce the protections afforded to the victims of housing discrimination.

The Department of Justice cannot and should not handle the investigative and conciliation functions of HUD. The administrative law judges free up the Federal courts and reduce the time it takes for disputes to be resolved.

If this is a change that should occur, the Congress should hear testimony and be presented with evidence that the transfer is in the best interests of the country and the people facing discrimination. I am willing to study the issue further.

It is my belief that we should let the Department of Housing and Urban Development continue to work with the Department of Justice to ensure that every person, every family, has the opportunity to have a home.

Mr. BRADLEY. Mr. President, I rise in support of the Moseley-Braun amendment requiring that the transfer of enforcement of housing discrimination from the Department of Housing and Urban Development [HUD] to the Department of Justice [DOJ] cannot take place unless DOJ is given adequate resources and manpower to continue administrative enforcement of the Fair Housing Act.

Mr. President, I am opposed to transferring enforcement authority from HUD to DOJ. Establishing an organizational and physical infrastructure to handle administrative enforcement of housing discrimination at the Department of Justice represents a poor policy choice and a needless expenditure of taxpayer funds. Such a transfer would not result in improvements in either efficiency or function. However, Mr. President, I support this amendment requiring that such a transfer cannot occur unless continued administrative enforcement of housing discrimination is ensured.

Pursuant to the Fair Housing Act, HUD has an administrative structure that is responsible for enforcing fair housing violations against individuals. Administrative functions include writing regulations, seeking voluntary compliance agreements with members of the housing industry, and establishing and overseeing a network of State and local agencies to process complaints under local fair housing laws and ordinances. Roughly 10,000 fair housing complaints are filed annually with HUD, and the agency has 10 regional enforcement centers around the country to process these complaints.

In contrast to HUD's mandate to investigate individual complaints and to settle disputes administratively, DOJ has independent authority under the Fair Housing Act to enforce through litigation violations of the act where it finds a pattern and practice of discrimination. DOJ does not have the infrastructure to handle individual fair housing complaints. For example, it does not have an investigative agency with a field office structure to investigate individual complaints.

Mr. President, transferring enforcement authority from HUD to DOJ would require DOJ to recreate a structure that already exists at HUD. While I oppose such a transfer, I nevertheless support my colleague from Illinois in requiring that such a transfer cannot occur unless the resources and manpower are provided to ensure continued administrative enforcement of the Fair Housing Act.

AMENDMENT NO. 2797

(Purpose: To provide for a study by the National Academy of Sciences)

At the appropriate place, insert: ''Not later than 90 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (EPA) shall enter into an arrangement with the National Academy of Sciences to investigate and report on the scientific bases for the public recommendations of the EPA with respect to indoor radon and other naturally occurring radioactive materials (NORM). The National Academy shall examine EPA's guidelines in light of the recommendations of the National Council on Radiation Protection and Measurements, and other peer-reviewed research by the National Cancer Institute, the Centers for Disease Control, and others, on radon and NORM. The National Academy shall summarize the principal areas of agreement and disagreement among the above, and shall evaluate the scientific and technical basis for any differences that exist. Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress the report of the National Academy and a statement of the Administrator's views on the need to revise guidelines for radon and NORM in response to the evaluation of the National Academy. Such statement shall explain and differentiate the technical and policy bases for such views.''

AMENDMENT NO. 2798

(Purpose: To reduce the energy costs of Federal facilities for which funds are made available under this Act)

At the appropriate place, insert the following:

SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES.

(a) REDUCTION IN FACILITIES ENERGY COSTS.—

(1) IN GENERAL.—The head of each agency for which funds are made available under this Act shall—

(A) take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency; or

(B) enter into a sufficient number of energy savings performance contracts with private sector energy service companies under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.) to achieve during fiscal year 1996 at least a 5 percent reduction, from fiscal year 1995 levels, in the energy use of the facilities used by the agency.

(2) GOAL.—The activities described in paragraph (1) should be a key component of agency programs that will by the year 2000 result in a 20 percent reduction, from fiscal year 1985 levels, in the energy use of the facilities used by the agency, as required by section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253).

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 2000, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORTS.—

(1) BY AGENCY HEADS.—The head of each agency for which funds are made available under this Act shall include in each report of the agency to the Secretary of Energy under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)) a description of the results of the activities carried out under subsection (a) and recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) BY SECRETARY OF ENERGY.—The reports required under paragraph (1) shall be included in the annual reports required to be submitted to Congress by the Secretary of Energy under section 548(b) of the Act (42 U.S.C. 8258(b)).

(3) CONTENTS.—With respect to the period since the date of the preceding report, a report under paragraph (1) or (2) shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved;

(C) specify the actions that resulted in the reductions;

(D) with respect to the procurement procedures of the agency, specify what actions have been taken to—

(i) implement the procurement authorities provided by subsections (a) and (c) of section 546 of the National Energy Conservation Policy Act (42 U.S.C. 8256); and

(ii) incorporate directly, or by reference, the requirements of the regulations issued by the Secretary of Energy under title VIII of the Act (42 U.S.C. 8287 et seq.); and

(E) specify—

(i) the actions taken by the agency to achieve the goal specified in subsection (a)(2);

(ii) the procurement procedures and methods used by the agency under section 546(a)(2) of the Act (42 U.S.C. 8256(a)(2)); and

(iii) the number of energy savings performance contracts entered into by the agency under title VIII of the Act (42 U.S.C. 8287 et seq.).

Mr. BINGAMAN. Madam President, I rise today to commend the two floor managers of the bill, the distinguished Senator from Missouri [Mr. BOND], and the distinguished Senator from Maryland [Ms. MIKULSKI], and their staff, for their excellent and efficient management of the VA–HUD Fiscal Year 1996 Appropriations Act.

I would like to take a few moments to discuss an amendment I am offering on this appropriations bill. My amendment encourages agencies funded under the bill to become more energy efficient and directs them to reduce facility energy costs by 5 percent. The agencies will report to the Congress at the end of the year on their efforts to conserve energy and will make recommendations for further conservation efforts. I have offered this amendment to every appropriations bill that has come before the Senate this year, and it has been accepted to each one.

I believe this is a common-sense amendment: The Federal Government spends nearly $4 billion annually to heat, cool, and power its 500,000 buildings. The Office of Technology Assistance and the Alliance to Save Energy, a non-profit group which I chair with Senator JEFFORDS, estimate that Federal agencies could save $1 billion annually if they would make an effort to become more energy efficient and conserve energy.

Madam President, I hope this amendment will encourage agencies to use new energy savings technologies when making building improvements in insulation, building controls, lighting,

heating, and air conditioning. The Department of Energy has made available for government-wide agency use streamlined energy saving performance contracts procedures, modeled after private sector initiatives. Unfortunately, most agencies have made little progress in this area. This amendment is an attempt to get Federal agencies to devote more attention to energy efficiency, with the goal of lowering overall costs and conserving energy.

As I mentioned, Madam President, this amendment has been accepted to every appropriations bill the Senate has passed this year. I ask that my colleagues support it.

AMENDMENT NO. 2799

(Purpose: To increase amounts provided for FEMA salaries and expenses, Office of the Inspector General, and emergency food and shelter)

On page 153, line 17, strike ''$166,000,000'', and insert ''$168,900,000''.

On page 153, line 21, strike ''$4,400,000'', and insert ''$4,673,000''.

On page 154, line 13, strike ''$100,000,000'', and insert ''$114,173,000''.

AMENDMENT NO. 2800

(Purpose: To make technical corrections and modifications to the Committee amendment to H.R. 2099)

On page 22, line 5, insert the following:

''SEC. 111. During fiscal year 1996, not to exceed $5,700,000 may be transferred from 'Medical care' to 'Medical administration and miscellaneous operating expenses.' No transfer may occur until 20 days after the Secretary of Veterans Affairs provides written notice to the House and Senate Committees on Appropriations.''

On page 27, line 23, insert a comma after the word ''analysis''.

On page 28, line 1, strike out ''program and'' and insert in lieu thereof ''program,''.

On page 28, line 18, strike out ''or court orders''.

On page 28, line 20, strike out ''and''.

On page 29, line 13, strike out ''amount'' and insert in lieu of ''$624,000,000''.

On page 29, line 17, strike out ''plan of actions'' and insert in lieu thereof ''plans of action''.

On page 29, line 21, strike out ''be closed'' and insert in lieu thereof ''close''.

On page 29, lines 23 and 24, strike out ''$624,000,000 appropriated in the preceding proviso'' and insert in lieu thereof ''foregoing $624,000,000''.

On page 30, line 2, strike out ''the discretion to give'' and insert in lieu thereof ''giving''.

On page 30, line 12, strike out ''proviso'' and insert in lieu thereof ''provision''.

On page 32, line 10, strike out ''purpose'' and insert in lieu thereof ''purposes''.

On page 33, line 6, strike out ''purpose'' and insert in lieu thereof ''purposes''.

On page 33, line 10, strike out ''determined'' and insert in lieu thereof ''determines''.

On page 33, strike out lines 15 and 16, and insert in lieu thereof ''funding made available pursuant to this paragraph and that has not been obligated by the agency and distribute such funds to one or more''.

On page 33, line 23, strike out ''agencies and'' and insert ''agencies and to''.

On page 40, strike out line 9 and insert ''a grant made available under the preceding proviso to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974)''.

On page 40, beginning on line 20, strike out ''public and Indian housing agencies'' and insert in lieu thereof ''public housing agencies (including Indian housing authorities), nonprofit corporations, and other appropriate entities''.

On page 40, Line 22, strike out ''and'' the second time it appears and insert a comma.

On page 40, line 24, insert after ''143f)'' the following: '', and other low-income families and individuals''.

On page 41, line 5, after ''*Provided*'' insert ''*further*''.

On page 41, line 6, after ''shall include'' insert ''congregate services for the elderly and disabled, service coordinators, and''.

On page 45, line 24, strike out ''originally'' and insert in lieu thereof ''originally''.

On page 45, strike out the matter after ''That'' on line 26, through line 5 on page 46, and insert in lieu thereof ''the Secretary may use any negative subsidy amounts from the sale of such assigned mortgage notes during fiscal year 1996 for the disposition of properties or notes under this heading.''.

On page 47, strike out the matter after ''That'' on line 17, through ''Development'' on line 25, and insert in lieu thereof ''the Secretary may use any negative subsidy amounts from the sale of such assigned mortgage notes during fiscal year 1996, in addition to amounts otherwise provided, for the disposition of properties or notes under this heading (including the credit subsidy for the guarantee of loans or the reduction of positive credit subsidy amounts that would otherwise be required for the sale of such properties or notes), and for any other purpose under this heading''.

On page 68, line 1, after ''Section 1002'' insert ''(d)''.

On page 69, lines 5 and 6, strike out ''Notwithstanding the previous sentence'' and insert in lieu thereof ''Where the rent determined under the previous sentence is less than $25''.

On page 70, line 12, strike out ''and'' and insert in lieu thereof ''any''.

On page 71, line 1, strike out ''(A) IN GENERAL.—''.

On page 71, strike out lines 11 through 18.

On page 72, line 6, after ''comment,'' insert ''a''.

On page 72, line 7, strike out ''are'' and insert ''is''.

On page 72, line 18, after ''comment,'' insert ''a''.

On page 72, line 19, strike out ''are'' and insert ''is''.

On page 74, line 6, strike out ''selection criteria'' and insert in lieu thereof ''system of preferences for selection''.

On page 74, line 11, strike out ''selection criteria'' and insert in lieu thereof ''system of preferences for selection''.

On page 74, strike out lines 13 through 16, and redesignate subsequent paragraphs.

On page 75, line 1, strike out ''selection criteria'' and insert in lieu thereof ''system of preferences for selection''.

On page 75, strike out the matter beginning on line 12 through line 19 on page 76, and insert in lieu thereof the following:

''(B) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—Section 522(f)(b)(B) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704 et seq.) is amended by striking 'any preferences for such assistance under section 8(d)(1)(A)(i)' and inserting 'written system of preferences for selection established pursuant to section 8(d)(1)(A)'.

''(C) HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—Section 655 of the Housing and Community Development Act of 1992 (42 U.S.C. 13615) is amended by striking 'the preferences' and all that follows through the period at the end and inserting 'any preferences'.''.

On page 76, line 20, strike out ''(E)'' and insert ''(D)''.

On page 77, lines 3 and 4, strike out ''selection criteria'' and insert in lieu thereof ''system of preferences for selection''.

On page 86, line 1, strike out ''of issuance and''.

On page 87, line 13, ''evaluations of'' insert ''up to 15''.

On page 87, line 17, strike out ''(d)'' and insert ''(e)''.

On page 90, line 2, strike out ''Secretary.'' and insert ''Secretary; and''.

On page 90, line 5, strike out ''agree to cooperate with'' and insert in lieu thereof ''participate in a''.

On page 92, line 21, strike out ''final''.

On page 95, line 9, after ''agency'' insert ''in connection with a program authorized under section 542 (b) or (c) of the Housing and Community Development Act of 1992''.

On page 95, strike out lines 11 and 12, and insert in lieu thereof ''542(c)(4) of such Act.''.

On page 95, strike out the matter beginning with ''a'' on line 17 through ''section'' on line 18, and insert in lieu thereof ''an assistance contract under this section, other than a contract for tenant-based assistance,''.

on page 96, line 10, strike out ''years'' and insert ''year''.

On page 102, line 18, strike out ''section 216(c)(4) hereof'' and insert in lieu thereof ''paragraph (4)''.

On page 106, line 8, strike out ''subject to'' and insert in lieu thereof ''eligible for''.

On page 106, line 14, strike out ''(8 NC/SR)'' and insert in lieu thereof ''the section 8 new construction or substantial rehabilitation program''.

On page 106, line 15, strike out ''subject to'' and insert in lieu thereof ''eligible for''.

On page 107, line 6, strike out ''Sec 217.'' and insert ''Sec. 215.''.

On page 117, line 8, strike out ''subparagraphs'' and insert ''subsections''.

On page 117, line 10, strike out ''subsections'' and insert ''subparagraphs''.

On page 117, line 11, strike out ''subparagraph'' and insert ''subsection''.

On page 118, strike out lines 19 through 21, and insert in lieu thereof the following:

''(1) Subsection (a) is amended by—

''(A) striking out in the first sentence 'low-income' and inserting in lieu thereof 'very low-income'; and

(B) striking out 'eligible low income housing' and inserting in lieu thereof 'housing financed under the programs set forth in section 229(1)(A) of this Act'.''.

On page 120, line 2, strike out ''Subsection'' and insert ''Paragraph''.

On page 120, strike out lines 18 through 22, and insert in lieu thereof the following:

''(2) Paragraph (8) is amended—

(A) by deleting in subparagraph (A) the words 'determining the authorized return under section 219(b)(6)(ii)';

(B) by deleting in subparagraph (B) 'and 221'; and

(C) by deleting in subparagraph (B) the words 'acquisition loans under' ''.

On page 121, line 3, strike out ''Subsection'' and insert ''Paragraph''.

On page 122, line 4, strike out ''Subsection'' and insert ''Paragraph''.

On page 122, line 13, strike out ''Subsection'' and insert ''Section''.

On page 122, line 21, strike out ''Subsection'' and insert ''Section''.

On page 147, line 17, before the period, insert the following:

'': *Provided further,* That of the funds appropriated in the Construction Grants and

Water Infrastructure/State Revolving Funds accounts since the appropriation for the fiscal year ending September 30, 1992, and hereafter, for making grants for wastewater treatment works construction projects, portions may be provided by the recipients to states for managing construction grant activities, on condition that the states agree to reimburse the recipients from state funding sources''.

On page 149, line 19, strike ''phase IV'' and insert in lieu thereof ''phase VI''.

AMENDMENT NO. 2801

(Purpose: To extend the date that funds are reserved for the safe drinking water revolving fund, if authorized, to April 30, 1996. This provides additional time to permit enactment of Safe Drinking Water Act reauthorization which will release these funds to initiate a financial assistance program)

On page 147, line 6, strike ''December 31, 1995'' and insert ''April 30, 1996''.

On page 147, line 17, strike ''December 31, 1995'' and insert ''April 30, 1996''.

AMENDMENT NO. 2802

On page 128, add a new section to the bill:

SEC. . None of the funds provided in this Act may be used during Fiscal Year 1996 to investigate or prosecute under the Fair Housing Act (42 U.S.C. 3601, et seq.) any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of non-frivolous legal action, that is engaged in solely for the purposes of—

(1) achieving or preventing action by a government official, entity, or court of competent jurisdiction.

AMENDMENT NO. 2803

On page 128, add a new section to the bill:

SEC. . None of the funds provided in this Act may be used to take any enforcement action with respect to a complaint of discrimination under the Fair Housing Act (42 U.S.C. 3601, et seq.) on the basis of familial status and which involves an occupancy standard established by the housing provider except to the extent that it is found that there has been discrimination in contravention of the standards provided in the March 20, 1991 Memorandum from the General Counsel of the Department of Housing and Urban Development to all Regional Counsel or until such time that HUD issues a final rule in accordance with 5 U.S.C. 553.

Mr. KYL. Mr. President, I rise to cosponsor an amendment to H.R. 2099, the VA–HUD–independent agencies appropriations bill. I am pleased to cosponsor this amendment which will prohibit the Department of Housing and Urban Development [HUD] from enforcing a complaint of discrimination on the basis of a housing provider's occupancy standard, enforcement of which goes well beyond the standards described in the March 20, 1991 memorandum of the general counsel of HUD to all Regional Counsel.

Mr. President, an occupancy standard is one which specifies the number of people who may live in a residential rental unit. An internal 1991 HUD memorandum, issued by former HUD General Counsel Keating to all regional counsel, clearly established a straightforward occupancy standard of ''two persons per bedroom'' as generally reasonable.

The two-per-bedroom occupancy standard has been deemed reasonable within the enforcement of fair housing discrimination laws under the Fair Housing Act. That is until Henry Cisneros became Secretary of HUD. Secretary Cisneros and his Deputy Roberta Achtenberg have disagreed with the traditional occupancy standard, arguing that it discriminates against larger families.

In July of this year HUD General Counsel Diaz issued a memorandum which, in effect, supplants the two-per-bedroom standard, and may force housing owners to accept six, seven, eight, or even nine people into a two-bedroom apartment.

Mr. Diaz's standard is without merit. Mr. Diaz has used the BOCA—Building Officials and Code Administrators—Property Maintenance Code as a foundation for his occupancy standard. The BOCA code is a health and safety code specifically drafted by engineers and architects to provide guidance to municipalities on the maximum number of individuals who may safely occupy any building. It was never intended to alter the minimum number of family members HUD could require owners to accept under fair housing law.

The code was adopted without any consultation, public hearings, or analysis of its impact of the Nation's rental housing industries. That is wrong. It was not the intent of Congress to allow HUD to establish a national occupancy standard. Secretary Cisneros, through HUD's general counsel, has circumvented the Federal Government's rule making process by imposing this standard through an advisory without public hearings.

This amendment blocks HUD's attempt to set a national occupancy standard through an advisory. I urge my colleagues to support the amendment.

AMENDMENT NO. 2804

(Purpose: To make an amendment relating to eligible activities under section 105 of the Housing and Community Development Act of 1974, and for other purposes)

At the appropriate place in title II, insert the following new section:

SEC. . CDBG ELIGIBLE ACTIVITIES.

Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (4)—

(A) by inserting ''reconstruction,'' after ''removal,''; and

(B) by striking ''acquisition for rehabilitation, and rehabilitation'' and inserting ''acquisition for reconstruction or rehabilitation, and reconstruction or rehabilitation'';

(2) in paragraph (13), by striking ''and'' at the end;

(3) by striking paragraph (19);

(4) in paragraph (24), by striking ''and'' at the end;

(5) in paragraph (25), by striking the period at the end and inserting ''; and'';

(6) by redesignating paragraphs (20) through (25) as paragraphs (19) through (24), respectively; and

(7) by redesignating paragraph (21) (as added by section 1012(f)(3) of the Housing and Community Development Act of 1992) as paragraph (25).

Amend the table of contents accordingly.

AMENDMENT NO. 2805

(Purpose: To impose a moratorium during fiscal year 1996, and to require a report, on the conversion of Environmental Protection Agency contracts for research and development)

At the appropriate place in title III, insert the following:

SECTION 3—EPA RESEARCH AND DEVELOPMENT ACTIVITIES AND STAFFING.

(a) STAR PROGRAM.—The Administrator of the Environmental Protection Agency may not use any funds made available under this ACT to implement the Science to Achieve Results (STAR) program unless—

(1) the use of the funds would not reduce any funding available to the laboratories of the Agency for staffing, cooperative agreements, grants, or support contracts; or

(2) the Appropriations Committees of the Senate and House of Representatives grant prior approval. Transfers of funds to support STAR activities shall be considered a reprogramming of funds. Further, said approval shall be contingent upon submission of a report to the Committees as specified in Section (c)(2) below.

(b) CONTRACTOR CONVERSION.—The Administrator of the Environmental Protection Agency may not use any funds to—

(1) hire employees and create any new staff positions under the contractor conversion program in the Office of Research and Development.

(c) REPORT.—Not later than January 1, 1996, the Administrator shall submit to the Appropriations Committees of the Senate and House of Representatives a report which:

(1) provides a staffing plan for the Office of Research and Development indicating the use of Federal and contract employees;

(2) identifies the amount of funds to be reprogrammed to STAR activities, and;

(3) provides a listing of any resource reductions below fiscal year 1995 funding levels, by specific laboratory, from Federal staffing, cooperative agreements, grants, or support contracts as a result of funding for the STAR program.

AMENDMENT NO. 2806

(Purpose: To make an amendment relating to special purpose grants)

On page 43, between lines 13 and 14, insert the following:

''The amount made available for fiscal year 1995 for a special purpose grant for the renovation of the central terminal in Buffalo, New York, shall be made available for the central terminal and for other public facilities in Buffalo, New York.''.

AMENDMENT NO. 2807

(Purpose: To provide funding for the Corporation for National and Community Service to permit the orderly termination of previously initiated activities and programs, including the Corporation's Office of Inspector General)

On page 130, strike out the matter beginning with line 19 through line 2 on page 131, and insert in lieu thereof the following: ''For necessary expenses for the Corporation for National and Community Service in carrying out the orderly terminations of programs, activities, and initiatives under the National and Community Service Act of 1990, as amended (Public Law 103–82), $6,000,000: *Provided,* That such amount shall be utilized to resolve all responsibilities and obligations in connection with said Corporation and the Corporation's Office of Inspector General.''

AMENDMENT NO. 2808

(Purpose: To provide for a report on the impact of community development grants on plant relocations and job dislocation)

At the appropriate place in the bill, add the following:

SEC. . REPORT ON IMPACT OF COMMUNITY DEVELOPMENT FUNDS ON PLAN RELOCATIONS AND JOB DISLOCATION.

Not later than October 1, 1996, the Secretary of the Department of Housing and Urban Development shall submit to the appropriate Committees of the Congress a report on—

(1) the extent to which funds provided under section 106 (Community Development Block Grants), section 107 (Special Purpose Grants), and Section 108(q) (Economic Development Grants) of the Housing and Community Development Act of 1974, have been directly used to facilitate the closing of an industrial or commercial plant or the substantial reduction of operations of a plant and result in the relocation or expansion of a plant from one state to another;

(2) the extent to which the availability of such funds has been a substantial factor in the decision to relocate a plant from one state to another;

(3) an analysis of the extent to which provisions in other laws prohibiting the use of federal funds to facilitate the closing of an industrial or commercial plant or the substantial reduction in the operations of such plant and the relocation or expansion of a plant have been effective; and

(4) recommendations as to how federal programs can be designed to prevent the use of federal funds to directly facilitate the transfer of jobs from one state to another.

THE IMPACT OF COMMUNITY DEVELOPMENT FUNDS

Mr. FEINGOLD. Madam President, I rise today, with my colleague Senator KOHL to offer an amendment that requires the Department of Housing and Urban Development to report on the impact of the use of Federal community development funds on plant relocations and the resultant job dislocation.

Our concern was generated by an announcement made in 1994 by a major employer in Wisconsin, Briggs & Stratton, that a Milwaukee plant would be closed, and 2,000 workers would be permanently displaced. The actual economic impact upon this community is even greater since it is estimated that 1.24 related jobs will be lost for every 1 of the 2,000 Briggs jobs affected. The devastating news was compounded by the subsequent discovery that many of these jobs were being transferred to plants, which were being expanded in two other States, and that Federal community development block grant, CDBG, funds were being used to facilitate the transfer of these jobs from one State to another.

Our initial response was to introduce legislation prohibiting the use of such funds for the relocation of plants and the resultant job dislocation. The House of Representatives agreed with the approach and approved an identical amendment to the housing reauthorization bill.

We believed at the time, and now that the CDBG program was designed to foster community and economic development; not to help move jobs around the country.

Obviously, during a period of permanent economic restructuring, which results in plant closings, downsizing of Federal programs and defense industry conversion, there is tremendous competition between communities for new plants and other business expansions to offset other job losses.

States and local communities are doing everything they can to attract new business and retain existing businesses. But we believe it is simply wrong to use Federal dollars to help one community raid jobs from another State.

There is no way we can justify to the taxpayers in my State that they are sending their money to Washington to be distributed to other States so that it can be used to attract jobs out of Wisconsin, leaving behind communities whose economic stability has been destroyed. Thousands of people whose jobs are directly, or indirectly lost as a result of the transfer of these jobs out of our State are justifiably outraged by this misuse of funds.

However, Madam President, after further consideration, and consultation with the floor managers we recognize that indeed the underlying issue is complex.

Wisconsin, as are other States, is regularly involved in the activity of attracting new business to the State, and retaining existing businesses. We recognize that economic incentive proposals developed to enhance the State's opportunity often include a wide variety of financial combinations including job training funds, tax incentives, infrastructure improvements and other financing tools.

These combinations often obscure the leveraged value of the Federal funds in the package in convincing a company to make a decision to move out of State. However, recognizing these factors does not clear the picture, but begs the question of what is the impact of the Federal dollar in these situations in influencing the decisions of the targeted company.

This amendment would address the issue by directing the HUD Secretary to conduct a study over the next year, and report back to Congress with recommendations on what would be a sensible legislative approach to both protecting the workers and communities that lose businesses and employment to other States, and how Federal funds might be appropriately utilized in developing economic opportunity for communities across the Nation, without placing other communities in jeopardy.

The study would examine and investigate the extent to which Federal community development funds are used in combination with other Federal, State or local revenue sources in attracting new business from other States. The study would also examine and assess the degree to which Federal community development funds are key to a company's decision to move—are they incidental to the decision, a factor, a key decision point, or the linchpin of the deal?

An examination of the findings by the Congress upon completion of such a study would then become the basis for further legislative action if necessary.

We thank the floor managers for recognizing our legitimate concerns, and for their willingness to work in a bipartisan fashion to help perfect this amendment.

Mr. BOND. Madam President, these amendments have been cleared on both sides. They are ready for adoption.

Ms. MIKULSKI. Madam President, we have cleared these amendments with all of the relevant authorizing committees. There are no objections on our side, and in many instances they are enthusiastically either sponsored or approved.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 2796 through 2808) en bloc were agreed to.

Mr. BOND. Madam President, I move to reconsider the vote by which the amendments were agreed to.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, the drill that we just went through took a little bit of time, but, frankly, I would like to commend the Senator from Arizona and the Senator from Colorado, because many times I have found that things I did not support have crept into legislation in the past. I hope that by doing this, we put all our colleagues, or at least their staffs, on notice. We are beginning what I hope will be a useful process, and I thank the Senators for recommending it.

Mr. KERRY. Madam President, I want to acknowledge the hard work of the distinguished chairman and ranking member of the VA-HUD Appropriations Subcommittee in assembling this complex appropriations bill. The diverse range of agencies funded by this bill—the Veterans Administration, the Department of Housing and Urban Development, the Environmental Protection Agency, the National Aeronautic and Space Administration, the National Science Foundation, and numerous other independent agencies—makes the VA-HUD bill one of the most difficult appropriations bills to balance.

It is clear that the resource constraints placed on the Appropriations Committee by the budget resolution this year made it impossible to fund adequately all of the programs and activities in the bill that are important to me, important to the people of Massachusetts, and important to the people of this country. Nonetheless, with respect to the way in which the bill addresses housing and related programs, I thank the chairman and ranking member are to be commended for good faith

efforts to minimize the pain from the reductions.

There are several items in the bill that are quite positive, and I thank the chairman and the ranking member for including these. I am particularly pleased that the bill includes an appropriation for the Youthbuild Program. Youthbuild is working to provide kids who live in tough places with some confidence and some hope along with a solid package of job skills while contributing to their communities the products of their work in the form of rehabilitated homes and other structures. Youthbuild deserves our continued support.

I am also a strong supporter of the provisions in this bill that fund the Community Development Block Grant and HOME Programs at the 1995 appropriated levels. CDBG has a solid 20-year track record of providing flexible community development assistance to State and local governments. HOME also provides flexible resources to State and local governments for the purpose of fostering partnerships in support of affordable housing. HOME is designed to leverage the additional public and private resources and is achieving excellent results in targeting these housing resources to low-income families. Both CDBG and HOME are critical to the successes of the community-based nonprofit movement.

Another important element of the bill before the Senate is the $624 million it contains for the Low-Income Housing Preservation and Resident Homeownership Act, or LIHPRHA. I congratulate the chairman for his commitment to the preservation program's mission. We cannot afford a hiatus in preservation funding, because we would then risk losing affordable housing resources and displacing people from their homes. We all recognize that LIHPRHA has some structural problems that need correcting, and the bill has made an important contribution in pushing forward preservation program reforms. It is unfortunate that the LIHPRHA capital grant reforms in this bill are delayed a year for technical reasons related to budget scoring. However, since they are, it is important that we continue to process and preserve the projects under the old program using available resources and not stand idly than waiting for the new program to be perfected, enacted, and implemented.

Finally, I would like to express relief that the bill does not repeal the Brooke amendment as some have proposed. The Brooke amendment limits the rent paid by a poor family to 30 percent of income. The bill does make some changes in the public housing rent-setting process that we will have to monitor closely. I support the provision in this bill providing public housing authorities with the flexibility to set ceiling rents and adopt policies that deduct earned income in calculating the adjusted income against which the 30 percent standard is applied. These changes should help enable working families to remain in public housing developments and improve the income mix of the public housing communities. I am less enthusiastic about a provision in the bill that requires all residents to pay a minimum rent of $25 per month, particularly in the context of other cutbacks in programs of assistance to poor families.

There are, however, Madam President, too many instances where I believe the bill takes the wrong course. First, and foremost, the bill makes major reductions in HUD's total resources. The bill cuts funding for public housing operating subsidies, public housing modernization, homeless assistance, and the section 8 tenant-based assistance. These HUD programs serve the housing needs of the poorest of the poor. Over time, underfunding public housing will erode its quality as public housing authorities cut back on maintenance due to a lack of resources. A provision delaying the reissuance of vouchers that come available will mean that homeless families which have risen to the top of local waiting lists will have to wait 6 months to receive housing assistance. The bill also reduces public housing authority fees for the administration of the section 8 program in a way that does not take into account the different cost structures for administering the program nor does it seem to have considered the distinct possibility that at least some public housing authorities will simply choose not to continue to administer the program after these cuts take effect. These cuts are an excellent reflection the tyranny of the budget that binds the Congress.

Madam President, I would like to also register my concern about the extent of authorizing provisions in this bill. Some of these provisions have not gone through the hearing process nor have members had the opportunity to consult concerning them with all of the affected parties and other experts on program operations. I am particularly concerned that the numerous discrete, piecemeal provisions—while often helpful—will undermine or contradict efforts to engage in a more comprehensive examination of the HUD statutes. As a member of the authorizing committee, I am hopeful that we will review all of these provisions in more detail.

There are three particularly egregious authorizing provisions in this bill that highlight the need for a more orderly process of hearings and deliberation. These are the provisions transferring HUD's Office of Fair Housing to the Department of Justice, the transfer of the Office of Federal Housing Enterprise Oversight to Treasury, and a prohibition against enforcing the fair housing laws against property insurers who discriminate. I oppose the inclusion of all three provisions in this bill.

I realize that HUD is taking a disproportionate share of the budget cuts because some of its programs have been troubled and do not enjoy a positive public image. The cuts, then, underscore the need for the Congress to work harder to improve HUD's management systems, and to reduce the workload placed on HUD's staff by consolidating programs and devolving some HUD responsibilities to other capable partners. We also need to be willing to take a more aggressive approach toward the poorly managed inventory and that portion of the HUD-assisted inventory that has aged to the point of obsolescence.

So, notwithstanding my broader concerns with authorizing on an appropriations bill and authorizing out of context, I note that several provisions in this bill are helpful. For example, the bill allows HUD to consolidate seven categorical homeless programs into a formula grant program. This reform will reduce HUD's workload and allow the Department to redeploy the staff who currently spend many hours reviewing thousands of applications.

The bill also includes several provisions that may prove helpful in allowing public housing agencies to adapt to the cuts in the bill. In particular, the bill provides new, expanded, eligible activities for the public housing modernization program that deserve more hearing, but are defensible in the face of large cuts in resources. Revisiting our admission policies pertaining to public and assisted housing also is necessary not only from the perspective of shrinking resources, but from the need to reverse the overconcentration of the poor.

I am very concerned that this bill pushes forward too far and too fast on the Department's proposal to enact legislation with respect to mark-to-market of the assisted housing inventory. We need not rush into a complicated proposal that likely will result in forcing many properties into default. The administration has proposed to voucher out the public and assisted inventory. This approach may make sense in those instances where the housing has been poorly managed and low-income people have been forced to live in squalor. However, I have serious concerns about vouchers as a substitute for well-managed, well-located housing. I have concerns that vouchers do not work for everyone in every market. Vouchers are not accepted by many landlords. The available suggests that if we move to vouchers, many housing assistance recipients will be displaced from a place that they currently call home.

Fundamentally, this appropriations bill does not and could not come close to meeting the housing needs of this country. More than 5 million very low income Americans face severe housing needs. They suffer from homelessness, they pay rents that take more than 50 percent of their household income, or they live in severely substandard conditions. We have not been willing to provide the resources necessary to meet these needs. Over the last 15

years of troubled housing policy, though, both Republican and Democratic administrations have been committed to making progress toward meeting these needs, albeit with different levels of energy and commitment. The resource levels in this bill are simply not adequate to the task of preserving the affordable housing gains from the past, reforming HUD's programs, compensating for previous underfunding of capital needs, and making progress against our Nation's large outstanding needs for affordable housing.

The effects of the budget on this bill and thence in these vital Government services are extremely troubling. Our Nation will pay and pay dearly—both now and even more in the future—for shortchanging these pressing needs. Some of us—the most unfortunate—will pay more dearly than others, but their plight will affect us all.

Knowing this, we need to make the greatest possible effort to find more resources that can be devoted to meeting the objectives I have described. I hope to be joined in good faith by colleagues on both sides of the aisle seeking that goal.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, we are coming into the closing minutes now of this bill. We started the debate on VA–HUD appropriations around Monday at 3 o'clock. A lot has gone on since then, and I commend Senator BOND on moving this bill and the way he has handled this legislation in the Chamber.

I know this is the first time he has chaired the committee and brought the bill to the floor. I compliment him on the way we have been able to move in such an efficient way. I thank his professional staff for the many courtesies and consultation provided my staff.

I thank Mr. Rusty Mathews, Mr. Steve Crane, and Mr. Kevin Kelly, who provided technical assistance on my side.

In this bill, we won some and we lost some. We won some by preserving America's future in space. We came to an agreement on redlining. And we lost issues like national service. This is America. This is democracy. We have spoken, and I believe it is now time to vote. I believe the President will have significant concerns with this bill. I believe the President will veto it. But I believe the time now for debate has concluded, and I again wish to thank my colleagues for the support that they gave me during this time.

Mr. BOND. Madam President, let me express my appreciation to the Senator from Maryland, who has been absolutely invaluable in helping us move this forward. I must confess that until I had this pleasure, I did not understand all that went with it. I commend her for the great service she has provided this committee in the past and the help she gave me.

I join with her in thanking Rusty Mathews, Kevin Kelly, Steve Crane, the people on her side. For my part, I thank Stephen Kohashi, Carrie Apostolou, Steve Isakowitz, and the members of my staff, Julie Dammann, John Kamarck, Tracy Henke, Keith Cole, Leanne Jerome, and the others who have helped a great deal.

Let me say very briefly—we have already made the points—this bill is within the budget. It sets some priorities in a very tough time. I think with the help of committee members and the Members of this body we have fine-tuned it as best we can. It does allow the agencies to move forward with the vitally needed programs that are so important in this country in the many areas we fund.

I hope that the President, the Office of Management and Budget will communicate with us as to what their objections are and how we might solve them. I know that all my colleagues have enjoyed these 2 days. I do not wish to go through this drill again. If the administration will let us know what their objections are, we have, I think, done as good a job as possible within the dollars available, and if we are going to balance the budget as not only this body has said but I believe the people of America demand, this is what we have to work with.

Therefore, Madam President, I ask unanimous consent that the bill be read a third time and the Senate proceed immediately to vote on the passage of the bill with no other intervening action or debate.

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

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BOND. Madam President, I ask for a recorded vote, the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 470 Leg.]

YEAS—55

Abraham	Faircloth	Lott
Ashcroft	Frist	Lugar
Bennett	Gorton	Mack
Bond	Gramm	McCain
Brown	Grams	McConnell
Burns	Grassley	Murkowski
Campbell	Gregg	Nickles
Chafee	Hatch	Packwood
Coats	Hatfield	Pressler
Cochran	Helms	Roth
Cohen	Hutchison	Santorum
Coverdell	Inhofe	Shelby
Craig	Jeffords	Simpson
D'Amato	Kassebaum	Smith
DeWine	Kempthorne	Snowe
Dole	Kerrey	Specter
Domenici	Kyl	Stevens
Thomas	Thurmond	
Thompson	Warner	

NAYS—45

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Breaux	Heflin	Nunn
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Byrd	Johnston	Reid
Conrad	Kennedy	Robb
Daschle	Kerry	Rockefeller
Dodd	Kohl	Sarbanes
Dorgan	Lautenberg	Simon
Exon	Leahy	Wellstone

So the bill (H.R. 2099), as amended, was passed.

Mr. BOND. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I move that the Senate insist on its amendments, request a conference with the House on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Ms. SNOWE) appointed Mr. BOND, Mr. GRAMM, Mr. BURNS, Mr. STEVENS, Mr. SHELBY, Mr. BENNETT, Mr. HATFIELD, Ms. MIKULSKI, Mr. LEAHY, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. KERREY, and Mr. BYRD conferees on the part of the Senate.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise to congratulate Senator BOND, of Missouri, and Senator BARBARA MIKULSKI, of Maryland. They put a very good bill together. I understand that the Senator from Maryland does not support the bill in its final stages. Let me just make a few observations.

Some of us are beginning to say we need to ask some new questions about programs and projects and activities of the Federal Government. The leading question that we have to start asking ourselves is: What can we afford? We never did that for a long time. In fact, I ask Senators to reflect on the past 8 to 12 years and, for the most part, the question was never asked: Can we afford this? An amendment was offered because it sounded good, or it was something that perhaps, in a perfect economic environment, would be neat, and we looked around to see if we could get 51 votes, and we would go to conference and see if we could hold it, and all of a sudden we would have something new going.

But I believe balanced budgets and fiscal responsibility do not actually happen in huge waves and big doses of cuts. I think they come with hard work. Every chairman who has had to produce an appropriations bill this

year on the domestic side has had to take less than they had the year before, and that means very simply that, through hard work and, hopefully, some wisdom, priorities had to be discussed and priorities had to be decided upon.

It is no longer the day of being able to say to every Senator that asks for things that we have taken care of you. In fact, I believe we are at the point, and there will be more years to come when we have to say to most that we cannot give you what you want.

Senator BOND had a tough job. Few Americans understand that this bill has veterans in it, has public housing in it, and at the same time has many other programs, including the space program. Who would think that one appropriations bill would cover that spectrum? He has had to balance, with less of a budget than last year, these same great demands and responsibilities that we have.

I believe this bill attempts, in very difficult times in terms of money—because we want to get to a balance sooner rather than later, and we want to make sure that we do not burden our children with more and more of our debt.

I just came to the floor to say to Senator BOND that he did an excellent job. I commend him and those who have produced bills heretofore that have met the targets. I commend them also.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, I cannot support this legislation. In far too many ways, it fails the American people, the people of California I was sent to represent, and the principles of good government and good policy to which I subscribe. The bill turns its back on responsibility, obligation, and hope.

ENVIRONMENTAL PROTECTION

One of the primary functions of government is to protect the public's health and safety. Our Federal laws and regulations are written to improve and protect the high quality of life that we enjoy in our country. Every day, the people of our Nation enjoy the benefits of almost a century of progress in Federal laws and regulations that reduce the threat of illness, injury, and death from consumer products, workplace hazards, and environmental toxins.

The Environmental Protection Agency, created by President Nixon in 1970, is responsible for the implementation of our most fundamental environmental protection laws: The Clean Air Act; the Clean Water Act; the Safe Drinking Water Act; laws that protect us from improper disposal of hazardous waste disposal; laws that protect us from exposure to radiation and toxic substances; and laws that regulate the clean-up of hazardous waste sites all over the country. As the year 2000 approaches, Americans can look back with immense pride in the progress we have achieved in protections of our health and safety.

Unfortunately, the drastic cuts in EPA's budget in this bill will cut to the bone, jeopardizing all the progress we have made.

For example, the 23 percent cut in the EPA enforcement budget in the bill will inevitably result in a rollback of national efforts to ensure that every American breathes clean air, drinks clean water, and is safe from the dangers of hazardous waste.

The bill will reduce the ability of the EPA to respond to threats to the environment and human health. In the long run this will mean more water pollution, more smog in our cities and countryside, more food poisoning, more toxic waste problems.

Cuts will severely undercut the number of Federal and State environmental inspections, thereby increasing the risk to the public health and environment from unchecked violators. In fiscal year 1994, more than 2,600 facilities were inspected in California and 447 enforcement actions were taken by Federal or State environmental agencies.

Cuts will mean that state monitoring and inspection programs will either have to be either severely curtailed, paid for by the state or possibly eliminated.

Cuts will hurt EPA/industry compliance initiatives which are underway in key industrial sectors in my State, such as the Gillette Corporation Environmental Leadership Program, a project of the Gillette Corporation of Santa Monica, CA, and the Agriculture Compliance Assistance Services Center, which was developed in conjunction with the Agriculture Extension Service to provide ''one stop shopping'' for information to assist farms in complying with environmental regulations. Support for this Center—and initiatives like it underway in other industries—will be severely undercut by these cuts in the EPA budget.

In addition to the budget cuts, the bill includes a number of unacceptable riders that will: Eliminate EPA's role in issuing permits to fill wetlands; prohibit the EPA from issuing a new safeguard to protect the public from drinking water contamination; prohibit the EPA from implementing Clean Air Act programs; restrict the listing of new Superfund sites; prohibit the EPA from issuing final rules for arsenic, sulphates, radon, ground water disinfection, or the contaminants in phase IVB in drinking water.

The ban on standard-setting is the equivalent of a ban on the implementation of one of the central provisions of the Safe Drinking Water Act, and is a blow to the ongoing bipartisan negotiations in the Environment and Public Works Committee on Safe Drinking Water Act reauthorization.

EPA is under court order to issue these standards, which are now more than 6 years late. The riders in this bill are an unnecessary interference with the ongoing process and will only serve to delay it further.

Congress required the groundwater disinfection rule to be issued in 1989. The Centers for Disease Control has documented that many disease outbreaks are caused by parasite-contaminated groundwater (often from sewage, animal waste, or septic tanks). While not all groundwater must be disinfected, if the rider is in place, EPA will be barred from requiring any groundwater to be treated to kill parasites.

The bill eliminates the EPA's veto authority over the U.S. Army Corps of Engineers wetlands permits, a power that it needs in order to ensure consistent interpretation and implementation of the Clean Water Act.

EPA has used the veto sparingly—only 11 times since 1972—and in each case had to demonstrate that the discharge would have an unacceptable adverse effect on municipal water supplies, shellfish beds, fishery areas, wildlife, or recreation. Typically, a veto has involved only major projects with significant potential adverse impacts. The total waters protected by EPA veto: 7,299 acres or about 664 acres protected per veto.

The power of EPA's veto has played a very constructive role in the reaching of compromises on proposed development plans to fill wetlands. Moreover, since the Environment and Public Works Committee is now considering wetlands reform legislation, this rider is, again, an unnecessary and untimely interference with the ongoing efforts to make appropriate changes in the law.

The bill cuts the Superfund program for cleaning up hazardous waste sites by 36 percent or almost $500 million.

California has 23 sites listed on the Superfund National Priorities List—more than any other state. According to the Environmental Protection Agency, the proposed Superfund cuts would severely impact cleanup at 12 of these facilities (since the other 11 facilities are on the base closure list and oversight is paid by the base closure account, it is not clear what impact, if any, the Superfund cut will have on the 11 other sites).

Thus, in the area of environmental protection, the bill before us fails to provide even a merely adequate amount of funding for the programs and policies that protect the public health and safety.

HOUSING PROGRAMS

The cuts made by this bill in the programs of the Department of Housing and Urban Development will have a tremendous impact on communities and neighborhoods across the country.

HUD was hit particularly hard in this spending measure. Under the Senate bill, HUD would receive 19 percent less funding than what was requested by the administration and over 20 percent less than what was approved in last year's bill.

This will mean significant cuts in funding to serve our Nation's homeless. The Senate bill contains $360 million less than what was in the President's

request for homeless assistance—the last safety net for homeless individuals and families. This translates into $49 million less than last year for California to address its homeless problem at a time when overall budget cuts may force more people into homelessness.

Another cruel cut is in new incremental housing vouchers. The bill provides $590 million less than the 1995 post-rescission amount. This cut will mean that low-income families, homeless families, and families with special problems will not receive the housing assistance for which they have waited so long.

Public housing modernization funds would also be significantly reduced. California will receive $17 million less than fiscal year 1995 in modernization funding.

This cut will undermine efforts to make much needed improvements to the worst public housing developments and threaten the existing supply of quality public housing in our Nation's cities. Without sufficient public housing modernization funding, we will be left with public housing that is a blight to our cities and is unfit for families who must raise their children there.

Aside from the spending cuts, I am concerned about the legislative riders in the bill which would authorize significant changes to the enforcement of the Fair Housing Act. Housing discrimination is a matter which deserves our serious attention. The transfer of this type of authority should be considered in the authorizing committee and not as a legislative rider on an appropriations measure.

The Senate bill contains provisions to reform the Low-Income Housing Preservation Program. California has an estimated 22,000 units of affordable housing which may be lost without a sufficiently funded program to preserve them. Thousands of seniors and working families in high cost housing markets like San Francisco and Los Angeles could be displaced, with no other affordable housing available to them. Adequate funding must be maintained so that this valuable housing stock can be preserved.

VETERANS HEALTH

The bill fails to provide an adequate amount of funds for veterans health programs: veterans' medicare care is more than $500 million below the President's request.

This cut will result in a serious impact on the ability of the Department to deliver quality care to deserving veterans. VA Secretary Jesse Brown estimates that 113,000 fewer veterans would be treated in fiscal year 1996 than in the previous year without the additional funding. This could mean an estimated 1 million fewer outpatient visits for the men and women who have fought for and served our country.

The Appropriations Committee's rationale for not including full funding is that the number of veterans is declining. However, we must remember that the number of older veterans is increasing, as is the number of patients VA serves. Drastic changes made to Medicaid and Medicare could result in further strains to the VA health care system.

NATIONAL SERVICE (AMERICORPS)

The national service program, signed into law on September 21, 1993, created the Corporation for National and Community Service to administer a number of service programs. AmeriCorps is the largest of those programs.

AmeriCorps programs are managed by bi-partisan State commissions. Federal funds go directly to the States to support locally designed and operated programs addressing unmet needs in the areas of education, public safety, health, housing, and the environment.

The concept of national service is to bring together Americans of all ages, backgrounds and talents to work to build-up America, to set us on a united goal of service to our Nation.

When I was a junior at Brooklyn College, President John F. Kennedy urged our Nation's young people to ''ask not what your country can do for you, but what you can do for your country.'' More than 30 years later, those words have not lost their sense of urgency.

There are currently 20,000 AmeriCorps members and 350 programs nationwide. AmeriCorps members earn a small living allowance—about $600 per month—and receive limited health care benefits. At the end of their term of service—roughly 1,700 hours full-time over a year—they receive an education award worth $4,725. The award may be used to pay for current or future college and graduate school tuition, job training, or to repay existing student loans.

In my State, there are over 2,500 AmeriCorps members serving in approximately 27 programs throughout the State.

I believe giving young Americans an opportunity to serve our country before, during, or after college and subsequently providing them with an educational award is a good use of our dollars.

In a society of ever increasing apathy, the commitment of young people to national service is something I urge my colleagues to support and not malign.

TRAVIS VA HOSPITAL

Finally, I am profoundly disappointed by the Appropriations Committee's refusal to fund the Veterans hospital now under construction at Travis Air Force Base in Fairfield, California.

In 1991, a severe earthquake damaged northern California's only VA hospital in Martinez. That facility served over 400,000 veterans, and its closure forced many to drive up to 8 hours to receive medical care. The Bush administration recognized the tremendous need created by the Martinez closure and promised the community that a replacement facility would be constructed in Fairfield, at Travis Air Force Base. The committee's action breaks that 4-year-old promise to the veterans of northern California.

Last year, Congress appropriated $7 million to complete design and begin construction on the Travis-VA medical center. Nearly $20 million has been spent on the project to date, and more than a year ago, Vice President GORE broke ground. Construction is now underway.

For fiscal year 1996, President Clinton requested the funds needed to complete construction. The committee has now rejected this request, which seriously jeopardizes the prospect that the hospital will ever be built.

The committee's only explanation for its action was that due to budget restrictions, it chose not to fund new construction projects. However, as I have already explained, this project is not a new facility, designed to meet an expected future need. It is a replacement hospital—promised by the past two administrations—designed to meet an existing need in northern California.

The decision not to fund the Travis-VA medical center breaks faith with California's veterans, and violates promises made by the past two Presidential administrations.

Because of the foregoing reasons, I have voted against the VA/HUD/Independent Agencies appropriations bill, and I will urge the President to exercise his veto power against it, in the hope that the ensuing negotiations will produce a better bill.

Madam President, I understand the hard work that went into this bill by both the majority and minority sides. I just hope that the President will veto this bill. As I have said, I think this bill turns its back on responsibility, it turns its back on obligation, and it turns its back on hope.

As the Senator from New Mexico says, times are tough, and the numbers we have to deal with are lower, of course. Well, I ask, why is it that we are giving the military $7 billion more than they asked for, $7 billion more than the generals and admirals asked for—and, therefore, we have to cut the heart out of our kids, our people who need housing and, for God's sake, our veterans. By the way, about 20 to 30 percent of our homeless are veterans.

So, I hope the American people have watched this debate, Madam President. This is what we have been talking about. I voted to balance the budget in 7 years, but not to do it this way, to hurt our kids, to cut out National Youth Service, and to threaten up to 22,000 units of affordable housing may be lost in California unless we can fix this problem up in conference. It is called the Low-Income Housing Preservation Program, and because landlords may opt to prepay their mortgages, we may lose this valuable housing stock if we do not sufficiently fund the program. Middle-income people and low-income people will face increases in their rents and may be thrown out on the streets.

The veterans hospital at Travis, in the Fairfield area of my State, where

there was an official groundbreaking because we need a veterans hospital badly, it is zeroed out in this bill. And for what? To pay for a tax cut to those people making over $350,000 a year, who get back $20,000; to give the Pentagon more than the Pentagon asks for. I just feel very sad today. I acknowledge the hard work of the committee. Believe me, they were given a number that was very difficult to reach, and I have sympathy with that situation. I serve on the Budget Committee, and Chairman DOMENICI spoke eloquently about the problems we are facing. But I know we did not have to go about it this way.

I hope the American people get that, and I hope they do not just say this is too complicated. This is about priorities. This is about what we stand for. And we are turning our backs on the veterans of this country, and we are turning our backs on the lowest of the low, the homeless people.

We did not have to do it. We tell our young kids that you are just not worth it. And for what? As far as I am concerned, there are three bills the President ought to veto, and this is one of them. We can sustain that veto, and I hope when we really meet the crunch, there will be some give and take around this place, because this bill is unacceptable. Thank you very much.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I voted against the last appropriations bill on the floor of the Senate. I was interested in the remarks offered by the Senator from California.

I said earlier this week that the three appropriations bills that we would be confronted with this week represented probably the worst possible choices one could make. This process is all about choices. There are some who forever want people to believe that there is one side of the aisle in Congress that represents big spenders and a biding interest in spending more and more on everything while the other side of the aisle represents a bunch of frugal skinflints who really do not want to spend, the ones who are putting the brakes on and are trying to bring down the deficit.

What a bunch of hogwash, a total bunch of nonsense. The question is not whether we spend money; the question is how we spend the money. Never is it better illustrated than in what we have seen in the last week or so. We have conference committee on the defense bill reporting out in the last day or two, saying they want $3/4 billion more than the President or the Secretary of Defense said is necessary to defend this country, with B–2 bombers and star wars alone—just those two issues; $3 to $4 billion more to buy B–2 bombers and star wars. But they have said, by the way, we cannot afford the 50,000 kids who are now on Head Start. They are going to get kicked off. Yes, they all have names. They are going to lose Head Start benefits. But we want to buy 20 more B–2 bombers for $30 billion despite the fact that the Defense Department did not ask for it.

But we cannot afford to give disadvantaged kids in the inner city a little hope in the summer with a summer job. These kids who have nothing, who feel often hopeless and helpless, who look for an opportunity to get a job in a summer jobs program in the city, and we are saying to 600,000 of these kids—kids who all have a name and a dream that maybe they can get a summer job—we are sorry, we cannot afford a summer job for a disadvantaged kid like you in the inner city. But we insist on spending money to start building star wars. The Senate put in $300 million more than the President asked for, and when the bill went to conference, it got worse. Let us build interceptor missiles and laser beams.

Where does all of this end? There is no Soviet Union. The threat has changed. Yet, the appetite to spend has not changed. It is not liberal or conservative. Seven billion dollars was added to the defense budget to buy trucks that the Secretary of Defense said he does not need, jet airplanes that the Secretary of Defense said he did not want, and submarines nobody asked for. And yes, to build star wars and B–2 bombers. That is $7 billion extra that was stuck in that bill by people who say they are against public spending.

Where is the demonstration of frugality when it comes to that budget? Why is it that the sky is the limit? There is no bottom to the coin purse when it comes to the defense budget.

I am for defending this country. I do not think there is anybody here who is going to do more than I will do to support the men and women who wear the uniform in this country, who defend freedom and liberty.

The fact is, it serves no interest, especially not the interests of the men and women who devote their lives to public service, by sending the military money to build gold-plated, boondoggle weapon programs we do not need. That takes money away from the day-to-day needs of the men and women in the military.

More important than that, it finally is a matter of choice. It is a choice of saying the star wars program is more important than Head Start. Buying B–2 bombers that the Secretary of Defense says we do not need is more important than giving kids a job for the summer or a tax cut, 50 percent of which will go to the most affluent in the country. Fifty percent of the benefits of the $245 billion tax cut, at a time when we are up to our neck in debt, goes to families whose incomes are over $100,000. A tax cut is more important than the benefits for incapacitated veterans?

I am telling you, there is something wrong with those choices. It is not a matter of saying spend, spend, spend, but a matter of saying make the right choice. Thomas Jefferson said those who think that a country can be both ignorant and free think of something that never was and never can be. If we do not understand that our future is not in building star wars, but our future is investing in this country's kids, investing in education, investing for the future, if we do not understand that, I am telling you that these choices we make today, as viewed by historians 100 years from now, will cause them to scratch their heads and say, ''What on Earth were they thinking about? What on Earth could their values have been to suggest somehow that kids are not very important?''

I yield to the Senator.

Mrs. BOXER. I want to thank the Senator for putting perspective on this bill. I want to just enter into a couple questions with my friend.

Does the Senator know how much the Republicans would like to cut from Medicare over the next 7 years?

Mr. DORGAN. The proposed cut in the baseline that is needed to meet Medicare expenditures for those who are eligible is $270 billion over the 7 years.

Mrs. BOXER. So they are proposing to cut $270 billion, which they say is not a cut, but, in fact, if the population keeps aging and if medical technology keeps moving forward, this is what is anticipated. They want to take $270 billion out over 7 years.

Does the Senator know how much Health and Human Services said is needed in order to make Medicare sound, is needed to cut out of the program?

Mr. DORGAN. The adjustments that are necessary in Medicare are about $89 billion, not $270 billion.

Incidentally, those who say you can cut $270 billion out of Medicare without having any impact on senior citizens must go to sleep and put their teeth under the pillow hoping a dollar shows up the next morning.

Where on Earth do they get these fanciful notions that you can do this without affecting senior citizens? Of course, if you cut $270 billion from Medicare, you are going to wind up with a health care program for senior citizens that costs senior citizens more money and gives them less health care. That is the point.

Why do we have that equation? Well, it is simple. The $270 billion proposed cut in the amount needed for Medicare is, I think, proposed in order to allow room for a $245 billion tax cut.

Now, I recognize and freely admit that for someone to stand up in the Senate and say, look, I serve in the U.S. Senate and I want to exhibit great courage today and my courage propels me to suggest we should have a tax cut. Well, what a wildly popular thing. It is like putting a raft in whitewater and rushing downstream. Wildly popular concept, having a tax cut. If you want to be popular, stand here and call for a tax cut.

My view is that the same people who are calling for a tax cut are the ones

who were saying we ought to balance the budget. I say we should balance the budget. Talk about tax cuts after the budget is balanced. But why are they talking about Medicare cuts now? So they can talk about a tax cut at the same time. That is the linchpin of all of this.

I do not think it adds up. My sense is, yes, I would like everybody to pay lower taxes. I would like there to be zero taxes. Of course, we have to have police, we have to have roads, we have to send our kids to school. There are a number of things we do in the public sector that are enormously important. Many were in this piece of legislation I just voted against because I thought it took money away from the good choices and gave them to the poorer choices.

It seems to me we must be serious about a lot of things if we want to reduce the Federal deficit. Therefore, if we are serious—and I am—do not talk about tax cuts until that job is done. Then talk about tax cuts.

Even more importantly, let us not talk about ravaging a health care program that has been so successful for senior citizens in this country in order to accommodate a tax cut, half of which will go to people with incomes over $100,000 a year.

Mrs. BOXER. One final question I want to ask of my friend. If we were to take that tax cut and put it aside for the moment, and if we were just to give the Pentagon what the Pentagon asked for and not more, which is what the Republican Congress has done, and it adds up to $30 billion-plus more than they asked for, would that not make it possible for us to take care of the Medicare problem and resolve it out 10 years so that it is fiscally sound? Would that not make it possible for us not to go to an elderly couple and tell the husband whose wife is in a nursing home, ''Sorry, sell your house, sell the car, because we are going after your assets''? Would it not make it possible for us to take care of those kids in Head Start that you talked about, keep a national service program, meet our obligations to veterans, do the things we need to do to keep our environment safe?

Would it not be possible to meet those obligations, balance the budget if we set aside those enormous tax cuts out there which benefit the very wealthiest, and just give the Pentagon what they asked for and not all these billions more that has been thrown at them?

Mr. DORGAN. Well, the Senator from California is correct. This is ultimately about choices. We choose to do one thing or we choose to do another. We make a choice and decide which of these choices are more important for the future of the country. That is what this process is all about.

I am not somebody who believes that one side has all the answers and the other side causes all the problems. I think this country would be a lot better off if we got the best of what both parties have to offer, rather than end up with the worst of what the two give us. I want to see much more bipartisanship in these decisions.

The plain fact is we are dealing with legislation coming to the floor where choices have already been made, and the choice that has been laid before us on these appropriations bills is to take 50,000 kids off Head Start, deny 100,000 disadvantaged youth summer jobs, and 170,000 incapacitated veterans on fewer benefits.

My point is, these choices do not seem logical to me in the face of other spending choices that were made.

Build star wars, build 20 new B–2 bombers. I responded to a column in the newspaper very critical of me for opposing star wars, and I said when the defense bill came to the floor of the Senate, I said it smelled a little like my mom's kitchen when she used to render lard when I was a kid. I could hardly walk in the house because when you render lard, it has an awful smell.

This defense bill has $7 billion in extra spending. I talked about the trucks that were not asked for, jet planes nobody needed. The hood ornament on this irresponsibility was blimps. They wanted to buy $60 million worth of blimps. I have talked about it half a dozen times on the floor, trying to figure out who wants blimps. What are the blimps for?

Sixty million dollars is provided for in the defense bill by people who say they are conservative, in order to build lighter-than-air airships; translated, that means blimps. Only in Washington would you say lighter-than-air airships—blimps is what they are. I do not know whether they will paint Snoopy on them or paint Goodyear, but somebody wants to build $60 million worth of blimps.

I think it is pretty hard to look into the face of a 3-year-old or 4-year-old kid who is benefiting by getting a head-start in life, through a program we know works and works well, and say, ''We are sorry, we cannot afford you because we are off buying blimps.'' Lord only knows what they want to buy blimps for in the defense bill, but there is example after example of that.

When you come to the floor and talk about these issues, investing in things that are important, you get letters and calls. I saw a letter today. A fellow from Houston, TX, wrote and said he heard me on the floor talking about kids. It is true. I talked about a young man from New York City named David Bright. I have never forgotten his testimony. He was 10 years old, from New York City. He lived in a homeless shelter. He said, ''No kid like me should have to put his head down on his desk in the afternoon because it hurts to be hungry.'' He was talking about hunger and being homeless and having nothing.

The guy from Houston, TX, was writing to me after watching C–SPAN. He said: ''All you nut cases ought to stop spending money on all this liberal stuff.''

If we have people out there who decide that kids do not matter, that hunger does not matter, that star wars is where it is at in the future, in my judgment they are not thinking much about the future of this country. This country's future is with its kids, with education, with opportunity, and a commitment by this Congress to those kids.

The only reason I rose to speak was because the Senator from California talked about this piece of legislation. I voted against it because, frankly, I think it makes the wrong choices.

I would like just for a moment to continue discussing Medicare because that is the subject of some hearings this afternoon that will occur in the Senate Finance Committee. It is, I think, one of the largest issues ricocheting around the Congress.

I respect the fact there are some who say we want to save Medicare while others want to kill it. The proposal to cut $270 million from what is needed to finance Medicare is offered by those who say we are the ones who want to save it. I only observe that at least 95 to 97 percent of those who say they want to save Medicare with this very large cut in funding—95 to 97 percent of them voted against the program in the first place, at least those in their party did 30 years ago. It seems unlikely to me that the party that harbors some who think Medicare is socialism and really should not continue is going to propose a $270 billion cut in order to save it.

It is far more likely, it seems to me, that we will save the Medicare Program—and we should save the Medicare Program—by having Republicans and Democrats get together and decide that this program makes sense, that this program helps make us a better country.

When the Medicare Program was developed, fewer than 50 percent of the senior citizens of this country had any health care coverage at all. Now 97 to 99 percent of the senior citizens in America have health care coverage. It is a remarkable success story. Frankly, people are living longer.

All of us know that one of the pressures on us, from the Medicare financing persepctive, is that people live longer and expect more. It is not unusual to run into a senior citizen someplace who is in his midseventies and has had heart surgery to unplug all the arteries from the heart that got plugged from eating all this fatty food. They have had cataract surgery, replaced both knees, replaced a hip. So here they are, 75 years old, and they have their heart unplugged, they have their arteries all clear, with blood pumping away in there. They are feeling good. They are walking and running and jogging with good knees and hips. They can see like a million bucks because they had cataract surgery.

That costs a lot of money. It is the result of remarkable, wonderful,

breathtaking technology. But it is also very expensive. In some ways, that is a sign of success, is it not? Thirty years ago, they would have been dead; dead, or in a wheelchair, or unable to see. The alternative? Remarkable, breathtaking achievements in health care and a Medicare Program that works. Expensive? Yes. Does it need adjustments? Of course. Should we make them? Yes.

But should we take from the Medicare Program substantial moneys so we can give a tax cut to some of the most affluent in the country? The answer, in my judgment, is no. That is not a choice that makes sense. That is not a choice that will strengthen this country or advance our interests.

We have about 2 or 3 months left in this session of Congress. The agonizing choices that all of us will make about what is important will be made, finally, in these appropriations bills and in the reconciliation bill. I come from a town of 300 people. My background is from a very small, rural community. I have no interest in being dogmatic or being an idealogue about one issue or another. But I do have a very significant interest in expressing the passion I have for the choices which I think are good for this country.

This country has to get out of its present economic circumstances, balance its budget, and make the right choices with respect to investments. I have not talked today about trade, but I will at some point in the coming days. We have to solve our trade problem. We are sinking in trade debt, and we are getting kicked around international marketplaces. We have to stand up for America's economic interests and change that. All of those things need to be discussed, debated, and resolved.

A lot of people wring their hands and grit their teeth because we have raucous debates about these things. These debates are good and necessary. I hope we have more and more divergent views brought to the floor of the Senate so we can understand the range of ideas that exist and select the best of them. Someone once said when everyone in the room is thinking the same thing, no one is thinking very much.

I do not shy from debate. I do not think it is unhealthy. But at the end of the debate, let us try to find out what is wrong in this country and fix it, and advance the economic interests to give everybody in America more opportunity in the future.

I yield the floor.

MORNING BUSINESS

Mr. DORGAN. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business, with Senators permitted to speak for up to 10 minutes each.

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

The Chair, in his capacity as a Senator from New Hampshire, suggests the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. PRYOR. Mr. President, I ask unanimous consent I may proceed in morning business for up to 20 minutes.

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

TAX FARMING

Mr. PRYOR. Mr. President, yesterday, in the New York Times, on page 1, an article was written by Robert D. Hershey, Jr. I would like to extrapolate a few lines from this particular article, not only to bring it to the attention of our colleagues in the Senate, but also to bring it to the attention of the conferees who are now dealing with certain appropriations bills in conference at this time. That particular conference is certainly on the Treasury, Postal Service, and general Government appropriations bill.

There is stuck in this appropriation a sum of $13 million. It does not sound like a lot when we start thinking about the billions and billions that we discuss on the floor of the U.S. Senate, but a $13 million appropriation to initiate a program to utilize private counsel law firms and debt collection agencies in the collection activities of the Internal Revenue Service, as we know it, the IRS.

The first paragraph of Mr. Hershey's article in the New York Times yesterday states:

> Congressional Republicans are poised to pass legislation requiring the Internal Revenue Service to turn over some debt collection to commercial interests, thereby giving certain private citizens access to confidential taxpayer information for the first time. . .. The Republican initiative, which would be limited initially to a pilot program, has raised alarms throughout the agency. ''I have grave reservations about starting down the path of using private contractors to contact taxpayers regarding their delinquent tax debts,'' Margaret Milner-Richardson, the Commissioner of the I.R.S., said.

This was a statement written in a letter signed by Margaret Milner-Richardson, the Commissioner of the Internal Revenue Service.

For the last several years I have been one who has complained, I think fairly substantially and often, about some of the activities, and the heavyhanded activities, of the Internal Revenue Service. But I can say without reservation, this is an issue which Margaret Milner-Richardson, the Commissioner of the IRS, and myself, agree on 100 percent.

On the 12th of September, I, along with Senator ALFONSE D'AMATO of the State of New York, wrote a letter to the conferees relating to this particular conference, which is now in session. Senator D'AMATO and myself stated in the third paragraph, about this particular provision that now exists in the debate between the conferees—we wrote the following:

> We are writing to express our concern regarding the possibility of inclusion of the House provision in the final bill and respectfully request your assistance to eliminate any provision allowing private bill collectors to collect the debts of the American taxpayer.
>
> For over 200 years, when the Federal Government has imposed a tax, it has also assumed the responsibility and the blame for collecting [that tax]. In fact, we have an obligation to ensure that the privacy and the confidentiality of every American taxpayer is protected. Contracting out the tax collection responsibilities of government would be in contradiction of that duty, and would no doubt put the privacy of all American taxpayers in jeopardy.

Senator D'AMATO and myself continue by stating to the conferees:

> While we are very concerned about the impact of the House provision on the rights of American taxpayers in their dealings with these private bill collectors, the Commissioner of the Internal Revenue Service has also raised serious questions about the provision. We, therefore, urge you to be persistent in your efforts to keep such a provision out of the final conference report.

The article, written in the New York Times yesterday, further States:

> Such concerns are in spite of the bill's requirement that the private debt collectors must comply with the Fair Debt Collection Practices Act and ''safeguard the confidentiality'' of taxpayer data.

Mr. President, I have seen a lot of ideas in some 17 years in the Senate. But I have never seen a worse idea, an idea that was so misdirected, in my 17 years of service, as one that is being proposed to become the law of the land.

I would like to pose, also—or at least to make an observation. This is not a new idea of basically farming out some of our tax collections to the private sector. But I would say, in over 200 years of our Federal Government, we have never turned over the business of collecting taxes to the private sector. But I must point out, as I did in a floor statement on August 4, in the U.S. Senate, that this is a dubious practice and it is as old as the hills, and it dates back to at least ancient Greece. This practice of private tax collection even has a name. It is called, ''tax farming,'' and its modern history is chronicled in a book authored by Charles Adams, a noted lawyer and a noted history professor. The book is named, ''For Good And Evil, The Impact of Taxes on the Course of Civilization.''

In this book, Charles Adams recounts many tales of how the world has suffered under the oppression of tax farmers. He specifically describes the tax farmers sent by the Greek kings to the island of Cos as thugs, and even the privacy of a person's home was not secure from them. He further notes that a respected lady of Cos around 200 B.C. wrote, ''Every door trembles at the tax farmers.'' In the latter Greek and