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Senate

(Legislative day of Monday, September 25, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by a guest Chaplain, the Reverend Dr. George Gray Toole, Towson Presbyterian Church in Baltimore, MD.

PRAYER

The guest Chaplain, the Reverend Dr. George Gray Toole, offered the following prayer:

O God, You who have created the nations and so richly blessed our Nation and its people, we acknowledge Your presence and ask for Your guidance for the U.S. Senate. As it meets under the pressure of time and with so many crucial issues before it, we ask You to minister to its Members and support staff. Where weariness prevails, give them strength. Where matters become complex, give them discernment. When hard choices are to be made, give them integrity. Cause them to work in such a way that, when all of this is past, they may be content with the work they have accomplished. We do not ask that all of them be of one opinion, but that they be of one heart in their commitment to the people and principles of this Nation and to the way You have set before each and all of us. That this may be done, we come to You now, that You may lead them first before they seek to lead the people of this Nation. Use their gifts and talents, which are great in number and variety, and have them serve in a manner that will cause the citizens of this Nation to honor them. And in all things, let all that they do praise You. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader, Senator DOLE, is recognized.

SCHEDULE

Mr. DOLE. Mr. President, there will be a period of morning business until 9:15. At 9:15, as I understand—and we do not have staff around—there will be four votes. There will be a vote in relation to the amendment offered by the Senator from West Virginia, Senator ROCKEFELLER; one vote on an amendment offered by the Senator from Montana, Senator BAUCUS; and on one amendment offered by the Senator from Maryland, Senator SARBANES.

Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to morning business, which shall not extend beyond 10 minutes, under the control of the Senator from Alabama [Mr. HEFLIN].

The able Senator from Alabama [Mr. HEFLIN] is recognized.

A BRIGHT STAR IN AMERICA'S CONSTELLATION OF RESTAURANTS

Mr. HEFLIN. Mr. President, whenever I have the pleasure of traveling in north Alabama, I try to visit Bessemer, AL, about a 15-minute drive from the city of Birmingham. One of the many attractions in Bessemer is the Bright Star, one of our Nation's very best family-owned restaurants. Its reputation has been built over the course of this century, with fresh seafood transported from the gulf coast daily, the finest cuts of meat available, and the freshest vegetables and produce.

Actually, I have dined at many fine restaurants during my lifetime, but I consider the Bright Star one of the world's very best. It is certainly on a par with the finest restaurants in New Orleans, San Francisco, Washington, New York, Paris, London, Athens, Vienna, Rome, Budapest, and Copenhagen. At one time, it had Alabama rivals in Montgomery's Elite Cafe and Mobile's Constantine's, but these are unfortunately no longer in existence.

The Bright Star is well-known for its many specialties, but its Greek-style red snapper is truly one of the most superb seafood dishes I have ever tasted. There are also a variety of steaks featured, and the beef tenderloin—which is marinated in special herbs that the Greeks know how to combine and cook in a Mediterranean style—is simply delicious. There is a variety of broiled and fried fish to choose from, as well as giant seafood platters. One of the specialties is a combination lobster and crab meat au-gratin. The broiled seafood platter is widely considered one of the very best to be found anywhere.

One can also enjoy Italian dishes at the Bright Star, such as spaghetti and other types of pasta. Their appetizers are most unique and some of the best include shrimp remoulade, shrimp arnaud, the crab claw platter, and the seafood gumbo. They offer many varieties of salads, but their Greek salad—with or without anchovies—is magnificent. They also have many standard American dishes. Fried chicken and the veal cutlet with spaghetti are popular items on the menu. The chefs have acquired a real knack for preparing vegetables southern-style. They serve everything from turnip greens to black-eyed peas. The desserts include all varieties, ranging from Greek pastries to homemade southern pies, like coconut cream and banana nut.

For a hungry person, there is a truly impressive variety of food to choose from at the Bright Star. The Texas special—consisting of the Greek-style snapper, tenderloin of beef Greek-style, and the lobster and crab meat au-gratin—is an entree that does not escape the memory for years to come.

Sunday lunch at the Bright Star is one of its busiest times. After church services, worshipers will flock from miles around, and sometimes delay their Sunday lunch until 2:30 or 3 p.m. in the afternoon, in order to avoid the overflow crowd.

After a University of Alabama football game in Birmingham, fans who have come up from Tuscaloosa will stop by on the way back after the game. In years past, it was not uncommon to see legendary Alabama football figures like Coach Bear Bryant, Hank Crisp, and Frank Thomas. At the Bright Star, political figures are frequent guests. On one occasion, I ran into Senator SHELBY and former Congressman Claude Harris at separate tables.

The history of the Bright Star is rich and quintessentially American. In 1907, Greek immigrant Tom Bonduris established the Bright Star. When its doors opened, it was only a small cafe with a horseshoe-shaped bar, but it soon outgrew three locations, moving to its present site in 1915. Bill Koikos and his brother, Peter, joined in the enterprise when they emigrated from Greece in 1920. Customers were introduced to a new dining atmosphere, complete with ceiling fans, tile floors, mirrored and marbled walls, and murals painted by a European artist traveling through the area, all creating a pleasing effect reflective of that era. While major alterations have occurred since, the same early 20th-century-style atmosphere has been largely preserved.

The Bright Star's reputation and success are easily measured simply by the satisfaction of its clientele. A place like home was the kind of climate fostered by Tom Bonduris in 1907 and kept alive today by the Koikos brothers and their descendants—Bill's wife, Anastasia, and children, Helen, Jimmy, and Nicholas.

As immigrants, Tom Bonduris and Bill and Peter Koikos knew little of the English language and had few possessions when they arrived in this country, but they worked hard and learned to please their customers. By establishing the Bright Star restaurant as a place of ''philotimo''—a place of hospitality from the heart—the Koikos and Bonduris families drew upon the culture and traditions of their ancestors, striking a resounding chord of acceptance with the public which has never faded. They brought with them certain recipes from Greece, and the Koikos family has continued to use these and secret blends of herbs and spices ever since those early days to make their food unique.

Today, the Bright Star is wholly owned and run by the sons of Bill Koikos, Nick, and Jimmy. Nick oversees the general operations of the restaurant, including the kitchen, and Jimmy serves as the greeter of their patrons and as the front man. Their sister, Helen, also plays an active role, working as the cashier on Fridays and Sundays and generally helping out whenever she is needed. The Koikos family has maintained a high level of commitment to hard work over the lifetime of their restaurant.

The employees of the Bright Star are an integral part of the family there, and many of them have been with the restaurant for many years. I ask unanimous consent that a list of the employees who have been with the Bright Star for 10 years or more be printed in the RECORD following my remarks. Among these are Gwendolyn Atkinson, an employee for 32 years; Mary Sherrod, 46 years; Fannie Wright, 33 years; Walter Hoskins, 28 years; and Nita Ray, 27 years.

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

(See exhibit 1.)

Mr. HEFLIN. Mr. President, the long, dedicated, and loyal service of these employees is evidence of the type of employers the Koikos brothers are and the type of family atmosphere they foster in their restaurant.

As American citizens, business owners, and participants in the democratic process, this family has developed and maintained a reputation envied by all those who look to our shores for a new start in life. Today, Koikos family members are among the best to be found in Bessemer—or anywhere, for that matter—and Alabama has an establishment in which it can take great pride. Likewise, the United States of America is a better nation because of the outstanding contributions of those from other lands like the Koikos family, whose mission has been to contribute, and whose members believe that the American dream can still be realized if one has the courage and determination to work toward that dream.

I congratulate all the members of the Koikos family on the tremendous success of the Bright Star, and I personally look forward to enjoying many more dining experiences there in the future. There are still many items on the menu which I have not yet tried, but hope to sample soon.

EXHIBIT 1

BRIGHT STAR EMPLOYEES OF 10 YEARS OR MORE

Gwendolyn Atkinson—32 years.
Betty Bailey—22 years.
Wanda Little—11 years.
Mary Sherrod—46 years.
Robert Moore—11 years.
Dorothy Patton—19 years.
Felisa Tolbert—16 years.
Carl Thomas—18 years.
Fannie Wright—33 years.
Aareen Tolbert—16 years.
Angela Sellers—13 years.
Marlon Tanksley—13 years.
Walter Hoskins—28 years.
Brenda Adams—12 years.
Fumiko Adams—19 years.
Elizabeth Gardner—19 years.
Nita Ray—27 years.
Rita Weems—12 years.
Anne Mull—15 years.
Marie Jackson—20 years.
Sarah Marshall—10 years.
Anthony Ross—10 years.
Faye Kelley—12 years.
Dale Ware—10 years.
Jerome Walker—10 years.

TRIBUTE TO LOU WHITAKER AND ALAN TRAMMELL

Mr. LEVIN. Mr. President, I rise today to pay tribute to two outstanding athletes from my home State of Michigan. They deserve our respect not only for their athletic achievements, which are considerable, but for their professional conduct and dedication to their community.

In an age when professional athletes move from city to city, it is refreshing to talk about these two men. Lou Whitaker and Alan Trammell have been the second baseman and shortstop, respectively, for the Detroit Tigers for 19 years. They have played in more than 1,915 games together. That is more than any other set of teammates in the history of the American League.

We can, and should, admire their achievements on the field. Alan Trammell has won four Golden Glove Awards, been selected for the All-Star game six times, and was voted the Most Valuable Player in the 1984 World Series. Lou Whitaker was voted American League Rookie of the Year in 1978, has won three Golden Glove Awards, and has played on four All-Star teams. More uniquely, he is one of only two second basemen in history to have played in 2,000 games, had over 2,000 hits, and over 200 homeruns. I expect that Alan Trammell and Lou Whitaker will one day be inducted into the Baseball Hall of Fame for these achievements.

Even more though, we should admire their dedication and loyalty to a team and a town—attributes that seem increasingly scarce today. Since 1976, they have been a part of Detroit. I have seen many games where Tram and Lou have turned the double play that has become their hallmark. The amazing thing to consider is the millions of fans in Michigan and across the country that have seen that same feat.

Alan Trammell and Lou Whitaker, through their consistent performance and grace, have given something special to the people of our State. For that they deserve our admiration and our thanks. They will always have a special place in the hearts of millions who have cheered their feats on and off the field.

A RESPONSE TO ABC NEWS' VIEWS OF THE EARLY ROMAN SENATE

Mr. BYRD. Mr. President, modern-day life expectancy now tops seventy

years. Compare that to the life expectancy during the days of the Roman Empire, when the average Roman citizen could expect to live approximately 22 years (June 13, 1994, Gannett News Service). Twenty-two years—an amazing fact, especially when we consider that today, one must attain the age of 25 before serving in the United States House of Representatives and the ripe old age of 30 before contemplating service in the United States Senate.

I mention this not as a point of interest, however, but to underscore the fact that the august members of the Roman Senate—many of whom were in their thirties or forties—were, indeed, the ''senior citizens'' of their time.

Recently, ABC News aired a story in which they questioned the accuracy of two passages in my book, *The Senate of the Roman Republic*. The reporter of this news segment chose to take issue with my assertion that ''the Roman Senate, as originally created was meant to be made up of a body of old men.'' What ABC News failed to mention, however, was the average life expectancy for that period of time—a mere twenty-two years. If the ABC reporter had just looked up the word senate in *Webster's New International Dictionary, Second Edition,* he would have seen that the very definition of senate is ''literally, an assembly of old men or elders * * *'' Further, when Flavius Eutropius, a fourth-century historian, was writing of the origin of Rome, he made reference to Romulus' creation of the first senate, ''* * * he chose a hundred of the older men * * * whom, from their age, he named senators.''

In addition, ABC disputed my claim with respect to the Roman Senate's veto power. As the following excerpts from noted historians will attest, this power of the Senate ebbed and flowed from time to time, but in the main, the Senate preserved, directly or indirectly, its authority and power of ratification or veto over the actions of Roman assemblies. I believe my case is made by the following quotes from prominent historians.

—*A History of the Roman People* (1962) by Heichelheim and Yeo:

The senate possessed still another ancient source of authority summed by the phrases *auctoritas patrum*, which gave it the power to ratify resolutions of the popular assembly before enactment.

—*A History and Description of Roman Political Institutions* (1963) by Frank Frost Abbott:

This view that the senate was the ultimate source of authority was the aristocratic theory of the constitution down to the end of the republican period. . .

* * * * *

Between 449 and 339, then, in the case of both the *comitia centuriata* and the *concilium plebis*, a bill, in order to become a law, required, first, favorable action by the popular assembly, then the sanction of the patrician senators. . . . Now one clause of the Publilian law, as we have already seen, provided that in the case of the centuriate *comitia* the *auctoritas patrum* should precede the action of the *comitia*.''

—*Roman Political Institutions from City to State* (1962) by Leon Homo:

The Senate.—Lastly, the Senate, the stronghold of the Patriciate, which it permanently represented, enjoyed a still more complete right of control. In elections and in voting of laws alike, the decision of the Centuriate Assembly must, to be fully valid and to produce its legal effects, be ratified afterwards by the Senate (*auctoritas Patrum*). Refusal of the Senate to ratify was an absolute veto; it made every decision of the Comitia Centuriata null and void, and they had no legal recourse against it.

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So, through the Consuls, the Senatorial oligarchy recovered, in indirect but effective form, the veto, the *auctoritas Patrum*, of which the *Lex Hortensia* had deprived it.

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. . . the Senate, in losing its right of veto, . . .

* * * * *

Sulla, in the course of his Dictatorship, restored its [the Senate's] old right of veto, but it was only for a short time.

—*A History of the Roman World 753–146 BC* (1980) by H.H. Scullard, FBA, FSA:

Though the Senate was a deliberative body which discussed and need not vote on business, it had the right to veto all acts of the assembly which were invalid without senatorial ratification.

* * * * *

In all branches of government the Roman people was supreme, but in all the Senate overshadowed them: ''senatus populusque Romanus'' was not an idle phrase.

—*A History of Rome to A.D. 565* (1965) by Arthur E.R. Boak, Ph.D. and William G. Sinnigen, Ph.D.:

The Senate also acquired the right to sanction or to veto resolutions passed by the Assembly, which could not become laws without the Senate's approval.

* * * * *

During the early years of the Republic, the only Assembly of the People was the old Curiate Assembly of the regal period. . . . Its powers were limited to voting, for it did not have the right to initiate legislation or to discuss or amend measures that were presented to it. Its legislative power, furthermore, was limited by the Senate's right of veto.

* * * * *

The legislative power of the Centuries was limited for a long time, however, by the veto power of the patrician senators (the *patrum auctoritas*), who had to ratify measures passed by the assembly before they became law. This restriction was practically removed by the Publilian Law (339), which required the *patres* to ratify in advance proposals that were to be presented to this assembly.

* * * * *

Hence it was called the Council of Plebs (*concilium plebis*) and not the Tribal Assembly. Its resolutions, called plebiscites, were binding on plebeians only; but, from the late fourth century at least, if the resolutions were approved by the Senate, they became valid for all Romans. In the course of the fourth century the consuls began to summon for legislative purposes an assembly that virtually duplicated the Council of the Plebs but was called the Tribal Assembly (*comitia tributa*) because it was presided over by a magistrate with *imperium* and was open to all citizens. It voted in the same way as the Council of the Plebs and its laws were subject to the veto power of the Senate.

—*A History of Rome to the Battle of Actium* (1894) by Evelyn Shirley Shuckburgh, M.A.:

. . . the second ordered the *auctoritas* of the fathers (that is, a resolution of the Senate) to be given beforehand in favor of laws passed in the centuriate assembly . . .

* * * * *

It took from the senators the power of stopping the passing of a law in the centuriate assembly, . . .

Mr. President, though these two matters may seem trivial and insignificant to some, I did want to take this opportunity to assure the readers of my book, *The Senate of the Roman Republic*, that the conclusions drawn are based on a great deal of study on my part. Over the course of many years of research, I have gleaned information, not only from esteemed modern scholars in Roman history, but also from the actual historians of the time. My reference to the Roman Senate as an assembly of old men and to the veto power of the Roman Senate was garnered from these authorities. I recognize that history is sometimes subject to interpretation; therefore, one can only assume that this may have been the premise for the ABC News story.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. HUTCHISON). There being no further morning business, morning business is closed.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Sarbanes Amendment No. 2782, to restore homeless assistance funding to fiscal year 1995 levels using excess public housing agency project reserves.

Rockefeller Amendment No. 2784, to strike section 107 which limits compensation for mentally disabled veterans and offset the loss of revenues by ensuring that any tax cut benefits only those families with incomes less than $100,000.

Rockefeller Amendment No. 2785 (to committee amendment on page 8, lines 9–10), to increase funding for veterans' medical care and offset the increase in funds by ensuring that any tax cut benefits only those families with incomes less that $100,000.

Baucus Amendment No. 2786, to provide that any provision that limits implementation or enforcement of any environmental

law shall not apply if the Administrator of the Environmental Protection Agency determines that application of the prohibition or limitation would diminish the protection of human health or the environment otherwise provided by law.

The PRESIDING OFFICER. Under the previous order, there are 4 minutes equally divided for debate, and a vote will follow that 4 minutes.

AMENDMENT NO. 2784

Mr. ROCKEFELLER. Madam President, speaking as a proponent of the amendment, this amendment would strike a provision in the bill which cuts off disability compensation to certain veterans who are disabled by reason of mental problems. It cuts off their savings when they reach $25,000. We do that for no other veteran. We do that for nobody else in the country, as far as I know.

The amendment is funded by limiting any tax cut under the budget resolution to families earning less than $100,000.

Madam President, there is no justification whatever for singling out mentally disabled people for discriminatory treatment. There is none.

If these veterans are disabled, we as a nation have said that they are entitled to disability compensation—entitled to it. It is in the law. We have not said they are entitled to compensation only if they are poor. We have not said they are entitled to compensation only if they have savings less than $25,000. We have not said they are entitled to compensation only if they have no sources of funds from anywhere else.

They are entitled to compensation. We have said that they are entitled because of their disability. Are we prepared to say now, for some reason, that mentally disabled people are somehow less entitled as veterans, solely because they are disabled?

This Senator is not; hence, my amendment. I urge my colleagues to waive the Budget Act and then to strike this provision which discriminates against mentally disabled veterans.

Mr. President, during last evening's debate on my amendment to strike the provision from the appropriations bill which provides for a cutoff of compensation to mentally disabled veterans when their savings reach a certain level, we were operating then under a limited time agreement, which I accepted in the interests of moving the progress of the bill. However, there were a number of points made during that debate which should not go unanswered, so I am making this further statement to describe more fully my views on this legislation.

Mr. President, one point that was made a number of times during the debate was that the mentally incompetent veterans we are talking about have all of their needs taken care of by VA. I am not certain what point was being made, but I think it is vital to note that the individuals that are covered by this amendment are not under VA care. However their needs are being addressed, it is not a result of VA activity except to the extent that the veterans use their compensation payments to pay for care.

Another point that must be addressed relates to the relationship of those who might receive some of the veteran's estate at the time of the veteran's death. As I noted in my statement last evening, it is certainly possible that some remote heirs might benefit from a mentally incapacitated veteran's estate. However, the only thing this provision ensures is that the veteran's estate will be diminished unless the veteran has dependents. There is nothing in the provision which limits its effect to noncaring, distant relatives. The existence of a loving, caring nondependent child who sees the veteran daily would not be sufficient to keep this provision from taking effect. It would be triggered in any case in which there are no dependents.

Mr. President, the suggestion was made that this provision is necessary in order to keep remote heirs from inheriting the estates of mentally disabled veterans. I note that no evidence was cited to support the proposition, nor is there any evidence that I am aware of, that would demonstrate that a mentally impaired veteran is any more likely to leave an estate to remote heirs than a mentally competent one. It is important to highlight that the VA process relating to a declaration of incompetency does not mean that a veteran does not have the ability to execute a valid will.

This concern about so-called remote heirs would apply to any disabled veteran who dies without a will. Any veteran—mentally disabled or otherwise—who is able to execute a will and who does so should not have limitations on who can be named as beneficiary under the will, nor any restriction on the amount of the estate that can pass under the will. If there is a governmental interest in restricting inheritance of estates, any part of which is made up of VA compensation—and let me be clear, I do not believe that there is—then it must apply equally to a disabled veteran who is not mentally incompetent.

As many of my colleagues know, the original enactment of this provision was challenged by the Disabled American Veterans in a lawsuit in 1991.

The Federal court that heard the case—and which declared that original enactment unconstitutional—noted that the limitation did not affect the payment of compensation to between 95 to 98 percent of the disabled veterans who have no dependents. It hardly makes sense or can be defended that this small group of mentally disabled veterans should be singled out for this treatment.

Mr. President, the only characteristic that distinguishes the class of veterans that is being singled out in this legislation is their mental injury or disease. Perhaps some believe that these veterans are less likely to object to such governmental intrusion into their lives, but that is hardly a basis for this sort of legislation which takes away compensation to which the veterans are entitled.

Mr. President, it is worth noting that about 85 percent of estates left by mentally incompetent veterans are inherited by close family members. While these individuals may or may not be dependents, that should hardly disqualify them from inheriting the veterans' estates. Indeed, it is very often these individuals—parents, nondependent children, brothers and sisters, other close family members—who have made significant personal sacrifices to care for the veteran during the veteran's lifetime.

Mr. President, it should be noted that the estates of mentally disabled veterans are frequently made up of funds from sources other than VA benefits, and the effect of this provision would be to require these veterans to reduce the overall value of their estates in order to continue to receive the compensation which is their due.

The bottom line, Mr. President, is this: No matter what arguments are put forward in an attempt to justify this provision, in the end it can only be seen as what it is—rank discrimination against mentally disabled veterans. It is unworthy of the Congress and should be rejected.

Mr. President, I am aware of the two reports—a 1982 GAO report and a 1988 VA inspector general report—that are cited as the justification for this provision. While it may be argued that some support for this provision may be found in one or both of these reports, I think that a closer examination will show that this reliance is misplaced.

For example, Mr. President, neither report provided evidence that mentally disabled veterans accumulate more assets than other veterans. Nor did either report find a basis for distinguishing mentally disabled veterans from all other disabled veterans on the issue of the disposition of their estates or as to any other element related to their VA compensation. In fact, neither report looks at competent veterans.

Both reports assumed, with no basis, that mentally disabled veterans do not have wills. This is simply not true.

Neither report studied mentally competent veterans to learn how they dispose of their estates.

The GAO report looked at a small sample—only four regional offices—hardly a sufficient basis on which to make so sweeping a change in VA compensation policy.

With respect to the inspector general's report, my colleagues may not know that the IG did not recommend that compensation payments to mentally incompetent veterans be stopped, but rather recommended that the compensation payments be paid into a special trust fund on behalf of the veterans.

Mr. President, in essence, this provision is establishing a means test for

one very small group of veterans, and doing so on a very scant record. I know that both the House and Senate Veterans' Affairs Committees supported this provision in OBRA 90. We made a mistake then, and nowhere is that demonstrated more clearly than in the district court opinion in the suit brought by DAV.

Our committee could have repeated the mistake in this Congress as we worked to meet our reconciliation mandate. We did not. The Senate should not do so either.

Mr. LEAHY. Mr. President, I am an original cosponsor of the Rockefeller amendment, and I urge my colleagues to vote for its adoption. This is a simple amendment, and its passage will send an important message to America's veterans that we will not forget our obligations to them.

Veteran's medical care accounts for nearly half of the budget of the Department of Veterans Affairs. It provides for the care and treatment of eligible beneficiaries in VA hospitals, nursing homes, and outpatient facilities. When you walk down the halls VA hospitals like the one in White River Junction, VT, you see the proud faces and shattered bodies of men who have given more to their country than just lipservice and taxes. I say men because the overwhelming majority of these veterans are men, although the number of women veterans is rising.

Mr. President, if there is one area where everyone can agree that the Federal Government has a compelling role, it is in the care of our Nation's service disabled and indigent veterans. It is the Federal Government which raises armies and the Federal Government which sends our young people off to war. It is the Federal Government which is obligated to take care of veterans after the shooting stops.

The appropriations bill before us cuts the VA medical care account $511 million below the President's request. No one can stand in front of this body and say that these cuts are not going to affect veterans, because the fact is that they will. They will make a difference in the services provided at White River Junction and at VA hospitals across the country. This amendment restores the medical care fund back to the President's request, and uses the funds from Republican tax cuts to pay for it.

Everyone in this body is familiar with the $245 billion in tax cuts that have been proposed by the Republican leadership. I have been against these cuts from the start, because more than half of the benefits go toward those who make more than $100,000 a year. Let me tell you, I do not hear from too many Vermonters making that much money that say they need a tax cut. I would consider supporting tax cuts that target the lower and middle class, but not this one. By voting for this amendment, we are putting our spending priorities back where they belong, and that is on providing services for the veterans who have earned them.

I think more people around the Senate should heed the words of Abraham Lincoln, which are chiseled on a plaque at the Veterans Administration building a few blocks from here. These words ring as true today as they did in the aftermath of the bloody Civil War: ''To care for him who shall have borne the battle and for his widow, and his orphan.''

I urge my colleagues to join me in voting for this important amendment.

Mr. WELLSTONE. Madam President, I am very proud to be an original cosponsor, I say to my colleagues, of both of these amendments. There is, I think, a very, very direct question for each Senator to answer. In exchange for agreeing not to have any tax giveaways for individuals, families with incomes under $100,000 a year, we will make sure that we do not put into effect an egregious practice of mean testing compensation for veterans that are struggling with mental illness, service-connected.

As the Secretary has said, Jesse Brown, I think one of the best Secretaries we have, the only difference between veterans that are mentally incapacitated and physically is those that are mentally quite often cannot speak for themselves. This would be a terrible and cruel thing if we now have this unequal treatment.

Finally, Madam President, to be able to restore $511 million so we keep a quality of inpatient and outpatient care, that is what this is about; not the tax giveaways for those with high incomes and a commitment to veterans.

These are two extremely important amendments that represent a litmus test for all of us.

Madam President, I am pleased and proud to be an original cosponsor of the two amendments to H.R. 2099, the VA-HUD appropriations bill for fiscal year 1996 that specifically concern our Nation's veterans. My distinguished colleagues who are cosponsoring this amendment are to be congratulated for their efforts to ensure veterans' access to quality VA health care is not seriously compromised and to protect some mentally incompetent veterans who are being targeted for discriminatory, arbitrary, and shameful cuts in VA compensation.

Madam President, while these amendments address two different issues—veterans health care and compensation for the most vulnerable group of American veterans—they are prompted by one basic concern. Our pressing need to balance the budget. Unfortunately this pressing need is being used to justify unequal sacrifice. Veterans with service-connected disabilities and indigent veterans, many of whom earned their VA benefits at great cost on bloody battlefields are seeing those benefits whittled away, while the most affluent of our citizens are exempted from sacrifice. Instead of being asked to share the pain, the wealthy seemingly are supposed to contribute to balancing the budget by accepting substantial tax cuts. What kind of shared sacrifice is this?

I believe that one of the great strengths of these amendments is that they make a significant contribution to righting the balance. The $511 million that would be restored to the medical care account to enable the VA to meet veterans health care needs and the $170 million that is needed to ensure that all mentally ill veterans continue to receive unrestricted compensation are to be offset by limiting any tax cuts provided in the reconciliation bill to families with incomes of less than $100,000.

Our Nation's veterans are prepared to sacrifice for the good of this country as they have done so often in the past, but only if the sacrifices they are asked to make are: First, equitable; second, reasonable; and third, essential. Clearly, these sacrifices that service-connected—particularly mentally incompetent veterans—and indigent veterans are being asked to make meet none of these essential criteria.

Madam President, before I conclude I would like to discuss each of the amendments. One of the amendments would restore to the medical care account $511 million cut from the President's budget for fiscal year 1996. While there may be some doubt as to the validity of VA projections of the precise impact of such a cut on veterans health care, there is little doubt that it would result in some combination of substantial reductions in the number of veterans treated both as outpatients and inpatients as the number of VA health care personnel shrink. According to the VA, this cut could have an impact that is equivalent to closing some sizable VA medical facilities.

While not directly related to this amendment but related to the quality of VA health care generally, this bill also would eliminate all major medical construction projects requested by the President. In the process, some projects involving VA hospitals that do not meet community standards and are deteriorating would not be funded. How can we treat veterans in facilites that do not meet fire and other safety standards? In obsolete facilities that lack separate rest rooms and dressing room areas for men and women veterans? This is a travesty and no way to treat those who have defended our country. Our veterans do not deserve such shabby and undignified treatment and I will do all in my power to see that this shameful situation ends. I hope that all of my colleagues will join me in this long overdue effort.

Madam President, as I pointed out at a Veterans' Affairs Committee hearing a few months ago these cuts could not come at a worse time. We are now talking about cutting $270 billion over the next 7 years from Medicare and making deep cuts in Medicaid. This could lead to a much greater demand for VA services precisely at a time when VA health care capabilities are eroding. Would the VA be able to cope with an

influx of elderly and indigent veterans eligible for health care, but currently covered by Medicare or Medicaid? There sometimes is much talk about a declining veterans population, but much less about an aging veterans population—one that disproportionately requires expensive and intensive care. What happens if this population grows even more as a result of Medicare and Medicaid cuts? Before veterans fall victim to the law of unintended consequences, I strongly urge my colleagues to give careful consideration to the cumulative impact on veterans health care of such concurrent cuts in Federal health care funding.

Regarding the other Rockefeller amendment, I was frankly appalled when I learned that both the House and Senate versions of H.R. 2099 include a provision that limits compensation benefits for mentally incompetent veterans without dependents but does not limit benefits for physically incapacitated veterans without dependents—or any other class of veterans for that matter. As I understand it, compensation for service-connected disabilities paid to mentally incompetent veterans without dependents would be terminated when the veteran's estate reached $25,000 and not reinstated until the veteran's estate fell to $10,000.

Such unequal treatment is outrageous and indefensible. How can we discriminate against veterans who became disabled while serving their country only because they are mentally ill. In eloquent and informative testimony before the Senate Veterans' Affairs Committee, Secretary of Veterans Affairs Jessie Brown, who I regard as an outstanding Cabinet officer and a singularly tenacious and effective advocate for veterans, pointed out that the only difference between veterans who have lost both arms and legs and those who have a mental condition as a result of combat fatigue, is that the latter group cannot defend themselves. Moreover, the Secretary stressed, we are not only talking about veterans who seem to have no organic basis for their mental illness, but also veterans who were shot in the head on the battlefield and as a result of brain damage cannot attend to their own affairs. And, I might add that to make matters worse, this provision amounts to means-tested compensation that applies to only one class of veterans—the mentally ill. I am aware that such a provision was enacted in OBRA 1990 and withstood court challenge, but the fact that it was held to be constitutional makes it no less abhorrent. Fortunately Congress had the good sense to let this onerous provision expire in 1992.

Victimizing the most vulnerable of our veterans while providing tax cuts to our wealthiest citizens smacks of afflicting the afflicted while comforting the comfortable. I urge my colleagues from both sides of the aisle to support the Rockefeller amendment on this subject.

Finally, Madam President, I am very proud to be a Member of the Senate, the oldest democratically elected deliberative body in the world. But I am sure the last thing any of you would want is for this great deliberative body to merely rubber stamp ill-advised actions by the House and in the case of the VA medical account to make matters even worse by appropriating $327 million less than was appropriated by the House.

The veterans health care and compensation protected by these two amendments are by no means handouts, but entitlements earned by men and women who put their lives on the line to defend this great country. They are part and parcel of America's irrevocable contract with its veterans, a contract that long predates the Contract With America we have heard so much about recently.

I have a deep commitment to Minnesota veterans to protect the veterans benefits they have earned and are entitled to and in cosponsoring these amendments I am keeping my faith with them. I urge my colleagues to join me in supporting both amendments.

Mr. ROCKEFELLER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, thank you very much.

We should be clear about a couple of things. The money is not necessary to take care of incompetent veterans. These veterans are being taken care of through the Veterans Administration system.

They can keep up to $25,000 of their estate, but beyond that we are saying, as the House did, that we should not continue to build up their estate. These are people that do not have a spouse. They do not have a dependent child or dependent parent. This money simply goes to nondependent heirs when these incompetent veterans die.

We had to make tough choices in putting this bill together because of the limits of funds. Madam President, $170 million that would have gone into the estates of these veterans goes to veterans' medical care.

Now, the solution offered by my friend and colleague from West Virginia is to rely on a phony offset. Everybody in this Senate knows that there is no tax cut in this budget. He proposes to offset it against a tax cut. It is not there.

What this budget waiver does is ask our colleagues to waive the Budget Act, to give up on balancing the budget, to forget about our promise to the American people to end the deficit in the year 2002.

This is the ultimate budget buster. This is where the opponents of balancing the budget start the effort to unravel the budget agreement. It is a typical liberal solution—we will not make choices. If they were serious about getting this money back for these veterans, they would have offered a real offset and made choices as we have to do in the appropriations process.

They did not. They said, ''Let's bust the budget. Let's have the ultimate estate builder plan, putting money into the veterans' estates,'' not to go to their heirs, but putting it on the credit cards of our children and grandchildren.

I urge my colleagues not to waive the Budget Act on this matter.

Mr. WELLSTONE. Madam President, I ask unanimous consent I be included as an original cosponsor.

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

Mr. WELLSTONE. I thank the Chair.

The PRESIDING OFFICER. All time has expired. The pending question is on agreeing to the motion to waive the Budget Act for the consideration of amendment No. 2784, offered by the Senator from West Virginia [Mr. ROCKEFELLER].

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted, yeas 47, nays 53 , as follows:

[Rollcall Vote No. 465 Leg.]

YEAS—47

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

NAYS—53

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

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion to waive the Budget Act is not agreed to. The point of order is sustained.

Mr. BOND. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BOND. I ask unanimous consent that the remaining stacked votes be reduced to 10 minutes in length.

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

AMENDMENT NO. 2785

The PRESIDING OFFICER. Under the previous order, there will be 4 minutes equally divided on the pending question.

The pending question is another motion to waive the Budget Act, amendment No. 2785, offered by the Senator from West Virginia. The Senator will have 2 minutes and the Senator from Missouri will have 2 minutes. The Senator from West Virginia is recognized as soon as the Senate comes to order.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. I thank the Presiding Officer.

This amendment would provide funding for veterans' health care at the level requested by the President, which is $16.96 billion, and would offset the $511 million increase that that represents by limiting any tax cut under the budget resolution to families that earn less than $100,000.

Again, I think this choice is a simple one. The President simply wanted to keep the funding for veterans' health care services—the people whom we have said have a special entitlement to health care services—consistent with inflation. And it is not even health care inflation. It is regular inflation, which is 3.4 percent. Health care inflation is almost double that.

And so the President's request is below what is truly needed. We are already reducing veterans' health care, but the Senate has reduced it way, way below, and the result will be that we will close some veterans hospitals, that we will deny eligible veterans both inpatient and outpatient care, well over 100,000 of them; and interestingly and importantly, in an organization, that is fighting to hold on to its best health care people, we will lose 6,500 Veterans Affairs' health care professionals. I think this is an unsustainable proposition, and I think the President sought only a modest increase. It was not even an inflationary increase in the real terms of health care.

I hope that the motion to waive the Budget Act will be sustained, and I request the yeas and the nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. BOND. Madam President, I yield 1 minute to the chairman of the Veterans' Committee, the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 1 minute.

Mr. SIMPSON. Madam President, I chair the Veterans' Affairs Committee. It is always remarkable to have to come here to the floor and get into a debate that somehow reflects that we do not take care of our veterans in America.

When I came to this committee, we were giving veterans $20 billion. In this proposal, it is now close to $40 billion. Everything we have done with veterans health care has gone up. We have more nurses; we have more doctors. Remember this figure if you will, please. Madam President, 90 percent of the health care goes to non-service-connected disability—90 percent non-service-connected disability—not service-connected disability. This is a serious issue. If anyone can believe we do not take care of the veterans of the United States, please drop by my office. The occupancy rates at the hospitals are going down. The population is going down and the budget is going up, just as it should be.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SIMPSON. So veterans are well taken care of. This is an assault on the budget process.

Mr. BOND. Madam President, only inside the Beltway would a $285 million increase in veterans medical care be attacked as a cut. In a very difficult time we allocated $285 million more for veterans medical care to assure that they can provide the care that is needed for veterans.

To say that this is being offset by a tax cut is more phony baloney. It is an effort to break the budget agreement. We had to make choices. If the proponents were serious about increasing money even more than we have for veterans medical care, they would have come up with a real offset.

Be clear about it: A vote to waive the Budget Act does not improve veterans health care; it merely busts the budget agreement and puts a greater deficit on the American economy and a greater burden on our children and our grandchildren who will have to bear the expense.

I urge my colleagues to vote no.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. KYL). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 49.

[Rollcall Vote No. 466 Leg.]

YEAS—51

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

NAYS—49

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

The PRESIDING OFFICER. On this the vote, the ayes are 51, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion to waive the Budget Act is rejected. The point of order is sustained.

Mr. BOND. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2786

The PRESIDING OFFICER. The question now occurs on amendment No. 2786, offered by the Senator from Montana [Mr. BAUCUS]. There are 4 minutes for debate to be equally divided.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, this amendment is very simple. It provides that no rider to this appropriations bill would take effect if it would weaken protection of human health and the environment. It is designed to send a strong message, particularly to the House, that we should not use appropriations bills for a back-door attack on environmental protection.

Last night, Senator BOND argued that the bill gives unfettered discretion to EPA and might even be unconstitutional. I might say to my colleagues, I checked with the Justice Department. The Justice Department has reviewed the amendment and concluded that the amendment is constitutional. So that is not a problem.

It is also aimed only at a set of specific rifle-shot riders, and if the administrator, under the amendment, invalidates a particular rider, the administrator would be fully bound by all of the terms and conditions of the underlying law.

Let me remind everyone why this amendment is necessary. We need to reform our environmental laws, to make them not only strong but smart. But the appropriations bill, and particularly the House, is not environmental reform. It contains riders that roll back, eliminate environmental laws. For example, it eliminates the

Great Lakes initiative; it eliminates rules for toxic air emissions from hazardous waste incinerators and refineries; it eliminates enforcement of the wetlands program. In the Environment & Public Works Committee, we are dealing with the wetlands program, working to reform it. This rider eliminates it. It eliminates rules that control discharge of raw sewage into public waters. The list of riders goes on.

The Senate bill takes a much more moderate approach, and I compliment the Senator from Missouri for doing so. But we have to send a strong message to the conferees: We should not load up this bill with riders that would threaten the health and quality of American families.

I urge my colleagues to support the amendment, and I oppose the motion to table.

Mr. President, I ask unanimous consent that Senators MURRAY and WELLSTONE be added as cosponsors of the amendment.

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

Mrs. MURRAY. Mr. President, the level of funding for EPA and the legislative riders contained in this bill mean one thing for the citizens of our Nation: a lower quality of life. To a large degree, the quality of our lives depends on the integrity of our environment; the quality of the air we breathe, the water we drink, and the soil we farm and live on. For the last 25 years EPA has set out to improve and guarantee the quality of life for all Americans by cleaning up our air, water, and soil and keeping them clean. But with inadequate funding and congressionally mandated caveats and barriers, our people and our environment will no longer be adequately protected.

We all need water to live. We are, in fact, 60 percent water ourselves. Clean water is essential to our survival. But riders in this bill would prevent EPA from protecting Americans from drinking water contaminants that are known to be harmful. Because of this bill, the public will continue to be exposed to contaminants like arsenic, radon, and the microbe cryptosporidium.

Arsenic is a known carcinogen. The current arsenic rule, implemented in 1942, poses a 1 in 50 cancer risk—10,000 times worse than is generally considered acceptable. By preventing EPA from issuing a final arsenic rule, this bill will allow over 30 million Americans to continue to drink arsenic-laced drinking water every day.

The same is true of radon. Drinking water containing radioactive radon is known to cause cancer. Controlling radon in drinking water will prevent hundreds of cancers. Over 40 million people will continue to drink radon-contaminated water unless EPA is allowed to act.

In 1994, a cryptosporidium outbreak in a contaminated well in Walla Walla, WA, sickened or hospitalized dozens of people. A groundwater disinfection rule would likely have prevented this outbreak. But this bill would prohibit EPA from requiring any groundwater to be treated to kill parasites.

We also need clean air to breathe. But this bill requires EPA to reevaluate the standards it has imposed on the oil refinery industry to utilize the Most Available Control Technology [MACT] to control emissions from valves and pumps. These leaks account for as much as one-half of total refinery emissions. Industry requested this rider because they believe that emissions have been overestimated. However, the estimated emissions of toxic pollutants from a medium-sized refinery are 240 tons per year, almost 10 times greater than the minimum statutory definition of a ''major source'' of toxic air pollution subject to the same control measures. It seems unlikely that EPA has made such a tremendous overestimation of emissions.

Finally, Mr. President, the report accompanying this bill contains a provision that will certainly delay cleanup of a Superfund landfill in my State of Washington. This landfill is located on the Tulalip Indian Reservation in an estuary of Puget Sound and is disgorging contaminants directly into the sound. The language in this report directs EPA to do more studies and engage in more discussion in the hopes the agency will not implement its presumptive remedy of capping the site. While I agree that the cost to these powerful PRP's might be high, the cost to the people who live around the sound, or eat fish from the sound, or recreate in the Sound is much higher. I have tried to get the committee or the provision's sponsor to insert language that forced the PRP's and EPA to act quickly to stop this seeping mess, but I was not entirely successful. The sponsor promises this will not delay cleanup and that these studies and discussions will be completed within fiscal year 1996. I, and the people who want a clean Puget Sound, can only hope that is the case.

Mr. President, we must remain committed to improving and protecting the quality of life for the citizens of our Nation. This means protecting the environment. I urge my colleagues to support efforts to increase funding for EPA and to strip the legislative riders from this bill.

Mr. LIEBERMAN. Mr. President, I rise in strong support of Senator BAUCUS' amendment because it assures that no provision in the House or the Senate appropriations bills governing EPA's budget will harm public health or the environment.

The No. 1 responsibility we have, and what people demand from us, is to protect the public we serve from harm. This means guarding our national security with a strong defense, and keeping our streets safe from crime. But that also means protecting people from breathing polluted air, from drinking poisonous water, and from eating contaminated food—in other words, protecting people from harms from which they cannot protect themselves.

We often fail to think of these problems in terms of being a threat to our safety and well-being, primarily because the Federal Government has done such a good job in guaranteeing that we have clean air and clean water and edible food. One of the great ironies here is that some of the riders in the appropriations bills this Congress may succeed in attempts to eviscerate our key environmental laws precisely because we have succeeded in diminishing environmental dangers from every day life.

Make no mistake, however, the riders particularly in the House bill will, if they find their way into law, quickly remind people of the very real dangers we have been fighting against for the last generation. The riders would severely limit the agency's ability to ensure that our water is safe, our food is safe, and our air is clean.

What makes these riders particularly outrageous is that they are being done without any opportunity for the public to comment on what would be a revolutionary shift in our national policies. This is essentially the equivalent of tacking on a provision legalizing narcotics in America to the FBI's appropriation.

The riders relating to the Clean Water Act would quite simply end enforcement and implementation of the Clean Water Act. The riders would mean widespread degradation of the water quality in Long Island Sound. It would threaten the sound's beaches and its enormous commercial shellfish industry, which has the top oyster harvest in the Nation. In fact, Long Island Sound supports $5 billion a year in water-quality dependent uses. These economic benefits are due in large part to the improvement in water quality brought about by the Clean Water Act.

The Clean Water Act riders would prevent enforcement of controls for combined sewer overflows and practices to reduce stormwater pollution. These programs were designed to keep raw sewage off beaches and out of waterways and reduce dirty runoff from streets and farms. They are critical to the cleanup and long-term health of Long Island Sound. Last year alone Connecticut had 162 beach closings from too high a count of disease-causing bacteria. These bacteria come from raw untreated sewage that still flows from sewerage treatment systems in Connecticut and New York that are old and being stressed from a growing population in coastal areas. Under the House bill, raw sewage would continue to spill into waters from outdated or inadequate sewage treatment and collection systems. Stormwater controls would be eliminated from many urban areas. The result would be widespread degradation of water quality, which would threaten the State's commercial fishing and shellfishing industry. As

the Connecticut Commissioner of Environmental Protection, Sidney Holbrook, has written about the House bill: ''If enacted in its current form, the bill would adversely impact important water quality and public health initiatives.''

EPA does much more than enforce the law. EPA provides guidance and funding so that States and localities can upgrade and repair their aging sewerage systems. Language in the House bill would completely stop EPA from issuing stormwater permits, providing technical assistance and outreach, and enforcing against the most serious overflow problems.

Let me briefly discuss my concerns with some of the other riders.

One rider would prevent the EPA from enforcing its rule limiting emissions of hazardous air pollutants from refineries. This rule, which has just gone final, would reduce toxic emissions from refinery facilities by almost 60 percent—approximately 53,400 tons per year of toxic emissions and 277,000 tons per year of emissions of volatile organic compounds, the major contributor to smog. The health impacts of hazardous air pollutants include potential respiratory, reproductive, and neurotoxic effects.

The rule simply requires that petroleum refineries seal their storage tanks, control process vents, and detect and seal equipment leaks. About 50 percent of the 165 refining facilities in this country are already meeting or almost meeting the rule's requirements. This rule levels the playing field and provides minimum protections to all communities living in proximity to a petroleum refinery. EPA has made substantial changes from its proposed rule based on the comments of industry, resulting in much greater flexibility. Even the American Petroleum Industry by a vote of 17 to 3 supports the rule. That this rule cannot be enforced by EPA is simply a delay tactic by a small group of refineries that do not want to comply with standard industry practices.

Another rider on the House side would limit EPA's ability to gather data under the toxic release inventory that would give the public a better understanding of toxic chemicals released into their environment and where they work.

The Toxic Release Program is a nonregulatory, noncommand, and control program. It is essentially a market-based program—providing information to the public so that it can make informed choices and enter constructive dialog with facilities in their communities.

I have just mentioned a few riders in my comments—there are more than 25 others that I didn't mention but all affect EPA's duties. The Baucus amendment will assure that none of the appropriations riders will endanger current health and environmental protections that we rely upon and expect and which improve our quality of life.

For these reasons, I urge my colleagues to support this amendment.

Mr. BOND. Mr. President, last night I said that this amendment was breathtaking. First, I extend my sincere thanks to the kind words that the Senator from Montana has made about the measures we put in our bill. He addressed his arguments against the so-called legislative riders in the House bill. Regardless of how good or bad they are, how good or bad ours are, his solution is to give the EPA administrator unfettered authority to disregard a law passed by the Congress and signed by the President.

He claims that the Justice Department advised him it is not unconstitutional. I say look at the Chadha decision, and it is clearly unconstitutional. That is not the question here. The courts would have to decide it. But I do not want to see this body going on record as giving an unelected bureaucrat the authority to disregard a law passed by Congress and signed by the President. This is truly outstanding. So many people in Washington talk about Congress' solutions being ''neat, simple and wrong.'' Well, this goes one step further; it is neat, simple, and unconstitutional.

Let me, for the benefit of my colleagues, read this to you:

> Any prohibition or limitation in this Act on the implementation or enforcement of any law administered by the Administrator of the Environmental Protection Agency shall not apply if the Administrator determines that application of the prohibition or limitation would diminish the protection of human health or the environment otherwise provided by law.

That, to me, gives the EPA Administrator the power to veto, ignore, or totally disregard a law. I am not going to move to table this. I want my colleagues to have the pleasure of voting up or down on the simple proposition.

The PRESIDING OFFICER. A motion to table has already been made.

Mr. BOND. Mr. President, I ask unanimous consent to withdraw the motion to table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BOND. I want my colleagues to have the pleasure of voting yes or no on this simple proposition: Do you want the unelected Administrator of the EPA to be able to change laws passed by Congress and signed by the President?

I certainly do not. I urge my colleagues to vote ''no.''

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 61, as follows:

[Rollcall Vote No. 467 Leg.]

YEAS—39

Akaka	Feinstein	Mikulski
Baucus	Glenn	Moseley-Braun
Biden	Graham	Murray
Bingaman	Harkin	Pell
Boxer	Inouye	Pryor
Bradley	Jeffords	Reid
Bryan	Kennedy	Robb
Bumpers	Kerry	Rockefeller
Chafee	Kohl	Roth
Cohen	Lautenberg	Sarbanes
Daschle	Leahy	Simon
Dodd	Levin	Snowe
Feingold	Lieberman	Wellstone

NAYS—61

Abraham	Ford	Mack
Ashcroft	Frist	McCain
Bennett	Gorton	McConnell
Bond	Gramm	Moynihan
Breaux	Grams	Murkowski
Brown	Grassley	Nickles
Burns	Gregg	Nunn
Byrd	Hatch	Packwood
Campbell	Hatfield	Pressler
Coats	Heflin	Santorum
Cochran	Helms	Shelby
Conrad	Hollings	Simpson
Coverdell	Hutchison	Smith
Craig	Inhofe	Specter
D'Amato	Johnston	Stevens
DeWine	Kassebaum	Thomas
Dole	Kempthorne	Thompson
Domenici	Kerrey	Thurmond
Dorgan	Kyl	Warner
Exon	Lott	
Faircloth	Lugar	

So the amendment (No. 2786) was rejected.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2782

The PRESIDING OFFICER. The question is on the amendment numbered 2782 of the Senator from Maryland; 10 minutes will be equally divided, and the Senator from Maryland will be recognized.

Mr. SARBANES. Mr. President, could I inquire of the parliamentary situation, the time situation?

The PRESIDING OFFICER. There is 10 minutes for debate before the vote, 10 minutes equally divided.

Mr. SARBANES. Mr. President, 5 on each side?

The PRESIDING OFFICER. Right.

The Senator from Maryland.

Mr. SARBANES. Mr. President, I yield myself 2 minutes.

Mr. President, I implore my colleagues to support this amendment on the homeless. The committee has cut the money for homeless assistance by 32 percent from last year's level. In fact, the committee level is below the level of the year before last. The House has cut homeless assistance by 40 percent. If we fail to adopt this amendment, our conferees will be working with a figure of 32 percent below last year—a cut of $360 million. The House has a cut of $444 million below last year. If we pass this amendment, we will give our conferees an opportunity in conference to do something about the homeless.

We are making progress in our fight against homelessness and this amendment will advance that cause. This proposal would bring homeless funding

back to last year's level—$1.1 billion. The Appropriations Committee said in its report that ''The committee is worried that the block grant approach with funds less than $1 billion may disadvantage some areas with significant homeless populations and some homeless providers.'' This amendment will bring homeless funding back above the $1 billion level so we can move to a formula grant. A formula grant will make it possible for the States, the localities, the churches, the social service agencies, the civic organizations, and the nonprofit groups to work collectively in a more constructive and positive fashion to resolve the problem of the homeless.

The offset for this amendment comes out of the funds for the renewal of expiring section 8 contracts. The reduction in renewal resources is made possible by a provision in this amendment that allows the Secretary to require housing agencies to use section 8 reserves to renew their expiring contracts. The HUD Secretary has written to us that this offset would not create a problem in renewing expiring contracts. He writes, ''Funding for renewal of expiring contracts can be reduced without any impact on existing recipients.''

The act that encompasses our homeless assistance programs is named after Stewart McKinney—the distinguished former Republican Congressman from Connecticut. Ever since Congressman McKinney's efforts to develop the homeless assistance programs, Federal policies for homeless assistance have enjoyed bipartisan support. I urge my colleagues to continue this bipartisan approach here today.

How much time is remaining?

The PRESIDING OFFICER. The Senator has 2½ remaining of the 5 minutes.

Mr. SARBANES. I yield myself 30 seconds, if the Chair will remind me.

Mrs. Lucie McKinney—the widow of the very distinguished former Republican Congressman—wrote an article a couple of weeks ago about the programs that help the homeless. Let me just quote the end of that article. She wrote:

> We do know how to end homelessness. While the cure is not cost-free, it costs a whole lot less than not facing and solving the problem. Saving lives and saving money—how can that be bad?

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator has 2 minutes remaining. The Senator from Missouri.

Mr. BOND. Mr. President, I yield myself 2 minutes and ask to be advised when that 2 minutes runs.

Mr. President, this amendment proposes to increase funding for homeless activities by $360 million, certainly a noble objective. But the budgetary offset comes from the appropriations for renewal of section 8 rental subsidy contracts.

There is no dispute that more homeless assistance funding could be used. The committee looked everywhere it could to find this money, to balance the needs of the homeless with those who are now getting existing low-income housing assistance. Despite severe budgetary constraints, the committee increased House-passed homeless funding by $84 million. When combined with amounts released by HUD, homeless activities in fiscal year 1996 should be maintained at current rates.

We provided in the report, because of the tightness of funds, HUD is ''expected to work through negotiated rulemaking and include recommendations made by States and localities as well as homeless assistance providers.''

I find it startling that the Secretary of HUD is now saying he can do without this $360 million. They originally requested $5.8 billion for section 8 renewals. At my request, they reviewed it and came down to $4.8 billion for their request. We were only able to provide them $4.3 billion. And the very persuasive Senator from Maryland is able to convince the Secretary he can take less than $4 billion?

Make no mistake, these section 8 renewals are renewals that can be used for the elderly, the disabled, people with AIDS and others needing homeless assistance. Unfortunately, this is a shell game. It may make ''letters to the editor'' writers feel better, but it is a phony effort to get money where we cannot take it—from those who are without funds for their housing.

I reserve the remainder of my time.

Mr. SARBANES. I yield 1 minute to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, as I mentioned yesterday, I took a little time on Sunday to reread Will Durant's book, ''The Lessons of History.'' He said, through the centuries nations have this struggle between those who are more fortunate and those who are less fortunate. That is what this is all about.

The less fortunate, those who are homeless, we have them on the streets like we did not have when I was a young man and when the Presiding Officer was young. It is going to get worse if we do not deal with it. This is a cutback of 32 percent and is imprudent and unwise.

I support the Sarbanes amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, in closing, let me just underscore that I would prefer that we not take the money out of the section 8 reserves. But we are forced by the budget rules to find an offset. The question before us here is, amongst the priorities, which activities ought to come first? The homeless are at the very bottom of the scale. They are out on the street. We have been trying to put together an infrastructure to try to deal with their needs and we are having some success across the country. Each of you know that in your local communities you have church groups, you have civic organizations, you have community groups who are marshaling their resources to try to deal with the needs of the homeless. They need this Federal support.

The Appropriations Committee has written that the homeless assistance programs would have to get back above $1 billion in order to justify a formula approach. In the Banking Committee last year, we included a formula approach to homeless assistance that was supported unanimously in the committee. That is where we want to get. The funding in this amendment gives us a chance to get there.

The funding in this amendment also gives the chairman of the committee something to work with in the conference. The House is 40 percent below last year's figure. The current Senate figure represents a 32-percent cut. If the Senate goes to conference on that basis, you know the final outcome is going to be somewhere in between. If the Senate bill is allowed to stand, you are going to have a cut of 35 to 40 percent in the funding for the homeless when this bill comes back from conference. The amendment before you today will enable the chairman to work in conference in order to provide adequate resources to deal with this pressing national issue.

I am simply saying to my colleagues, support this amendment: Vote to shift some of this money from section 8 reserves to the homeless programs. I am not happy with doing it, but we think we can handle the section 8 renewal needs out of existing resources and the Secretary has indicated as much in his letter to us. The additional resources for the homeless in this amendment will give us a chance to put a new approach into effect.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, unfortunately, this does not solve the problem. It takes money from those who depend upon section 8 vouchers or certificates. It is saying to all those on section 8—elderly, disabled, people with AIDS—that we are taking $360 million away from the pool for renewing these contracts, and there will be people who are now dependent upon section 8 housing who could be thrown out when their contracts expire.

The Secretary, Secretary Cisneros, said after he revised it, we need $4.8 billion. We were only able in this tight budget time to give him $4.3 billion. I do not believe him when he says that he can make this work with less than $4 billion. I think that is an accommodation.

We all would like to accommodate everything. There is no money there. Unfortunately, this is a smoke and mirrors game. The amendment specifically says that notwithstanding certain provisions of this act, the $360 million ''* * * shall not become available for obligation until September 30, 1996,

and shall remain available until expended.''

What they are saying is, we are taking money away from reserves in 1996 to throw it into spending in 1997, in hopes that it will look better in 1996. We are in danger of taking away the section 8 assistance for people who need it, to make them homeless, to increase the need for the homeless assistance.

I share the concern of the Senator from Maryland and the others for the homeless.

We have worked what I believe is a reasonable compromise. We need to stay with this plan to provide section 8 assistance for those who are now depending upon the Federal Government for their housing.

This is a smoke and mirrors effort that unfortunately does not improve and might endanger the people that we are trying to help.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SARBANES. Mr. President, will the Senator withhold the tabling motion as he did on the Baucus amendment, and allow an up-or-down vote?

Mr. BOND. I believe we need to table this one.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri to lay on the table the amendment of the Senator from Maryland. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. THOMAS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 468 Leg.]

YEAS—52

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

NAYS—48

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

So the motion to lay on the table the amendment (No. 2782) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I wonder if I might inquire of the managers when they believe we may be able to complete action on this bill?

It is my understanding it is going to be vetoed, but there are still a lot of amendments on the other side. I am not certain how many require rollcalls. If we are going to complete action on two additional bills, Labor-HHS and State-Justice-Commerce, and this is our third day on this bill, I do not know how we can do two others in 2 days. So if anybody knows, when might we complete action on this bill? Plus we will recess the Senate so we will be able to have meetings of the Finance Committee, so we probably will not do anything after this bill the rest of the day.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. If I might respond, we have been working out a number of these amendments. I think we are very close to agreement on a number of them. Some of them clearly are going to require votes. We are ready to line up two, one with an hour time agreement, one with a 45-minute time agreement. Then I cannot say on this side that there are any more of our amendments that should require a vote. I think they can be accepted or would be included in a—excuse me, there is one Senator CHAFEE is going to offer, proposes to offer about the brown fields.

I hope that will be agreed upon. That might require a vote. It should be a short time limit. I would be interested on the minority side in what my colleague sees as the opportunities there.

Ms. MIKULSKI. Mr. President, responding to the Republican leader's desire to move this bill, we have our next two amendments lined up, the Lautenberg amendment and the Feingold amendment. When we asked for the time agreement, that is maximum. Both men are here to offer their amendments.

We intend to move very expeditiously. I recommend that after those two amendments, those votes be stacked. I truly believe we can do a lot of clear out and clean up. I am anticipating that either amendments will be worked out or that they will be withdrawn so they could be offered on other bills. I cannot guarantee that. We are working down our list, as well.

So my recommendation is Lautenberg, Feingold, stacked votes; see kind of where we are, and then we will move right along.

Mr. DOLE. We have one other amendment, the Simon–Moseley-Braun amendment. Is that being worked out?

Mr. BOND. Mr. President, I think we are working out an agreement that that one can be accepted. That is on the transfer of fair housing. I think so long as we can guarantee that the transfer will occur—we do not want to disrupt operations. Our staff is working on it, and I hope we are close to agreement on it. I think we share the same goals. I just want to make sure that the language in the amendment gets us there.

Mr. DOLE. So just let us see—11, 12, 1. Maybe we can complete action on this bill by 2 p.m.?

Ms. MIKULSKI. I think the prickly point here is what Senator BUMPERS chooses to do on the NASA-Russian reactor sale. I think that is a prickly pear.

Mr. DOLE. That could take some time, then.

Ms. MIKULSKI. I think we need to confer with Senator BUMPERS as to what his disposition is. We will do this during the debate, Mr. Leader.

Mr. DOLE. I am still trying to work it out; it may not be able to happen. But if we could do all these appropriations bills and the CR, then we would not be in session next week. But we also have to complete action in the different committees on reconciliation this week. And I understand there has been an objection to the Finance Committee meeting. The Democratic leader has already indicated this to me. I will make the request, so whoever wishes to object can object at this time, because it is very important that that committee meet. And if we have an objection, then when we finish this bill, the Senate will be in recess. Then we will meet until we complete action on that, and then come back to the additional appropriations bills. If we do not finish them this week, we will finish them next week.

OBJECTION TO PERMISSION FOR FINANCE COMMITTEE TO MEET

Mr. DOLE. Mr. President, I understand the objector is on the floor. I ask consent that the Committee on Finance be permitted to meet Wednesday, September 27, 1995, to conduct the markup of spending recommendations for the budget reconciliation legislation.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. I have consulted with a number of my colleagues, some of whom are on the floor, and there is a concern on this side that we have not had an opportunity to have some hearings and discuss this matter in greater detail. The hope was that over the course of whatever period of time we will have more of an opportunity to look at it. As a result of that concern, then we will object at this time.

Mr. DOLE. Mr. President, I do understand that the Democratic leader has consented to six other committees to meet during today's session of the Senate.

I have six unanimous-consent requests for committees to meet during today's session of the Senate. They all have the approval of the Democratic leader.

I ask unanimous consent that these requests be agreed to en bloc, and that each request be printed in the RECORD.

The PRESIDING OFFICER. Is there objection to that request?

Mr. DOLE. That does not include Finance.

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

(The text of the requests is printed in today's RECORD under ''Authority for Committees to Meet.'')

Mr. DOLE. I thank my colleagues and the managers.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. LAUTENBERG].

Mr. WELLSTONE. I wonder if my colleague will yield for a moment? Since I was a part of this objection with the minority leader, I wanted to take 2 minutes, if that would be all right.

Mr. LAUTENBERG. Yes.

Mr. WELLSTONE. Mr. President, the minority leader and I have issued an objection to the Finance Committee meeting. The reason for that, Mr. President, is that I just think that what is going on right now here is a rush to foolishness.

Mr. President, in my State of Minnesota, we just found out a few days ago that as opposed to $2.5 billion in Medicaid cuts, we were going to be seeing $3.5 billion in Medicaid cuts. It was just yesterday that we finally got the specifics of what is going to happen in Medicare. And I just will tell you, Mr. President, that I am pleased to be a part of this with the minority leader because when I was home in Minnesota, I found that it is not that people are opposed to change, but people have this sense that there is this fast track to recklessness here, that we are not carefully evaluating what the impact is going to be on people.

What people in Minnesota are saying is, what is the rush? You all do the work you are supposed to do. How can a Finance Committee today go ahead without any public hearings on these filed proposals, pass it out of the Finance Committee, and then put it into a reconciliation process where we have limited debate?

Mr. President, it seems to me that there is no more precious commodity than health care and the health care of the people we represent. This objection, with the minority leader, is an objection to a process. And this process right now I think is really way off course.

We have no business—the Finance Committee should not pass out proposals without any public hearing, without having experts come in. We have not done that at all. We should not be doing that. Mr. President, this is supposed to be a deliberative body and it is supposed to be a representative democracy. We are supposed to be careful about the impact of what we do on the lives of people we represent. I would just say that I am very proud to be a part of this objection because somebody, somewhere, sometime has to say to people in the country that these changes are getting ramrodded through the Senate. That is what is going on here. The proposal came out yesterday, I say to my colleague from Maryland.

I will tell you, as you look at these specific proposals, I can tell you as a Senator from Minnesota that I know there is going to be a lot of pain in my State. I believe, Mr. President, that the Finance Committee needs to have the public hearing and I believe that Senators need to be back in their States now that we have specific proposals, and we need to be talking to the people who are affected by this.

Let us not be afraid of the people we represent. Let us let the people in the country take a look at what we are doing. What this effort is, is an effort to say ''no'' to this rush to recklessness, ''no'' to this fast track to foolishness. The committee ought to have a public hearing. I think it is unacceptable.

Mr. BOND. Mr. President, I object.

Mr. WELLSTONE. Do I have the floor?

Mr. BOND. The Senator from New Jersey——

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. WELLSTONE. I will say to my colleague from New Jersey, may I have 1 more minute?

The PRESIDING OFFICER. The Senator from Minnesota no longer has the floor. The Senator only yielded for a question.

The Senator from New Jersey.

Mr. LAUTENBERG. I thought the time the Senator asked for would be considerably shorter, and I ask that we have a chance to move.

Mr. WELLSTONE. May I have 30 seconds?

Mr. BOND. Mr. President, I object.

Mr. WELLSTONE. Enough has been said. People have heard it.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

Mr. BOND. Mr. President, it is important that we move forward on this bill. We have reached an agreement I believe on both sides.

I ask unanimous consent that the Senator from New Jersey be recognized to introduce an amendment on the EPA funding, that there be 1 hour divided in the usual manner and in the usual form, that at the conclusion of that 1 hour the amendment be set aside, and that the Senator from Wisconsin, Senator FEINGOLD, be recognized to introduce an amendment on insurance redlining, that there be 45 minutes divided in the usual form and under the usual procedures, and at the end of that debate that a vote occur on or in relation to the Lautenberg amendment and that no second-degree amendments be permitted, and that the following amendment, the vote on the Feingold amendment, be 10 minutes in length and no second-degree amendments be permitted, but that the vote occur on or in relation to the Feingold amendment.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Reserving the right to object.

The PRESIDING OFFICER. There is no reserving the right to object.

Mr. FEINGOLD. Mr. President, I object.

I simply want to clarify a point with the manager.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. There was objection. Has the Senator objected?

Mr. FEINGOLD. I simply wanted to ask clarification with regard to the unanimous-consent request. I was only attempting to make sure that I can make that clarification before the unanimous-consent agreement is entered into.

I ask unanimous consent to ask a question of the manager with regard to this request.

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

Mr. FEINGOLD. I thank the Chair. Under our time agreement, our time is 45 minutes. My understanding is we would have 30 minutes on our side. Is that inconsistent with the Senator's understanding?

Mr. BOND. I ask there be an hour equally divided.

Mr. FEINGOLD. That will be fine. I thank the manager.

The PRESIDING OFFICER. Is there objection to the request as so modified? Without objection, it is so ordered.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

PRIVILEGE OF THE FLOOR

Mr. LAUTENBERG. Mr. President, first, I ask unanimous consent that a detailee in my office, Lisa Haage, be granted the privilege of the floor.

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

AMENDMENT NO. 2788

(Purpose: To increase funding for Superfund, the Office of Environmental Quality, and State revolving funds and offset the increase in funds by ensuring that any tax cut benefits only those families with incomes less than $100,000)

Mr. LAUTENBERG. Mr. President, on behalf of myself, Senators MIKULSKI, DASCHLE, BAUCUS, KERRY, BIDEN,

MURRAY, SARBANES, PELL, and KENNEDY, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Ms. MIKULSKI, Mr. DASCHLE, Mr. BAUCUS, Mr. KERRY, Mr. BIDEN, Mrs. MURRAY, Mr. SARBANES, Mr. PELL, and Mr. KENNEDY, proposes an amendment numbered 2788.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 141, line 4, strike beginning with ''$1,003,400,000'' through page 152, line 9, and insert the following: ''$1,435,000,000 to remain available until expended, consisting of $1,185,000,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101–508: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That $11,700,000 of the funds appropriated under this heading shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996: *Provided further*, That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed $64,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: *Provided further*, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1996*: Provided further*, That none of the funds made available under this heading may be used by the Environmental Protection Agency to propose for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended (42 U.S.C. 9605), unless the Administrator receives a written request to propose for listing or to list a facility from the Governor of the State in which the facility is located, or appropriate tribal leader, or unless legislation to reauthorize CERCLA is enacted.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $45,827,000, to remain available until expended: *Provided*, That no more than $8,000,000 shall be available for administrative expenses: *Provided further*, That $600,000 shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended: *Provided*, That not more than $8,000,000 of these funds shall be available for administrative expenses.

PROGRAM AND INFRASTRUCTURE ASSISTANCE

For environmental programs and infrastructure assistance, including capitalization grants for state revolving funds and performance partnership grants, $2,668,000,000, to remain available until expended, of which $1,828,000,000 shall be for making capitalization grants for State revolving funds to support water infrastructure financing; $100,000,000 for architectural, engineering, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $50,000,000 for grants to the State of Texas, which shall be matched by an equal amount of State funds from State resources, for the purpose of improving wastewater treatment for colonias; and $15,000,000 for grants to the State of Alaska, subject to an appropriate cost share as determined by the Administrator, to address wastewater infrastructure needs of Alaska Native villages: *Provided*, That beginning in fiscal year 1996 and each fiscal year thereafter, and notwithstanding any other provision of law, the Administrator is authorized to make grants annually from funds appropriated under this heading, subject to such terms and conditions as the Administrator shall establish, to any State or federally recognized Indian tribe for multimedia or single media pollution prevention, control and abatement and related environmental activities at the request of the Governor or other appropriate State official or the tribe: *Provided further*, That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs: *Provided further*, That of the $1,828,000,000 for capitalization grants for State revolving funds to support water infrastructure financing, $500,000,000 shall be for drinking water State revolving funds, but if no drinking water State revolving fund legislation is enacted by December 31, 1995, these funds shall immediately be available for making capitalization grants under title VI of the Federal Water Pollution Control Act, as amended: *Provided further*, That of the funds made available under this heading in Public Law 103–327 and in Public Law 103–124 for capitalization grants for State revolving funds to support water infrastructure financing, $225,000,000 shall be made available for capitalization grants for State revolving funds under title VI of the Federal Water Pollution Control Act, as amended, if no drinking water State revolving fund legislation is enacted by December 31, 1995.

ADMINISTRATIVE PROVISIONS

SEC. 301. MORATORIUM ON CERTAIN EMISSIONS TESTING REQUIREMENTS.

(a) MORATORIUM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the ''Administrator'') shall not require adoption or implementation by a State of a test-only or I/M240 enhanced vehicle inspection and maintenance program as a means of compliance with section 182 of the Clean Air Act (42 U.S.C. 7511a), but the Administrator may approve such a program if a State chooses to adopt the program as a means of compliance.

(2) REPEAL.—Paragraph (1) is repealed effective as of the date that is 1 year after the date of enactment of this Act.

(b) PLAN APPROVAL.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the ''Administrator'') shall not disapprove a State implementation plan revision under section 182 of the Clean Air Act (42 U.S.C. 7511a) on the basis of a regulation providing for a 50-percent discount for alternative test-and-repair inspection and maintenance programs.

(2) CREDIT.—If a State provides data for a proposed inspection and maintenance system for which credits are appropriate under section 182 of the Clean Air Act (42 U.S.C. 7511a), the Administrator shall allow the full amount of credit for the system that is appropriate without regard to any regulation that implements that section by requiring centralized emissions testing.

(3) DEADLINE.—The Administrator shall complete and present a technical assessment of data for a proposed inspection and maintenance system submitted by a State not later than 45 days after the date of submission.

SEC. 302. None of the funds made available in this Act may be used by the Environmental Protection Agency to impose or enforce any requirement that a State implement trip reduction measures to reduce vehicular emissions. Section 304 of the Clean Air Act (42 U.S.C. 7604) shall not apply with respect to any such requirement during the period beginning on the date of the enactment of this Act and ending September 30, 1996.

SEC. 303. None of the funds provided in this Act may be used within the Environmental Protection Agency for any final action by the Administrator or her delegate for signing and publishing for promulgation a rule concerning any new standard for arsenic, sulfates, radon, ground water disinfection, or the contaminants in phase IV B in drinking water, unless the Safe Drinking Water Act of 1986 has been reauthorized.

SEC. 304. None of the funds provided in this Act may be used during fiscal year 1996 to sign, promulgate, implement or enforce the requirement proposed as ''Regulation of Fuels and Fuel Additives: Individual Foreign Refinery Baseline Requirements for Reformulated Gasoline'' at volume 59 of the Federal Register at pages 22800 through 22814.

SEC. 305. None of the funds appropriated to the Environmental Protection Agency for fiscal year 1996 may be used to implement section 404(c) of the Federal Water Pollution Control Act, as amended. No pending action by the Environmental Protection Agency to implement section 404(c) with respect to an individual permit shall remain in effect after the date of enactment of this Act.

SEC. 306. Notwithstanding any other provision of law, for this fiscal year and hereafter, an industrial discharger to the Kalamazoo Water Reclamation Plant, an advanced wastewater treatment plant with activated carbon, may be exempted from categorical pretreatment standards under section 307(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met: (1) the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for such industrial discharger and (2) the State or the Administrator, as applicable, approves such exemption request based upon a determination that the Kalamazoo Water Reclamation Plant will provide treatment consistent with or better than treatment requirements set forth by the EPA, and there exists an operative financial contract between the City of Kalamazoo and the industrial user and an approved local

pretreatment program, including a joint monitoring program and local controls to prevent against interference and pass through.

SEC. 307. No funds appropriated by this Act may be used during fiscal year 1996 to enforce the requirements of section 211(m)(2) of the Clean Air Act that require fuel refiners, marketers, or persons who sell or dispense fuel to ultimate consumers in any carbon monoxide nonattainment area in Alaska to use methyl tertiary butyl ether (MTBE) to meet the oxygen requirements of that section.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $4,981,000: *Provided,* That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Improvement Act of 1970 and Reorganization Plan No. 1 of 1977, $2,188,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. Section 105(b) of House Concurrent Resolution 67 (104th Congress, 1st Session) is amended to read as follows:

''(b) RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.—

''(1) CERTIFICATION.—(A) In the Senate, upon the certification pursuant to section 205(a) of this resolution, the Senate Committee on Finance shall submit its recommendations pursuant to paragraph (2) to the Senate Committee on the Budget. After receiving the recommendations, the Committee on the Budget shall add such recommendations to the recommendations submitted pursuant to subsection (a) and report a reconciliation bill carrying out all such recommendations without any substantive revision.

''(B) The Chair of the Committee on the Budget shall file with the Senate revised allocations, aggregates, and discretionary spending limits under section 201(a)(1)(B) increasing budget authority by $760,788,000 and outlays by $760,788,000.

''(2) COMMITTEE ON FINANCE.—Funding for this section shall be provided by limiting any tax cut provided in the reconciliation bill to families with incomes less than $150,000.''.

Mr. LAUTENBERG. Mr. President, this amendment will do three things. It will restore funding for hazardous waste cleanup and for sewage treatment plants at last year's levels and provide funds for the Council of Environmental Quality to enable it to continue its work to meet its important responsibilities.

First, Mr. President, I commend our colleague, the chairman of the subcommittee, Senator BOND, for his work on this bill and for adding over $650 million to the EPA budget. I know that he has done his best under very difficult circumstances. He deserves credit for that. In no way should my request here be viewed as being critical of the effort. But nevertheless, Mr. President, I believe that we are going to have to do better and hope that we can find a way to do it.

I also want to thank my friend and colleague from Maryland for her hard work on the subcommittee bill and hope also she will be with me as we work our way through this to try and adopt this amendment.

Mr. President, even with the additions that were made by the subcommittee, the bill still would cut EPA by more than 22 percent from the President's request. That is far more than many other agencies.

Unfortunately, these deep cuts in EPA's budget are indicative of a much broader attack on the environment in this Congress. This year, we have seen efforts to undercut the Clean Water Act, dismantle the community right-to-know law, weaken the laws protecting endangered species and making environmental regulations that are almost impossible to promulgate. It seems that there is no end to the new majority's assault on the environment.

That is not what the American people voted for last November. They do not want environmental laws curtailed. They do not want to see the gutting of our attempt to improve the environment.

A recent Harris poll showed that over 70 percent of the American public, of both parties, believe that EPA regulations are just right or, in fact, not tough enough. Clearly, most Americans care about our environment, feeling, in many cases, very strongly about it.

Mr. President, $432 million of this amendment restores money for the Hazardous Waste Cleanup Program. The bill reported by the Appropriations Committee calls for a cut of roughly a third in hazardous site cleanup funding. That will mean many hazardous waste sites will not get cleaned up, and many people who live near these sites will continue to be exposed to dangerous and often lethal chemicals.

I recognize that some critics of the Superfund say we should not provide money to the program unless some of its problems are fixed, and I agree we have to fix the problems. But while the program has had its problems in the past, which we are presently working to correct, people still want the cleanups to continue. While the controversy surrounding the program has focused largely on the issue of liability, there is no dispute about the need to clean up these sites, nor about the need for Federal funds to help do so.

Communities concerned about the health of their citizens need this money to move ahead with cleanups, while the responsible parties, those accused of doing the pollution, who created the pollution, litigate amongst themselves trying to avoid paying for their obligation. Federal money also is needed if those responsible cannot be found or refuse payment.

In addition, while everyone agrees that responsible parties should lead cleanup efforts where possible, Government oversight is necessary to assure that agreements are met and the public health is protected.

About 260 sites in 44 States will not be cleaned up because of the funding cuts in this bill. Just look at the map, and we see that cleanups will stop, the red indicating that 1 to 5 cleanups will be delayed; in the blue area, 6 to 10 cleanups will be delayed; and in the area where we see green, including New Jersey, California, Florida, more than 10 cleanup attempts will be delayed. We cover almost the whole map. The only places where there is no delay is where we see the States outlined in white. It is a pretty ominous review that we are looking at.

Beyond the severe environmental and health consequences that are apparent by delays, this will mean also 3,500 jobs will be lost in the private sector, and that would cause enormous loss of time getting rid of the hazardous waste blight that exists across our country.

Also, sites that communities plan to use for economic redevelopment will not be available for use in the communities. As land lays contaminated and unusable, local communities will suffer economic losses that cannot be recouped.

In my own State of New Jersey, 16 sites will see their cleanup delayed or terminated. For example, efforts will be halted at the Roebling Steel site, a former steel manufacturer next to the Delaware River, a company that had an illustrious history. Material manufactured there was sent all over the world, but they fell on hard times, and now we are dealing with a contamination that was left from their operation. Runoff from the precipitation on the site may have already contaminated the Delaware River and surrounding wetlands.

Approximately 12,000 people in this area depend on ground water for their drinking water. An adjacent playground is contaminated with PCB's and heavy metals, including lead.

Mr. President, hazardous waste sites have significant negative consequences for human health, and these can range from cancer to respiratory problems to birth defects. The need to prevent these kinds of diseases more than anything else is what makes funding Superfund so important.

The second part of my amendment, Mr. President, will restore money to the States' revolving loan funds. The Clean Water Act requires that cities and towns comply with minimum waste treatment standards. States report that they will need $126 billion to comply with these requirements.

This amendment keeps funding for the State revolving loan fund at last year's level by restoring $328 million.

Finally, my amendment would add just over $1 million to continue the work for the Council on Environmental Quality. For a small amount, CEQ can

coordinate the administration's environmental programs. This is important, especially with respect to the coordination of environmental impact statements.

To fund these increases, Mr. President, my amendment would reduce the tax break that otherwise will be provided in the reconciliation bill this year. From all indications, this tax break will be targeted largely at the wealthiest individuals in America and a variety of special interests.

Mr. President, the rich or poor in this country do not want to leave a contaminated environment for their children or their grandchildren, and I am sure that if this proposition that we have put forward is closely examined and we say, all right, if tax breaks are going to be given, we have to make sure that they are for the lower income, not just the top people or wage earners in our country.

So, Mr. President, I am sure that if forced to choose between a tax break for the rich and strengthening environmental protections, I believe that Americans would strongly support the environment and thusly this amendment.

I urge my colleagues to support this amendment for the well-being and health of our citizens and our environment.

Mr. President, I yield the floor.

Mr. BOND. Mr. President, I yield myself 10 minutes.

Mr. President, I thank the distinguished Senator from New Jersey for his kind words. I appreciate the comments he made about our efforts here. But I wish we could have his support for the measure as passed by the committee and sent to the floor.

I must rise in strong opposition to the amendment on substantive grounds and also the fact that it busts the subcommittee's 602(b) allocation.

I will address, as I have previously, the budgetary sleight of hand and the smoke and mirrors that have been suggested as an offset. But let me talk about some of the substantive provisions, because I agree with the Senator that they are very important.

As he noted, we worked very hard to increase funding for the environment because we have made great progress in the environment in this country. We need to continue that progress. Everything that we are doing in this bill is designed to ensure that the progress we have made continues.

We have urged the EPA to pay heed to and adopt the recommendations of the National Academy of Public Administration, who have told EPA how they can do a better job of utilizing their funds, be more effective, and make sure that we get the most for our dollars in the environmental programs.

That study was requested when my colleague, the Senator from Maryland, was chairman of the committee. It is something I support because I believe we can make progress. But I do not believe that this amendment can be supported, and I will raise a budget act point of order to it.

Let me talk, though, about the substance. First, Superfund. While there may be disagreement on how we reform the program, there is virtually no disagreement that I know of that the program must be reformed. We have studies by the dozens outlining the problems with the Superfund Program. There have been 90-day reviews and 30-day reviews to improve the program. There have been Rand studies, CBO studies, GAO reports, and the National Commission on Superfund Reform.

We are all familiar with the morass of litigation, the excessive administrative burdens, the length of time to clean up the sites. Most of us have heard from our constituents, small businesses, mom and pop operations that were bankrupted because their trash was hauled legally to a dump which later became a Superfund site and they became liable.

We have all heard the stories about EPA requiring cleanups so clean that kids can eat the dirt, even when there were no kids near the site, where it is an industrial site, where nobody has even proposed to bring in a day care center or to make it a playground for a school.

When we devote our resources to overutilization of cleanup techniques in an area where they are less necessary, we take away from funds where they can be put to uses right away, where they can have a positive impact on human health and the environment and avoid dangers.

But the list of grievances against the Superfund goes on and on and on. We have poured billions of dollars into this program with little to show for it. We have spent billions of dollars and we have only about 70 sites which have actually been cleaned up and deleted from the national priorities list. We have hundreds of studies going on at sites and even more being litigated. This is a wonderful opportunity for full employment for lawyers, for administrative hassles, and that is not what we ought to be about. We ought to be about cleaning up Superfund sites.

In his first speech to Congress, President Clinton declared, ''I would like to use the Superfund to clean up pollution for a change and not just pay lawyers.'' I believe I was one of a large group of Senators who stood and applauded that statement. I believe there is very strong agreement on both sides of the aisle that the President set the proper tone: clean up pollution, stop paying lawyers. There is little disagreement on either side that the program is not working, or not working as well as it should.

The committee limited Superfund funding to $1 billion, as in the House, because the committee recognized that it was time to stop throwing away money at a wasteful, broken program. The committee's recommendations will fund sites which pose an immediate threat to human health and the environment and sites which are currently at some active stage in the Superfund cleanup pipeline.

Our recommendations reflect the findings of a General Accounting Office report, which I requested. This General Accounting Office report says that two-thirds of the Superfund sites GAO looked at do not pose human health risks under current land uses.

We are spending two-thirds of the money in the current Superfund Program on sites that do not pose a significant hazard to human health now or in the future under current land uses. I am not suggesting that these sites are not important and should not be cleaned up. I am saying that for these sites, we can delay cleanups until we reform the program so that we can concentrate our efforts on those sites which will provide a benefit in lessening dangers to human health and to ensure that commonsense solutions are implemented.

The committee's recommendation reflected the fact that the reauthorization process is well underway. It will be a transition year, as it should be, for the Superfund Program. Therefore, we should only fund critical activities pending implementation of a reform program.

Now, the Senator's amendment also would double funding for the Council on Environmental Quality. I point out that this committee has recommended continuing the Council on Environmental Quality at last year's funding. We would save CEQ, where the House wants to terminate that body.

The question will be whether we terminate it or not. The ultimate conference committee will not come out with more than $1 million because we have put that amount in and the House has already passed.

Despite some concerns that many may have that the CEQ is duplicating other agencies, this committee found, and I believe that CEQ does perform a valuable function; it performs a function of coordinating the activities of the administration and all the different bodies which may act on environmental matters.

However, I think it should be limited to activities which are statutory in nature and which do not duplicate other agencies' activities. The funding provided is about the same level as the current level funding for CEQ.

Now, the third point as to State revolving funds which the Senator's amendment would add $328 million. I fully support added funding for States to meet environmental mandates. That is why the bill before us carves out a special appropriation just for State funding.

We increased funding for the State activities that comprises more than 40 percent of the EPA appropriations because that is money going to the places where it can actually clean up the environment.

We believe that with reforms that can be implemented either by legislation or through the administrative procedures, we can ensure that the States will do a better job because they will not be limited just to cleaning up one particular kind of pollution but can direct their efforts to pollution which occurs in the air, the water, and the land, and not be limited just to one medium.

Included in this funding that we have recommended is an increase of $300 million in funding for clean water State revolving funds over the current budget. Last year's bill contained some $800 million in sewer treatment earmarks. Those were nice for all of us to go home and take credit for, but they did not maximize the available funds for cleaning up the environment.

We eliminated those earmarks so we can provide adequate funding for State revolving funds. I think the bill addresses the concern about the need for State revolving funds.

I think that the bill is sound on environmental grounds, sound substantively, and I say that all of the talk about tax cuts, eliminating tax cuts, is so much political rhetoric. There are no tax cuts in this budget. There is no offset.

We had to make tough choices in the subcommittee and the full committee. We chose to increase the allocation for EPA, but we are doing so within the constraints imposed upon us by Congress in the budget resolution.

This amendment would bust the budget resolution. If the Senator was concerned, really concerned about getting more money in the environment, then he could have offered an amendment which would have proposed legitimate offsets. He did not do so.

I urge my colleagues to oppose the waiver of the Budget Act.

I reserve the time. I yield the floor.

Ms. MIKULSKI. Mr. President, I thank the Senator from New Jersey for his advocacy in the issues of environmental protection, protecting public health, safety, and having the concern particularly for the environmental problems in an urban area. Senator LAUTENBERG has been a longstanding advocate and a longstanding expert in this issue as a member of the authorizing committee.

I also want to acknowledge Senator BOND's efforts to really support a streamlining of a lot of the regulatory process.

I am pleased to be a cosponsor of Senator LAUTENBERG's amendment to partially restore funding to some of EPA's most important programs.

This amendment adds: $431.6 million to the Superfund Program, $328 million to the Water Infrastructure State revolving funds, and $1.188 million to the Council on Environmental Quality [CEQ].

I am particularly concerned about the $431.6 million cut below the current funding for the Superfund Program.

Superfund was designed to address one of our Nation's worst public health and environmental problems—hazardous waste.

There are 1,300 sites that have been placed on the national priorities list, which is the listing of the most serious hazardous waste sites in the country.

The health risks posed to people who live near these sites are significant. I think we owe it to our communities to ensure that these toxic dumps are cleaned up.

What happens if we do not restore funding to the Superfund Program?

There will be no funding for about 120 new, long-term cleanup projects, cleanup of about 160 immediate public health threats could be significantly delayed, and we risk letting polluters get off the hook because we will not be able to reach and enforce settlements for cleanups.

The Lautenberg amendment will restore funding to ensure that public health is protected, polluters continue to clean up their messes, and new research continues to develop cheaper, cleaner, and faster ways to clean up toxic wastes.

I also have serious concerns about the reduction of $586 million below the President's request that this bill contains for water infrastructure State revolving funds.

This cut means that about 107 wastewater treatment projects will not proceed.

It also means that, because State revolving fund dollars are reinvested over time, a reduction in infrastructure investments will be felt in future years.

The immediate loss of $587 million will result in a cumulative loss of $2.3 billion in funding over the next 20 years.

In my home State of Maryland this funding is a big deal.

Mr. President, Maryland's Eastern Shore relies heavily on two things, fishing and tourism. These represent a huge chunk of the local economy.

EPA's most recent water quality inventory reports that 37 percent of the Nation's shellfish beds are restricted, limited, or closed.

I'm afraid that this funding level could cause water quality to continue to decline, which is no small concern for States like mine which depend heavily on rivers and coastal waters.

In addition, last year 85 beaches in Maryland were closed to protect the public from swimming in unsafe waters.

I do not know about the rest of my colleagues, but when I go to the beach I want to take a swim or wade in the surf. None of that can happen if we do not protect our waters.

I am very concerned that this decrease in funding will have serious adverse effects on the Chesapeake Bay.

The funding that Maryland gets from the State revolving fund program is critical to preventing the water pollution that runs off into the bay. All of our efforts to clean the bay, at both the State and Federal level, will be wasted if we cannot control this runoff.

The bill also requires that the Safe Drinking Water Act be reauthorized by April 30, 1995.

If the program is not reauthorized, all drinking water State revolving funds will be transferred to clean water State revolving funds.

This means that nearly 270 projects to improve substandard drinking water systems which serve nearly 29 million Americans will not be funded if reauthorization does not occur.

I hope the Senate does not forget the recent cryptosporidium outbreak in the Milwaukee, WI, water supply which caused about 400,000 people to get sick, resulting in the deaths of 100 people.

Finally, I think it is important that this amendment funds the Council on Environmental Quality at the President's request.

CEQ is the Federal office that is responsible for coordinating our national environmental policy. If we did not have the CEQ, the job of coordinating Federal environmental policy would be left to executive level staff inside the Office of the President. This would mean that congressional oversight would be limited.

Make no mistake about it, the American people care about protecting public health and the environment.

There are many issues that have been raised about the Superfund Program, many legitimate issues raised about the safe drinking water. I do not believe we should cut the budget. I believe we should streamline the regulations.

Cutting the budget, in effect, deregulates or eliminates these regulations. We have come so far on cleaning up the environment. I am grateful in this bill that there is funding for the Chesapeake Bay Program, and we are seeing the bay come back to life.

We have seen the work that we have done on air pollution and water pollution. In Maryland we see that good environment is good business because it does affect our seafood industry. It does affect the ability of business. Good environment means that there is a reward for businesses that do comply.

There are many things I could say about this amendment but I think Senator LAUTENBERG said it best as he always does. He has my support for this amendment. He has my support for restoration of these cuts in the environmental programs in round two. I believe that President Clinton will veto this bill in round two.

I hope with the new allocation we could overcome where we are essentially cutting America's future by cutting the environmental programs.

Mr. LAUTENBERG. Mr. President, I ask the Chair how much time remains for our side on debate?

The PRESIDING OFFICER. The Senator has 14 minutes remaining.

Mr. LAUTENBERG. I want to take a few minutes to respond to the comments of the distinguished chairman of the subcommittee.

I first will explain very briefly why it is that I complimented him even as I

voted against the subcommittee bill. It is fairly simple. I think yeoman work was done. I think that the distinguished Senator from Missouri gave it a good effort but I still feel that we are not adequately protecting our communities against environmental pollution.

To me it is fairly simple, because I think that the legacy that each of us in America can best leave our children, the grandchildren, and those that follow, rich or poor, is to leave them a cleaner environment; to continue the progress that has been made in some areas.

In 1973, only 40 percent of our streams were fishable and swimmable, which is really the test for the quality of the water. Now it is 60 percent.

If we do not fund the revolving fund and insist on cleaning up—treating wastewater before it gets to the streams, I do not want to be crude, but it will go in some cases direct from the toilet into the rivers, into the lakes. That is an outrageous condition for a country as well off, despite our problems, as this country of ours is.

Superfund sites—there is always a question raised by those that are skeptical about how dangerous these sites are.

Mr. President, I have to respond by talking about a condition in, coincidentally, in Forest City and Glover, MO. A 1995 study among residents who lived near Superfund sites shows an increase in reports of respiratory problems and increased pulmonary function disorder.

Investigators have reported elevated rates of birth defects in children of women living near 700 hazardous waste sites in California; children of women living near sites with high-exposure rates to solvents have greater than twice the rates of neural birth defects such as spina bifida. The study goes on. There is a real hazard there.

I can tell you this, I do not want my kids drinking water from a water supply, a groundwater supply that may have been leached into by contaminants left by a polluter.

I have to ask this question as well. Why is it that suddenly in the American diet or the American purchases in the food market—water? People walk around with bottles of water like they were a belt on their pants. It is quite remarkable that now, suddenly, that has become a major business.

Why? I bet it is because people just like spending money. I bet it is because people love carrying these water bottles in their backpacks or back pockets. It is plain they are afraid to drink the water that comes out of the tap. Face up to it.

What we are saying is we do not want a tax cut for the rich in this country, for the richest in this country—that is where the money comes from. It does not come from smoke and it does not come from mirrors; it comes from eliminating a tax break for the wealthiest in our society. I think that is a very good idea. I do not know anybody who could not use more money, even the most profligate spender, but the fact of the matter is this is a country in deep financial distress and the last thing we ought to be doing is giving a tax break for those who do not need it and who would be a lot better off if we invest our money in our society, presenting our kids with a cleaner environment, not having to worry about the air that our parents breathe or the ground our kids play on. I think that is a much better investment than a tax cut for the rich—be they idle or earned.

The fact of the matter is, Mr. President, the Superfund—and I discussed this in my office with my very able staff yesterday—the title suggests something that escapes understanding that the American people have about what it all means. Superfund ought to have a different name. It ought to be getting rid of threats to the health of people in the community. Superfund has some connotation that it is a major spending program by Government and that we all enjoy throwing money down the drainpipe.

That is hardly the case. Superfund is a program that works, and the money that we spend in litigation is not out of the Superfund trust fund. Rather, it is spent between companies trying to dislodge themselves from their liability; between insurance companies and their insured, the insurance company denying the claim, the insured saying, ''You insured me for that and I want you to pay; that is why I paid those premiums.'' So that is where a lot of the money comes from for litigation. It is not out of the Superfund trust fund.

Mr. President, I think we have to get the definitions very clear. Superfund was and is a very complicated program. It was begun in 1980, almost in innocence, just responding to the threat of environmental pollution and the health hazards that it represented for children. We have not discussed the environment that is affected as well, the pollution of lakes and ponds and streams, water supplies, all of those things.

Mr. President, when we look at Superfund we say it is almost 15 years old now, what has happened? I will tell you what has happened. Mr. President, 289 sites have been cleaned up. That is not bad. We have 1,300 sites to go, but we are better at it. We move faster on it. And if we fail to fund it at the proper level and lose a lot of the skills and expertise that is now resident in EPA and in the Superfund department, it will take a long time to rebuild those skills and reorganize the structure. That is not a way to do business, not when you have long-term projects that are inevitably more complicated than expected.

But we are gaining knowledge all the time, and, again, every one of the sites on the Superfund list has begun to have some attention, whether it is in the drawing of specifications that would be applied to construction or just simply a track for beginning the appropriate engineering studies.

I was fortunate a few weeks ago. I was able to go to a site in the southern part of my State, a site that was one of the worst industrial pollution sites in the country. There was a responsible party. They paid a significant share of it.

By the way, I think it is very interesting to note that, of the money spent on Superfund cleanup, 70 percent came from responsible parties—not just from the trust funds, the Superfund trust fund.

I was able to go to this community. It is called the Lipari landfill site. It was a site that was contaminated over a number of years. Now it is clean enough to introduce fish back in the site. I stood there with a bunch of schoolchildren, fourth and fifth grade, and we put smallmouth bass in there and we put bigmouth bass in there. I think that was for Senators' benefit.

We put fish back in the pond. The kids were so excited. I was excited. I even got my feet wet in there. But the fact of the matter is, that was a turning point for the community. They were celebrating revival. They were celebrating almost, if I may call it in religious terms, a redemption. The community center point, a halcyon lake, was now going to be able to be used for recreational purposes by the children of the community. So we saw a Superfund success.

Once again, if I may ask, how much time do I have?

The PRESIDING OFFICER. The Senator has 4½ minutes.

Mr. LAUTENBERG. Mr. President, I yield the floor. I understand my colleague from Delaware is on his way and wants to speak. I hope I can reserve the remainder of that time.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, I yield myself such time as I may require. I believe the Senator from New Hampshire is on his way to the floor. As chairman of the subcommittee with responsibility over Superfund, I think it is very important he share with us his views. I do hope we can yield back some of the time so we can move on. This is a very important amendment, but I believe we have outlined it rather clearly.

I would like to begin by agreeing with my colleague from New Jersey. He said many things that I agree with, particularly about largemouth bass. I love to go bass fishing, too. I want to see our waters cleaned up. We want to move together on that. He says we want to stop raw sewage going into lakes, rivers and streams. That is why, in this committee bill, we increase by $300 million the money going into the State revolving fund.

The Senator from New Jersey made a very clear case for dealing with Superfund sites where there is human health at risk. I could not agree with him more. We need to be cleaning up these Superfund sites where there are

human health risks. Unfortunately, two-thirds of the money being spent right now is going to sites which do not involve immediate human health risks or risks under current land uses. So we put in $1 billion and said ''prioritize those sites where human health risks exist now or might exist in the future.'' And then let us reform the program.

The Senator from New Jersey talked about the tremendous hassles, the litigation, the administrative time and hassle that is going into the Superfund debates. We need to get out of debates on who is responsible and move forward with cleaning up. I look forward to working with the Senator from New Jersey to do that.

He also talks about people who are afraid to drink the water. We need to authorize the safe drinking water fund. Again, we are working on that together in the Environment and Public Works Committee. I think it is very important that we cut through the chaff and get down to the serious job of making sure that our drinking water supply is safe. I look forward to working with him there.

Let me just put a couple of things into perspective. The Senator from New Jersey says that our budget for EPA is 22 percent below the request.

Let me put that in perspective. It should come as no secret to this body that we are making cuts. The subcommittee's allocation was 12 percent below last year's. There have been virtually no cuts in the Department of Veterans Affairs, the largest portion of the budget of this subcommittee.

Second, most of the reductions in the Environmental Protection Agency have come from earmarked sewage grants and unauthorized State revolving funds and Superfund, where we proposed to target the resources in Superfund to those instances where human health is at risk or may be at risk under current land uses.

We agree that protecting human health from Superfund sites is vitally important. We have not cut money for standard setting, for technical assistance, for enforcement. Those are held close to the current levels despite the subcommittee's constrained allocation. And, as I stated before, the committee's recommendation increases State grants. It recognizes the importance of fully funding the States so they can meet the environmental mandates. But, frankly, where we come down to disagreement is when the Senator contends—I believe without any justification at all—that the money for busting the budget in the environment is going to come from tax cuts from the wealthy.

Unlike President Clinton's budget, this budget does not include in its budget tax cuts for anybody, even the tax credit for working families that we would like to see involved. That is not in this budget. There is no money to be used in this budget from these cuts for tax increases. If this Senator's amendment is agreed to, and the Budget Act point of order is waived, we will break the budget. There will be no tax cuts, and we will not be on a path to balance the budget by the year 2002.

This is simply a budget busting amendment, and I urge my colleagues not to support it.

Mr. President, I see the distinguished Senator from New Hampshire has arrived.

The Senator from Delaware came in earlier. I ask the Senator from New Jersey if he wishes to proceed.

Mr. LAUTENBERG. I thank the Senator from Missouri.

Mr. President, how much time do we have?

The PRESIDING OFFICER. Four minutes and ten seconds.

Mr. BOND. Mr. President, how much remains on our side?

The PRESIDING OFFICER. Fourteen and one-half minutes.

Mr. LAUTENBERG. I yield to the Senator from Delaware 3½ minutes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I thank my colleague.

Mr. President, I rise to join with my colleague, the distinguished ranking member of the subcommittee, Senator MIKULSKI, in support of our environmental protection laws.

Mr. President, I think our Republican friends should be straight up. Why do they not just eliminate the Clean Air Act, eliminate the Clean Water Act, and drastically reduce the requirements? Why do you not just do that? Otherwise, the local municipalities, the cities, and the States are not going to be able to meet the requirements of these acts.

I heard all of this talk last year about unfunded mandates. My Lord, did my Republican colleagues bleed over what we were doing to the poor States. They bled and they wept and they talked about the unholy Federal Government, and about what it was hoisting upon States. Folks, you cannot have it both ways.

I say to my friends from New Hampshire and Missouri: Either do it or do not do it. Step up to the plate with a little truth in legislating. OK? This bill is the ultimate unfunded mandate. They know darned well the voters will kill them if they denigrate the Clean Water Act; and they will kill them politically if they denigrate the Clean Air Act. They know what will happen if they attempt to gut these environmental laws. I have not had a single mother or father, or anyone, come up to me and say, ''You know, you folks in the Federal Government are spending too much time determining whether my water is clean.'' Not one has complained about a Federal bureaucrat trying to clean their water.

So what do you do here? You do what you are getting real good at. You say, ''OK, we are not going to denigrate the Clean Air Act nor the Clean Water Act. We are just not going to give the EPA the money, and we are not going to give the States money.'' So all the little communities now, like one in my State which has a toxic waste dump with 7,000 drums of toxic waste sitting there contaminating the water supply, have to fend for themselves. That site is contaminating the area with 2,000 people living within 1 mile of it. And what do we say with this one? We say, ''We think they should still clean that up, and we do not want to give you an unfunded mandate. But you find the money, State. Clean it up.''

Look. This bill is an unfunded mandate, or a backdoor way of trying to lower the water quality and lower the air quality. It is one of the two. If it is done in the name of balancing the budget, I understand that mantra. I voted for a constitutional amendment on balancing the budget. I am for balancing the budget. Let us balance people's checkbooks in terms of how much money they pay the Federal Government in taxes. Do you want to balance something? Balance it that way. Balance it that way. But do not say to the States, ''We want you to keep the water clean and the air clean. We are not changing the Federal standard on that. But, by the way, we are not going to send you the money. We are not going to step in there.''

What do you think you are all going to do to local taxes, folks? What do you think is going to happen here? These folks are going to save you money. Oh, they are going to save you money all right. One of two things will happen. Your water is dirty, or your local taxes are going up—one of the two. But in the meantime, people making over $100,000 bucks will get a tax cut. That is not right.

Mr. President, though not as severe as the House version, the bill before us today does much to protect businesses from liability but little to protect American families from pollution.

The addition of nearly one dozen legislative riders—or loopholes for polluters—is, in my view, just plain wrong.

An appropriations bill is not the place to hastily form policies which will affect the drinking water of every American family, the air every American child breathes.

We hear so much about unfunded mandates, in fact, one of the first pieces of legislation passed by this Congress was an unfunded mandates bill which makes it harder for the Federal Government to impose costs upon States.

As a former county councilman I support this effort. Yet, the bill before us cuts the Environmental Protection Agency's budget by a whopping $1 billion.

Who is going to pick up the cost for these necessary protection efforts? State and local governments—an unfunded mandate. That is why this amendment is so necessary.

By cutting hazardous waste cleanup efforts by 36 percent, this bill will prevent additional progress from being made at our most dangerous toxic sites.

One such site in my home State of Delaware—an industrial waste landfill in New Castle County—contains over 7,000 drums of toxic liquids and chemicals.

The soil is contaminated with heavy metals. The ground water is contaminated. About 2,000 people live within 1 mile of the site.

I want that site cleaned up. I want those families to live and raise their children in a clean, safe environment.

The level of funding in the bill would jeopardize future progress at this site—and I am not going to put Delaware's communities at risk.

The bill as currently written also cuts by over $328 million assistance to local governments in meeting their Clean Water Act responsibilities.

These funds are desperately needed by local communities to modernize facilities which treat wastewater pollution.

The cut means that raw sewage will pollute local waters, potentially reaching America's coastline, places such as Rehobeth and Dewey Beaches in Delaware.

Years ago, I literally dredged raw sewage from the floor of the Delaware Bay to demonstrate just how polluted that waterway once was.

Today it is much cleaner, and raw sewage is no longer as severe a problem.

I am not going to turn back the clock on that progress—America's beaches should be littered with vacationers, not sewage.

Lastly, Mr. President, the amendment provides an extremely modest amount of funding for the Council on Environmental Quality.

The former Republican Governor of Delaware, Mr. Russ Peterson, a man whom I have the utmost respect and admiration for, formerly chaired this Council.

It's mission is simple: To eliminate duplication and waste by coordinating the Government's use of environmental impact statements, in the process saving the taxpayers' money.

It is a wise use of resources, the return is far greater than the investment and we ought to support it.

Mr. President, this amendment will not add one penny to the Federal deficit or debt.

It is funded by simple fairness—any future tax cut provided in the budget bill both Chambers are now working on should go to the middle class only.

It is as simple as that.

The middle class has been taking a beating over the past two decades. They have played by the rules, paid their taxes, done right by their children, and yet their standard of living has fallen.

Violence has encroached upon their lives unlike any other time in our history. Women, and even men, no longer feel safe walking to their cars at night across dimly lighted parking lots. Armed robberies at automatic teller machines are now commonplace in safe suburban areas.

The middle class have earned a tax break, they deserve help sending their children to college, or buying their first home.

Mr. President, this amendment puts environmental protection for America's families, ahead of liability protection for polluting special interests and I urge its adoption.

Mr. BOND. Mr. President, I yield myself 1 minute.

I always enjoy hearing my colleague from Delaware talk. It is very entertaining. But it has nothing to do with this bill. If he is talking about unfunded mandates, the Superfund is not an unfunded mandate. Ninety percent comes from the Superfund trust fund. We are saying we must reform the program so that we spend less money on the cleanups and that the States' share of 10 percent will go down.

He is talking about not giving enough money to the States. We put $300 million more in the State revolving fund because we are concerned. It is a wonderful rhetoric, an enjoyable argument; just not this bill. And this bill is what we are talking about. The amendment has nothing to do with the comments, the very delightful comments, of my friend from Delaware.

I yield 5 minutes to the Senator from New Hampshire.

Mr. SMITH. I thank the Senator from Missouri for yielding.

Mr. President, I would like to address a few brief comments regarding the amendment that has been offered by my colleague, the Senator from New Jersey. As the Senate knows, Senator LAUTENBERG is the ranking member of the Subcommittee on Superfund, which I chair. I have worked closely with the Senator on the reauthorization of this program. I am very familiar with his concerns and understand the concerns that he has regarding this program.

But I think we must point out, Mr. President, that this program, to put it mildly, has had its share of problems over the past 15 years. It has had some successes. But its cleanup rate, success ratio, has been very, very low without getting into a lot of detail here.

This has been a failed program. It is very premature at this point in the process—given the reconciliation before us that Senator BOND has already addressed—to simply say we are going to dump $400 million into the Superfund Program without knowing at this point what the reforms are or what the reforms should be.

During the last 9 months of our subcommittee, the Senate Superfund Subcommittee has held seven hearings on Superfund. Senator LAUTENBERG attended all of those hearings. They were very extensive. I know there was a lot of information provided on how this program should be changed. There were many divergent ideas, and no one with all of the answers. There was a series of exchanges between people. Many had ideas that were in conflict with each other.

One issue, as I indicated in my opening sentence, was made very clear in all of those hearings. The bottom line as we walked out of those hearings was that Superfund was a well-intentioned program but a deeply troubled program. It makes no sense to simply out of the blue take $400 million from somewhere else, anywhere else—I do not care where it comes from, the rich or from wherever you want to take it. From wherever you take it, to put $400 million into a troubled program before we have addressed the reforms that need to be made is a mistake.

I urge my colleagues to reject this amendment at the urging of the Senator who chairs that committee, who is prepared within the next few days to present to the full Senate, certainly to the committee, Environment and Public Works Committee, and ultimately to the full Senate a comprehensive reform which I believe is fair and that I believe will address many of the concerns we feel about the Superfund Program.

Given the pendency of this reauthorization effort, I just cannot see how providing these additional moneys now to the Superfund Program is a good use of very limited financial resources. It is premature.

I am not saying, I wish to emphasize to the Senator from New Jersey, that at some point I would not like to have additional funds for that program. Maybe they would be needed. But at this point it is premature, and I must for that reason urge the rejection of the Lautenberg amendment.

If we are successful—and I believe we will be—in reauthorizing a streamlined and improved Superfund Program within the next few weeks, it is certainly possible that next year I might be here saying that when we look at the fiscal year 1997 VA-HUD-independent agencies program, money should be shifted within that program to the Superfund Program, perhaps at the expense of something else. I very well might make that case.

In view of the problems that we now face, in view of the fact that we are on the verge now of presenting these reforms, this amendment is simply premature. I think the Senate and all of my colleagues deserve the opportunity to address these concerns to see what the real problems of the Superfund Program are, to see how we are addressing those problems one by one, from the liability issue, to the State involvement issue, to the remedy issue. All of these issues are going to be fully addressed, including the funding issue, in the reform bill, and I hope my colleagues would await that bill, pass judgment on that bill, before simply dumping additional resources into the Superfund Program.

I yield back any time I might have to my colleague from Missouri.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Missouri.

Mr. BOND. I express my sincere thanks to the chairman of the subcommittee. I realize what a difficult

job this is. We look forward to working with him. It is vitally important for the environmental health and well being of this country to reauthorize this measure. He has taken the lead in that very difficult effort. We look forward to seeing that measure in committee and coming to the floor so we can perform some badly needed surgery to make sure the Superfund does what everybody expects it would do, and that is clean up dangerous sites and to do it on a priority basis.

Now, Mr. President, I believe there are no further speakers on my side, so I am prepared to yield back the remainder of my time. As I said before, there is no offset. It is totally smoke and mirrors. But in the technical language, Mr. President, the adoption of the pending amendment would cause the Appropriations Committee to breach its discretionary allocation as well as breach revenue amounts established in the fiscal year 1996 budget resolution. Therefore, pursuant to section 302(f) and 306 of the Congressional Budget Act, I raise a point of order against the amendment.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I move to waive the application of the Budget Act as it pertains to the pending amendment.

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion to waive? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. Mr. President, I also ask unanimous consent—since the amendment last night was prepared, there have been some amendments that were proposed here, and I simply ask unanimous consent to modify the amendment to not inadvertently strike any language that was previously adopted by the Senate. These changes make no substantial change in my amendment.

The PRESIDING OFFICER. Is there objection to the request?

The Chair hears no objection, and it is so ordered.

The amendment, as modified, is as follows:

On page 141, line 4, strike beginning with ''$1,003,400,000'' through page 152, line 9, and insert the following: ''$1,435,000,000 to remain available until expended, consisting of $1,185,000,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101–508: *Provided,* That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further,* That $11,700,000 of the funds appropriated under this heading shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996: *Provided further,* That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed $64,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: *Provided further,* That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1996*: Provided further,* That none of the funds made available under this heading may be used by the Environmental Protection Agency to propose for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended (42 U.S.C. 9605), unless the Administrator receives a written request to propose for listing or to list a facility from the Governor of the State in which the facility is located, or appropriate tribal leader, or unless legislation to reauthorize CERCLA is enacted.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $45,827,000, to remain available until expended: *Provided,* That no more than $8,000,000 shall be available for administrative expenses: *Provided further,* That $600,000 shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended: *Provided,* That not more than $8,000,000 of these funds shall be available for administrative expenses.

PROGRAM AND INFRASTRUCTURE ASSISTANCE

For environmental programs and infrastructure assistance, including capitalization grants for state revolving funds and performance partnership grants, $2,668,000,000, to remain available until expended, of which $1,828,000,000 shall be for making capitalization grants for State revolving funds to support water infrastructure financing; $100,000,000 for architectural, engineering, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $50,000,000 for grants to the State of Texas, which shall be matched by an equal amount of State funds from State resources, for the purpose of improving wastewater treatment for colonias; and $15,000,000 for grants to the State of Alaska, subject to an appropriate cost share as determined by the Administrator, to address wastewater infrastructure needs of Alaska Native villages: *Provided,* That beginning in fiscal year 1996 and each fiscal year thereafter, and notwithstanding any other provision of law, the Administrator is authorized to make grants annually from funds appropriated under this heading, subject to such terms and conditions as the Administrator shall establish, to any State or federally recognized Indian tribe for multimedia or single media pollution prevention, control and abatement and related environmental activities at the request of the Governor or other appropriate State official or the tribe: *Provided further,* That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs: *Provided further,* That of the $1,828,000,000 for capitalization grants for State revolving funds to support water infrastructure financing, $500,000,000 shall be for drinking water State revolving funds, but if no drinking water State revolving fund legislation is enacted by December 31, 1995, these funds shall immediately be available for making capitalization grants under title VI of the Federal Water Pollution Control Act, as amended: *Provided further,* That of the funds made available under this heading in Public Law 103–327 and in Public Law 103–124 for capitalization grants for State revolving funds to support water infrastructure financing, $225,000,000 shall be made available for capitalization grants for State revolving funds under title VI of the Federal Water Pollution Control Act, as amended, if no drinking water State revolving fund legislation is enacted by December 31, 1995.

ADMINISTRATIVE PROVISIONS

SEC. 301. MORATORIUM ON CERTAIN EMISSIONS TESTING REQUIREMENTS.

(a) MORATORIUM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the ''Administrator'') shall not require adoption or implementation by a State of a test-only or I/M240 enhanced vehicle inspection and maintenance program as a means of compliance with section 182 of the Clean Air Act (42 U.S.C. 7511a), but the Administrator may approve such a program if a State chooses to adopt the program as a means of compliance.

(2) REPEAL.—Paragraph (1) is repealed effective as of the date that is 1 year after the date of enactment of this Act.

(b) PLAN APPROVAL.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the ''Administrator'') shall not disapprove a State implementation plan revision under section 182 of the Clean Air Act (42 U.S.C. 7511a) on the basis of a regulation providing for a 50-percent discount for alternative test-and-repair inspection and maintenance programs.

(2) CREDIT.—If a State provides data for a proposed inspection and maintenance system for which credits are appropriate under section 182 of the Clean Air Act (42 U.S.C. 7511a), the Administrator shall allow the full amount of credit for the system that is appropriate without regard to any regulation that implements that section by requiring centralized emissions testing.

(3) DEADLINE.—The Administrator shall complete and present a technical assessment of data for a proposed inspection and maintenance system submitted by a State not later than 45 days after the date of submission.

SEC. 302. None of the funds made available in this Act may be used by the Environmental Protection Agency to impose or enforce any requirement that a State implement trip reduction measures to reduce vehicular emissions. Section 304 of the Clean Air Act (42 U.S.C. 7604) shall not apply with respect to any such requirement during the period beginning on the date of the enactment of this Act and ending September 30, 1996.

SEC. 303. None of the funds provided in this Act may be used within the Environmental

Protection Agency for any final action by the Administrator or her delegate for signing and publishing for promulgation a rule concerning any new standard for arsenic (for its carcinogenic effects), sulfates, radon, ground water disinfection, or the contaminants in phase IV B in drinking water, unless the Safe Drinking Water Act of 1986 has been reauthorized.

SEC. 304. None of the funds provided in this Act may be used during fiscal year 1996 to sign, promulgate, implement or enforce the requirement proposed as ''Regulation of Fuels and Fuel Additives: Individual Foreign Refinery Baseline Requirements for Reformulated Gasoline'' at volume 59 of the Federal Register at pages 22800 through 22814.

SEC. 305. None of the funds appropriated to the Environmental Protection Agency for fiscal year 1996 may be used to implement section 404(c) of the Federal Water Pollution Control Act, as amended. No pending action by the Environmental Protection Agency to implement section 404(c) with respect to an individual permit shall remain in effect after the date of enactment of this Act.

SEC. 306. Notwithstanding any other provision of law, for this fiscal year and hereafter, an industrial discharger to the Kalamazoo Water Reclamation Plant, an advanced wastewater treatment plant with activated carbon, may be exempted from categorical pretreatment standards under section 307(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met: (1) the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for such industrial discharger and (2) the State or the Administrator, as applicable, approves such exemption request based upon a determination that the Kalamazoo Water Reclamation Plant will provide treatment consistent with or better than treatment requirements set forth by the EPA, and there exists an operative financial contract between the City of Kalamazoo and the industrial user and an approved local pretreatment program, including a joint monitoring program and local controls to prevent against interference and pass through.

SEC. 307. No funds appropriated by this Act may be used during fiscal year 1996 to enforce the requirements of section 211(m)(2) of the Clean Air Act that require fuel refiners, marketers, or persons who sell or dispense fuel to ultimate consumers in any carbon monoxide nonattainment area in Alaska to use methyl tertiary butyl ether (MTBE) to meet the oxygen requirements of that section.

SEC. 308. None of the funds appropriated under this Act may be used to implement the requirements of section 186(b)(2), section 187(b) or section 211(m) of the Clean Air Act (42 U.S.C. 7512(b)(2), 7512a(b), or 7545(m)) with respect to any moderate nonattainment area in which the average daily winter temperature is below 0 degrees Fahrenheit. The preceding sentence shall not be interpreted to preclude assistance from the Environmental Protection Agency to the State of Alaska to make progress toward meeting the carbon monoxide standard in such areas and to resolve remaining issues regarding the use of oxygenated fuels in such areas.

''SEC. . ENERGY EFFICIENCY AND ENERGY SUPPLY PROGRAMS.

(a) PRIORITY FOR SMALL BUSINESSES.—During fiscal year 1996 the Administrator of the Environmental Protection Agency shall give priority in providing assistance in its Energy Efficiency and Energy Supply programs to organizations that are recognized as small business concerns under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(b) STUDY.—The Administrator shall perform a study to determine the feasibility of establishing fees to recover all reasonable costs incurred by EPA for assistance rendered businesses in its Energy Efficiency and Energy Supply program. The study shall include, among other things, an evaluation of making the Energy Efficiency and Energy Supply Program self-sustaining, the value of the assistance rendered to businesses, providing exemptions for small businesses, and making the fees payable directly to a fund that would be available for use by EPA as needed for this program. The Administrator shall report to Congress by March 15, 1996 on the results of this study and EPA's plan for implementation.

(c) FUNDING.—For fiscal year 1996, up to $100 million of the funds appropriated to the Environmental Protection Agency may be used by the Administrator to support global participation in the Montreal Protocol facilitation fund and for the climate change action plan programs including the green programs.''

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $4,981,000: *Provided,* That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Improvement Act of 1970 and Reorganization Plan No. 1 of 1977, $2,188,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. Section 105(b) of House Concurrent Resolution 67 (104th Congress, 1st Session) is amended to read as follows:

''(b) RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.—

''(1) CERTIFICATION.—(A) In the Senate, upon the certification pursuant to section 205(a) of this resolution, the Senate Committee on Finance shall submit its recommendations pursuant to paragraph (2) to the Senate Committee on the Budget. After receiving the recommendations, the Committee on the Budget shall add such recommendations to the recommendations submitted pursuant to subsection (a) and report a reconciliation bill carrying out all such recommendations without any substantive revision.

''(B) The Chair of the Committee on the Budget shall file with the Senate revised allocations, aggregates, and discretionary spending limits under section 201(a)(1)(B) increasing budget authority by $760,788,000 and outlays by $760,788,000.

''(2) COMMITTEE ON FINANCE.—Funding for this section shall be provided by limiting any tax cut provided in the reconciliation bill to families with incomes less than $150,000.''.

Mr. LAUTENBERG. Mr. President, is there any time remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. I yield the remainder of my time.

AMENDMENT NO. 2789 TO THE EXCEPTED COMMITTEE AMENDMENT ON PAGE 51, LINE 3, THROUGH PAGE 128, LINE 20

(Purpose: To strike the provision relating to spending limitations on Fair Housing Act enforcement, and for other purposes)

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized.

Mr. FEINGOLD. I thank the Chair.

Mr. President, I ask unanimous consent that the pending committee amendment be temporarily set aside and it be in order to take up the committee amendment beginning on page 51, line 3.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. FEINGOLD. Mr. President, I send an amendment to the desk on behalf of myself and Senators MOSELEY-BRAUN, MIKULSKI, SIMON, KENNEDY, BRADLEY, and WELLSTONE.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows.

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Ms. MOSELEY-BRAUN, Ms. MIKULSKI, Mr. SIMON, Mr. KENNEDY, Mr. BRADLEY, and Mr. WELLSTONE, proposes an amendment numbered 2789 to the excepted committee amendment on page 51, line 3, through page 128, line 20.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 125, strike lines 12 through 17.

Mr. FEINGOLD. Mr. President, I understand there is a 30-minute time allotment on our side; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. FEINGOLD. I yield myself such time as necessary.

Mr. President, the amendment I am offering today will strike the provision buried in the VA–HUD appropriations bill that I believe would likely have serious consequences for the protection and enforcement of the civil rights laws in our country.

The committee bill, unfortunately, includes a provision that would prevent HUD from spending any of its appropriated funds to ''sign, implement, or enforce any requirement or regulation relating to the application of the Fair Housing Act to the business of property insurance.''

Believe it or not, this provision would banish HUD from investigating any complaints of property insurance discrimination, or ''insurance redlining'' as it is more commonly known. The term ''redlining'' actually evolved from the practice of particular individuals in the banking industry using maps with red lines drawn around certain neighborhoods. These individuals would then instruct their loan officers to avoid offering their financial services to residents of these redlined neighborhoods. These redlined neighborhoods typically were low income

and minority communities, and it resulted in the unavailability of the financial services that were necessary to purchase a home or a business or an automobile.

But even as Congress identified and moved to curb these discriminatory practices in the banking industry, a disturbing and growing level of discrimination was emerging from the insurance industry that would continue to deny certain individuals the basic opportunity to own their own home or to start a small business.

Property insurance, as we all know, is almost an absolute requirement to obtaining a home loan. And this was best illustrated by Judge Frank Easterbrook of the U.S. Seventh Circuit Court of Appeals in that court's ruling that redlining practices are illegal and a violation of the Fair Housing Act.

The judge was speaking for a unanimous court when he observed:

Lenders require their borrowers to secure property insurance. No insurance, no loan; no loan, no house; lack of insurance thus makes housing unavailable.

Mr. President, the key question, of course, is does redlining actually exist as a practice? Countless new reports and studies indicate that there is a prevalent and growing level of discriminatory underwriting in the insurance industry. Studies such as the 1979 report of the Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin advisory committees to the U.S. Commission on Civil Rights and the recent study on home insurance in 14 cities released by the community advocacy group ACORN have pointed out that insurance redlining practices are, in fact, widespread in America. These reports highlight the fallacies of the contention that lack of adequate insurance in many of these communities is due to economics, or that it is simply due to statistically based risk assessment.

In addition, there is, unfortunately, some substantial anecdotal evidence that suggests individuals residing in minority and low-income communities are systematically denied affordable or adequate homeowners insurance.

The ramifications of reducing access to affordable and adequate homeowners insurance have proven severe for urban areas with large minority communities. Without property insurance, an individual cannot obtain a home loan. Without a home loan, an individual cannot obtain a home. Thus, refusing to provide property insurance to an individual because he or she lives in a predominantly minority community has to be a clear violation of the civil rights protections of the Fair Housing Act.

My own interest in this matter is longstanding, but it especially grew out of a widely reported redlining abuse in the city of Milwaukee, WI, where it was well documented that insurance redlining was occurring on a widespread basis. I was outraged that this sordid, documented discrimination was occurring, not only in my own home State, but apparently in many other States as well, including Illinois, Missouri, and Ohio.

Mr. President, it is important not to forget who these redlining victims really are. They are hard-working Americans. They have played by the rules. And they are just trying to buy a home. They are trying to bring a sense of stability and vitality to their families and to their communities, many times communities that desperately need that kind of stability and vitality.

Unfortunately, as happened in Milwaukee, they often run into a brick wall of ignorance and injustice. The pattern of discrimination in Milwaukee led seven of our Milwaukee residents to join with the NAACP to file suit against the American Family Insurance Co. An unprecedented and historic out-of-court settlement was reached in this case between the parties where the insurance company actually agreed, rather than go forward with the litigation, to spend $14.5 million compensating these and other Milwaukee homeowners who had been discriminated against, as well as some of the funds for special housing programs in the city of Milwaukee.

Mr. President, for those of my colleagues who might think such discrimination in the insurance market is limited to Milwaukee, WI, I assure you this is not the case. There is ample reason to believe that insurance redlining does occur. It occurs all across this country. And we should be taking steps to enhance the Government's ability to combat this form of discrimination.

Mr. President, that is just the opposite of what is happening here. We are not taking the steps forward that need to be made. The language in this bill would actually take us about five steps backward. The provisions of this bill are a direct attempt to stop the Federal Government from investigating complaints of discrimination under the Fair Housing Act. That is what it is.

Mr. President, I have to say that I am very disturbed by this behind-closed-doors attempt to undermine the civil rights laws of this country. There have been no hearings on this proposal by either the Banking Committee or the Judiciary Committee.

Mr. President, I would like to know where the mandate for this change to our fair housing laws came from. I would like to know where the supporters of this radical language feel that the American people are somehow overprotected from racial and ethnic discrimination. Was this part of the Contract With America, to roll back the civil rights protections of this Nation? I did not see it in there.

I am very troubled that this would even be attempted. The supporters of this new language claim that the Fair Housing Act does not say one word about property insurance. It is true that the original act does not say that. But as a result of the Fair Housing Act amendments of 1988, Mr. President, which were signed by President Reagan, HUD promulgated regulations that specifically placed property insurance under the umbrella of the Fair Housing Act. These regulations were then promulgated by the Bush administration.

Let me repeat that. For those who might think HUD's involvement in combating property insurance discrimination is simply an initiative of the Clinton administration, that is categorically wrong. The regulations were as a result of a law that passed Congress with strong bipartisan support and was signed into law by President Ronald Reagan. And then the regulations were promulgated under the administration of President George Bush. So let us set aside the faulty assertion that HUD's role in enforcing the Fair Housing Act as it applies to property insurance is somehow just a new effort to expand the Federal Government's regulatory powers over a particular industry.

Mr. President, the supporters of this new language also say that regulating the insurance industry should be the sole domain of the States as mandated under the McCarran-Ferguson Act.

Mr. President, this, also, is a diversionary tactic. This is not an issue of regulating the insurance industry. The States are the regulators of the insurance industry. What this is, Mr. President, is an argument about whether the Federal Government has the ability to enforce the civil rights of those who have been discriminated against when they are attempting to purchase a home. That is what this is about—not taking away the powers of the States to regulate insurance. And this argument also fails to recognize that virtually every Federal court that has ruled on this issue, including the sixth circuit and the seventh circuit, have held that the Fair Housing Act applies to property insurance and that HUD was legally authorized to enforce the FHA as it relates to homeowners insurance.

Mr. President, I would like to begin to conclude these remarks by reading from an editorial in opposition to this ill-advised language, and that led to the attempt to strike the language.

Mr. President, this is not an article from The Washington Post or the New York Times. It is from the National Underwriter, which is the trade publication of the insurance industry. Let us see what they say about this attempt to gut the enforcement by HUD.

The editorial said:

However receptive the Republican-controlled Congress is to business rewrites of legislation, and however large public antipathy to poverty and affirmative action programs seems, we feel the overwhelming majority of Americans believe in the fundamental principle that all U.S. citizens deserve equal access to the same goods and services, including those offered by insurers.

. . ..while the industry may not be looking to avoid redlining or civil-rights oversight, insurers certainly appear to be using a legislative end-run to keep HUD from trying to

rectify legitimate insurance redlining and civil-rights wrongs.

That is what the insurance industry has even said about some of their counterparts' effort to block this.

So, Mr. President, I ask unanimous consent that the text of that editorial be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. FEINGOLD. Mr. President, I find it remarkable that the trade publication of the very industry in question has observed this is nothing more than a backdoor attempt to stop HUD from combating legitimate and real redlining abuses and discriminatory practices. I am not out here on the floor today to throw a blanket indictment on the insurance industry. I know many individuals in my home State who work in the industry, and it is my firm belief the vast majority of those people are decent, hard-working Americans who would join with me and the Senator from Maryland and the Senator from Illinois and others in condemning this sort of bigotry and discrimination. Unfortunately, it is evidence that these sort of abuses do occur. And the Federal Government has to do all it can do to enforce the Fair Housing Act as is required under current law.

I hope my colleagues will set aside their partisan and political differences and adhere to a set of principles that I think we really could all agree on. That not only includes the principle that every American should be free from discrimination wherever it may occur, but also a commitment and dedication to protecting and enforcing the civil rights in this country and continuing to battle the various forms of bigotry and discrimination that continue to pervade this Nation.

So, I urge my colleagues to reject the committee language which would quite simply block HUD's effort to fight insurance redlining, and I ask support for the amendment.

EXHIBIT 1

[From the National Underwriter, Aug. 21, 1995]

INSURER ATTACK ON HUD COULD BACKFIRE

As bald expressions of lobbying muscle go, the insurance industry's recent success in cutting off the U.S. Department of Housing and Urban Development's insurance purse strings in the House was certainly impressive.

But in the real world—that is, the world outside the D.C. Beltway—the industry's legislative coup may not play as well.

A broad coalition of insurers and their associations—led by the National Association of Mutual Insurance Companies, the National Association of Independent Insurers, State Farm and Allstate—pushed for language in this year's House version of the HUD appropriations bill which precludes the agency from using its funding for any insurance-related matter. That would effectively end HUD's much-feared initiative to set and enforce anti-redlining standards for property insurers.

Whatever their antipathies to having HUD stick its nose in their business, we think this coalition made a major miscalculation.

With recent court decisions running against them and a high level of public concern over insurers writing off rather than underwriting inner cities, insurers have simply tried to legislate away the heat without addressing the underlying problems which prompted HUD to act in the first place.

But the heat will not dissipate so easily, as National Fair Housing Alliance Executive Director Shanna Smith made clear. There are still the courts to consider—and in case the insurance industry has forgotten, if there is one thing consumer groups are good at, it is grassroots organizing of a particularly loud and visible sort that attracts the press and gives CEOs and public relations officials ulcers, not to mention shareholders.

The insurance industry—which isn't exactly held up by the public as an example of enlightened corporate interest to begin with—can almost certainly count on organized, deep and sustained consumer outrage if it pushes through the ban on funding for HUD insurance oversight.

All this for what? A one-year reprieve? (As part of an annual budget bill, the insurance funding ban is only for fiscal year 1996, and would need to be renewed annually.)

However receptive the Republican-controlled Congress is to business rewrites of legislation, and however large public antipathy to poverty and affirmative-action programs seems, we feel the overwhelming majority of Americans believe in the fundamental principle that all U.S. citizens deserve equal access to the same goods and services, including those offered by insurers.

HUD Secretary Henry Cisneros called the insurance funding ban ''an affront to civil rights.'' And the National Association of Insurance Commissioners has unequivocally stated that urban poor and minority consumers do not have the same access to insurance products as their wealthier, suburban and white counterparts.

NAMIC's vice president of federal affairs, Pamela Allen, says insurers don't seek to avoid redlining issues or civil rights laws, but simply want to avoid dual regulation.

Perhaps this argument has some merit, but while the industry may not be looking to avoid redlining or civil-rights oversight, insurers certainly appear to be using a legislative end-run to keep HUD from trying to rectify legitimate insurance redlining and civil-rights wrongs.

Fiscally constrained state insurance regulators, with less restrictive unfair trade practices laws, do not have HUD's ability to conduct major probes and extract national settlements from large multi-state carriers.

NFHA's Ms. Smith told the National Underwriter: ''I wish the presidents of the [insurance] companies would meet with us. They are sending subordinates in and they are not getting a clear picture of the seriousness of the charges against them.''

If this is true, then we think insurers are jeopardizing their reputations by trying to make HUD go away. Instead of stiff-arming consumer and community-housing groups working with HUD in the process, insurers should act in good faith to seek out and repair any problems which might exist.

We know it is unlikely the industry will back off on this issue as it goes to the Senate. But suffice it to say when the next in the never-ending series of industry op-ed pieces on improving insurers' poor public image appear on these pages, we think we will be able to point out one example of what not to do.

Mr. FEINGOLD. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There are 18 minutes 13 seconds left for the proponents of the amendment.

Who yields time?

Mr. BOND. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. First, let me agree with my friend from Wisconsin that we do not support nor do I think the insurance industry would support redlining. We believe that everyone should have access to all services, whether they be insurance or housing or credit, not in any way limited by race, gender or other impermissible classifications.

What this language in the bill does—published, reviewed by the committee and the subcommittee, and brought here on the floor, not behind some closed doors, as he implied—is to say very simply that HUD should follow the law, a novel concept, perhaps one that may be a little foreign when one has perfect, pure motives. But even pure motives do not warrant disregard of the law.

Section 218 of the VA–HUD appropriations bill prohibits the use of any funds provided by the bill for the application of the Fair Housing Act to property insurance. This provision was also included in the House version of the bill. In theirs, however, it went farther, and I think that may have been what the Senator was addressing. He said you could not even look into the existence of it. We did not say that in our bill.

This provision, however, is an important means of eliminating duplication and wasteful expenditures of taxpayers' money. HUD's Office of Fair Housing and Equal Opportunity has devoted substantial resources to regulatory and other activities aimed at addressing alleged property insurance discrimination, purportedly pursuant to the Fair Housing Act. HUD not only has devoted its own personnel to these activities, it has paid millions of taxpayers' dollars to fund studies by outside consultants, to hire large law firms to do investigations and to fund enforcement efforts by private groups. HUD's property insurance activities and efforts to regulate insurance are unwarranted and beyond the scope of the law, beyond the scope of the Fair Housing Act and in contravention of the McCarran-Ferguson Act.

Every State and the District of Columbia have laws and regulations addressing unfair discrimination in property insurance, and they should be enforced. The States are actively enforcing these antidiscrimination provisions. Certainly, we can urge them to do better, but the law gives that responsibility to the States, and that is where the argument should be made.

The States are employing a wide variety of measures to ensure neither race nor any other factor enters into a decision whether to provide a citizen property insurance. In light of these comprehensive State-level protections,

HUD's insurance-related activities do more than add another unnecessary layer of Federal bureaucracy. The application of the Fair Housing Act to property insurance not only unnecessarily duplicates State action, but it also contravenes Congress' intent regarding the scope of the law.

Congress never intended the Fair Housing Act to warrant HUD to regulate property insurance practices. The act expressly governs home sales and rentals and the services that home sellers, landlords, mortgage lenders, real estate providers and brokers provide, but it makes no mention whatsoever of the separate service of providing property insurance.

Indeed, a review of the legislative history shows that Congress specifically chose not to include the sale or underwriting of insurance within the purview of the act.

Further, application of the Fair Housing Act to insurance defies Congress' specific decision 50 years ago that in the area of insurance regulation, in particular, the States should remain unencumbered by Federal interference. In the McCarran-Ferguson Act of 1945, Congress determined that unless a Federal law ''specifically relates to the business of insurance,'' that law shall not be deemed applicable to insurance practices. By applying the Fair Housing Act to insurance, HUD simply disregards the fact that the law does not ''specifically relate to the business of insurance.''

Some argue that HUD's actions are justified by court decisions, citing two appellate court rulings, one in the seventh circuit and one in the sixth circuit. But these decisions do not, in fact, confirm that the Fair Housing Act applies to insurance. Indeed, they are expressly contradictory in connection with the Fourth Circuit Court of Appeals in Mackay.

A favored position is that HUD included in the 1989 Fair Housing Act regulations a reference to nondiscrimination in the provision of property or hazard insurance or dwellings. But HUD took this action without expressed legislative authority from Congress. Unless the Supreme Court should interpret the HUD regulation as giving itself legislative authority, then there is no national authority for applying the Fair Housing Act to property insurance.

I believe that the American people want Congress to have the Federal Government perform those functions it should perform, and it is required by constitutional law or other practice to do that effectively, to do our job well and to return to State and local governments those activities which are expressly left to the States and local governments. Regulation of insurance is one of those.

As for the Federal Government, I think we have to streamline regulatory activities, and that means hard choices. However, there is one area where Federal spending should be cut back, where it should not be a problem to determine whether cutbacks are appropriate, and that is when HUD's activities go beyond the scope of the law. If HUD is not authorized to do it, in fact, is expressly prohibited from doing it, we have said in this bill, ''Don't spend any more money to do it.''

This would not be in question if HUD had not been going beyond the scope of the law in spending millions of dollars already. There is simply no justification, in a time of scarce resources, when HUD needs to be providing assistance in housing for those in grave need, to take away from that vital function funds that could go for housing and apply them to insurance-related activities that duplicate existing comprehensive State regulations, at the expense of the American taxpayer and at the expense of those people who depend upon federally assisted housing for their shelter.

This should be an easy choice for this body: Provide housing assistance to those who need it, deal with the problems of the homeless, but get HUD out of an area where it has no authority, no responsibility and, in fact, has spent millions of dollars beyond its authority.

Mr. President, I reserve the remainder of my time.

Mr. FEINGOLD. Mr. President, I yield 10 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise as a very strong cosponsor of the Feingold/Moseley-Braun amendment. As has been stated by the author of the amendment, this amendment would strike the provisions in this bill that prohibit HUD from enforcing fair housing laws as they pertain to property insurance. What does that mean? It means that the amendment that we are cosponsoring would eliminate the prohibition that now in the law says that HUD will not be able to prevent redlining in property insurance.

The language that is currently in the bill would bar HUD from preventing insurance companies from discriminating on the basis of race, sex, nationality, religion, or disability. This has primarily manifested on the issue of race.

Property insurance, as we know, is necessary to qualify for a home mortgage loan. Allowing property insurance companies to disregard the housing act could end up denying not only insurance to homeowners but actually would be an impediment to owning homes themselves. As a Senator who has always worked for social justice, I cannot support the provision currently in this bill.

I am directly affected by this. I live in Baltimore City. I now pay more for insurance. I pay more for my property insurance. I pay more for my car insurance. I pay more not because of who I am, what I am, but because of my zip code, and there is a prejudice against that zip code simply because it is in Baltimore City.

Yes, I live 8 blocks from a public housing project. I live around the corner from a shelter for battered women. I live in a Polish community that is also now historic in gentry.

We have one of the lowest crime rates in Baltimore City. We have one of the lowest auto theft rates in the city. We have one of the lowest rates of problems related to fires, theft, robbery, assault, mayhem, but we pay more. And why? Not because we are good citizens, but because we live in a certain zip code.

Now, hey, at least, though, I can get the insurance. I pay more, perhaps unjustly, but I pay more, and so do my neighbors. So do those young students at the Johns Hopkins School of Public Health. So do the Polish ladies who belong to the Society of Sodality. So do the priests at St. Stanislaus Church, and so do the people of color who live around us in the neighborhood. Now, I do not think that happens to be right.

Also in Baltimore County and Prince Georges County we have a rising number of African-American middle-class people who have access to home ownership, often primarily because of what is in this bill.

Through the VA and through the FHA, this subcommittee—and I know this chairman has promoted home ownership. Now, though we are promoting home ownership on one side of the Federal ledger, we are going to deny the Federal Government's ability to enforce antiredlining in property insurance. I do not think that works.

At a time in our Nation's history when civil rights violations are universally rejected by people of conscience, and I know 99 other people in this body who also agree with that, I cannot understand why the Senate wants this type of provision. I hope that all Senators will find this provision as unsettling as I do. I urge my colleagues to support this amendment.

Now, we can talk about States rights. I will not start the debate here on States rights. But the phrase ''States rights'' has been a code word word and buzzword for so long under the guise of States rights that often there has stood prejudice in our society. I am not going to bring that up.

But what I will bring up is when we talk about duplication, about the fact that States and local governments have one set of laws and the Federal Government should not duplicate—when I was in the Baltimore City Council, I passed the first legislation in the city government to prevent discrimination on the basis of disability. Then some 12 years later, we passed a Federal law. Nobody in the Baltimore City Council said, ''Oh, no, BARB, we do not need that because you did this 12 years ago.'' Well, we needed it there, and we need it now. When we look at the fact that it is the Federal Government that is promoting home ownership, the Federal Government has a role in making sure the people who benefit from VA

and FHA can get the property insurance to protect their property.

I have a letter from the Fair Housing Coalition, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SEPTEMBER 11, 1995.

Hon. BARBARA MIKULSKI,
U.S. Senate, Washington, DC.

DEAR SENATOR MIKULSKI: We are a group of national civil rights and community organizations writing to express our united opposition to anti-civil rights provisions passed as part of the FY 1996 VA–HUD appropriations bill by the U.S. House of Representatives. The first provision exempts an entire industry from complying with basic, civil rights protections under the Fair Housing Act. The second defunds the community-based infrastructure which undertakes enforcement as well as preventive efforts to eliminate all forms of housing discrimination. Together, these two provisions go beyond curtailing HUD's enforcement activities related to homeowners insurance discrimination.

The House language would bar the U.S. Department of Housing and Urban Development from preventing insurance companies from discriminating on the basis of race, sex, national origin, color, religion, familial status or disability in determining which homes or homeowners qualify for homeowners insurance. Without homeowners insurance, potential homeowners cannot qualify for a home mortgage loan and consequently cannot purchase or own their own home.

Discrimination in the provision of homeowners insurance continues to plague middle-class, working-class and integrated and minority neighborhoods. Complaints from homeowners, as well as studies and investigations demonstrate the current pervasiveness of this problem. For example, a study by the National Association of Insurance Commissioners found that it is more difficult for residents of minority and integrated neighborhoods to obtain insurance coverage and that these homeowners often pay more for inferior coverage. Equally damaging are the extra efforts African-American and Latino homeowners must undertake in order to obtain any type of coverage.

The insurance industry responds that monitoring of homeowners insurance is the purview of the states and outside the jurisdiction of the Fair Housing Act. However, the Sixth and Seventh Circuit Courts of Appeal have determined that HUD has authority to investigate insurance discrimination complaints and that the Fair Housing Act prohibits insurance redlining.

If this anti-civil rights rider remains, HUD would be required to suspend all activities pertaining to property insurance. Ordinary citizens will be denied the HUD administrative process for resolution of their complaints. In fact, HUD would be prohibited from continuing the investigation and settlement efforts of the 28 insurance discrimination complaints now pending. The benefits of an effective conciliation process will be lost, leaving only the option of costlier, private litigation—an option few ordinary citizens can afford. The ability of society as a whole to redress the consequences of discrimination in homeowners insurance will also be seriously curtailed because no state insurance law provides protection to insurance consumers equivalent to the protections of the Federal Fair Housing Act.

The House language also removes the Fair Housing Initiatives Program (FHIP) which provides funding to nonprofits, municipalities and universities across the country to enable them to provide education, outreach, enforcement and counseling to both citizens and industry associations on all forms of housing discrimination. FHIP-funded organizations provide training and information to landlords, real estate agents, mortgage lenders and other members of the real estate industry about their responsibilities and protections under the Fair Housing Act. FHIP-funded organizations are also the first resource available to victims of all forms of housing discrimination. Such agency intervention often results in informal resolution of complaints so that they never reach HUD or the courts.

The House language goes far beyond exempting the insurance industry from HUD enforcement of the Fair Housing Act. It eliminates all HUD efforts to ensure that homeowners insurance is provided to every American on an equal basis. By defunding FHIP, the U.S. Congress also would be abandoning support for the nonprofits, municipalities and universities which undertake enforcement as well as preventive measures to reduce all forms of housing discrimination.

This coalition is united in its belief that guaranteeing equal access to the opportunity of homeownership is a quintessential federal activity. The availability of homeowners insurance is no different than the availability of a home mortgage loan on equal terms.

We urge you to continue the bipartisan tradition of supporting the Fair Housing Act by opposing efforts to exempt the insurance industry from complying with this crucial civil rights protection and by supporting continued funding for FHIP.

Sincerely,

American Civil Liberties Union.
Bazelon Center for Mental Health Law.
Center for Community Change.
Lutheran Office for Governmental Affairs.
Mexican American Legal Defense and Education Fund.
National Association for the Advancement of Colored People.
NAACP Legal Defense and Educational Fund, Inc.
National Asian Pacific American Legal Consortium.
National Council of La Raza.
National Fair Housing Alliance.
National Low Income Housing Coalition.
National Puerto Rican Coalition, Inc.
National Urban League.
NETWORK: A National Catholic Social Justice Lobby.
People for the American Way.

Ms. MIKULSKI. Mr. President, what they point out is that the National Association of Insurance Commissioners found it is more difficult for residents of minority and integrated neighborhoods to obtain insurance coverage and that these homeowners often pay more for inferior coverage. Equally damaging are the efforts of African-American and Latino owners, what they must undertake in order to obtain any type of coverage. And if this civil rights rider would continue, HUD would be required to suspend most activities pertaining to property insurance and, in fact, it would even mitigate solving some of the problems we face.

I know about the McCarran-Ferguson Act. I tried to end discrimination in insurance when I was in the House of Representatives. I heard enough about that to qualify for law school. But one thing I do know is that when the insurance industry complains that it is exempt from coverage under the Fair Housing Act because of this, that is not so.

The position of the Federal Government and the courts is that the McCarran-Ferguson Act does not supersede or impair Federal authority to enforce the Fair Housing Act. While every State has property insurance laws that prohibit unfair discrimination, no State law provides the protection to insurance consumers equivalent to the protection of the Federal Fair Housing Act.

Also, the insurance industry claims that all minority or ethnic homeowners who are eligible for insurance are able to purchase it. Yet investigations by the National Fair Housing Alliance have found that while some minorities have been able to attain insurance, this coverage is often inferior. In many instances, they found out that African-Americans or Latinos, when they called an agent, did not receive a return call or a followup phone call.

Also, insurance companies claim that the disclosure of underwriting and pricing mechanisms would violate trade secrets, damaging their profits. But Connecticut requires the filing of the underwriting guidelines and makes them publicly available, and there is no evidence that it has a detrimental effect on any of the company's profits.

Also, the insurance industry claims that it costs more to provide insurance in urban neighborhoods, which is why they say it must be so high. While the industry makes that claim, they have never presented any evidence to document that. The evidence, for example, from the Missouri Insurance Commission shows that is not true.

Because, again, of the activities of the Federal Government to make home ownership available, we now have many of our African-American constituents living in the suburbs. It is a wonderful happening in Maryland. It is exciting to see that. I would hate to see that after working so hard to have access to the American dream, the ability to get insurance turns into an American nightmare because of an action taken by the Federal Government that says it is wrong to redline on the basis of race, gender, national origin, or disability, to be able to get the property that you worked so hard to get, and to not be able to have it insured.

Mr. President, I yield the floor.

Mr. WELLSTONE. Mr. President, I speak today in support of the amendment offered by Senator FEINGOLD that will strike section 218, a provision in the bill that would bar HUD from using funds to pursue claims of property insurance redlining. I am proud to be a cosponsor of this amendment.

I want to make it very clear that I believe the U.S. Senate should not set the precedent of exempting property insurance from fair housing laws. The Senate report accompanying H.R. 2099 states that section 218 ''prohibits the use of any funds by HUD for any activity pertaining to property insurance.'' What this means is that HUD could not

investigate any Fair Housing claims of property insurance redlining. If the provision is not stricken, Americans might be kept from buying houses because they might not be able to get homeowners insurance. I believe that all Americans have the right to homeowners' insurance regardless of race or ethnicity or the neighborhood where they live.

The insurance industry claims that this type of denial of coverage is not taking place, but HUD reports that it continues to process and settle thousands of claims of property insurance redlining. Unfortunately, the practice of denying coverage to Americans because of the neighborhood they live in or the color of their skin is still happening. The Wall Street Journal on September 12, 1995, reported in an article titled, ''Study Finds Redlining Is Widespread in Sales of Home-Insurance Policies,'' that a ''study by the Fair Housing Alliance and other civil rights groups found that minority callers to insurance agents were often denied service or quoted higher rates than white callers seeking insurance for similar homes in predominately white neighborhoods.''

If HUD is barred from investigating claims of property insurance redlining, Americans will be denied the protection of a basic civil rights law. I do not think that insurance companies should be exempt from property insurance provisions in the Fair Housing Act.

This is a simple amendment that will protect all Americans from discrimination by insurance companies when they are trying to purchase homeowners insurance. I want to thank my colleague for offering this important amendment.

Mr. KENNEDY. The pending appropriations bill would prevent enforcement of the Fair Housing Act against the insurance industry. I rise in support of the Feingold amendment to strike this ill-considered proposal.

Equal access to housing is a right guaranteed to all Americans, and the Fair Housing Act is one of the pillars of our civil rights laws. Discrimination against racial and ethnic minorities seeking to rent or purchase housing is just as repugnant as employment discrimination or discrimination in public accommodations.

In the wake of the Supreme Court's Adarand decision, the country is currently engaged in an important debate about affirmative efforts to promote the integration of minorities into American society. But whatever the outcome of that debate, I had thought that the basic pillars of our civil rights laws—the laws that prohibit discrimination against minorities—were not up for grabs in the current Congress. Yet the attack on the Fair Housing Act embodied in the pending bill raises doubts about this Congress' commitment to eradicating discrimination.

The bill before us contains two unacceptable provisions relating to the Fair Housing Act. First, it shifts the authority to enforce violations of the Fair Housing Act from the Department of Housing and Urban Development to the Department of Justice. Second, the bill bars enforcement of the Fair Housing Act in the area of housing insurance redlining.

We have reached an agreement with the Senator from Missouri to postpone the transfer of enforcement authority while the committees of jurisdiction consider this complex question. But the insurance proposal is still in the bill, and the pending Feingold amendment would strike it.

I was one of the authors of the 1988 fair housing amendments, a comprehensive effort to improve and expand enforcement of the laws designed to protect the civil rights of those seeking to buy or rent property. One of the clear purposes of the 1988 act was to end discrimination in the provision of property insurance. Since that time, every court which has addressed the issue has agreed that the Fair Housing Act covers property insurance discrimination.

The reasoning behind the 1988 amendments is simple. The ability to obtain property insurance is a precondition to buying a home. Without property insurance, a lender will not provide a mortgage. Without a mortgage, most Americans would not be able to afford a home. The 1988 fair housing amendments were intended to insure that all Americans can apply equally for property insurance—without discrimination.

Even today, it is more difficult for residents of predominately minority communities to obtain property insurance. And when they can secure insurance, it is often at an inflated price. The Department of Housing and Urban Development, using the 1988 fair housing amendments, is successfully working to end this fundamental violation of civil rights. We cannot now take a step backward and deny millions of Americans the chance to own their own home by making it more difficult for them to obtain property insurance.

One effect of this provision would be to take enforcement of the laws against ''redlining'' out of Federal hands and effectively leave such enforcement to the vagaries of State law. While some States have statutes prohibiting some aspects of discrimination in the provision of property insurance, these laws do not go as far as the Fair Housing Act in preventing discrimination. For example, as of 1993, only 26 States had specific prohibitions on the offensive practice of insurance redlining.

In addition, no State law provides redress equivalent to the Federal Fair Housing Act. State laws simply do not provide the breadth of coverage or range of remedies which are currently available under Federal law. Why then, should we limit the remedies due to victims of housing discrimination?

This Congress has consistently rejected efforts to give States exclusive control over civil rights, and there are sound historical reasons for that. We should not make an exception to that simple principle. We must not move backward in the fight to end housing discrimination. We must ensure, through the pending amendment, that all Americans have equal access to the housing market—without discrimination.

Mr. BRADLEY. Mr. President, I rise in support of the Feingold amendment to strike the language in this bill barring the Department of Housing and Urban Development from enforcing the Fair Housing Act against insurance redlining. The language in this bill will deny the protection of a basic civil rights law to people subject to discrimination by a particular industry. Because insurance redlining is a reality in America, efforts to eliminate such discrimination should be aggressively undertaken. Sadly, by stripping HUD of its enforcement authority, this bill will allow such discrimination to flourish.

Mr. President, insurance redlining is a serious problem in this country. Recently, American Family Mutual Insurance Co. settled a redlining case by paying $16.5 million. The lawsuit was filed by seven African-American homeowners in Milwaukee who were either turned down, offered inferior policies, or charged more money for less coverage on home insurance policies. The insurance company settled the lawsuit after it was discovered that a manager at the company wrote to an agent who was willing to write insurance for African-Americans: ''Quit writing all those Blacks.''

In addition, Mr. President, the National Fair Housing Alliance conducted a 3-year investigation—partially funded with $800,000 from a HUD grant awarded when Jack Kemp was HUD Secretary—using white and minority testers posing as middle-class homeowners seeking property insurance coverage. The test covered nine major cities and targeted Allstate, State Farm, and Nationwide Insurance. The homes selected were of comparable value, size, age, style, construction, and were located in middle-class neighborhoods.

The investigation uncovered the fact that discrimination against African-American and Latino neighborhoods occurred more than 50 percent of the time. Astoundingly, in Chicago, Latino testers ran into problems in more than 95 percent of their attempts to obtain insurance, while in Toledo, African-Americans experienced discrimination by State Farm 85 percent of the time. While white testers encountered no problems obtaining insurance quotations and favorable rates, African-American and Latino testers encountered the following problems:

Failure by insurance agents to return repeated phone calls;

Failure to provide quote information;

Giving preconditions for providing quotes—inspection of property, credit rating checks;

Failure to provide replacement-cost coverage to homes of blacks and Latinos; and

Charging more money to blacks and Latinos, while providing less coverage.

Mr. President, property insurance discrimination is illegal under the Fair Housing Act. Under Secretary Cisneros, HUD has been an active participant in enforcing the Fair Housing Act and ensuring that property insurance discrimination ceases. The insurance industry has been fighting in court to restrict HUD's authority to enforce insurance redlining. The industry has not been successful in the judicial arena in its efforts to stop HUD's enforcement activities. Thus, the industry has now turned to Congress to restrain stepped-up Federal fair lending enforcement efforts.

Insurance redlining directly affects the ability of African-Americans, Asians, and Hispanics to purchase a home, because the denial of insurance results in the denial of a mortgage loan, which in turn results in the inability to purchase a home. Mr. President, opponents of affirmative action in Congress have argued that strong enforcement of civil rights laws is the appropriate mechanism to stop discrimination. However, efforts are now underway to strip the one agency that has been aggressively battling housing discrimination of its enforcement authority and remove a whole category of discrimination—insurance redlining—from the reach of the law. This effort needs to be stopped in its tracks.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, I want to associate myself with the words of the chairman of this committee and make a couple of points.

Whenever we start talking about Government and Government rules and regulations, first of all I do not think anybody deplores discrimination at any stage more than I do. Because we would allow this into this bill will not take care of the problems that we seem to be facing in insurance redlining.

Of course, I still believe in the jurisdiction of McCarran-Ferguson. Every State and the District of Columbia have laws and regulations addressing unfair discrimination in property insurance. Do we become redundant and put one law on top of another, thinking that the Federal enforcement will be any better than the State enforcement? I think that is a question.

Congressman KENNEDY over on the House side offered an amendment to strike the language prohibiting HUD from promulgating Federal regulations and it was soundly defeated, bipartisan, by a 266-to-157 margin.

What we are seeing with this amendment is exactly what this Senator and the American people do not want to see—the Federal Government getting involved in something where the States clearly have jurisdiction. It might surprise you that even Congressman DINGELL, former chairman over on the House side, in a letter dated November 3, 1994 to Secretary Cisneros of HUD, and Alice Rivlin, said this:

> It is important to note that the Fair Housing Act does not explicitly address discrimination in property insurance. Nor does the legislative history that accompanies the act indicate any intention to apply these provisions to business insurance.

He went on and added:

> It is also particularly significant because the legislative history of the act reveals that in 1980, in 1983, 1986, and 1988, Congress specifically rejected attempts to amend the act to cover property insurance.

So we are going into an area that clearly is the jurisdiction of the States. I think we are also going into an area where we become very, very redundant on the laws, and putting one on top of the other probably does not take care of the problem that all of us want to see taken care of.

I ask my colleagues, if redundancy is part of what we are trying to fight out in this Government, then maybe we should take a look and see what we are doing here where the States clearly have jurisdiction.

Mr. President, I yield the floor. I reserve the balance of my time.

Mr. FEINGOLD. I yield to the Senator from Illinois 4 minutes.

Ms. MOSELEY-BRAUN. Thank you, Mr. President. I do not agree with the Senator's use of the term ''redundancy.'' If anything, this debate is kind of déjà vu all over again. This is precisely the battle lines that were drawn in the civil rights debates that happened in this very Chamber 30, 40 years ago, and that I had hoped our Nation had moved beyond.

This is an issue of civil rights. This is an issue of civil rights for all Americans—not just African Americans, not just minority Americans, but all Americans.

Mr. President, since the passage of the Civil Rights Act of 1964 and all other legislation intended to provide equality of opportunity to all Americans, since that time the Congress has consistently rejected the argument that the Federal Government should leave the enforcement of civil rights to the exclusive jurisdiction of the States.

Members may recall—before my time, certainly—but people may recall the arguments made in the 1960's about States rights and how the States should have exclusive province for enforcement of civil rights. The Congress stepped in and said, ''No, that is not correct. We have a very real national interest in ensuring that all Americans have effective remedies for acts of discrimination.''

Mr. President, that is precisely what this debate is about. As a recent editorial stated:

> If State laws are effective and States are actively investigating opposing penalties . . . why has every significant legal action been taken by private attorneys or the Federal Government? Why have such actions been taken almost exclusively under the jurisdiction of Federal fair housing law and not State insurance codes? Where, for example, was the Wisconsin insurance commissioner throughout the 8 years during which the case against American Family was being investigated and litigated?

In short, Mr. President, the antiredlining protections of the Federal Fair Housing Act have provided us with the ability to have enforcement of fair housing laws, have provided us with the ability to enforce antidiscrimination laws and antiredlining laws. Because of that protection, Americans are better off; our country is better off.

I plead with my colleagues not to allow this issue to become one of division among us, but rather to bring us together and allow for the protections of the law against redlining, against discrimination, to continue.

I encourage support for the amendment of Senator FEINGOLD.

The PRESIDING OFFICER. The Senator from Wisconsin has 6 minutes remaining.

Mr. FEINGOLD. I yield 3 minutes to the senior Senator from Illinois.

Mr. SIMON. Mr. President, I rise in strong support of the Feingold amendment.

It is very interesting that the Senator from Missouri, the senior Senator from Missouri, mentioned the McCarran-Ferguson Act. The Association of Attorneys General of the States unanimously wants that repealed.

I can remember when Attorney General Ed Meese, not a flaming radical, testified before the Judiciary Committee that McCarran-Ferguson ought to be repealed.

When Senator BOND says, ''We do not support redlining,'' that is like saying we do not support going through this red light, but we are not going to arrest you if you do go through this red light. That just does not make any sense.

I am old enough, Mr. President, to remember the 1954 school desegregation decision by the U.S. Supreme Court, and we thought we were going to move into an integrated society.

But our housing pattern has prevented the kind of progress that we should have. The National Association of Insurance Commissioners recognizes that this is a serious problem. The pattern of housing discrimination is clear. It is probably one of the most blatant areas of discrimination that remains in our society.

When I was a young, green State legislator, I was a sponsor of fair housing legislation to prohibit discrimination, and I remember it was a very emotional issue at that point. I can remember talking to groups and sometimes someone would ask the question: Will this not lead to mixed marriages? And I said that I thought all marriages were mixed marriages.

The questioner would respond: Well, that is not exactly what I meant. And of course they would spell out their worry about interracial marriages, and I would say: How many of you in here married the boy or girl next door? I

never, ever had anyone raise their hand. Then I said: If you really are concerned about racially mixed marriages, then have people move next door; then you will solve what you see as a problem.

The fact is, Mr. President, if we pass this without the Feingold amendment, we are going to make it easier to discriminate. That is the reality. Part of the American dream ought to be to have a home that you like and to be able to pay for that home. We should not be denying that dream. That is what this bill does without this amendment.

I hope that we can appeal to some of our colleagues on the other side of the aisle to stand up for civil rights on this issue. We should not take a step backward.

Mr. BURNS. Mr. President, I want to finish with one point here and then I think I will yield some time to the other side because I think we have pretty much made our point.

When we look at the McCarran-Ferguson Act, it says:

No act of Congress shall be construed to invalidate, impair, or intercede any law enacted by any State for the purpose of regulating the business of insurance unless such act specifically relates to the business of insurance.

In other words, what they are saying, if we want to change the McCarran-Ferguson Act, it has to be done in free-standing legislation.

Basically, I will go right back to say that we are just adding redundancy. We are adding another layer of bureaucracy to try to deal with something the States are having success in enforcing. I think we are laying one law on top of another law.

Mr. President, I yield 10 minutes of extra time to the manager on the other side and I yield back the balance of our time.

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

The Senator from Wisconsin now has 13 minutes and 5 seconds.

Mr. FEINGOLD. I yield myself a moment to say that I certainly thank the Senator from Montana for his great courtesy in yielding some of his time.

I will now yield 7 minutes to the junior Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank Senator FEINGOLD.

Mr. President, I want to also thank the Senator from Montana and the Senator from Wisconsin for yielding me additional time. I tried to talk fast because I thought we were under greater time constraints than we are. I do want to address the whole question of regulation.

Mr. President, this issue has nothing to do with regulation. It is about civil rights. Enforcement of antiredlining provisions does not regulate insurance; rather, it prohibits discrimination. It works to ensure that insurance, like all other goods and services, is available to all citizens regardless of race.

We cannot allow, we should not allow, civil rights protections to be rolled back in the name of insurance reform. There is no reason, Mr. President, why discrimination in insurance should be treated any differently than any other form of housing discrimination.

Enforcement of the Fair Housing Act does not involve regulation. Regulation of rates or other aspects of the insurance business is indeed a State responsibility, and no one has argued that point.

What HUD is obligated to do, and what it has done under this section of the law, is to enforce civil rights laws that prohibit discrimination. No one has offered any valid explanation to show why this particular industry should be exempted from civil rights antidiscrimination laws.

In the absence of the Feingold amendment, that is what this Congress will be doing.

Mr. President, I appeal to my colleagues that the smokescreen of State rights to regulate insurance is just that in this instance. This is very clearly an issue going to the heart of enforcement of our laws prohibiting discrimination of all types.

I hope that my colleagues will support the attempt by Senator FEINGOLD to add back into the law the protections against insurance redlining that his amendment provides. I call on my colleagues to take a good, close look at what is at stake in this debate. We talked. There are a lot of words around all of these issues. But the reality of it is that when anyone has to pay more for any good or service just because of the color of his or her skin, that is a situation that these United States, I hope, has moved away from and will continue to move away from and will never go back to. To suggest we go back to that under the guise of the sloganizing about States rights is shortsighted, counterproductive, antediluvian, and I frankly would be stunned if that would be the kind of signal this Congress wants to send to the American people.

I therefore express strong support for the Feingold amendment and hope my colleagues will do so as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I yield myself such time as I require.

I thank the junior Senator from Illinois not only for her statement, but for her great leadership on this issue. I share her view. I will be stunned if this body, that has risen to the occasion on many instances, actually goes forward and takes this extremely serious and harsh act with regard to the civil rights laws of our country.

There was a suggestion at the beginning by the Senator from Missouri that somehow there would still be an ability for HUD to do something about this problem if we do not reverse this. But what the language says in the current committee amendment is:

None of the funds provided in this act will be used during fiscal year 1996 to sign, promulgate, implement, or enforce any requirement or regulation relating to the application of the Fair Housing Act to the business of property insurance.

That is pretty clear. Maybe they can think about the issue during their coffee break, but they are not going to be able to do a darned thing about it. Do not let anyone kid you, this completely guts HUD's ability to do something about property insurance discrimination.

Then there was an attempt, I know in good faith, to suggest that somehow the McCarran-Ferguson Act prevents the Federal Government from taking this step. Let us look at the plain language of the Fair Housing Act. The Fair Housing Act, which is also a law of our country just as much as the McCarran-Ferguson Act, says it is unlawful ''* * * to make unavailable or deny housing because of race, and prohibits discrimination in the provision of services [in the provision of services] in connection with the sale of a dwelling.''

Any American will tell you that homeowners insurance is the provision of services in connection with the sale of a dwelling. It is clearly within the ambit of that statute and it has been litigated. It has been litigated in the legal circuit that both the Senator from Illinois and I live in, the seventh circuit. They took up the question of whether the McCarran-Ferguson Act prevented the application of the Fair Housing Act to property insurance and they ruled that in fact it was perfectly consistent with and within the provisions of that law. So this, too, is a red herring. It is a red herring that attempts to obfuscate the fact that this is a direct assault on years and years of trying to do something at the national level about a widespread national effort by some elements in the insurance industry to prevent honest, hard-working Americans from owning a home.

I have come out to the floor since the November 8 election and I have voted to send some powers back to the States. I agree with that sentiment in many areas. I voted for the unfunded mandate bill. With some concern, I voted for the Senate version of the welfare bill. I voted to let the States decide what the speed limit should be. I voted to let the States decide whether we should have helmet laws. I voted to let the States decide what the drinking age should be. I even voted to let them decide whether or not to have seatbelt laws. But this goes too far. This is ridiculous, to suggest you simply leave a consistent national pattern of discrimination up to the States.

I recently received a letter from James Hall of Milwaukee. Mr. Hall was one of the lead attorneys in the Milwaukee redlining case that went to the Seventh Circuit Court of Appeals. In this letter, Mr. Hall laid out the reasons why the plaintiffs in this case chose the Federal route rather than relying on the Wisconsin State laws and courts.

I ask unanimous request that the text of the letter be printed in the RECORD.

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

HALL, PATTERSON & CHARNE, S.C.,
Milwaukee, WI, September 26, 1995.

Re: Insurance Redlining.

Hon. RUSSELL FEINGOLD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINGOLD: The purpose of this letter is to discuss aspects of my involvement in the lawsuit *NAACP, et al.* vs. *American Family Mutual Insurance Company*, which was filed in United States District Court for the East District of Wisconsin in July 1990 and resulted in a settlement in the spring of 1995. I understand that you are familiar with the terms of the Settlement Agreement and the involvement of the United States Justice Department in arriving at the settlement with the defendant American Family Insurance Co.

The attorneys for the plaintiffs (the NAACP and seven individuals), decided to commence the action in the United States District Court, as opposed to Wisconsin state courts. There were several reasons for our decision and why similarly situated plaintiffs may decide to utilize the federal courts:

1. We believed that the scope and range of remedies and relief obtainable under Title VIII in federal court were superior to those which we could expect to obtain in state court. There was more precedent in terms of Title VIII litigation and remedies (although not necessarily in the area of insurance redlining). This included the possibility of advancing a disparate impact theory of proof as opposed to relying totally on having to prove ''intent.''

2. It is very difficult to proceed with complex litigation while advancing on theories that may or may not hold water. For instance, the District Court dismissed one of the plaintiffs' causes of action based on state insurance law, finding that it was not clear that the state law intended a private cause of action. It is likely that litigants pursuing theories under state law will find themselves in uncharted waters advancing causes of action without precedent when proceeding under various state statutes. Fortunately, in our case, we had other causes of action, including the Fair Housing Act claim, which survived.

3. While the McCarran-Ferguson Act could have potentially created a problem, we advanced the theory (and the Seventh Circuit Court of Appeals agreed), that the Fair Housing Act provisions are consistent with the provisions of the Wisconsin statutes outlawing insurance discrimination. Accordingly, the McCarran-Ferguson Act was not found to have been violated. However, there may be serious questions concerning the ability to proceed in states which enact legislation providing, for instance, that state statutes are the exclusive remedy for discrimination. (It is doubtful that any state would pass legislation which is outright inconsistent with the federal Fair Housing Act, for instance, providing that insurance discrimination is lawful.)

4. Another consideration involves the situation a national or regional insurer conducts business in several states. In order to meaningfully address that insurer's practices, it may be necessary to commence litigation in each of the various states. It is much more convenient and cost-effective to be able to utilize the federal system.

All of the above reasons, but in particular, uncertainties about the burdens of proof and the scope of remedies, resulted in our decision to bring the action in the United States District Court. We appreciate the efforts of yourself, Senator Mosley Braun, and others aimed at continuing to allow HUD to have the ability to have meaningful involvement in this very important area of the law which affects the lives of millions of Americans.

If I may be of assistance in any way, please advise.

Sincerely,

JAMES H. HALL, Jr.

Mr. FEINGOLD. Mr. President, this should not be done, even in the name of the Contract With America, which I do not support, but I have supported some provisions of this. This really defaces the notion of devolution to the States. Some things still have to be done by the Federal Government and one thing for sure is combating discrimination in this country.

Mr. President, I urge all my colleagues to support this amendment.

How much time remains?

The PRESIDING OFFICER. There are 6 minutes and 28 seconds remaining.

Mr. FEINGOLD. Mr. President, I yield the remainder of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BOND. Mr. President, I move to table the Feingold amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2788

The PRESIDING OFFICER. Under the previous order, the question occurs on the motion to waive the Congressional Budget Act for the consideration of amendment number 2788 offered by the Senator from New Jersey [Mr. LAUTENBERG]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

The PRESIDING OFFICER (Mr. SANTORUM). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 45, nays 54, as follows:

[Rollcall Vote No. 469 Leg.]

YEAS—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
Cohen	Kennedy	Robb
Conrad	Kerry	Rockefeller
Daschle	Kohl	Sarbanes
Dodd	Lautenberg	Simon
Dorgan	Leahy	Wellstone

NAYS—54

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

NOT VOTING—1

Faircloth

The PRESIDING OFFICER. If there are no other Senators wishing to vote or change their vote, on the vote the ayes are 45 and the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

Mr. BOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DOLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the call for the quorum be dispensed with.

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

AMENDMENT NO. 2789

Mr. BOND. I ask unanimous consent that the vote ordered for amendment No. 2789 be vitiated and that the motion to table be withdrawn.

We are prepared to accept the amendment on this side.

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

The question occurs on agreeing to the amendment.

So the amendment (No. 2789) was agreed to.

Mr. BOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 2790 TO COMMITTEE AMENDMENT ON PAGE 143, LINE 17 THROUGH PAGE 151, LINE 10

Mr. CHAFEE. Mr. President, I have an amendment that has been agreed to by the managers.

I ask consent that the pending committee amendments be set aside in order to consider the committee amendment on page 143, line 17.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 2790 to the committee amendment on page 143, line 17 through page 151, line 10.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 150, strike lines 12 through 24, and insert the following: ''for this fiscal year and hereafter, an industrial discharger that is a pharmaceutical manufacturing facility and discharged to the Kalamazoo Water Reclamation Plant (an advanced wastewater treatment plant with activated carbon) prior to the date of enactment of this Act may be exempted from categorical pretreatment standards under section 307(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met: (1) the owner or operator of the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for such industrial discharger, (2) the State or Administrator, as applicable, approves such exemption request based upon a determination that the Kalamazoo Water Reclamation Plant will provide treatment and pollution removal consistent with or better than treatment and pollution removal requirements set forth by the Environmental Protection Agency, the State determines that the total removal of each pollutant released into the environment will not be lesser than the total removal of such pollutants that would occur in the absence of the exemption, and (3) compliance with paragraph (2) is addressed by the provisions and conditions of a permit issued to the Kalamazoo Water Reclamation Plant under section 402 of such Act, and there exists an operative.''

Mr. CHAFEE. Mr. President, this deals with a pharmaceutical plant in Kalamazoo, MI, and the pretreatment requirements for that plant. We are amending the underlying language that is in the bill.

This amendment has been agreed to by those involved, such as the distinguished junior Senator from Michigan and the senior Senator from Michigan, as well as the managers of the bill.

Mr. President, let me set the stage for this amendment by saying a few words about the pretreatment program under the Clean Water Act, our most successful environmental law.

The subject we are discussing is sewage treatment. Prior to enactment of the Clean Water Act, one of our Nation's most serious water pollution problems was the discharge of untreated sewage—domestic waste collected from homes, workplaces and other institutions—collected by sewers and quite often discharged without treatment to lakes, rivers and streams.

Untreated sewage creates a host of problems. It presents health hazards to those who would use the water for recreation or fishing. The nutrients in the sewage promote the growth of algae that robs the water of oxygen needed by the fish and other organisms living in the water. And the loading of sediments and toxic chemicals can kill birds and other wildlife depending on the aquatic environment for food and habitat.

So, in 1972 we committed the Nation to solving this problem by building a series of municipal sewage treatment plants. We have invested more than $120 billion—more than $65 billion of that in Federal dollars—to build, 16,000 sewage treatment plants across the country. They remove the sludge from the water. They clarify the water before it is discharged. They kill the pathogenic organisms in the sewage that would otherwise spread disease. And they dramatically reduce the nutrient loadings.

It has been a big success. For instance, you hear that Lake Erie was brought back from the dead or that the Potomac River is once again a place for recreation. That is the result of the Clean Water Act and these sewage treatment plants.

One essential part of this effort under the Clean Water Act is called the pretreatment program. Sewage treatment plants receive more than domestic waste for our homes and workplaces. They also receive billions of gallons of industrial wastewater.

Tens of thousands of manufacturing plants and commercial businesses dump the waste from their processes into the sewer. These industrial discharges contain hundreds of different kinds of pollutants—industrial solvents, toxic metals, acids, caustic agents, oil and grease, and so on.

Sewage treatment plants are not generally designed to handle all of these industrial chemicals. In fact, the industrial discharges can cause severe damage to sewage treatment plants. And even where the plant is not damaged by the industrial chemicals, the plant does not treat the toxics—it does not destroy them—it merely passes them through to the water or to the land where the sludge from the plant is disposed.

Because of these problems with industrial waste, Congress established the pretreatment program under the Clean Water Act. It requires that industries treat their wastes before putting them into the sewer. That is why the program is called pretreatment. Pollution control equipment is installed at the industrial plant and it is operated to remove pollutants such as metals and sediment or to neutralize pollutants including acids and caustics before the wastewater is put into the sewer.

This is the background for this amendment. The Clean Water Act has fostered a very successful program to treat domestic sewage. An essential part of this program is a requirement for pretreatment of industrial wastewater before it is put into the sewer and sent to the sewage treatment plant. Substantial reductions in the toxic pollution of our rivers and lakes have been achieved by the cities that operate pretreatment programs.

Let me break down the argument for the pretreatment program into four points.

First, the pretreatment program protects sewage treatment plants from damage by these industrial chemicals. The toxics in industrial waste can interfere with the chemical and biological processes used by the centralized sewage treatment plant.

Second, because sewage treatment plants are not designed to treat many of these industrial wastes—the plant merely passes the waste along to the environment—pretreatment is required before the discharge. Treatment before the discharge is much more efficient because it occurs before the industrial waste from one plant is mixed with all the other material that goes into the sewer.

At the industrial plant you have a very concentrated waste stream. Applying control equipment to that stream can remove substantially all of the toxic agents. But put that waste into the sewer untreated and mix it with millions of gallons of wastewater from homes and workplaces and it is much more difficult to remove the toxic constituents.

It stands to reason that a treatment method applied to a small concentrated waste stream will be more effective and less costly than attempting to remove the same amount of material diluted in a large quantity of wastewater.

Third, the pretreatment program simplifies the task we face under the Clean Water Program. It would be virtually impossible to set pollution standards for every single chemical that is discharged to the environment. To know what impact a particular chemical has on a particular waterbody is a question that may take years of study to answer—for that one chemical and one lake or stream. To know how hundreds of different industrial chemicals affect the aquatic environments receiving pollution from the 16,000 different sewage treatment plants is a challenge way beyond the best science we have today.

We get around this impossible task by asking that those who discharge

their industrial wastes to our rivers and lakes—and to the sewage treatment plants that discharge to our rivers and lakes—use the best available pollution control technology before the waste leaves their plant.

And fourth, the pretreatment program establishes a uniform level of controls across the whole Nation. It is no secret that the States and cities of our country are in daily competition to attract and hold jobs. One factor in locating a new business is the regulatory climate that applies in a State or city. It is cheaper to do business where the regulations are not so strict.

Prior to the Clean Water Act, many States had difficulty establishing effective pollution control programs because of their fear that business would move elsewhere. A State putting on tight controls to cleanup a lake or river faced the prospect that its employers would flee across the State line to keep production costs down. That fear was in part removed when the Clean Water Act established a uniform level of treatment required of all plants in each industry all across the Nation. Standards issued by EPA under the pretreatment program that apply to all the plants in an industry all across the country relieve some of the pressure on States that want to have good programs of their own.

So, that is the background for this amendment. The pretreatment program is a very sensible part of a very successful national effort to reduce the adverse effects of sewage discharged to our lakes, rivers and estuaries. I think the Clean Water Act has been our most successful environmental law and it has succeeded because of the technology-based controls that have been put on industrial discharges through programs like the pretreatment program.

Mr. President, there is a rider in this bill that would exempt some industrial dischargers in the city of Kalamazoo from the requirements of the pretreatment program in the Clean Water Act. The Kalamazoo sewage treatment plant is designed to achieve advanced treatment and to handle some of the wastes that are sent to it by industrial facilities. Because of this advanced capacity, it may be that some industry waste streams in Kalamazoo can be handled at the sewage treatment plant and without the need for pretreatment at the industrial facility. The purpose of the rider is to reduce compliance costs by waiving redundant treatment requirements.

I am concerned, however, on two points which I have addressed in the amendment that is now the pending business. My amendment would not eliminate the exemption. But it would tighten it up in these two ways.

First, it would only allow exemptions in Kalamazoo for pharmaceutical plants already located there. If the Senate adopted my amendment we would not be providing an exemption for all of the industrial facilities in Kalamazoo.

Second, the amendment would require EPA to determine that treatment by the Kalamazoo sewage plant is truly effective as the national standard. The exemption would be conditioned on a finding that the total loading of all pollutants to the environment through the air, surface water, ground water and to agricultural and residential lands would not be greater under the exemption than it would be if the pharmaceutical plant complied with the national standard.

With respect to determining compliance, the State of Michigan should assume that the Kalamazoo plant is operating at discharge levels consistent with the technology requirements and other requirements of the law including water quality based limitations incorporated into the permit. Any removals achieved beyond this level are available to offset the reductions that would otherwise have been achieved by the pharmaceutical plant.

If the argument made for this rider is correct—that the Kalamazoo treatment plant protects the environment with respect to the wastes from industrial sources as well as any national regulation could—well then, the pharmaceutical plant could get its exemption. If that showing cannot be made, then the pretreatment program that will apply to all of the rest of the pharmaceutical industry, would apply in this case, too.

Mr. President, I urge the adoption of this amendment.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the distinguished chairman of the Environment and Public Works Committee and the two Senators from Michigan for working to make sure that this amendment does precisely what it was intended to.

I believe the refinements in the amendment have been worked out to the satisfaction of all parties. We think the objective is a good objective. We are prepared to accept the measure on this side.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I add my thanks to the chairman of the committee, the Senator from Rhode Island, who has worked very hard with us to try to find language that will allow this project to go forward, to try to save the taxpayers of Kalamazoo, MI, from having to build an almost identical water treatment facility to the one that already exists to deal with problems at the existing facility. We appreciate that.

We will continue to move forward and continue to work with the Senator from Rhode Island to make sure this project successfully stays on track.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2790) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2791

(Purpose: To make an amendment relating to housing assistance to residents of colonias)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. If there is no objection, the pending committee amendments are set aside, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mrs. HUTCHISON, and Mr. DOMENICI, proposes an amendment numbered 2791.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 40, line 17, insert before the period the following: '': *Provided further*, That section 916 of the Cranston-Gonzalez National Affordable Housing Act shall apply with respect to fiscal year 1996, notwithstanding section 916(f) of that Act''.

Mr. BINGAMAN. Mr. President, I rise today to propose an amendment with my colleagues Senator HUTCHISON and Senator DOMENICI. This amendment would extend for 1 year the authority of the Secretary to require a set aside of up to 10 percent of a United States-Mexico border State's community development block grant allocation, as under section 916 of the Cranston-Gonzalez National Affordable Housing Act of 1990, for colonias. The colonias provision has been in effect in every year following the passage of the Cranston-Gonzalez Act in the 101st Congress, allow the original authorization lapsed in 1994. It is not a change in the status quo, and has no budget impact. Although section 916 of Cranston-Gonzalez requires States to make 10 percent of CDBG funds available for colonias, in cases like New Mexico and California, where the full 10 percent has not been utilized each year, HUD has allowed States to reallocate the funds within the State. The point is that the funding is there.

For my colleagues not familiar with colonias, these are distressed, rural, and predominantly unincorporated communities located within 150 miles of the United States-Mexico border. Texas has documented well over 1,100 colonias, while my State of New Mexico has over 30. They are often created

when developers sell unimproved lots, and using sales contracts, retain title until the debt on the property is fully paid. They often do not have adequate water and sewage access.

These conditions create a serious public health, safety, and environmental risk to the border regions. Perhaps more importantly, they represent third-world conditions in the United States. I believe, and the Secretary of HUD agrees, that we must make the eradication of such conditions within the United States a national priority.

It is my hope that my colleagues will accept this amendment, addressing the problems of the colonias has been a national priority, and I believe that it should remain one.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I know that this amendment is supported by Senators on this side, the Senator from New Mexico and the junior Senator from Texas. We are making inquiry to determine whether they wish to speak on this amendment.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I wish to add my statement in support of Senator BINGAMAN's amendment of which I am a cosponsor. I do appreciate this 10 percent set-aside for the colonias. Colonias are places that we did not know existed in America. You would not believe it. I have walked in a colonia. They are places that people live that do not have good water, and they do not have sanitary systems or sewage treatment. They are terrible.

What we are we doing with this amendment is to say that it is a priority for our country to clear those places up so that every American has the ability to live in sanitary, basically clean conditions. I support the amendment. I appreciate Senator BOND taking this amendment for us to make sure that we serve the people in need.

The issue of designating a portion of border States' CDBG money for housing is one of giving proper recognition and emphasis to the development needs of severely distressed, rural and mostly unincorporated settlements located along the United States-Mexico border. Colonias are located within 150 miles of the Mexican border, in the States of Arizona, California, New Mexico, and Texas.

Texas has the longest border with Mexico of any state.

In 1993, Texas reported the existence of 1,193 colonias with an estimated population of 279,963 people. In 1994, New Mexico reported 34 colonias, with a population of 28,000 residents.

Senator BINGAMAN and I believe it important to formally recognize the scale of this challenge.

For fiscal year 1995, VA, HUD appropriations report language specified 10 percent of the State's share of CDBG money for housing in colonias. The conference report did not specify, ''colonias,'' but instead, folded that commitment into $400 million for a number of new initiatives.

That money came under a sunset provision. It requires new action to continue the formal commitment from us at the Federal level.

This does not involve any new or additional funds.

It is merely a statement of urgent priority that these funds be available for housing in the colonias upon application.

This money only comes from the border States' shares. It does not impinge on any other States or their resources.

Mr. President, I urge we reaffirm that commitment to the people of the colonias that they are truly a part of American society and America's priorities.

I urge my colleagues to support the Bingaman-Hutchison amendment.

Mr. BOND. Mr. President, I suggest we proceed to a vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2791) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

VISIT TO THE SENATE BY MEMBERS OF THE EUROPEAN PARLIAMENT

Mr. DOLE. Mr. President, I am honored to have the opportunity to welcome, on behalf of the entire Senate, a distinguished delegation from the European Parliament here for the 43d European Parliament and U.S. Congress interparliamentary meeting.

Led by Mr. Alan Donnelly from the United Kingdom and Ms. Karla Peijs of the Netherlands, the 18-member delegation is here to meet with Members of Congress and other American officials to discuss matters of mutual concern.

No doubt about it, the European Parliament plays a pivotal role in shaping the new Europe of the 21st century. There are many challenges ahead—assisting the new democracies as they build free-market economies and defining relations with Russia, among them. Continued contact and good relations between the European Parliament and the U.S. Congress are essential in developing better economic ties with Europe and in reinforcing our common goals.

I ask my colleagues to join me in welcoming our distinguished guests from the European Parliament.

[Applause.]

Mr. President, I ask unanimous consent that a list of the delegation be printed in the RECORD.

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

DELEGATION OF THE EUROPEAN PARLIAMENT

MEMBERS OF THE DELEGATION OF THE EUROPEAN PARLIAMENT

Mr. Alan Donnelly, Chairman, Party of the European Socialists, United Kingdom.

Ms. Karla Peijs, Vice Chairman, European People's Party, Netherlands.

Mr. Javier Areitio Toledo, European People's Party, Spain.

Ms. Mary Banotti, European People's Party, Ireland.

Mr. Laurens Jan Brinkhorst, European Liberal Democratic and Reformist Party, Netherlands.

Mr. Bryan Cassidy, European People's Party, United Kingdom.

Mr. Jean-Pierre Cot, Party of European Socialists, France.

Mr. Gerfrid Gaigg, European People's Party, Austria.

Ms. Ilona Graenitz, Party of European Socialists, Austria.

Ms. Inga-Britt Johansson, Party of European Socialists, Sweden.

Mr. Mark Killilea, Union for Europe Group, Ireland.

Ms. Irini Lambraki, Party of European Socialists, Greece.

Mr. Franco Malerba, Union for Europe Group, Italy.

Ms. Bernie Malone, Party of European Socialists, Ireland.

Mr. Gerhard Schmid, Party of European Socialists, Germany.

Mr. Josep Verde I Aldea, Party of European Socialists, Spain.

To be determined, European People's Party.

SECRETARIAT, INTERPARLIAMENTARY DELEGATIONS

Dr. Manfred Michel, Director-General for External Relations.

EUROPEAN COMMISSION DELEGATION

Mr. Jim Currie, Charge d'Affaires, European Commission.

Mr. Bob Whiteman, Head of Congressional Affairs, EC Delegation.

RECESS

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess so that we may personally greet Members of the European Parliament.

There being no objection, the Senate, at 1:40 p.m., recessed until 1:44 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SANTORUM).

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the pending committee amendments be set aside.

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

AMENDMENT NO. 2792

(Purpose: To make funds available to support continuation of the Superfund Brownfields Redevelopment Initiative)

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] for himself and Mr. LIEBERMAN, proposes an amendment numbered 2792.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 142, line 20, after the period, insert the following: ''*Provided further*, That the Administrator shall continue funding the Brownfields Economic Redevelopment Initiative from available funds at a level necessary to complete the award of 50 cumulative Brownfield Pilots planned for award by the end of FY96 and carry out other elements of the Brownfields Action Agenda in order to facilitate economic redevelopment at Brownfields sites.''

Mr. CHAFEE. Mr. President, today I offer this amendment on behalf of myself and Senator LIEBERMAN to preserve a very small but important part of the Superfund Program, EPA's brownfields economic redevelopment initiative. We all know what brownfields are—they are the abandoned plant that might be contaminated, or might not be. No one knows exactly what the problems at these sites are, so people are afraid to invest in them or redevelop them, people are afraid of liability. So rather using old industrial sites, new development flees the city and tears up our open space, greenfields. In the meantime, these old sites remain a blight and a big hole in local tax bases.

EPA's brownfields economic redevelopment initiative—its brownfields program—is a Superfund success story. The brownfields initiative is a cost-effective means of ameliorating some of these unintended consequences of Superfund, especially in economically depressed urban areas. Real risk reduction is achieved when brownfields sites are cleaned up, and it is private investment money that does most of the work. The small amount of money EPA allocates to brownfields is highly leveraged.

This effort includes 50 planned pilot projects across the Nation to demonstrate that we can reuse existing contaminated sites for economic development instead of undeveloped clean sites. Each of these pilot projects are awarded up to $200,000 over 2 years. These funds are used to help with the up-front investigations and evaluation that must take place before deciding on how best to clean a site.

To date, EPA has awarded about 18 out of 50 planned grants. I think it's vitally important that EPA's brownfields effort continue as a high priority, and the purpose of my amendment is to make sure that this happens.

What is the consequence if we fail to encourage the private sector to take on brownfields sites? Often, the sites remain abandoned or orphan—as many are—they may migrate onto the NPL or State lists for publicly funded cleanup. The Superfund bill Senator SMITH is working to bring forward in the next few weeks will contain provisions to make brownfields redevelopment easier.

This is a good way to spend some of the limited Superfund dollars available this year. We get real risk reduction by examining and evaluating these sites. We are learning valuable lessons at each of the pilots on how to create public and private partnerships between the Federal Government, State and local government, and the private sector to get abandoned urban eyesores back on the tax roles, producing jobs in cities like Providence. I urge my colleagues to support this amendment to preserve one of the best things EPA has done on Superfund in the past several years.

I commend Senator BOND, a member of the Environment and Public Works Committee as well as chairman of the Committee on Small Business and the Appropriations Subcommittee with jurisdiction over Superfund, for his interest in Superfund and his commitment to helping us move forward with Superfund reform this year.

Mr. President, I ask unanimous consent that the junior Senator from Pennsylvania [Mr. SANTORUM] be added as a cosponsor.

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

Mr. BOND. Mr. President, I am delighted that the Senator from Rhode Island has offered this amendment. I am very glad he called it to our attention. We have, in St. Louis, MO, a significant impact from the brownfields question. I think this is one of EPA's better initiatives. It may make one suspicious to look at the breadth of support of this.

But David Osborne, author of ''Reinventing Government,'' said:

This is an important initiative. The barriers to cleaning up urban Superfund sites have stopped redevelopment in its tracks time and time again. This initiative will begin to solve that problem. It will bring businesses back to the city, create jobs and increase the urban tax base.

Gregg Easterbrook, author of ''A Moment on the Earth,'' said:

EPA's Brownfields initiative represents ecological realism at its finest, balancing the needs of nature and commerce. This pathbreaking initiative shows that environmental protection can undergo genuine regulatory reform, becoming simpler and more cost-effective, without sacrifice of its underlying mission.

Philip Howard, author of ''The Death of Common Sense,'' said:

EPA's Brownfields initiative represents an important change in direction. It will help the environment and the economy at the same time by dealing with the problem of contaminated properties in a commonsense way.

I think this is a win-win proposition for everybody. We are delighted to accept the amendment on this side.

Ms. MIKULSKI. I wish to congratulate the Senator from Rhode Island who came forth with this amendment. Not only do we not object to the amendment, we enthusiastically support it.

Mr. CHAFEE. Mr. President, I wanted to thank the distinguished Senator from Maryland and also the manager of the bill, Senator BOND, a member of the Environment and Public Works Committee. Both have been very helpful to us as we worked our way through this amendment. I particularly am grateful to all staff who has also been very cooperative.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2792) was agreed to.

Mr. BOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2793

(Purpose: To provide funding for the Service Members Occupational Conversion and Training Program)

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask for immediate consideration.

The PRESIDING OFFICER. The pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 2793.

Mr. THURMOND. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 3, line 19, strike ''$1,345,300,000'' and insert ''$1,352,180,000.''

On page 3, strike line 24 and add ''as amended; *Provided further*, That of the amounts appropriated for readjustment benefits, $6,880,000 shall be available for funding the Service Members Occupational Conversion and Training program as authorized by sections 4481–4497 of Public Law 102–484, as amended.''

On page 10, line 18, strike ''$88,000,000'' and insert ''$872,000,000.''

Mr. THURMOND. Mr. President, this amendment will provide funding for the Service Members Occupational Conversion and Training Act, known as SMOCTA. SMOCTA is the common name for it.

It will provide job training for unemployed veterans, veterans whose occupational specialty in the military is not transferable to the civilian work force, and for veterans rated 30 percent disabled or higher. The amendment

provides funding to continue the program for 1 year. It is paid for by transferring less than 1 percent of VA's general operating expense account, $8 million. In other words, the general operating expense fund contains $880 million; this amendment transfers only $8 million, less than 1 percent.

Mr. President, the SMOCTA program was created by the fiscal year 1993 Defense Authorization Act as a pilot program to provide training wage subsidies to employers who hire recently separated unemployed service members for new careers in the private sector. The 1993 Defense Appropriations Act appropriated $75 million for SMOCTA. Those funds have been largely obligated, and any remaining balance will not be available for obligation after September 30, 1995. This amendment will provide a minimum level of funding to carry out the program through its period of authorization, September 30, 1996. Mr. President, although there were some initial bureaucratic delays in getting the program implemented, the program has been very successful. Over 8,300 employers have certified training programs, including national corporate chains. Those employers have filed nearly 15,000 notices of intent to employ veterans. Over 50,000 veterans have been certified for the program. Approximately 10,700 veterans have been placed in job training, for a period of 12–18 months, at an average cost per veteran of approximately $4,000.

The Departments of Defense, Labor, and Veterans Affairs have worked hard to establish this program. It would be a mistake to let this program expire at this time. To not extend this program would send a message to the veterans of our Nation, caught in the military downsizing, that we do not care about their futures. It would tell employers that the Federal Government cannot be trusted in partnership agreements. I do not believe these are messages the U.S. Senate wishes to send.

Mr. President, without this amendment, SMOCTA funding will terminate at the end of the current fiscal year. My amendment will cure the conflict between the authorization period and availability of appropriations for this program.

Mr. President, there has been some debate over the proper funding source for this program. This results partly because the original funding for this program was from Defense appropriations. However, let me emphasize that this is not a program directly related to our funding military readiness or modernization. It is a program for veterans. The authorization recognized this program would require a partnership between the Defense Department, the Department of Labor, and the Department of Veterans Affairs. Passing funding responsibility from one agency to another will not aid our veterans who rely on readjustment benefits.

Mr. President, the SMOCTA program has strong support in the business community and the veterans community. I encourage my colleagues to join in supporting this amendment.

Mr. President, as I understand it, both sides have agreed to accept this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2793) was agreed to.

Mr. THURMOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. THURMOND. I wish to thank the manager of the bill on behalf of the veterans of this country.

AMENDMENT NO. 2794

(Purpose: To direct the Administrator of the Environmental Protection Agency not to act under section 6 of the Toxic Substances Control Act to prohibit the manufacturing, processing, or distributing of certain fishing sinkers or lures to giving notice to Congress)

Ms. MIKULSKI. Mr. President, I offer an amendment on behalf of Senator HARKIN. I send the amendment to the desk.

The PRESIDING OFFICER. The pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] for Mr. HARKIN, proposes an amendment numbered 2794.

Ms. MIKULSKI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . The Administrator of the Environmental Protection Agency shall not, under authority of section 6 of the Toxic Substances Control Act (15 U.S.C. 2605), take final action on the proposed rule dated February 28, 1994 (59 Fed. Reg. 11122 (March 9, 1994)) to prohibit or otherwise restrict the manufacturing, processing, distributing, or use of any fishing sinkers or lures containing lead, zinc, or brass unless the Administrator finds that the risk to waterfowl cannot be addressed through alternative means in which case, the rule making may proceed 180 days after Congress is notified of the finding.

Ms. MIKULSKI. Mr. President, this legislation deals with lead sinkers. It has been worked out on both sides. Senator HARKIN wished to have this amendment adopted. It has been cleared, I believe, by both sides, and I move its adoption.

Mr. BOND. Mr. President, since my State of Missouri is not only a leading manufacturer of fishing lures and therefore very much interested in it—Missouri happens to host a large number of people who enjoy fishing—it is therefore with great pleasure on behalf of this side that we are willing to accept the HARKIN amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2794) was agreed to.

Mr. BOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2795

(Purpose: To provide HUD with the authority to renew expiring section 8 project-based contracts through a budget-based analysis. This will provide HUD with the tools to begin to address the high-cost of section 8 project-based assistance while Congress begins to fully address options in lieu of the renewal of section 8 project-based assistance. This amendment will help provide HUD with tools to avoid foreclosure and possible displacement of tenants)

Mr. BOND. Mr. President, I send an amendment to the desk, and I ask the pending amendment be set aside.

The PRESIDING OFFICER. The clerk will report. The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] for himself, Mr. D'AMATO, Mr. BENNETT, and Mr. MACK, proposes an amendment numbered 2795.

Mr. BOND. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 105, beginning on line 10, strike ''SEC. 214.'' and all that follows through line 4 on page 107:

''SEC. 214. SECTION 8 CONTRACT RENEWAL.

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall renew upon expiration each contract for project-based assistance under section 8 of the United States Housing Act of 1937 that expires during fiscal year 1996 in accordance with this subsection.

''(b) CONTRACT TERM.—Each contract described in subsection (a) may be renewed for a term not to exceed 2 years.

''(c) RENTS AND OTHER CONTRACT TERMS.—Except as provided in subsections (d) and (e), the Secretary shall offer to renew each contract described in subsection (a) (including any contract relating to a multifamily project whose mortgage is insured or assisted under the new construction and substantial rehabilitation program under section 8 of the United States Housing Act of 1937):

''(1) at a rent equal to the budget-based rent for the project;

''(2) at the current rent, where the current rent does not exceed 120 percent of the fair market rent for the jurisdiction in which the project is located; or

''(3) at the current rent, pending the implementation of guidelines for budget-based rents.

''(d) LOAN MANAGEMENT SET-ASIDE CONTRACTS.—The Secretary shall offer to renew each loan management set-aside contract at a rent equal to the budget-based rent for the unit, as determined by the Secretary, for a period not to exceed 1 year.

''(e) TENANT-BASED ASSISTANCE OPTION.—Notwithstanding any other provision of law, the Secretary may, with the consent of the owner of a project that is subject to a contract described in subsection (a) and with notice to and in consultation with the tenants, agree to provide tenant-based rental assistance under section 8(b) or 8(o) in lieu of renewing a contract to provide project-based

rental assistance under subsection (a). Subject to advance appropriations, the Secretary may offer an owner incentives to convert to tenant-based rental assistance.

''(f) DEMONSTRATION PROGRAM.—If a contract described in subsection (a) is eligible for the demonstration program under section 213, the Secretary may make the contract subject to the requirements of section 213.

''(g) DEFINITIONS.—

''(1) BUDGET-BASED RENT.—For purposes of this section, the term ''budget-based rent'', with respect to a multifamily housing project, means the rent that is established by the Secretary, based on the actual and projected costs of opening the project, at a level that will provide income sufficient, with respect to the project, to support—

''(A) the debt service of the project.

''(B) the operating expenses of the project, including—

(i) contributions to actual reserves;

(ii) the costs of maintenance and necessary rehabilitation, as determined by the Secretary;

(iii) other costs permitted under section 8 of the United States Housing Act of 1937, as determined by the Secretary.

''(C) an adequate allowance for potential and reasonable operating losses due to vacancies and failure to collect rents, as determined by the Secretary.

''(D) an allowance for a rate of return on equity to the owner not to exceed 6 percent.

''(E) other expenses, as determined to be necessary by the Secretary.

''(2) BASIC RENTAL CHARGE FOR SECTION 236. ''A basic rental charge'' determined or approved by the Secretary for a project receiving interest reduction payments under section 236 of the National Housing Act shall be deemed a ''budget-based rent'' within the meaning of this section.''.

''(3) SECRETARY.—The term ''Secretary'' refers to the Secretary of Housing and Urban Development.''.

Mr. BOND. Mr. President, I offer this amendment on behalf of myself, Mr. D'AMATO, Mr. BENNETT, and Mr. MACK. This is designed to provide HUD with authority to renew expiring section 8 project-based contracts through a budget-based analysis.

Now, what that means is that we are working with HUD, with OMB and the Congressional Budget Office to resolve a very difficult problem where project-based certificates have been issued in the past. The cost is above market rate. These are expensive projects.

HUD knows, we know, the budget offices know, we have to resolve this problem. Since we were unable to get an agreement on a measure to fix the problem this year and stay within our budget allocations, there was a prospect that in some areas where there was very little available housing, people who live in project-based section 8 housing could be displaced.

This problem was particularly acute in Salt Lake City, UT. Senator BENNETT brought that to our attention. We found that there are many other areas around the country where it is possible that the developments could be converted to private use, people displaced. Even though we would make available section 8 certificates for those people displaced, as a simple matter of fact, there may not have been enough housing to take care of them. This is particularly true for the elderly and disabled.

This amendment tells the Secretary to use a budget-based analysis to take a look at the costs of operating the Department and the debt service, to renew the contracts for a year on a basis which is fair both to the owner of the property and to the Federal Government so that we may continue to work on the problem of resolving the question about the expenditure on project-based certificates which are far above market rate.

This is a fix that I think is acceptable on both sides. I hope my colleagues will accept it.

Ms. MIKULSKI. Mr. President, I wish to rise in support of the amendment offered by the Senator from Missouri. I absolutely concur with his remarks.

In our hearings in the subcommittee, we found that the issues related to market rate are quite severe. They need to be addressed. They need to be addressed with some promptness and urgency. Otherwise, we could be facing the debacle not unlike some of the issues we faced in the S&L crisis.

Senator BOND of Missouri is really an expert on this issue. I believe we should follow his lead on this amendment. I support it. I am willing to accept it.

Mr. KERREY. Mr. President, I would like to ask the distinguished chairman for assistance in dealing with an issue that is very important to myself, Senator EXON and the people of the rural areas of Nebraska. As you are aware, there is currently a large differential in rents between rural and urban areas in our country. I am concerned that too large a variance would have a significant adverse effect on low income elderly populations. We must enable developers to continue to provide our rural areas with this valuable service. This is a problem not just in Nebraska but also in neighboring States that have large rural populations. I understand the need for the budgetary constraints that have been placed upon your committee. However, unrealistically low fair market rents will have a devastating impact on the numerous rural beneficiaries of assisted housing. As the fair market rent levels decline, the negative effects of excessive rent differentials between urban and nearby rural areas become more significant. I respectfully ask the chairman to do what he can to rectify this unfortunate situation in the conference.

Mr. DASCHLE. Mr. President, I share the concerns expressed by Senator KERREY. Obviously there will be some real variances between smaller, rural communities and our larger, metropolitan areas. Nonetheless, we need to continue to provide a realistic incentive for developers to build projects in areas that are experiencing a shortage of affordable housing. I would also urge the committee to review the current mechanism.

Mr. HARKIN. Mr. President, I appreciate the leadership that Senator KERREY has taken on this issue. One of the reasons that the current situation regarding fair market rents in small towns is so unfair is the history of how many of these projects were developed up to 20 years ago. The rent limitations that were used at the time were about the same for metropolitan and nonmetropolitan areas. Now, at contract renewal time, the projects in smaller towns outside metropolitan areas are subject to far different rent standards than urban areas face. There are some projects that face rent levels that will actually be lower than the rents approved 20 years ago when the projects were built. These very low rent levels create a situation where projects will not be able to be maintained. Projects may be forced into foreclosure or conversion to regular rental housing. Current renters in my State, mostly the elderly and disabled, will face deteriorating buildings or eviction. They may get new section 8 certificates. But, the availability of affordable housing in homes near elderly resident's families will not, in a large number of cases, be available. I ask that this problem be examined in conference and relief fashioned to treat projects in small towns outside metropolitan areas in a fair and even handed manner.

Mr. BOND. Mr. President, I appreciate the Senator's comments. I certainly understand the severity of this problem. Missouri, as well as Nebraska, South Dakota, and Iowa is home to a largely rural population. I, too, am concerned for the future of this program. I will work with Senator MIKULSKI and members of the conference to address this issue. We include in this bill provisions which will make available budget-based rent renewal levels for project-based contracts which will remove the artificial impediment of the current ''fair market'' calculation. I hope this will help address this serious concern.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2795) was agreed to.

Mr. BOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BOND. I suggest the absence of a quorum.

Mr. BOND. 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.

MACT

Mr. COCHRAN. Mr. President, I rise for the purpose of engaging in a short colloquy with the distinguished Senator from Missouri, the chairman of the VA/HUD Appropriations Subcommittee. Will the Senator assist me in clarifying an issue in the bill under consideration today?

Mr. BOND. I would be pleased to assist my colleague, the senior Senator from Mississippi and senior member of the Appropriations Committee.

Mr. COCHRAN. I thank the Senator from Missouri. The issue I wish to clarify is the Appropriations Committee's intent regarding the Environmental Protection Agency's refinery maximum achievable control technology [MACT] rule. This rulemaking is of deep concern to me, as I am sure it is to the Senator from Missouri.

In promulgating the refinery MACT rule, EPA has ignored the principles of sound science, used outdated data to establish emissions controls, developed extremely questionable estimates of the benefits to be gained from these emissions controls, and failed to take into account the impact of these regulations on the smaller refiners around the nation, including those in my home State of Mississippi.

Does the Senator from Missouri share my concerns?

Mr. BOND. Yes, sir, I do. In fact, the concerns of the Senator from Mississippi reflect the concerns of the Appropriations Committee. In the committee's report on this bill, we expressed our disapproval with the way in which EPA promulgated the refinery MACT rule. To quote from the committee report: ''The committee strongly encourages EPA to reevaluate the refinery MACT and other MACT standards which are not based on sound science''.

Mr. COCHRAN. I thank the Chairman. One further point. Would the Chairman agree that there is significant sentiment on the Appropriations Committee and in the Senate to talk further, and perhaps take stronger, action on this issue next year if EPA does not engage in a serious reevaluation of the refinery MACT rule during fiscal year 1996?

Mr. BOND. That is indeed the sentiment of many members of the committee. I have heard from many of my colleagues, both on the Appropriations Committee and the authorizing committee—the Environment and Public Works Committee—on the refinery MACT issue. The Senator and his colleagues can be assured that if EPA does not heed the directive contained in the Committee report on this bill, the leadership of the committee will be prepared to take additional action in the future.

Mr. COCHRAN. I thank the Chairman. I appreciate this willingness to address the refinery MACT issue in the committee report.

Mr. BURNS. Mr. President, I rise today to engage in a colloquy with chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee. I want to discuss the need for regulatory reform at the Environmental Protection Agency.

As the chairman knows, I have been extremely concerned with the petroleum refinery MACT regulation. MACT is the acronym for the term maximum achievable control technology. I would like to thank him for adding report language which reflects the committee's concerns with this rule. I strongly encourage EPA to reevaluate this rule because it is not based on sound science.

In 1980, industry did not have the extensive controls and technologies that are now in use. In fact, in 1980, the requirements from the 1977 Clean Air Act Amendments had not yet kicked in. Obviously, in the last 15 years, refineries have made significant improvements in reducing emissions. EPA has simply ignored all of these improvements and based a rule on 15-year-old data in order to inflate its benefits.

This rule will cost refineries and fuel consumers in this country at least $100 million each year. This puts refineries in Montana and throughout the Nation at economic risk. And what about the jobs these refineries provide the local communities? Well, they are at risk, too. Almost $20 million of this will be spent to meet the paperwork and monitoring requirements of the rule which do nothing to improve public health or the environmental protection.

Mr. President, I would like to make one final point. All of the information is based on EPA's own data and analysis. None of this information is based on any kind of industry study. This information can be found in the final rule published in the Federal Register on August 18, 1995. Refiners in Montana have simply asked that this rule be based on sound science, including accurate and current data. They have not asked for any rollback of environmental regulations. Since the data are the basis for the entire rulemaking, it seems to me that EPA must go back to the beginning and redo the rule from scratch.

I look forward to working with the chairman in conference regarding the refinery MACT rule; and I thank him.

Mr. BOND. The Senator from Montana has valid concerns. Other members of the subcommittee have also questioned the basis for this rule. I will work with him and other members in the conference committee regarding the regulation. This rule will serve as an important precedent for subsequent MACT regulations for other industries.

Mr. BURNS. I appreciate the chairman's comments and support.

BREVARD AND LEAVENWORTH VA FACILITIES

Mr. MACK. Mr. President, it strikes me that the VA has not given a great deal of thought to defining its mission for the next century. In its fiscal year 1996 budget submission, the VA requested funding for two new hospitals. However, it is clear that our veterans would be better served if the VA, like the rest of the Nation's health care providers, began focusing on outpatient and ambulatory care. I note with interest that the committee has not funded the VA's hospital construction request. I believe that is a result of the committee's concern about VA's lack of strategic planning as well as budgetary concerns.

Mr. BOND. Mr. President, my colleague is correct. Today, the VA is unable to provide a strategic vision of VA health care for the next century that squares with facility investment decisions. The VA's fiscal year 1996 request continues to emphasize costly and inefficient health care delivery systems that are out of step with the overall national trends in health care. Given the fact that private-sector health care providers have moved in the direction of outpatient care, coupled with plummeting Federal budgets and the demographic trends related to veterans, it would not be prudent to build additional hospitals. Similarly, other investment decisions such as building new ambulatory and long-term care facilities cannot be made rationally without an overall plan that reconciles facilities to health care goals and populations. I am also concerned about the budgetary requirements of building new facilities. Not only is construction costly but operating costs will put additional pressures on a declining budget.

Mr. MACK. Mr. President, east central Florida is a critically underserved area with a growing population of retired, limited-income veterans. Florida has the highest percentage of veterans 65 years and older in the Nation. They currently represent 30 percent of the State's veterans population and, contrary to GAO's recent report, the numbers are increasing daily. Certainly, Florida veterans, Senator GRAHAM, and I acknowledge the budget constraints before this Congress and the need for a balanced budget. For this reason, we have modified our present request to reflect fiscal reality while still meeting long identified medical service needs. Recognizing that neither the House nor the Senate intend to fund the original plan for a comprehensive medical facility at this time, we are requesting that the VA be able to use the previously appropriated fiscal year 1995 funds for the design and construction of an outpatient medical facility and long-term nursing care facility which will provide immediate relief to Florida veterans.

Mr. GRAHAM. Mr. President, I stand along side my colleague, Mr. MACK, in calling this Congress to take action in providing long promised and much needed medical services to Florida veterans. While Congress squabbled over the location of the facility, our veterans continued to wait. Finally, with the issue of location resolved, the President's fiscal year 1996 budget request included this facility, and veterans thought they saw the light at the end of the tunnel. We were extremely disappointed to say the least when that request was ignored by the House VA/HUD Subcommittee.

Mr. MACK. Mr. President, rather than a new hospital, I propose a nursing home facility and an outpatient clinic which will help complete the southeast regional and statewide network of veteran health care providers while addressing the need to provide long-term care service to veterans in east central Florida.

Mr. GRAHAM. Mr. President, I concur with my colleague from Florida regarding downgrading the request for funding a comprehensive hospital to an outpatient clinic and long-term nursing care facility. This proposal is to construct a nursing home care facility and outpatient clinic on the site contributed for the East Central Florida Medical Center to provide specialized care which is not currently available.

A 120-bed nursing home care unit will have, in addition to regular nursing home care, the capacity to provide psychogeriatric care—including that for Alzheimer's patients—and ventilator-dependent care. The ambulatory care clinic will be available to serve all veterans in the area. Approximately 30,000 patient visits per year will be accommodated. The total cost would be $35 million. We have existing funds of $17.2 million which was appropriated in fiscal year 1995 for the design and planning of the VA medical facility. We would like to use those funds toward the design and construction of the alternative proposal. In the near future, we would request that Congress provide the balance of $17.8 million to complete the project. This proposal is more than a Band-aid to the problem and is surely a more reasonable request for our veterans to make of this Congress.

Mr. DOLE. Mr. President, I agree that outpatient, ambulatory care should be the focus of future construction by the VA. In my home State of Kansas, I have been working closely with the staff of the Dwight D. Eisenhower VAMC in Leavenworth to improve outpatient care for our veterans with the addition of a new ambulatory care clinic. Currently, primary care treatment processes at the Leavenworth VAMC are unnecessarily fragmented and severely deficient in the space required for their functions. This clinic is a must if the Leavenworth VAMC is to retain its College of American Pathologists accreditation.

Last year, the Congress provided funds to begin planning and design of this facility. It is my expectation that the VA will include this project in next year's budget. However, if they do not, it is my understanding that the committee will give this project every consideration. I would ask my friend, the Chairman, is that correct?

Mr. BOND. Mr. President, the majority leader is correct. The committee is well aware of the need for the Brevard County and Leavenworth facilities. We understand that the Department of Veterans Affairs will be in a position to begin construction of the Brevard facility during fiscal year 1996 and the Leavenworth facility in fiscal year 1997. Like my colleagues, I expect the Department to consider including these projects in its fiscal year 1997 budget submission. However, if they do not, we will carefully consider both projects.

TOXIC SUBSTANCES REGISTRY

Mr. GLENN. I would like to commend my colleague from Missouri and the Chairman of the VA-HUD Subcommittee for continued funding of the Agency for Toxic Substances and Disease Registry study on minority health. I believe this is important work. I would also like to speak to a complementary research effort that will help to protect minority populations, women, infants, and other populations from the adverse health effects of consuming chemically contaminated fish. In particular, this study identifies specific populations residing in the Great Lakes basin that may be at higher risk of exposure to chemical contaminants present in one or more of the Great Lakes. To date, ATSDR has learned about the trends in Great Lakes fish consumption. For example, fish is an essential component of diets of minority populations such as Native Americans and sport-anglers. The preliminary findings from this ATSDR study are helping to clarify the actual impacts of chemical exposure through fish consumption to these specific populations. In some cases, certain effects are not as prominent as feared, but the study corroborates that there are human health effects and helps to pinpoint the trends.

However, continued research is needed to identify other susceptible populations, exposure pathways and correlation of exposure levels to health effects. Most importantly, we need to mobilize a public education effort to help members of at-risk populations and the medical community learn about the adverse human health effects of contaminated fish consumption and identify ways to minimize these harmful effects. Without continued funding the money and time invested in this research will be wasted and we will not have critical information to prevent risks to human health from contaminated fish consumption.

Mr. KOHL. The Senate has proposed a $14 million cut from fiscal year 1995 for the Agency for Toxic Substances and Disease Registry and the House proposed a $7 million cut from fiscal year 1995. The House report on H.R. 2099 specifically calls for continued ATSDR funding for this study on consumption of contaminated fish and the harmful human health effects. Continuing this incomplete study will allow us to develop strategies of prevent harmful human health effects from consumption of contaminated fish. Understanding the consumption trends of Great Lakes fish is only helpful if we can draw conclusions from that information and then develop strategies to prevent harmful human health effects from this significant exposure pathway. Will the Chairman of the Appropriations Subcommittee on VA, HUD, and Independent Agencies be willing to work with our colleagues in the House to ensure adequate funding to complete this important, far-sighted research?

Mr. BOND. I appreciate the concerns expressed by the Senators from Ohio and Wisconsin about this ATSDR study and I have a better understanding of the significance of continued funding for the research on chemically contaminated fish. I will give close consideration in Conference to securing adequate funding for the ATSDR study on the human health effects of contaminated fish consumption.

SAVANNAH SEWERS

Mr. COVERDELL. Mr. President, I would like to bring to the Chairman's attention a critically needed project in Savannah, GA. Savannah, has been plagued with repetitive and devastating flooding over the last 15 years. The population affected is primarily low-income, distressed, and minority. These families have repeatedly been forced to leave their homes and businesses with great economic consequences.

The Federal, State and local governments have had to, on several occasions, commit significant resources to address the emergency needs of these areas. Consequently, the city of Savannah, in collaboration with the private and nonprofit sectors, has created a highly innovative plan to provide permanent solutions to the core flood areas that will significantly reduce long-term Government expenditures.

The overall plan involves over $100 million in carefully constructed engineering solutions. The city has already committed and raised $32 million of this total. They have also devised a series of retention structures, canal widening and station collector system improvements that will save the Federal Government money over the long-term and represent a true abatement commitment.

Mr. President, I seek the Chairman's support for Federal participation in this unique partnership, albeit on a limited basis. If the conference committee should decide to provide funding for EPA sewer treatment grants, I would appreciate his careful consideration of the Savannah project. The City of Savannah requests $900,000 for critical engineering studies for pumping, engineering, and canal widening work in these flood-prone areas and $10 million for crucial collector system improvements at the primary pumping station.

I would remind the Chairman that the city has already raised $32 million toward the overall cost and plan components. Therefore these EPA funds would be matched with proven commitments.

Mr. BOND. I thank the Senator for his comments and request. I am aware of the serious flooding and wastewater/sewer problems confronted by the city of Savannah. Like the Senator from Georgia, I have firsthand knowledge of the devastation that such repetitive flooding can have on families, homes and small businesses. I am impressed by the level of resources already committed by the City of Savannah to resolve this problem in a more efficient, cost-effective manner. The Senator from Georgia and the city of Savannah are to be commended for his new private-public partnership concept.

Accordingly, it would be my intention that this project receive priority consideration in conference for funding through the fiscal year 1996 allocations made under this bill for water infrastructure needs.

CIESIN FUNDING

Mr. LEVIN. I would like to engage the distinguished manager of the bill in a brief colloquy regarding concerns that have already been raised by the junior Senator from Michigan. This matter regards the fiscal 1996 funding situation of the Consortium for International Earth Science Information Network [CIESIN].

I am grateful that the Chairman has provided some assurances that CIESIN will not be prohibited from competitively bidding on NASA contracts in the future, despite the Committee's concurrence with the ''House recommendation'' regarding specific funding for CIESIN. I would appreciate the Chairman's assistance in clarifying this statement just a little further. It is my understanding that the House report language, while not funding CIESIN specifically, does not in any way limit the opportunity for CIESIN and NASA to continue to operate under the terms of the existing contract, including option years.

Mr. BOND. The Senator from Michigan is correct. While we do not identify specific 1996 funds for CIESIN within this bill, nothing interferes with the rights and options that either party has under the existing contract.

Mr. LEVIN. I thank the Senator from Missouri for that clarification and appreciate his willingness to address our concerns. If the manager of the bill will yield further, the committee's report suggests that NASA should seek greater commercial, international, and Government participation in the EOSDIS program, with the goal of reducing costs. And, the Committee has highlighted the Goddard Space Flight Center in Maryland and the Earth Resources Observation System Data Center in Sioux Falls, SD, as core elements of a revamped EOSDIS.

Given that CIESIN has already developed international partners, is broadly supported by university researchers, and has won recognition for its innovative software, including this year's Smithsonian award for innovative software development, would the Chairman concur that CIESIN should be afforded appropriate recognition by NASA in the agency's development of its fiscal 1997 appropriation request, especially since the committee's report already urges NASA to integrate CIESIN activities within its EOS plan for fiscal year 1996?

Mr. BOND. That matter will, of course, be up to NASA and the administration. But, given that CIESIN is already meeting standards that this committee has set out for other components of EODIS, we would expect that CIESIN would be given full and fair consideration in the development of NASA's fiscal 1997 budget request.

Mr. LEVIN. I thank the Chairman for assisting me in clarifying the committee's intentions. I also want to acknowledge and thank the distinguished ranking member for her assistance in funding CIESIN in past years.

TENANT OPPORTUNITY PROGRAM

Mr. BIDEN. Mr. President, I am wondering if the Chairman of the Subcommittee will engage in a colloquy with me regarding the Tenant Opportunity Program.

Mr. BOND. I would be pleased to yield to my colleague from Delaware.

Mr. BIDEN. I thank my friend. Mr. President, the Tenant Opportunity Program—known as TOP—was created by the Department of Housing and Urban Development to provide technical assistance and training for public housing residents to organize their communities. Its goal is tenant empowerment. That may be a noble goal. But, TOP is not, in my view, the best way to achieve it.

The program is poorly designed, loosely structured, and ripe for abuse. Just how ripe was evident earlier this year in the city of Wilmington, DE. Six Wilmington public housing projects were each awarded $100,000 TOP grants, and a consultant—a consultant—tried to claim $60,000 of each grant. Incredible as it may sound, my colleagues heard me correctly: 60 percent of each TOP grant in Wilmington, DE was going to be paid to a consultant. That's a total consultant fee of $360,000 from just six grants.

Mr. President, this may sound like one bad apple. And, the Department is to be commended for investigating this case, discovering that the application procedures were violated by the consultant, and canceling these particular six grants. But, the more I look into the whole program, the more I am convinced that the problem here is with the program itself.

For example, the most disorganized public housing projects in Wilmington—the ones that need this program the most—were unable to get a TOP grant because they were not organized enough. That is a classic Catch-22 situation. Another example: no where does the program require that the recipients of the grants specify exactly how the taxpayers' money will be used. And, the major beneficiary of this program seems to be consultants, not public housing residents.

Now, I would like to ask the chairman of the Subcommittee about the Committee's intention regarding funding for TOP. The House, in its version of the VA–HUD Appropriations bill, provided $15 million for the program. As I read the Senate version of the bill, no funding is provided for TOP. I want to ask the chairman if my understanding is correct—that it is the committee's intent to kill this program.

And, before he answers, let me just say that I ask this question because the Department created TOP in the first place without an explicit authorization from Congress. My concern is that without an explicit statement from Congress that TOP is to receive no funding, I fear that the Department may try to fund the program anyway, using unearmarked funds from the annual contributions for assisted housing account or funds from the Supportive Services Program under the Community Development Grants.

In other words, I am concerned about the Department playing shell games, and I want to be absolutely clear for the record. Is it the Committee's intent that no money whatsoever is to be spent on the Tenant Opportunity Program?

Mr. BOND. Mr. President, yes, the Senator from Delaware is correct. This bill provides no money for the Tenant Opportunity Program—and the Department is not to use any funds to continue the program.

What we are trying to do in this bill is to make better use of limited HUD dollars—and to make sure that those dollars benefit the residents of public housing. I agree with the Senator that TOP appears to have a lot of problems in the way it is administered, and it is clearly not providing the benefits to residents that it should.

I should note, however, that within the broad parameters of the new supportive services block grant under the community development block grant appropriations, localities are encouraged to provide services and technical assistance to public and assisted housing residents to encourage and promote employment. To this end, activities with goals similar to the TOP program are permitted, but I would certainly concur that the excessive consultant payments would constitute an abuse which we will not tolerate.

Mr. BIDEN. I thank the Senator, and I yield the floor.

Mrs. FEINSTEIN. I rise to enter into a colloquy with my colleagues Senators BOND and MIKULSKI regarding NASA's plans to consolidate all research and science-based aircraft at Dryden Flight Research Center.

Mr. BOND. I am interested to discuss this important matter with the Senator.

Ms. MIKULSKI. I am also pleased to have this opportunity to discuss NASA consolidation, an issue about which I have been deeply concerned.

Mrs. FEINSTEIN. As my colleagues know, NASA has offered a plan to consolidate all flight research and science platform aircraft at NASA's Dryden Flight Research Center in California. While I agree with the goals of NASA consolidation to save taxpayers money, I have strong concerns that this aircraft consolidation plan could cost more than it would save. The current aircraft consolidation plan drafted by NASA considers the costs of moving the aircraft to Dryden Flight Research Center, but does not include the costs to operate these aircraft from their consolidated location.

Ms. MIKULSKI. I ask Senator Feinstein if any other sites have been evaluated for this aircraft consolidation?

Mrs. FEINSTEIN. I do not believe so. The only consolidation plans I have seen move aircraft to Dryden. While, I certainly do not oppose Dryden as the consolidated site, I think that steps should be taken to ensure that this consolidation will truly save the taxpayers money.

Mr. BOND. Would the Senator from California be amenable to requesting that NASA submit their cost justifications for this consolidation to the subcommittee before they proceed with consolidation?

Mrs. FEINSTEIN. Yes, that would be an excellent course of action. Perhaps NASA's justifications should include the costs of and cost savings resulting from this consolidation and the operation of this aircraft from their consolidated location for the next 5 years.

Ms. MIKULSKI. Perhaps we should also request NASA provide the subcommittee with a cost-based justification of the movement of these aircraft before NASA takes action.

Mr. BOND. I think both of those suggestions are acceptable and would be happy to work with Senators MIKULSKI and FEINSTEIN to develop this language in the report of the conference with the House.

NASA'S IMPLEMENTATION OF THE ZERO-BASE REVIEW AND ITS AERONAUTICS PROGRAMS

Mr. GLENN. Mr. President, when Dan Goldin became NASA Administrator in early 1992, the agency's annual budget was about $17.5 billion and headed to about $22 billion by the end of the decade. Now, however, the annual budget is declining from $14.5 billion and will likely be below $13 billion by the end of the decade. In terms of FTE's NASA's work force has been cut too—from about 24,000 in January 1993 to less than 21,000 today, and headed to about 17,500 by the year 2000.

In order to manage these drastic cuts, over the last 9 or 10 months Mr. Goldin has conducted a so-called zero-base review. The purpose of this often painful process was to solicit ideas and develop plans on how the agency could function more efficiently. The review was conducted assuming that all existing missions will continue, but functions and missions would be streamlined or downsized. Mr. Goldin has made clear that any further budget cuts will result in elimination of core missions.

Now Mr. President, let me be clear that I think Dan Goldin has done an outstanding job in a very difficult situation. There are very few people I know who have the vision, energy, and knowledge of the NASA Administrator. He has been criticized for making the tough decisions, but these decisions have to be made. Many of the recommendations resulting from the zero-base review are now beginning to be implemented, and I believe it is imperative that Congress carefully monitor the changes taking place at NASA so that we may be sure that we are getting the most from the taxpayers' dollar. Change for change's sake alone is not always the best policy.

One recommendation of the zero-base review has been brought to my attention, and that of my colleagues, in particular the distinguished Senator from California, Senator FEINSTEIN. This proposal regards consolidating flight operations management of all aircraft, except those in support of the space shuttle, at Dryden Flight Research Center. The review concluded that after an initial investment of $23 million, about $9 million could be saved annually if this recommendation is implemented.

Currently NASA owns 65 research aircraft that support a wide range of NASA programs. Eighteen of these aircraft are scheduled to be retired by the end of fiscal year 1996 as a result of the programs they support being completed. The proposed consolidation would result in an additional 11 aircraft being retired, leaving just 36 aircraft in NASA's inventory. The proposal would also result in a reduction of 80 contractor and Federal FTE's, from 400 to 320.

Mr. President. It seems to me that the first ''A'' in ''NASA'' is at risk. As a result of budget cuts, it appears that we are nearly halving a vital component in our Nation's aeronautic research base.

These cuts hit particularly hard at a NASA facility which has made substantial, significant contributions over the past 50 years to our Nation's aeronautics industry. I am speaking about NASA's Lewis Research Center in Brookpark, OH. Currently seven research aircraft are based out of Lewis, including a newly refurbished DC–9 which is a centerpiece of Lewis' microgravity research program. It is my understanding that at least 5 of the 7 aircraft stationed at Lewis may be transferred to Dryden under the proposed consolidation.

Now I understand that it may be possible to achieve some savings through consolidation of flight operations. However, if this action adversely impacts the ability of NASA scientists and engineers to perform their mission—and to do their research—then I think we are being penny wise and pound foolish. It is my understanding that the managers of this legislation have agreed with the Senator from California, that a closer look needs to be taken at this aspect of the zero-base review before it is finally implemented. I believe that such a review is appropriate and I look forward to studying its results, as well as other ongoing studies and audits of components of the zero-base review.

OVERSIGHT

Mr. WARNER. Mr. President, I rise to offer an amendment to ensure that the Congress is permitted to conduct appropriate oversight of a new research program proposed by the Environmental Protection Agency.

This program is known as the Science To Achieve Results or STAR Program. I want to be sure that the Agency fully advises the Congress of how and at what level this program will be funded and which active research programs will be affected by this redirection of funds.

Mr. President, I recognize the need to provide the Agency with adequate flexibility to direct scarce research dollars to those problems posing the greatest risk to public health and the environment. This program, however, it not aimed at responding to environmental problems. The STAR Program is aimed at making grants to universities to do basic science research at the expense of ongoing EPA-sponsored research.

I am convinced that the result of implementing STAR will be that ongoing research for the Agency's regulatory programs will suffer, private sector contracts will be interrupted, and research currently conducted by the academic community will be terminated.

It is my understanding that EPA originally proposed to fund the STAR Program at approximately $100 million. As the committee does not provide any additional funds to finance this program, the committee gives EPA the flexibility to reprogram funds, without congressional approval, from other research accounts. I am concerned that to fund the STAR Program the Agency will move funds from laboratories it currently operates to its headquarters to dole out to a few selected universities.

Mr. President, it appears that EPA is clearly attempting to move itself into a new area of research that is already being conducted at the National Institutes of Health and the National Science Foundation. This duplication of basic science research will result in severe shortfalls in the applied science program.

I want to be sure that my colleagues understand that it is applied science research that is critical to providing information to support the Agency's regulatory program. As a member of the Environment Committee, I am concerned that EPA's regulatory programs suffer from a lack of sound science principles. Further degrading this research effort will only result in wasted dollars and regulations that are not based on sound scientific evidence.

Mr. President, if the aim of the STAR Program is to expand Federal support for university-based research, I submit that this aim is already being accomplished by the Federal laboratories under cooperative agreements. The STAR Program will simply take research dollars from some universities to give to other universities.

My greatest concern with EPA's proposal is that the Agency has failed to justify the need for such a significant redirection of resources and is attempting to fund a program without full disclosure to the Congress.

The Agency has failed to demonstrate the trade offs that will occur from implementing the STAR Program

and failed to disclose the negative impacts that will be imposed on ongoing research.

In my view, the Agency should at the very least fully document these impacts and disclose to the Congress how this program will be funded and at what level.

My amendment does not prevent the Agency from using funds for this program. My amendment simply asks the Agency to report to the Congress on the details of this program and receive congressional approval before they move forward with the STAR Program.

I thank the chairman and the ranking member for recognizing the merits of this amendment and supporting its adoption.

IMPOSITION OF CHEMICAL USE DATA AND THE COMBUSTION STRATEGY—MACT

Mr. LOTT. Mr. President, I rise today to engage in a colloquy with my colleague from Missouri, Senator KIT BOND, the distinguished chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee. I want to discuss two topics. The first deals with EPA's expanded reporting requirements for hazardous chemicals. The second is to clarify the Senate's position on EPA's lack of statutory authority to pursue a combustion strategy.

For the first issue I am referring to EPA's plan to expand the toxic release inventory [TRI] under the Emergency Planning and Community Right-to-Know Act [EPCRA]. EPA is now working on regulations to require the reporting of data on toxic chemical use, and to extend TRI reporting requirements to additional facilities. At a time when Congress is trying to provide responsible relief from unnecessary reporting, these actions would significantly increase administrative burdens costing hundreds of millions of dollars without commensurate benefits to enhance either human health or the environment.

Moreover, the addition of chemical use data would not further EPCRA's goal of reducing chemical releases. Chemical use bears no direct relationship to emissions, waste generation, health risks or environmental hazards. Risk is a function of hazard and exposure. Chemical use will not indicate exposure. Furthermore, EPA's plans to expand regulatory requirements under the Toxic Substances Control Act to gather chemical use data is equally inappropriate.

For all of these reasons, I believe that this program requires reexamination and redirection—not expansion along the lines that EPA intends. Clearly, there is an immediate need to first compare the reduction in risks by recent substantial reductions in emissions, before simply adding new informational requirements or facilities. Risks now need to be evaluated on a benefit-to-cost or a risk-to-risk basis.

One of EPA's guiding principles in its strategic plan is pollution prevention. With the Pollution Prevention Act [PPA] of 1990 Congress established a national policy to focus EPA's actions on the reduction of wastes and releases into the environment. According to the act, pollution should be prevented or reduced at the source whenever feasible. While pollution that cannot be prevented or recycled should be treated safely, whenever possible, and safe disposal should be employed only as a last resort.

While PPA prefers reduction of wastes and emissions at the source, EPA has reinterpreted the statutory definition of pollution prevention to place an inordinate and sometimes exclusive emphasis on reduction of toxic use at the source. This mandates reductions in material or chemical use without consideration of emissions and risks posed by the substance. EPA's policy is based on two false assumptions. One, that use indicates risk, and two, that all chemical use is harmful and should be eliminated. This approach has prompted me to examine the direction this administration is taking EPA with its new TRI reporting requirements.

It is contrary to the basic objective of the manufacturing process, which is to harness reactive and toxic materials for useful and beneficial purposes. While product reformulation and substitution of less toxic substances do have a vital place in pollution prevention, the key to efficiently reducing pollution is to allow industry the flexibility to use as many tools as possible to achieve emissions reductions. Congress wisely established the pollution prevention hierarchy to allow for this flexibility. It must remain.

I believe that a timeout needs to be called on these recent changes to the TRI Program. The usefulness of chemical use data as well as expanding the list of facilities required to report data needs to be assessed through public dialogue and objective analysis before it is required.

In fact I believe, EPA's new TRI reporting approach would exceed its statutory authority. When Congress enacted EPCRA, it specifically considered the issue of whether or not EPA should have the authority to collect use information, as distinct from chemical releases information. Congress decided that EPA should not have this authority.

A majority of the Senate, as reflected through a recorded vote, believes that TRI needs to be reexamined and redirected—not expanded along the lines EPA is considering.

While I am not going to offer an amendment today to address this matter, I think the Conference Committee should accept a legislative provision that calls for a pause while Congress examines the direction in which EPA is taking the TRI Program. I look forward to your continued leadership and support of this effort.

Mr. BOND. The concerns of the Senator from Mississippi are valid and very timely. During the debate on S.343, the Senate voted to retain provisions to reform the toxic release inventory's listing and delisting criteria along the lines sketched out by the Senator. The central feature of those reforms is a greater focus on the risk posed by these chemicals. As the Senator correctly notes, risk is a function of hazard and exposure. For this reason, I too am very troubled by EPA's proposal to require reporting of the mere use of materials. It is inconsistent with a risk-based approach, and I believe there is no statutory authority for expanding the TRI to include use reporting.

I also share the Senator's concerns with the expansion of the TRI to additional types of facilities. Just last year, the EPA nearly doubled the number of chemicals subject to TRI reporting. The current reporting cycle will be the first cycle to incorporate this expansion. No further expansion should be considered until the scope of the current expansion is fully apparent and it is clear the EPA has the resources to manage the increased amount of data. I believe we should work with the House to craft mutually acceptable language redirecting EPA's efforts toward higher priority activities in fiscal year 1996, and to encourage EPA to work with Congress in the interim to develop risk-based legislative reforms to TRI.

Mr. LOTT. I appreciate the Chairman's comments on TRI reform. Now, I would like to explain the issue regarding the establishment of an MACT floor. Although the current provision does not directly reference combustion or any other particular MACT standard, it does deal with an issue of concern to industrial on-site incinerators and boilers and industrial furnace operators. It is my understanding that the Report language does not prohibit EPA from pursuing its combustion strategy, but only requires certain legal and procedural safeguards be followed.

In short, the report language seems to support the conclusion that EPA cannot use appropriated moneys on: First, the use of permit conditions without required site-specific finding; second, the setting of an MACT standard under any authority other than the Clean Air Act; and third, the setting of an MACT standard without making the required finding that certain facilities are already achieving the standard.

Mr. BOND. The Senator is correct. The committee report makes particular reference to the MACT standard for refineries, as an illustrative example of the overall problem. The committee based its conclusion on input it received regarding a number of proposed and final MACT standards under consideration, including the proposed MACT standard for on-site incinerators and boilers and industrial furnace operators. Therefore, it is my belief that the provision is applicable to all MACT proposals that may be inconsistent

with past precedent, the proper administrative process or the text of the Clean Air Act.

One of the most important requirements of the Clean Air Act is the proper establishment of the so called MACT floor. The act states that the MACT floor is ''the average emission limitation achieved in practice by the best performing 12 percent of existing sources'' that qualify for the given category or subcategory. The EPA must establish that the limitations on emissions that constitute the MACT floor are achieved, or exceeded, in practice by 12 percent of the qualifying facilities. In addition, we are also concerned that in determining the MACT floor for a given source category, EPA may divide the source category into smaller parts and calculate the MACT floor separately for each part or pollutant. The results of this impermissible approach is that typically no single major source in a source category can meet the MACT standard without installing additional controls. Congress clearly contemplated that if MACT is set at the MACT floor, the top 12 percent of major sources in a source category should not need to install additional controls to meet MACT. Of course, EPA may then go beyond the MACT floor by determining that the additional emissions limitations are justified in light of their cost, non-air quality health and environmental impacts and energy requirements. The report language is not intended in any way to stop the MACT program, but to limit the program to those efforts previously authorized by Congress.

Mr. LOTT. I sense a disturbing trend at EPA. First, EPA is conditioning Resource Conservation and Recovery Act [RCRA] permits on requirements that have not been subject to full administrative process. Second, EPA is in the process of choosing the most severe result from separate statutes to create a hybrid. Congress did not intend EPA to mix and match its authority under the Clean Air Act and RCRA. Thus, ignoring the independent limitation on authority and process imposed by each statute. Finally, EPA expressed its intention to set a separate MACT floor for each hazardous air pollutant. By adopting such an approach, EPA would be able to set multiple MACT floors that no single facility may be able to meet in practice. I believe the MACT language in the Act does not allow EPA to do this. My bottom line is that EPA should comply fully with the statutory and administrative controls on rulemaking.

Mr. BOND. The EPA has stated that its use of the so called omnibus permitting authority under RCRA must be accompanied by site-specific findings in the administrative record supporting a permit that any conditions are necessary to ensure protection of human health and the environment. I expect EPA to comply fully with its own procedural requirements for omnibus permitting authority under RCRA, for MACT standards under the Clean Air Act and all other authorizing statutes. The committee would oppose any attempts by EPA to ignore its legal obligations.

I will carefully consider the views of the Senator from Mississippi on these issues, who I understand speaks for many other Senators with similar concerns, and work to ensure that EPA implements its statutory authority consistent with the intent of Congress and its own rules and regulations.

TRANSFERRING FAIR HOUSING ENFORCEMENT AUTHORITY

Mr. HATCH. Mr. President, the issue of transferring fair housing enforcement authority from the Department of Housing and Urban Development to the Department of Justice is no small matter. I am pleased that Senator BOND has agreed to delay any such transfer for 18 months. During this time, I expect the Judiciary Committee to review this issue. It may be that some or all of HUD's fair housing functions should be transferred. If so, some functions may be better transferred to agencies other than DOJ.

I have no doubt that excesses in HUD's enforcement policies have given rise to the idea of transferring its fair housing enforcement authority elsewhere. I hope HUD gets a message from this episode and reviews its policies and practices.

MERCURY-CONTAINING LAMPS

Mr. LEAHY. Mr. President, I want to bring up an issue that Senators GREGG, SNOWE, and SMITH and I have been working on during the consideration of the VA/HUD Appropriations bill. The report accompanying H.R. 2099 includes language regarding the waste disposal treatment of mercury-containing flourescent light bulbs. I think it is important to clarify some of the issues raised in the report and provide additional context for the rule.

The Environmental Protection Agency [EPA] has been considering a rule which would either conditionally exempt mercury containing lightbulbs from existing hazardous waste requirements or allow lamps to be treated under the universal waste rule. The report language does not reference the two options available. Is it the Chairman's understanding that the EPA does indeed face this choice in finalizing a rule?

Mr. BOND. Mr. President, the Senator is correct. The rule does contain two options.

Mr. LEAHY. Mr. President, I understand the concerns raised by my colleagues about this rule. The point has been made that the EPA should not create a major disincentive for switching to energy efficient lamps by requiring burdensome treatment of the lamps. On the other hand, 42 States have consumption warnings for eating the fish from the streams and lakes in our towns. Mercury containing lamps are the largest single contributor of mercury to the municipal waste stream, and our policies should take that fact into consideration. Our country has a mercury pollution problem that warrants our attention, and I share the chairman's concern about addressing the problem in a way that makes sense in cost-benefit analysis context.

I also understand the Chairman's concern about expediting the final rule. However, I want to point out that we are considering this bill only 3 days from the end of the fiscal year. Final passage of the conference report may not occur until late next month. The deadline included in the report language may allow for only a month for EPA to decide, with holidays. I just want to emphasize that this is a very tight timeline, and it does not provide the recycling industry enough time to adjust if necessary. I would like to work with other Senators to ensure that there is an adequate adjustment period.

Mr. BOND. Mr. President, I want to get the rule out soon, but I will work with other Senators to ensure that there is time for a reasonable transition.

Mr. LEAHY. Mr. President, I want to thank the chairman for discussing this issue on the floor. Mercury pollution is an important issue. There are some areas where almost everyone agrees, such as the need to end incineration of mercury-containing lamps.

SUPERFUND NPL PROVISION

Mr. GORTON. Madam President, would the chairman of the VA–HUD Subcommittee yield for a question?

Mr. BOND. The Senator would be happy to yield.

Mr. GORTON. I thank the Senator. The Senator has included the fiscal year 1996 VA–HUD bill a provision that prohibits the addition of any new sites to the Superfund ''National Priorities List,'' with one exception. The language enables the ''governor of a state, or appropriate tribal leader'' to veto the EPA Administrator's request that a site be placed on the NPL. With one reservation, I support the provision in the VA–HUD bill because this Senator wants to see Superfund reauthorized, and the prohibition provides an important time out from adding new sites to the NPL. My reservation is this: I am concerned that the phrase ''appropriate tribal leader'' expands the authority of tribes, beyond that which they are granted under current law, to veto a site recommended by the EPA Administrator for listing on the NPL.

The fiscal year 1995 rescission bill included a provision similar to that included in the bill before the Senate, with one exception. The bill currently before the Senate gives the authority to both the Governor of a State, or an appropriate tribal leader to veto the EPA Administrator's request that a site be added to the NPL. Was it the intent of the subcommittee chairman to expand the authority of Indian tribes under the Superfund law with this provision?

Mr. BOND. The Senator is correct, it was not the intent of the subcommittee to expand the authority of Indian tribes in this provision.

Mr. GORTON. Would the Senator yield for another question on the same issue?

Mr. BOND. The Senator would be happy to do so.

Mr. GORTON. As the Senator from Missouri knows, the chairman of the Senate Environment and Public Works Subcommittee on Superfund is working hard to put together a Superfund reauthorization bill, and bring it to the Senate floor this year. There are an entire range of issues associated with the fact that Indian tribes are not currently treat as persons under the Superfund law, and are not liable for clean up of waste that a tribe may have contributed to a site. I have discussed this issue with Senator SMITH and he told me that these issues will be looked at as he develops legislation to reauthorize the law. Consequently, I would ask that the Senator drop out the ''or appropriate tribal leader'' provision during conference with the House over the fiscal year 1996 VA–HUD bill.

Mr. BOND. I would be happy to work with the Senator to address this issue during conference.

AMENDMENT NO. 2781

Mr. KOHL. Mr. President, yesterday the Senate voted not to restore funding for the Americorps Program and with great reluctance, I opposed the amendment offered by the distinguished Senator from Maryland. I did so not because the Corporation for National and Community Service is a bad investment. In fact, I am a strong supporter of the AmeriCorps Program and believe community service can make a big difference in our society. Unfortunately, the amendment restored AmeriCorps funding at the expense of other important Federal programs.

Mr. President, I have seen first hand the positive results of the AmeriCorps Program. It has shown great promise in addressing today's urban and rural problems by uniting communities. Program participants in Wisconsin have worked hard to fight hunger, provide child care, combat illiteracy, and build low-income housing.

By dedicating service to their communities, participants receive a small stipend and assistance to further their education. Corps participants are also able to leverage private resources in carrying out their activities, which adds to the effectiveness of the Federal investment.

I am distressed that the Senate has decided not to fund the national service program and strongly believe the AmeriCorps Program merits continuation. But the amendment relied on alternative funding sources that I could not accept, including raising FHA's loan limits.

Mr. President, it is no secret that in the past I have opposed efforts to raise the FHA's loan limits. My position on this issue is clear and I will not take this time to recite all of the reasons that I oppose raising the loan limits. I will, however, say that raising the loan limits will not help the low and moderate-income home buyers who should be the prime beneficiaries of FHA's efforts. For the record, I also note that I would have gladly worked with the authors of the amendment to find other more appropriate offsets, if only I had received sufficient advance notice of the amendment.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

Mr. LEAHY. Mr. President, I rise in strong support for the community development financial institutions (CDFI) fund.

The CDFI fund is a key priority for President Clinton. He and Vice President Gore campaigned in 1992 to create a new partnership with the private sector to revitalize economically distressed communities. The President and Vice President spoke passionately about their vision for supporting local community development banks.

After the election of 1992, both Republicans and Democrats in the last Congress turned the President's vision into ground-breaking legislation that created the CDFI fund. The legislation passed the Senate unanimously and was approved by a 410 to 12 vote in the House.

Unfortunately, the CDFI fund is now a hostage of partisan politics. Under this appropriations bill, the CDFI fund is terminated. Before even giving this program a chance to succeed, this bill kills it. That is a real shame.

The fund is a small but very innovative program. For a modest $50 million budget, the fund has the potential to make a significant impact in distressed communities.

The fund's investments would create new jobs, promote small business, restore neighborhoods, and generate tax revenues in communities desperate for community development.

How would the CDFI fund succeed in areas where more traditional financing has failed?

The fund would create a permanent, self-sustaining network of financial institutions that are dedicated to serving distressed communities. These financial institutions include a fast-growing industry of specialized financial service providers—community development financial institutions. The fund would also provide incentives for banks and thrifts to increase their community development activities and invest in CDFIs.

The CDFI fund's initiatives would be an innovative departure from traditional community development programs because they leverage significant private sector resources. It is estimated that every $1 of fund resources would leverage $10 in non-Federal resources. And these locally-controlled CDFIs would be able to respond more quickly and effectively to market-building opportunities than traditional community development organizations.

The CDFI fund has caught the interest of many community development organizations across the Nation. Unfortunately, these fine community development organizations and many others throughout the country may never get the opportunity to receive assistance from the CDFI fund. I strongly believe that would be a short-sighted mistake—putting partisan politics ahead of our distressed communities.

I urge my colleagues to restore funding for the CDFI fund if the Senate revisits this bill during the appropriations process.

Mrs. MURRAY. Mr. President, community development financial institutions [CDFI] play an important role in my home State, and I join my friend from Vermont, Senator LEAHY, in expressing my strong support for the CDFI fund.

Community Development Financial Institutions are essential to serving communities that often find it difficult to cultivate financial support. CDFI's prove that private sector, locally controlled financial institutions can combine rigorous fiscal management with a commitment to improving communities by offering capital access along with related training and technical services when other institutions may not. CDFI's provide capital to distressed communities, as well as increase the number of joint venture loans between Federal, State, and private entities.

Mr. President, Cascadia Revolving Fund, of Seattle, is a prime example of how CDFI's can complement traditional financial institutions. Cascadia is a nonprofit community development loan fund which makes loans and provides technical assistance to low-income, minority- and women-owned businesses in addition to businesses in economically distressed areas. Over the past 10 years, Cascadia has lent over $3 million, and 90 percent of the businesses they have assisted are still in business today.

The Community Development Banking Act of 1994, which created the CDFI fund, received broad bipartisan support in the 103d Congress. The legislation passed the Senate unanimously, and was approved by a 410 to 12 vote in the House. Today, there are roughly 310 CDFI's operating in 45 States that manage more than $1 billion in primarily private sector money.

Mr. President, it would be a shame to terminate this program designed to revitalize economically distressed communities before even giving it a chance to succeed. If the Senate has the opportunity to revisit this bill during the appropriations process, I urge my colleagues to restore funding to the Community Development Financial Institutions Fund.

Mr. BRADLEY. Mr. President, things are finally beginning to turn around in urban America. We have finally taken some small, tentative steps to give children a safe and nurturing environment, to help communities repair

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

Roman world, no social class was hated more than the tax farmer. The leading historian of that period described tax farmers with these words.

The publican keepers of the public house certainly were ruthless tax collectors, and dangerous and unscrupulous rivals in business. They were often dishonest and probably always cruel. Tax farming flourished as a monster of oppression in many forms in Western civilization for over 2,500 years, until it finally met its demise after World War I. Tax farming brutalized prerevolutionary France. The French court paid the price during the reign of terror when the people were incensed. They rounded up the tax farmers, tried them in the people's courts and condemned the tax farmers to death. Accounts of this time tell of the taxpayers cheering while the heads of the tax farmers tumbled from the guillotine.

In the 17th century, Mr. President, under Charles II in England, the King imposed a hearth tax assessing two shillings per chimney for each house. To collect it, the King did not have civil servants responsible to the King to collect from these private families. But he named individual tax collectors. They called them ''chimney men.'' They went throughout England. These chimney men were ruthless, and they were hated by the people of England. The hatred of the privately collected tax helped depose Charles' brother, James II. And as soon as the new monarchs, William and Mary, were installed, the House of Commons abolished the tax ending a bond of slavery upon the whole people that allowed every man's house to be entered and searched and at the pleasure of people unknown to him.

Clearly, Mr. President, history has taught us that contracting out the tax collection responsibilities of a democratic government is not a good idea.

These are the questions that I would like to respectfully pose to our colleagues from the Senate and the House who now make up the conference on this particular issue and who are now debating what issues to include and to exclude. These are the questions that I respectfully think should be asked.

Who will these people be?

Which debt collection services will be hired?

How will they be hired?

Who will hire them?

Who will train them?

Who will oversee them?

Which taxpayers' cases will they work on?

What arena of confidentiality?

What standard, I should say, of confidentiality will be imposed upon these private debt collectors as they search through our private tax records?

What type of taxpayer information will be made available to these tax collectors?

How will that information be safeguarded, and how will the security and the privacy of these issues be retained?

How, Mr. President—and what a key question this is—are these private bill collectors going to be paid? Will they be paid 25 percent, 50 percent, and will not this actually amount to a bounty hunter situation that we are creating within the Internal Revenue Service?

In 1988, I sponsored, with the help of many of my colleagues, the Taxpayer Bill of Rights. It was passed into law. One of the provisions that we were proudest of in the Taxpayer Bill of Rights No. 1—and now we hope to expand it this year into the Taxpayer Bill of Rights No. 2—in the Taxpayer Bill of Rights No. 1 was a provision that the Internal Revenue Service could no longer use quotas in which to promote or demote collection agents within the Internal Revenue Service. We said you have done it in the past but that day is over, and no longer can an IRS collection agent have his job or his salary or his position basically based upon how much he is collecting.

So, Mr. President, what we have is we may be on the eve of making an enormous mistake. It could be a mistake that we could never fix. I am very hopeful that the conferees on the Treasury, Postal, and general Government appropriations bill will take heed and will realize what history has to teach us about private tax collectors being hired to collect Federal debt.

Mr. President, I ask unanimous consent that the letter dated September 12 sent by Senator D'AMATO and myself to Senators SHELBY, KERREY, and the other conferees be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, September 12, 1995.

DEAR SENATOR SHELBY AND SENATOR KERREY: Thank you for accepting our amendment to the Treasury, Postal Service, and General Government Appropriations bill which struck an appropriation of $13 million to initiate a program to utilize private counsel law firms and debt collection agencies in the collection activities of the Internal Revenue Service.

A similar provision has been included in the final version of the House Treasury, Postal Service, and General Government Appropriations bill, which, as you know, will be a matter to be considered by House and Senate conferees at conference.

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 them. In fact, we have an obligation to ensure that the privacy and 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.

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.

If we may assist you in any way, please do not hesitate to call on us or our staff.

Sincerely,

DAVID PRYOR.

Mr. PRYOR. Mr. President, I ask unanimous consent that the article which I made reference to a few moments ago dated Tuesday, September 26, in the New York Times written by Mr. Robert D. Hershey, Jr., be printed in the RECORD.

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

G.O.P. WANTS I.R.S. TO USE OUTSIDERS
BILL COLLECTORS WOULD HAVE ACCESS TO TAXPAYER DATA
(By Robert D. Hershey, Jr.)

WASHINGTON, DC, Sept. 25—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 agency's appropriations bill, now stalled in a Senate-House conference over an unrelated issue, would provide $13 million for the I.R.S. to test whether private bill collectors could do a better job than the agency's own employees, even though they would be denied such governmental powers as the ability to seize property.

The bill suggests a regional experiment, which would be likely to focus on individual returns, and directs that small collection agencies—perhaps even individual lawyers—be allowed to participate.

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.

In addition to privacy concerns, Ms. Richardson contends that the use of private collectors could further undermine public perceptions of the fairness of Federal tax administration.

But Congressional Republicans, sensing a negative public perception of the agency, are pressing the plan on a number of fronts. They rejected the Clinton Administration's request for an I.R.S. budget increase of nearly 10 percent, to $8.23 billion, deciding instead to cut the I.R.S. budget almost 2 percent.

By a widely accepted rule of thumb, additional enforcers bring in five times their salaries. But Republicans, intent on reining in a symbol of big government, do not accept the argument of I.R.S. officials that spending more on the agency would help meet the goal of a balanced Federal budget.

Citing findings of the General Accounting Office that I.R.S. collections have slumped about 8 percent since 1990, Republicans led by Representative Jim Lightfoot of Iowa, contend that this reflects the I.R.S.'s ''lengthy and inefficient collection process, which does not incorporate techniques used by the private sector.''

Others have contended that a lack of diligence has allowed uncollected debts to swell to more than $150 billion.

Farther down the Republican agenda are plans for an even broader assault on the tax agency. ''The I.R.S. was never meant to be such an intrusive, oppressive presence in American life,'' Senator Bob Dole, the majority leader, told a Chicago audience recently in proposing a radical simplification

of the tax law that ''would end the I.R.S. as we know it.''

The attack on its budget has already prompted the I.R.S. to decide on a two-month delay in its Taxpayer Compliance Measurement Program under which it had planned, beginning next week, to select about 153,000 tax returns for intensive audits in a periodic effort to gauge sources of cheating and to develop countermeasures. Accurate targeting of enforcement efforts is crucial since routine auditing has slipped well below 1 percent of individual returns.

If the agency fails to get a bigger budget than the $7.35 billion now scheduled, the I.R.S. will have to cut its 112,000-member staff by the equivalent of 7,000 employees; much of this would be by attrition and shorter hours for seasonal workers, Ms. Richardson said in an interview.

''No sound business person would not spend money to make money,'' she added, charging the Republican budget-cutters with pound-foolish penny-pinching. ''I think you ought to look differently at the side of the house that raises money.''

Privatizing the collection of delinquent debt was first proposed in early 1993 by the newly installed Clinton Administration but the idea went nowhere in a Congress then dominated by the President's fellow Democrats. However, many states use private companies to help collect taxes, according to the Federation of Tax Administrators. At least three states—Minnesota, Nevada and South Carolina—already use outsiders to collect money in person. And at least 10 other states hire private agencies to make telephone calls to delinquent taxpayers.

Moreover, some states, notably Pennsylvania, use private companies routinely to collect current, as opposed to delinquent, taxes.

The I.R.S. does use private companies for finding, say, the addresses of delinquent taxpayers, spending about $5 million a year for such information, but this does not lead to direct contact with taxpayers by outsiders.

Frank Keith, an I.R.S. spokesman, said today that the agency had not yet developed any plans to carry out a debt-collection test, including what region might initially be involved.

Among those objecting to the idea was Donald C. Alexander, a Washington lawyer who served as I.R.S. commissioner from 1973 to 1977.

''Contracting out anything dealing with enforcement is absolutely absurd,'' he said, contending that it was improper for people ''with a stake in the outcome'' to collect the Government's taxes, whether on commission or under a contract they would presumably have an incentive to extend.

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.

Passage of the legislation is being held up because of an impasse over an amendment from Ernest Jim Istook Jr., an Oklahoma Republican, to severely limit lobbying efforts of nonprofit, and therefore tax-exempt, organizations that get Federal grants.

The provision in the conference bill that would extend debt-collection authorization to private law firms as well as collection companies is backed by Senator Richard C. Shelby, an Alabama Republican. An aide said the Senator believed that many resources were needed to collect outstanding debt and that privacy concerns ''are overblown by the I.R.S.''

Mr. Keith estimated that about half the $150 billion of receivables on the books at the end of the fiscal year 1994 was collectible; the rest has probably been lost because of bankruptcy, death or other reasons.

Mr. PRYOR. Mr. President, I ask unanimous consent that a letter sent to me dated August 4 written by Margaret Milner Richardson, the Commissioner of the Internal Revenue Service, expressing her strong opposition and the Revenue Service's strong opposition to even considering this practice be printed in the RECORD.

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

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, August 4, 1995.

Hon. DAVID PRYOR,
U.S. Senate, Washington, DC.

DEAR SENATOR PRYOR: I am writing to express my concern regarding statutory language in the FY 1996 Appropriations Committee Bill (H.R. 2020) for Treasury, Postal Service and General Government that would mandate the Internal Revenue Service (IRS) spend $13 million ''to initiate a program to utilize private counsel law firms and debt collection activities . . . ''. I have grave reservations about starting down the path of using private contractors to contact taxpayers regarding their delinquent tax debts without Congress having thorough understanding of the costs, benefits and risks of embarking on such a course.

There are some administrative and support functions in the collection activity that do lend themselves to performance by private sector enterprises under contract to the IRS. For example, in FY 1994, the IRS spent nearly $5 million for contracts to acquire addresses and telephone numbers for taxpayers with delinquent accounts. In addition, we are taking many steps to emulate the best collection practices of the private sector to the extent they are compatible with safeguarding taxpayer rights. However, to this point, the IRS has not engaged contractors to make direct contact with taxpayers regarding delinquent taxes as is envisioned in H.R. 2020. Before taking this step, I strongly recommend that all parties with an interest obtain solid information on the following key issues;

(1) What impact would private debt collectors have on the public's perception of the fairness of tax administration and of the security of the financial information provided to the IRS? A recent survey conducted by Anderson Consulting revealed that 59% of Americans oppose state tax agencies contracting with private companies to administer and collect taxes while only 35% favor such a proposal. In all likelihood, the proportion of those opposed would be even higher for Federal taxes. Addressing potential public misgivings should be a priority concern.

(2) How would taxpayers rights be protected and privacy be guaranteed once tax information was released to private debt collectors? Would the financial incentives common to private debt collection (keeping a percentage of the amount collected) result in reduced rights for certain taxpayers whose accounts had been privatized? Using private collectors to contact taxpayers on collection matters would pose unique oversight problems for the IRS to assure that Taxpayers Bill of Rights and privacy rights are protected for all taxpayers. Commingling of tax and non-tax data by contractors is a risk as is the use of tax information for purposes other than intended.

(3) Is privatizing collection of tax debt a good business decision for the Federal Government? Private contractors have none of the collection powers the Congress has given to the IRS. Therefore, their success in collection may not yield the same return as a similar amount invested in IRS telephone or field collection activities where the capability to contact taxpayers is linked with the ability to institute liens and levy on property if need be. Currently, the IRS telephone collection efforts yield about $26 collected for every dollar expended. More complex and difficult cases dealt with in the field yield about $10 for every dollar spent.

I strongly believe a more extensive dialogue is needed on the matter of contracting out collection activity before the IRS proceeds to implement such a provision. Please let me know if I can provide any additional information that would be of value to you as Congress considers this matter.

Sincerely,

MARGARET MILNER RICHARDSON.

Mr. PRYOR. Mr. President, I have no further items to submit. I have no further statement to make. Therefore, I yield the floor.

I thank the President for recognizing me.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

INTERNATIONAL TRADE

Mr. DORGAN. Mr. President, inasmuch as the Senate is in morning business, I would like to say a few words about the subject of international trade.

I, along with several of my colleagues, today had lunch with Eamonn Fingleton, the author of a new book called Blind Side, which describes in very interesting and provocative terms our trade strategy, our trade relationships with Japan and others.

It reminded me again of what is happening this year with respect to trade. Our fiscal policy deficit, the budget deficit this year will be somewhere around $160 billion, we are told. Our merchandise trade deficit, however, will be close to $200 billion, a new record, the highest in the history of this country.

When you talk about international trade, the minute you discuss it people begin to yawn. There is rarely thoughtful discussion about trade policy in this Chamber, or in the other body; rarely any thoughtful notion that I can discern in Washington, DC, about what our trade policy ought to be.

The minute you start talking about the fact that our current trade strategy is injuring this country, you get turned off. You are tagged as some sort of a protectionist, xenophobic stooge. There are two camps here in trade. Either you are a free trader, you have a world view, you think in global terms, or you are some sort of protectionist isolation xenophobic. Those are the two descriptions.

Let us evaluate that just a bit. What does a trade deficit mean? Why could people care about it? I have a theory about the sour mood about politics in this country these days. I have a theory that people are sour in this country because few in this Chamber, not Democrats nor Republicans, are addressing the central core of the issue that affects most families.

Sixty percent of the American families will sit down for supper tonight around the table and have their family there and talk about their circumstances. And 60 percent of the American families will understand they make less money now in real terms—as adjusted for inflation—than they did 20 years ago.

Why would that be the case? Why, if everything is going so well in this country, are more than half of the American families suffering from a loss of income even though they work longer hours than 20 years ago?

At least part of it, in my judgment, is the construct of international trade. Since the Second World War we had a foreign policy and a trade policy that were married. The Second World War left Europe and Japan in tatters. Wartorn Europe needed to be rebuilt. We did that. We pitched in a significant way and helped rebuild it. Japan was decimated, and we helped to rebuild Japan, too.

In the first 25 years of the post-World War II period we could not only help them rebuild but we could largely construct a trade policy in which we say, ''By the way, ship all your goods here. It is not a problem.'' We were so strong and we were so big that we could compete with one hand tied behind our back. We were the biggest. We were the best. We won, and nobody could outtrade us and nobody could outproduce us. We won hands down.

All during that 25-year period after the Second World War incomes were on the rise in this country. Our economy expanded and improved. And so did opportunity and incomes for the American family.

Then what happened? Europe became a competitor. The European countries became tough and shrewd competitors. Japan grew up to be a tough economic competitor. And we still had the same old trade policy, a foreign policy masquerading as a trade policy. We still allow the circumstances to exist where we said our market is open to you but it does not matter that your market is closed to us.

That is a fine relationship. We do not want to offend them so we just keep doing what we are doing. Meanwhile, corporations, many of which no longer say the Pledge of Allegiance and no longer sing the national anthem, but have become international conglomerates responsible only to the stockholders, have decided they would like, under the construct of this trade policy, to decide what is good for them.

What is good for them? Well, what is good for them is to produce where it is cheap. Take your product and find a way to produce it in Malaysia, Indonesia, China, Bangladesh, Sri Lanka, and then bring it back to the United States to an established marketplace where people have money to spend and sell it in Pittsburgh, San Francisco, Fargo, and Denver.

The problem with that is you disconnect. You move jobs away from America, offshore, overseas, so corporations can maximize profits, then ship the product back into our country. Then what you have is a wholesale loss of jobs in America and eventually a loss of income in this country.

Manufacturing jobs are on the decrease in this country. Oh, the last couple years we have seen a small increase. After having lost millions and millions of manufacturing jobs, we have seen several hundred thousand additional jobs over the last few years. That is fine. But it does not replace the manufacturing base we have consistently lost.

We have the folks who keep score down at the Federal Reserve Board and elsewhere in the Government. We have economists who are in the engine room or the boiler room of this ship of state and they read the little meters and gauges and dials, and they keep score by saying every month: Gee, America is really doing well. We are consuming this much; we are consuming that much; we are buying this much.

All of it is consumption. All the indices of progress in this country are how much did we spend; how much did we consume.

These economists and others who sit down there—I have said before they could sit in a concrete bunker. They need not ever see the Sun. They could sit in a concrete bunker and read these little numbers of theirs and give us all this nonsense about how healthy we are because of what we spend. It is not what we consume, it is what we produce that represents the economic base of progress in this country.

It is interesting; the economic model, the basis for what economists tell us. For instance, when Hurricane Andrew hit Florida and decimated that State, guess what? Their model, of course, does not measure damage. So they said that Hurricane Andrew contributed a one-half of 1 percent growth to the gross domestic product of America because all they count is the repairmen who came in and rebuilt the houses, not the damage that destroyed them.

Take another example; A car accident outside this building this afternoon. Somebody runs into another car. Economists call that economic growth because somebody is going to get to fix the fender.

We do not need that sort of nonsense to tell us what is going on in the country. They can talk about consumption until they are blue, these economists. The fact is our country has lost economic strength because jobs have moved offshore, overseas.

What has happened with the balance of trade as a result of all of this going on? Let us take a look at it regionally.

First, let us look at Japan. We have a $65 billion trade deficit with Japan—$65 billion. That means things are produced in Japan and sold here. Jobs that used to be here are now in Japan. It means income from the American consumer goes to Japan in the form of profits.

Is that healthy for our country? Of course not. Should we have this kind of trade deficit with Japan? Of course, we should not. Then why do we have it? Because we do not have the will to say to the Japanese: Look, if you want to ship your goods to America, God bless you; we want our consumers to have the widest range of choices from all goods produced in this world, but we expect something from you in return. You must have your markets wide open to American producers and American workers as well. And if you do not, then you will not find open markets here. We need reciprocal trade policies that say to other countries: straighten up. If you want to access the American marketplace, then your marketplace must be open to America. We insist, literally demand fair trade. We demand it. But we have not had the will or the strength or the interest to even begin talking in those terms with Japan.

It costs $30 a pound to buy T-bone in Tokyo, T-bone steak. The Japanese want a lot of it. They would like to buy a lot of it. Why is it so expensive? Because they do not have enough beef produced in Japan. So will they buy sufficient quantities of American beef? They are buying more now because we have a beef agreement with Japan. And all those folks who negotiated it almost jumped right out of their cowboy boots with the success. They almost thought they should demand a medal because of the successful agreement with Japan.

Guess what? When the agreement is finally phased in over the years, there will remain a 50-percent tariff on all American beef going into Japan. And we consider that a success because our expectations are so low with respect to what Japan will allow into their marketplace.

We ought not consider those things success. We ought to demand of countries like Japan that have such an enormous trade surplus with us that their market must be open to us or we will take action. We ought not accept this one-way trade anymore.

What about China? China now has a $30 billion trade surplus with us, or we a $30 billion deficit with them. We are a sponge for Chinese shoes and shirts and trinkets and goods. They move all their goods to America and we are a cash cow for the Chinese, who need hard currency.

Now, China needs to buy some airplanes. Guess what? Does China go to the American plane companies, Boeing, for example, and say: By the way, we need to buy some planes from you. No, that is not what they do. They go to Boeing and they say: We are interested in some airplanes, on the condition, of course, that you manufacture those airplanes in China.

This country ought to say to China: Wait a second. You do not understand how this works. You want America to be a sponge for all you produce. Then when you need something that we

have, you buy it here. That is responsibility. And that is what we expect from you, China.

China needs grain. They need more wheat. They are off price shopping in Venezuela and Canada when they are running a $30 billion trade surplus with us.

It is time for this country to have a little nerve and demand of other countries reciprocal trade policies that are fair.

Now NAFTA. We had people who had apoplectic seizures over this NAFTA debate in the Senate in recent years. We had economists that were out waving their arms on the steps of the Senate talking about 270,000 new jobs if we would just construct a new trade agreement with Mexico—270,000 new jobs. What is the record?

The record is that the year before the free trade agreement with Mexico was negotiated we had a $2 billion surplus with the country of Mexico. We had a $2 billion trade surplus the year before the Mexican free trade agreement. This year it will be a $18 billion deficit. I would like to round up all of those disciples of this trade agreement somewhere up near the Capitol and have them explain one by one what has happened.

What has happened? We know what has happened. All the jobs are moving south, two or three plants every single day being approved. They are moving to maquiladora plants over on the Mexican side because that is where you can get cheap labor; you can still pollute; and you can produce and ship back to America. It is not the kind of goods that we were talking about when NAFTA was developed.

You take a look at what is causing our trade deficit with Mexico. It is automobiles, automobile parts, electronics; it is high technology goods, good jobs. And that is the problem. If you do not want to get technical with NAFTA, just travel across the United States-Mexican border and you will find you cannot get a raw potato across the Mexican border. Lord only knows why. You just cannot. Mexico will not allow one American raw potato across the border. But guess what? Even as U.S. raw potatoes are stopped going south, just watch tons of Mexican french fried potatoes going north. I would like to get the folks who negotiated that agreement in this building and ask them why.

The devil is always in the details, whether it is potatoes or airplanes or beef or cars. But in the aggregate, the question this country needs to start asking Mexico, Japan, China, and others is: Will you not decide for a change that as a condition of trade, if you expect to enter the American marketplace, you will open your markets to American goods, American workers, and American producers? If you do not, then this country is going to reconstruct its trade model.

We as a country do not have to continue down this path. We do not have to believe this corporate baloney that they need to produce in Sri Lanka to be competitive. We can decide there is an admission price to the American economy, the American marketplace. The admission price is: you have to give a living wage, you cannot pollute the water, and you cannot hire 12-year-old kids to work 12 hours a day and work for 12 cents an hour. That is not fair trade. And we should not expect the American worker or the American corporation to compete against that.

You say, ''Well, all that is abstract.'' Well, talk to the people who testified before the Senate who described little kids making carpets, with needles going through the carpet cutting all their fingertips, causing them to miss work. What do you think the carpetmakers would do so these children do not miss days of work? They would take the fingertips of these 10- and 12-year-old kids, and they would put gunpowder on them and set them afire so that they eventually scar these fingertips. They do this so that eventually when these little kids who are working with needles on carpets it will not hurt because their scar tissue is so big it will not hurt. Then they will not lose time and cut themselves on the needles.

The products made by those kids come to the American marketplace. We are told by economists this is a wonderful thing because it is cheap. The American consumer can buy cheap foreign goods.

What about the two girls who testified not so long ago about the designer-label blouses made in Honduras by kids working 14 hours a day, are not permitted to go to the bathroom. Then the blouses are shipped to a shop in New York to be sold under a designer label to American women shopping for blouses.

Do you think someone shopping for a blouse in this country should expect to buy the product made by a 12- or 14-year-old kept in a plant for 16, 18 hours, who is paid less than 40 cents an hour, $1 an hour? You think that? I do not think that is fair trade. I do not think we ought to expect that in this country.

I am not suggesting that we build walls around our country and I am not suggesting that we ought to develop a strategy in which we decide the rest of the world does not matter. I am saying this country ought not stand for being kicked around anymore. We are big enough and strong enough to insist that the central issue in this country still must be jobs.

When we ask American workers to compete against others, it ought to be fair. They cannot compete and should not compete if they are competing with 2 or 3 billion people that are willing to earn 20 cents or 60 cents an hour and work in unsafe conditions and work 16 hours a day. We have got to start caring about keeping jobs in this country.

There are dozens of ways to do that. We have a perverse little tax incentive in our Tax Code that I have been trying to get changed for years which rewards companies who take their jobs elsewhere, close their plant in America, move it overseas to a tax haven, make the same product, and then ship it back to Nashville, TN. And we say, ''Guess what? We're going to reward you for shutting down your plant. You get a tax incentive and you get to defer income tax on the profits you make in that plant until repatriation. Just close your American plant, move overseas, hire foreigners rather than Americans, and we say, 'Hosanna, hallelujah. You get a tax break.'''

I mean, if you cannot fix that little thing and take the first step on the road to saying that creating jobs is important in this country; then, by taking that step saying that the production base is important to this country's future, there is not a chance, in my judgment, to respond to the real concerns of Americans.

The real concern of American families I think is the opportunity for themselves and their children to have a good job with decent income and a future of hope and opportunity. It is time—long past the time, in my judgment—where Republicans and Democrats should decide together that we need a new strategy.

We need a new Bretton Woods conference, a new set of designs on international finance and international trade relationships that does not represent foreign policy. A strategy that represents some semblance of national interests for us in our country, not to the exclusion of everything else, but at least to stand up and say what happens in our country to our jobs and our productive sector matters.

I said last week that, you know, next year we are going to have an Olympics. And it is going be on American soil this time. You know what will happen? We will put all these young athletes, trim and wonderful athletes, in these red, white and blue uniforms. The country will yell like crazy in support of our athletes. I will be among them.

I love the Olympics. I want our team to do well. But is it not interesting that we are willing to become so involved in national competition, in an international event on an athletic field, and we are so uninterested, as leaders, in the question of how well we compete in the area of economic growth and jobs?

After all, this is a circumstance where there is international economic competition and there are winners and losers. And the winners, which have been Japan, Germany, and others, will experience a future of growth, opportunity, and expansion. And the losers, subject to the British disease, which is long, slow, economic decline stemming from a philosophy that what you consume is a reflection of future economic health. This is a philosophy rooted, in my judgment, in the most confounding, confusing doctrine that I have ever heard. All the economics I

have studied—I studied some and taught some economics in college—tells me that the source of long-term economic health in this country is our production.

If you lose a manufacturing base, if you lose your productive sector, if you lose your ability to produce real things, you will not long be a world economic power. You will not long dominate in world commerce. And that is why it is not too late for this country to decide it is time for a new national economic strategy, not one of protectionism.

Although if you want to use the word ''protection'' in a pejorative way, I am not so interested in the typical debate. However, if you want to use the word ''protection'' to mean protecting the economic interests of this country, count me in, because that is one of the reasons I am here. But we have to define some new economic strategy that tries to preserve our manufacturing base and tries to decide that our marketplace and our manufacturing base are important national assets. Assets that represent the opportunity for expansion and hope for the American family.

The course we are on, the path that led to the largest trade deficits in history, a wholesale loss of American jobs overseas, is a destructive course, one that is wrong for our country. And I think it is part of the undercurrent of all the angst out there in the country with families knowing this is not working. This is a model that might make international corporations wealthy but people who do not have jobs are poor. It means a future of less opportunity for them. That is what I think is at work in this country. I know it is not quite as simple as all of that, but that, I think, plays a major role.

You know something? All the things we do in this Chamber, over all of these months, all ignore that central fact. There has not been, in my judgment, one day of thoughtful, interesting debate about the central economic tenant of our times, and that is the issue of what the global economy means to the future of America, to the future of American families and American workers.

Mr. President, there are some who will say that I am truly a broken record, and that is fine with me because I want to continue to repeat month after month what I think is one of the most serious problems we face in this country. And, along with recommendations, I want to be sure that we finally debate and we finally come to grips with the need for a new economic national strategy that moves our country forward. I want a strategy that gives our country an opportunity to win once again.

Mr. President, having spoken for the full 10 minutes in morning business, I now yield back the entire balance of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BURNS. Mr. President, I ask unanimous consent to proceed as in morning business for no more than 5 minutes.

The PRESIDING OFFICER. Morning business is in order.

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS pertaining to the introduction of S. 1278 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BIDEN. Mr. President, Howard Schroeder first encountered southern Delaware during his Army service in World War II. His job was to protect the coast, which he did by applying his military training and muscle to help lay mines in the bay, and by applying his artist's eye and talent to help record the landscape of the area.

Some of those first Schroeder landscapes remain on display today in the Lewes, DE, public library and middle school, testaments to a love affair that lasted a lifetime.

Even beyond a lifetime—when he died at his Lewes home on Friday, September 8, at the age of 84, Howard's family announced that, in accordance with his wishes, his ashes would be scattered over the sand dunes and in the water at nearby Cape Henlopen State Park.

The people of my State take great comfort in knowing that Howard Schroeder is still guarding our coast, not only in the resting place he chose but in the legacy of his love for the beaches, the small towns, the fishing boats, the marshes, the old buildings, the people—everything that is the beauty and heart of Delaware's coastline.

It is a recorded legacy of work, literally thousands of sketches and paintings that, as one Delaware reporter wrote, ''virtually define our mental image'' of parts of our State. Howard said that he was always ''looking for the unspoiled,'' and he was able to find it, and to share it, not because he knew where to look but because he knew how to look.

It is a living legacy of teaching, because Howard Schroeder was, always, inspired to inspire others. He taught at the St. Andrew's School, at the Rehoboth Art League, which he had served as president, and in workshops that he founded in towns through Kent and Sussex Counties. He started the Artists' Sketch Group to help local artists bring out the best in each other, and he was a founding member of the Sussex County Arts Council.

He was, as his friend and fellow artist Jack Lewis wrote, ''a champion for the arts,'' and his drive to teach wherever there was someone willing to learn has left a permanent and deep imprint on the artistic community in and well beyond Delaware.

Howard Schroeder's personal legacy is rich in family and friends. His wife, Marian, was his partner in every way, including the years she and Howard sold his work at their Rehoboth Beach art supply and gift store. Together, they raised six children, at a time when it was, as Jack Lewis said, ''unheard of'' to make a family living on an artist's earnings. Marian and Howard succeeded in doing the unheard of.

Their son John, a Delaware State legislator, published a biography of his father, and remembers Howard as working until late at night in his studio but always making time for his children. Daughter Carole memorialized her father in a poem, in which she wrote:

''You showed me the beauty of life
Through your music and your art
Through history and words of prose
But mostly, by living it.''

Howard shared his life's lessons also with sons Stephen, Howard, and Robert and daughter Gail, with their families, and with countless fortunate friends and admirers.

Mr. President, Howard Schroeder worked all over the world, he was profiled on national television, he was raised in the Bronx and in northern New Jersey. But he chose Delaware, and we remember him, gratefully, as a Delaware State treasure, a treasure that we were proud to share in his lifetime and that I am proud to share, and to honor, in the Senate today.

Howard Schroeder was a neighbor with a special gift to see, and to teach us to see, the unspoiled in our own backyard. By his vision and his talent, and by the sincerity of his love, he led us to the best in ourselves, which may well be the greatest accomplishment and contribution of all.

ON THE NEW $100 BILL

Mr. LEAHY. Mr. President, today, the Treasury Department is unveiling a newly designed 1996 series $100 bill that incorporates many state-of-the-art anticounterfeiting features. I commend Secretary Rubin and the Treasury Department. Today's unveiling at the Treasury Department starts the process of reassuring the public, both here and abroad, of the abiding strength and integrity of our currency. That process will continue through next year when the new $100 bills in the 1996 series are circulated for the first time.

This country faces a serious challenge from new technologies that enable counterfeiters to turn out excellent reproductions. Unfortunately, U.S. currency has been among the most susceptible to counterfeiting in the world. Although updated in 1990 with a deterrent security strip, our bills have not had the watermarks or sophisticated dying and engraving techniques that other countries use to defeat counterfeiters.

In the past two Congresses, I have introduced, with Senator JOHN KERRY, legislation to address the growing problem of hi-tech counterfeiting. I am delighted that the Treasury has adopted many of the features we have been recommending.

According to the Secret Service, which has from its inception been combatting counterfeiting, the counterfeiting of U.S. currency has increased dramatically in recent years. Over the past 5 years, the Secret Service seized an average of $58 million annually within the United States. But in the first 4 months of 1995, alone, the Service seized more than $50 million in counterfeit U.S. currency. Likewise, seizure of counterfeit U.S. currency overseas has increased fourfold to $120.7 million in 1993 and $137.7 million in 1994.

I know from personal experience the impact that counterfeiting has had on acceptance of our currency abroad. Over the summer, I took a trip with my family to Ireland. I carried with me a few $100 bills just in case some places did not accept travelers' checks. To my surprise, I found more places that refused to accept my $100 bills. Let there be no doubt, counterfeiters undermine confidence in our currency.

Senator KERRY and I first introduced our legislation in May 1994, to stop counterfeiters from using fake American currency as a free meal ticket. Our bill would have required the Secretary of the Treasury to design a new $100 bill that incorporates some of the counterfeit-resistant features, such as watermarks, multicolored dyes, and sophisticated engraving techniques.

We were encouraged last summer when then-Treasury Secretary Bentsen announced plans for modernizing U.S. currency with new deterrence features. The results of that modernization effort are reflected in the newly-designed 1996 series $100 bill.

I examined one of these new bills earlier this week. To defeat hi-tech counterfeiting technology, this bill has a watermark, and color-shifting ink, new microprinting that requires a magnifying glass to see, and concentric, fineline moire patterns that are difficult to copy.

I congratulate Secretary Rubin and the Treasury Department for putting this country in a better position to combat counterfeiting and protect our currency. I commend the National Academy of Sciences and the Secret Service for their efforts in connection with this project and thank the talented engravers, printers, and technicians who are bringing these changes to fruition.

I also want to highlight a related development: the establishment of the Securities Technology Institute, a research facility with the Johns Hopkins Applied Physics Laboratory, to assess emerging technology and evaluate features and additional protections for currency and other security documents.

This is the most significant redesign of our currency in the last 70 years, since the ''Big Bill'' was replaced by the ''Small William'' in 1929. We have come a long way from the time when people could only tell a good Continental Congress note by the misspelling of Philadelphia. On the new $100 bill, the portrait of Benjamin Franklin, the father of paper currency in this country, and the familiar sight of Independence Hall remain. But they are now joined by a number of improved security features.

I am delighted that this day has come and look forward to working with Secretary Rubin to serve our mutual goals of deterring currency counterfeiting and increasing confidence in our currency and our economy in Vermont, across the country, and around the world.

REMINDERS OF HOME

Mr. PRESSLER. Mr. President, I rise today to pay tribute to the people of my beloved home State of South Dakota. The daily grind of life inside the beltway leaves me searching constantly for reminders of the sights, the sounds, and the citizens of the State I love. I always enjoy those moments when South Dakotans from back home visit my Washington, DC, office. I also look forward to the times when I can return to the people and the places I hold dear.

As my colleagues know well, without the constant input I receive from the folks back home, we could not do our jobs effectively here in Congress. I am very fortunate that my fellow South Dakotans keep me in frequent touch with the issues of concern to them. I also enjoy the many letters from, and conversations with, South Dakotans regarding the diverse beauty of our home—the rolling fields of grain, the endless prairie, the majestic Black Hills, the sunsets against a backdrop sky of pink, orange, and purple hues, and the wide Missouri River.

These daily visits and the calls and letters from South Dakotans mean a great deal to me. I cherish my home. I cherish the people of my State. Every day, through them, I feel a renewed pride in being South Dakota's U.S. Senator. Every day, through them, I am proud to be a South Dakotan.

Mr. President, recently an article by Robert Pore appeared in the Huron, SD, Plainsman newspaper, describing many of the issues that are pertinent to the people of South Dakota. I would like to share these concerns and ask unanimous consent that this article be printed in the RECORD.

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

THE MALL REMINDS PRESSLER OF SOUTH DAKOTA

(By Robert Pore)

WASHINGTON.—Every morning Sen. Larry Pressler starts his day with a jog along The Mall in Washington.

The shrines, monuments and museums alongside The Mall from the Capitol to the Lincoln Memorial seem a million miles away from the prairies of South Dakota.

But with a little imagination, as Pressler runs by the grass and trees that line The Mall, he imagines his home state and the people he represents who give meaning to his job.

''It makes me feel like I'm in South Dakota,'' Pressler said during an interview Wednesday in his office in the Russell Building. ''It gives me a little time alone.''

But along with running, Pressler seeks another form of strength to cope with the rigors and demands of life in the nation's capital.

''I belong to a weekly Senate prayer group that gets together to collect our thoughts and exchange ideas on the problems and promises we experience in life,'' he said.

Pressler lives a couple of blocks from his Senate office, which is located across the street from the Capitol. He said work sometimes seems to be never ending, especially as he has taken on the pressure of heading the Senate Commerce Committee.

But he makes a point to go home every night he can to have dinner with his wife.

''It gives me a little time away from the Capitol,'' Pressler said.

Because Pressler holds a position of power as a committee chairman and he is from a rural state, he understands that the insults and jokes about him are part of the political game. But at times they are personal and they hurt.

Recent newspaper ads indicating Pressler needs to change his opinion on Medicaid because it hurts people with Alzheimer's disease went too far, he has said.

''My father died of Alzheimer's disease, so I know first hand the tragedy of an illness in a family,'' he said.

After serving South Dakota for more than 20 years in both the House and Senate, Pressler always looks forward to going home.

''We have an acreage back in Hot Springs where we hope to build a vacation home,'' he said. ''We are pricing logs right now, which are pretty expensive. We also have a farm near Humboldt.''

When he's not meeting with his constituents or spending time with his family and friends in South Dakota, Pressler also likes to ride his Harley-Davidson motorcycle or his old Model D John Deere tractor, especially in small-town parades.

On his Senate office desk, Pressler has a model of his John Deere tractor as a little reminder of home.

''I get a little fun from that,'' he said with a smile.

What also brings a smile to Pressler's face is when he meets with South Dakotans who have made their way to Washington, either to vacation or to voice their concerns about an important issue.

''It means a lot to me,'' he said. ''They are helping me do my job. Whether they talk to me, my staff or another senator, their presence helps our cause.''

This week, Pressler visited with South Dakota farmers and ranchers in Washington as part of the National Farmers Union fly-in.

''Agriculture is a big industry, but it is getting smaller in numbers'' he said. ''A lot of farmers have given up. Therefore, it is important that they come here and see how the federal government works.''

Pressler's concern about the people who make up South Dakota's No. 1 industry has deep roots going back to his youth on a small family farm near Humboldt.

''We have to be very careful to protect our smaller family farms,'' he said. ''Growing up on a family farm, I showed livestock in 4–H and at the State Fair. I consider myself a farmer. I'm interested in the welfare of our family farmers and ranchers.''

Pressler said instead of rushing through legislation that he feels would be a detriment of the state's family farming heritage, he would rather see a continuing resolution that will extend the 1990 Farm Bill for another year if there's an impasse on farm bill legislation.

''Farm bills are always late because they are so controversial and they require so much work,'' he said, ''this year in particular because of the severe budgetary crisis we are in.

''We have producers in South Dakota who are not in the farm program, such as many of our cow-calf operators. We have to think about them in terms of international trade and exports. But we also have to think about the impact the huge deficit has on farmers. If the deficit stays as high as it is, it will mean higher interest rates.''

''While balancing the budget is a top priority for Pressler, he doesn't want the numbers game to take priority over the people he represents.

''I come from a family farm and I have seen how farm families struggle on the land,'' he said. ''We have to be very careful, but on the other hand we have to be honest with people. There's a lot of stuff floating around this year from the inside-the-Beltway bureaucrats. Every time we have asked the bureaucrats to reorganize they have threatened to close some local offices or take away some local services.''

Pressler said the new farm bill must help producers make a decent living and allow them flexibility about what and where they can plant without all the hassle of government rules and regulations.

But he said the most important thing lawmakers can do when writing the farm bill is to provide a framework that assists beginning farmers and provides opportunities for the next generation of South Dakota agricultural producers.

During the 20 years Pressler has been in Washington, the number of farms in South Dakota has dropped from 43,000 to 33,000 this year.

''When I was in 4–H there was a lot of young farmers who went into farming and that was their dream,'' he said. ''But nowadays many of the young 4–H'ers I talk to don't go into farming or ranching. They go out of state in many cases to take jobs.''

He said technological changes are a big factor, making it more expensive to get started in farming. But he said young people also don't have the opportunity to borrow the seed money they need.

''We have to be constantly tailoring some of these loan programs for young farmers, change the estate tax law (which I'm trying to do as a member of the Senate Finance Committee) and income averaging for farmers, so young producers can get started,'' Pressler said.

Getting the message about the needs of South Dakota farmers across to his colleagues is hard, especially when farmers only make up about 2 percent of the nation's population of 700,000 plus is a mere drop in the bucket to the country's 260 million people.

''It is very, very hard because people don't want to listen sometimes,'' Pressler said. ''They think that our farmers are doing OK and they read about the subsidies they receive. There's a lot of disinformation out there that really makes my job a challenge.''

THANKS TO THE STAFF

Mr. LEAHY. Mr. President, last Thursday, the Senate passed the fiscal year 1996 foreign operations bill. The vote was 91 to 9. That is the largest number of Senators to vote for a foreign aid appropriations bill that I can recall. I want to congratulate Senator MCCONNELL for his efforts in getting the bill done, and for the overwhelming bipartisan vote. I think it shows that despite assertions to the contrary, the Senate and the American people do support foreign aid.

I also want to thank a number of other people who contributed greatly to putting this bill together, and getting it passed.

In the Congress, the majority clerk of the Foreign Operations Subcommittee, Jim Bond, was indispensable. Jim has been around here a long time, and has gained the unqualified respect of both sides of the aisle. Senator HATFIELD could not have a more competent and dedicated adviser to the subcommittee. Jim was very ably assisted by Juanita Rilling, who has also gained an expertise in the foreign assistance programs.

On Senator MCCONNELL's personal staff, Robin Cleveland was instrumental in preparing the fiscal year 1996 bill, and in finding common ground with my staff in developing a product that Senator MCCONNELL and I could support and defend. Robin did a superb job in her first year as the subcommittee chairman's principal adviser on a wide range of foreign aid issues. Robin also had the very able and tireless assistance of Billy Piper.

On my side, Tim Rieser, who was a member of the subcommittee staff during my 6 years as chairman, gave me fine assistance throughout. Dick D'Amato, a member of the committee staff, expertly handled several important and difficult issues, including the compromise that was reached on the language concerning Korea and several amendments on the former Yugoslavia. I want to thank him and Senator BYRD for his contribution.

Janice O'Connell and Diana Olbaum of the Foreign Relations Committee staff helped resolve several difficult issues. Pam Norick on Senator MURRAY's staff and Robin Lieberman on Senator FEINGOLD's staff were very helpful in preparing for the contentious debate on international family planning.

There are many people in the administration who deserve mention. While I cannot name them all, I do want to recognize Wendy Sherman, the Assistant Secretary for Legislative Affairs at the State Department. Wendy has been a tireless advocate for the Secretary, and for the American people. Her deputy, Will Davis, was an indispensable link between me and my staff, and the State Department. Will's good natured manner and willingness to search for the answer to any question we had was greatly appreciated.

At the Agency for International Development, Jill Buckley, Assistant Administrator for Legislative and Public Affairs, with the assistance of Bob Boyer and Marianne O'Sullivan, and so many other people, made it possible for us to manage with a very difficult budget situation. I also want to single out Bob Lester, whose extraordinary knowledge of the Foreign Assistance Act prevented us from making any egregious drafting errors. Without Bob, I hate to think what kind of laws we would pass.

At the Treasury Department, Robert Baker and Victor Rojas did their best to convince a skeptical Congress of the importance of maintaining U.S. leadership in the international financial institutions.

At the Defense Security Assistance Agency, Michael Friend and Vanessa Murray were always ready to help.

Mr. President, I am sure that I have left out people I should not have. For that I apologize. let me simply conclude by saying that I have greatly appreciated the help of all these dedicated people in getting the foreign operations bill through the Senate. I often wish that critics of the Federal Government would come to Washington and see what people like those I have mentioned do every day. They would see that they are exceptionally intelligent, committed people who work extremely long hours at a fraction of the pay many of them could earn in the private sector. They deserve our respect, and our thanks.

THE PASSING OF CHRISTOPHER VAUGHN

Ms. MOSELEY-BRAUN. Mr. President, I would like to take a moment to remember Christopher Vaughn. A good man died on Sunday and he will be missed by his friends, family, and loved ones. Christopher Vaughn was a joyful, fun loving, and giving person. Every time I had the chance to be around him I felt lucky. I enjoyed our conversations and remember the laughter and smiles that always accompanied those occasions.

Christopher Vaughn was an incredible talent. He was a scholar in Renaissance history, and he had a natural flair for the world of entertainment. It is a great thing for a person to use a natural ability to its fullest, and that is what he did.

Chris began his career writing scholarly papers in Spain and then turned his literary skills to the entertainment industry when he joined the Hollywood Reporter in 1987. It is clear why he was such a success. He was smart, witty, and eloquent. His promotion to managing editor of special issues was a surprise to no one, I am sure. Working at Nickelodeon as the director of talent relations, he brought great talent to the network.

His work at Dolores Robinson Entertainment certainly paved the way. He and Delores were the team who adopted me in the early days of my effort to be elected to the U.S. Senate. Of course, it was Chris who attended to the details. He understood that history is written from the details, and that each person can make a difference in the way that challenges are resolved. Perhaps it was his appreciation for history that made

him such an advocate for my election, but I like to think it was more his vision for the future which so inspired him.

While his résumé is impressive, it is the goodness of the man I will remember. His name was not in the headlines every day, but he touched the lives of everyone he met. He was a man who did much to leave this world a better place than he found it. The entertainment world will miss him, his family will miss him, and together with all of his other friends, I will miss him.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, on the memorable evening in 1972 when I was first elected to the Senate, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

It has proved enormously beneficial to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the nearly 23 years I have been in the Senate.

Most of them have been concerned about the enormity of the Federal debt that Congress has run up for the coming generations to pay.

The young people and I almost always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 22, 1992. I wanted to make a matter of daily record of the precise size of the Federal debt which as of yesterday, Tuesday, September 26, stood at $4,953,250,764,121.84 or $18,802.63 for every man, woman, and child in America on a per capita basis.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KERREY. Mr. President, I ask unanimous consent I be allowed to speak for 15 minutes as in morning business.

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

PROGRESSIVE POLICY INSTITUTE

Mr. KERREY. Mr. President, this morning, myself, Senator BREAUX, Senator LIEBERMAN and Senator NUNN stood with an organization called the Progressive Policy Institute to embrace some recommendations, an outline of recommendations they made to reform both the Medicare Program—a $170 billion program that is funded with the combination of a 2.9-percent payroll tax and a health insurance premium paid for by 37 million beneficiaries over the age of 65 with $46 or so a month, that funds about 30 percent of the part B, the doctor's payment, as well as $80 billion program for Medicaid.

These are the most rapidly growing items in the budget. They are not the most, but in terms of total dollars, this $250 billion collective program has gotten quite expensive. It has tormented a lot of Members who have been trying to figure out what to do to control the growth, in particular, of entitlements.

Last year, Senator Danforth, a former Senator from Missouri, and I made some recommendations about what should be done to reform entitlements. The purpose of our recommendation was to say to Americans that we should agree that no more than a certain percentage of our budget would go to entitlements, plus net interest.

Looking at the future, given the current trend lines particularly with the enormous demographic problem, mostly demographic not political problem, of 60 million baby boomers starting to retire in 2008, look at that problem and the cost of our entitlements not too long after the year 2008—all of our budget will be consumed by entitlement spending.

When I say all, there are not very many things in Washington, DC, that have stayed constant over the years. One that has stayed constant, except for two periods in this century, World War II and for a period during the Vietnam war, the percent that has been withdrawn from the economy to fund Federal programs, approximately 19 percent, about how much we withdraw from the economy, a fifth of the U.S. economy is used to fund Federal programs. That really has not changed except for two wartime situations.

It is likely that indicates that is about what Americans think we ought to be withdrawing from the U.S. economy for the Federal Government. There may be some that would argue we ought to do more, not very many; and maybe some would argue we should do dramatically less. Probably it means we will spend about 19 percent.

If that is the constant, Mr. President, it is very alarming to see the growth of entitlements in net interest because as it grows it decreases the amount of money available to defend our country, to keep our cities safe, educate our children, to build our roads, our sewers, our water system, space exploration—all those sorts of things.

This year's budget, 67 percent of our budget goes to entitlements and net interest, and in the year 2002 at the end of the 7-year budget resolution that we are operating under, it will be 75 percent—an 8 point increase in a span of 7 years. That is a lot of money, about $135 billion or $140 billion increase in entitlements, if you do it in a single year.

As I said, Mr. President, that trend really rapidly accelerates when the baby boomers retire some 6 years later. The entitlement commission tried to say to Americans, ''Let's make changes in our programs sooner rather than later.'' The sooner we do them the bigger the future impact and the more time we can give beneficiaries or recipients, in the case of Medicaid, with time to plan.

They can begin to adjust their own thinking about planning. If you have to adjust the eligibility age, which we recommended over a period of time; or if you have to phase in some change in premium payments, or whatever. Give people time to plan. It is more likely they can adjust.

There are tough recommendations, Mr. President. Contained inside of the recommendations was another presumption which is that we are seeing the marketplace work. It is a relatively recent change in health care.

When we debated health care 4 years ago, the facts as presented to the American people would cause you to believe that actually the Government was doing a better job of controlling costs than the private sector. Private sector costs exceeded the public side.

Today not only is that reversed, but strikingly so. We are seeing in some parts of the country where a high percentage of managed care, even some declines in overall cost of health care, where the public sector continues to grow in double digits.

That sort of frames a little bit, in a preliminary fashion, why I was pleased with the Progressive Policy Institute's proposal. It does propose to address the problem of growing entitlements, and it does propose to take advantage of the changes that are occurring in the marketplace, to restructure Medicare and Medicaid to take advantage of the changes that are occurring.

Let me say, Mr. President, one of the things I do when I am at home and talking about the current debate about Medicare and Medicaid is to say I am pleased that Republicans are trying to preserve and protect the program. Many Republicans were not, as you know. Some Republicans were opposed to this over the years. Now what we have appears to be almost unanimous—Republicans saying not only do we think Medicare is a good idea, we want to preserve Medicare for our children and for our grandchildren.

Mr. President, let me point out that underneath the program is a presumption, an assumption that we have to believe before the program itself can stand, before we can reach the conclusion that we want to preserve and protect it. That assumption is this: No matter what we do with the marketplace, no matter what happens with our economy, there is apt to be some Americans that will not be able to afford to buy health insurance, for whatever the reason. They may be disabled. In this case with Medicare it is the elderly. Say they are over 65 and likely

not to be working. Their health costs have gone up. They are in a higher-risk population. It costs more. They are not working any longer. Thus, design a program to help them purchase insurance.

I point that out, Mr. President, because it basically means Republicans and Democrats have agreed that there is a role for Government to help Americans who cannot purchase, who cannot afford to purchase health insurance. We have agreed on that.

In this case a rather expensive Government role—$170 billion for Medicare and $80 billion for the Medicaid program.

The proposal that the Progressive Policy Institute put forward this morning, and I am here this afternoon to talk about it at great length, does not view Medicare as a source of money to fund deficit reduction although I believe we have to look because of the cost of the program to Medicare for deficit reduction.

It says, instead, that we need to transform the Medicare program from what is essentially a very maternalistic program into an instrument for empowering citizens to solve common problems. A rather simple but very important change in the policy.

Medicare today is run by the Federal Government, does not take much advantage of what is going on out in the market, does not take much advantage of competitive forces. It is much more of a maternalistic—we will figure out what is good for you and tell you how the program is operated.

Their proposal, which I like very, very much, says we should move in the direction of empowering Americans to make more of their own decisions about this problem of acquiring health care and making health care decisions.

Second, those of us who have spent a great deal of time with entitlements and who have long ago reached the conclusion that Medicare is a good program that deserves our support, know health care entitlements are very archaic. They no longer fit inside the context of what we see going on in the private sector. They are governed by arbitrary political and budget goals. They are managed by command and control regulation. And, very often, they tend to reproduce inefficiencies in other sectors of the health care system.

Third, and very important, if you buy into this idea the Republicans and Democrats now agree, since I believe most if not all Republicans now say we should preserve and protect Medicare—that is what I am hearing, at least, from Speaker GINGRICH and others—if that is the case, underneath that is a presumption that we have Americans out there who cannot afford to buy.

What we ought to be trying to do is fashion the program so those who cannot afford have the means to make the purchase and those who can are required to make the purchase on their own. It seems to me Medicare and Medicaid, as they are currently constituted, are an obstacle. I emphasize this. They have become an obstacle to getting to the point where every single American, just because he or she is an American, knows with certainty that they are covered and they are going to be required to pay according to their capacity to pay. But they do not doubt, whether they are 65 or 25 or 55; they ought not doubt.

We spend $400 billion a year, direct and indirect—either direct with tax expenditures or indirectly with tax subsidies—on health care at the Federal level every single year. That is plenty to get everybody covered.

The way the current programs are designed, they are a structural barrier, a fiscal barrier, and need I say, it ought to be obvious from the current debate, a political barrier to getting ourselves to the point where all Americans know with certainty they are covered, know with certainty they have a responsibility to pay, have the information upon which they can make decisions about quality, about price.

One of the most powerful bumper stickers we had in the health care debate is true, which was, ''If you think health care is expensive now, wait until health care is free.''

In short, Americans need to understand that there is a cost attached to demands. The current system, I believe, the way we have Medicare structured and the way Medicaid is structured and the way the VA is structured and the way our income tax system is structured, provides a barrier, really, as I said, a political, a structural, as well as a fiscal barrier to getting us where I think most of us want to go, which is every American knows with certainty they are covered, knows that they have responsibilities in the system, knows clearly what those responsibilities are, and knows not to ask for more than what is, in fact, reasonable.

There are flaws in the Republican proposal. I will mention them briefly. I do not want to dwell too long on them here because I am really not trying this afternoon to attack the Republican proposal. More, I am trying to see if it is possible to reach some consensus with Republicans who indeed want to reform this system; to make sure, when we take action that might be politically difficult, that we have an exciting and constructive improvement in the system.

I believe the proposal ignores the baby-boom generation. I have mentioned it before. This solution takes us out to 2002, maybe 2005. We have not seen anything yet when the demographics of the baby-boom generation becomes apparent to us. We are, I think, going to be very sorry we did not take action sooner rather than later. It, in many ways, continues the status quo. It does provide people with more choice in the private sector, but not in the kind of vigorous competitive environment that we need if we expect to see the forces of the marketplace work the kind of, really, miracles that we have seen in the private sector. In other words, it tends to privatize but does not provide a competitive environment.

The proposal we presented this morning, over the next 5 years does four things that are very important. It does not get everything done over the next 5 years, but it does four things that are terribly important.

No. 1, it privatizes insurance for Medicare beneficiaries. We say the Federal Government ought to do a much more limited number of things than they are doing today. It ought to make certain we have a market. It ought to make certain Medicare can use its tremendous purchasing power to get cost savings from the private sector. There are lots of things that Medicare can do, but it ought not try to micromanage the health care environment.

So that is Medicare. We ought to privatize it and move it in the direction of becoming a privatized insurance for Medicare beneficiaries. In the area of Medicare, we need not only to cap the individual amount for acute care, but we also need to deregulate the States so they can continue to use the market at the State level, to continue to use the private sector to produce the kind of cost savings that the private sector has produced in the last 2, 3, 4 years.

So capping the Medicaid entitlement, the individual entitlement is critical. But deregulating the States for that acute care is equally critical so they can begin to fashion programs.

I believe it will be a mistake to block grant Medicaid at this point. Perhaps 6, 7, 8 years down the road, after we have really seen this thing move more aggressively in the private sector. We have a bit of a problem because of the Federal-State relationship. I think it would be far—not think, I very strongly believe it would be far sounder for us to cap the entitlement and deregulate so the States could use the market much more as a consequence.

Long-term care is much more of a problem. As people who have looked at it know, the long-term piece, although it is a much smaller number of people covered, it is a very large part of the total Medicaid spending—the long-term piece. We are also, in my judgment, going to have to have some capitation of payment. But we are going to have to encourage States to develop private sector solutions. We simply cannot provide, through the Government, all the long-term care requirements that are out there. We have to basically take the Medicaid Program, as we were proposing to do with Medicare, move it as quickly as possible toward a private sector solution.

The third thing that we are saying is, make health care subsidies fair. The most important thing we do there is to cap the income tax deduction. Some will say, ''You are increasing taxes on my health insurance.'' Our proposal caps it at a high enough level inside of the market that nobody is going to be

able to say that they are paying taxes on normal health care. They are going to be paying taxes on that beyond what the market judges to be in the median range.

It is very uncomfortable for upper-income people to have to consider that one of the things that is going on if they are in the 40-percent tax bracket, let us say, is that if they are buying a health insurance policy of $7,000 or $8,000 a year, they are receiving a $2,800 to $3,200 subsidy as a result of receiving that deduction, and very often receiving that subsidy from people who do not have health insurance.

So this says, let us make it fair. Let us keep the deduction in place so you can encourage the individuals to purchase and encourage the employers to provide it, but let us cap it out so those subsidies end up being not only fair but consistent with our desire to make sure that we provide subsidies to people who need them but do not provide subsidies to people who do not.

The fourth thing we are attempting to do—there are a whole series of things that need to be done, including the creation of a health care network and additional information provided to consumers—we are trying to create a universal health care marketplace. So the decisions and choices that are made by individuals about price and the decisions and choices made by individuals about quality will determine the nature of our delivery system, the nature of our payment system. Again, for emphasis, we want the negotiation for price to occur out there in the market.

We do not want the negotiations for price to occur here in Washington, DC. That kind of top-down, paternalistic system I think is a recipe for either increased regulation or unsuccessful efforts to control costs.

So the proposal in its early stages is relatively simple. It is not easy, but it is based upon a vision of a universal marketplace for all Americans where everybody knows they are covered, where everybody knows what their responsibilities are, and where everybody knows the costs attached to their demand.

There are seven things I would like to emphasize inside trying to create this buyers' market for Medicare and Medicaid. Again, division for me is removing from a paternalistic federalized system into a system where everybody knows that they are covered but their decisions are shaping both the delivery and the payer system for the kinds of products that companies offer for sale.

First, we use market mechanisms to determine proper levels of supply and demand. Let the market make that decision. If we try to make that decision here in a political environment, it is very difficult for us to say no and very difficult for the majority of us, when appeal is made, to say no. It is not altogether likely that we are going to be honest and say to somebody, if we say yes, ''By the way, here is the cost, and we would like to have you pay for it.'' We typically try to spread the cost over somebody else's income.

Second, we should protect the value of the subsidy while avoiding an unlimited subsidy. It is a very important thing for us to do. We need to protect the value of the subsidy so that it moves with inflation. But we cannot continue with a system that says the subsidy is unlimited, the sky is the limit, and whatever you need we will pay for it regardless of what contributions you have made, regardless of what your income is, and regardless of your wealth status.

Third, we need to maintain the collective purchasing power of Medicare and Medicaid. That is extremely important. The Government can help drive down the cost if they use that purchasing power in a constructive fashion instead of sort of laying back and saying we will pay out whatever is submitted to us. The law currently does not allow HCFA to do that sort of thing. We are talking about not eliminating HCFA but moving HCFA in a direction where it does a different set of things than it is currently being asked by our laws to do.

Fourth, we must enable beneficiaries—250 million to 260 million—to become more informed. At the end of the day we are the ones that create the demand. We are the ones, as a consequence of our own evaluation of health and what we are willing to do, who create the demand. We have to become better informed both about cost and about quality.

Fifth, we have to align Medicare and Medicaid with trends towards cost-effective care in the private sector rather than again just engaging in a debate about, are we cutting too much, and are we cutting too little? We need to take advantage of what is going on in the private sector with the objective of getting every single American inside the system.

Next, we have to create a privately run, decentralized system to deliver our health insurance as opposed to, again, a centralized system that tends to be more paternalistic and not terribly creative, not nearly as creative as what the market can do.

Seventh, we should limit the Government role to the essential.

This gets me back where I was at the beginning. Mr. President, it is terribly important to argue and decide what do we want the Federal Government to do. It appears to me that we have achieved consensus that there is a legitimate role for Government, at least for 37 million Americans who are over the age of 65. It seems to me that we have reached consensus. The principle ought to be that the reason we are helping people over 65 is they cannot buy. They are having trouble buying. Let us limit the role of Government to help those who cannot buy purchase it. But let us not subsidize—whether it is me or you, Mr. President, or anybody else—people that do not need to be subsidized. Let us not have the Federal Government commanding the system to do something that is going to cost the taxpayer more and perhaps end up delivering lower quality care.

In closing, one of the most exciting areas of effort that is ongoing right now in the area of waste, fraud, and abuse is by Senator GRAHAM of Florida and Senator HARKIN of Iowa. A long time ago a rather clever fellow by the name of Willie Sutton said, ''The reason I rob banks is that's where the money is.'' At $250 billion, if Willie were around today, he would be apt to be looking at Medicare and Medicaid. People are getting ripped off by a substantial amount. They know how to game the system. They are well organized. I am not talking typically about individuals. I am talking about people who are in it for the money, for the dough.

I think we have an obligation to do everything that we can to use competition, not only to get the price down as low as possible, but to make sure that we hold to a very high standard of accountability those people who find themselves being qualified as providers.

Mr. President, again, I applaud what I see as essentially a Republican conversion that Medicare is a good program, that we ought to preserve and save it. I think that is an awfully good piece of news. The underlying principle that should enable us to make decisions, not just for the short term where in truth not much effort is needed to save Medicare in the short term over the next 7 to 10 years—not that much change is required—but to take advantage of the marketplace and to solve the problem that is created when the baby boomers retire. A good deal more than what I have seen thus far in the Republican proposal needs to be done.

So I am hoping that this statement—and others that I will make on this issue of Medicare and Medicaid, if not this year in the budget deliberations, throughout the next year as we begin to do next year's budget deliberations—I am hoping that we can in fact build some bipartisan coalition around the need to control the rapidly rising cost of entitlements that is squeezing out our ability to make long-term investments in our future, and the increasing insecurity that all Americans feel as a consequence, I think, of very inefficiently run Federal programs.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS

Mr. SPECTER. Mr. President, we have been in a quorum call trying to work out an arrangement on the bill on Labor, Health and Human Services and Education, of which I am the manager for the majority as chairman of the appropriations subcommittee, and in the absence of any action on the bill up to the moment—we are optimistic we will have agreement on a procedure to move ahead—I thought it would be useful to take this time to make what would in effect be an opening statement on the bill so that people will be aware of what this bill means.

The Labor, Health and Human Services and Education bill, which will shortly be before the Senate, totals $62.8 billion in discretionary budget authority, including $65 million in funds from the Violent Crime Reduction Trust Fund. Mandatory spending totals $200.9 billion, an increase of $17.7 billion over the 1995 levels, but those are mandatory expenditures over which we have no control, entitlements. These totals are within the subcommittee's 602(b) allocation for both budget authority and outlays, according to the Congressional Budget Office. The allocation falls over $7 billion below the original appropriated funds for fiscal year 1995 and $4.4 billion below the postrescission levels.

That means we have an enormous cut this year, but this is on a trend line to have a balanced budget by the year 2002 so that we do not burden further generations with excessive spending in the present.

In structuring this bill, we have tried to deal with this budget with a scalpel instead of a meat ax and very carefully approaching the allocations for the most important items, and I think we have succeeded in doing that.

This year has been an extremely difficult one for the subcommittee, and very many difficult decisions had to be made in order to stay within that allocation.

Senator HARKIN and I have taken a careful look at all of the programs within the bill and have sought to make some modifications in some of the proposals made by the House, particularly in education, workplace safety, and also funding for programs to protect women against violence.

I take this opportunity to thank my distinguished colleague, Senator HARKIN, for his help and cooperation in bringing this bill forward to this point. Senator HARKIN and I have worked together on this subcommittee. Last year, in the 103d Congress, he was the chairman, I ranking; this year it is nicer to be chairman, and Senator HARKIN has been a very cooperative ranking member.

The important programs funded within this subcommittee's jurisdiction provide moneys to improve the public health, strengthen biomedical research, assure a quality education for America's children, and job training activities to keep America's work force competitive within world markets.

The funds are not adequate, Mr. President, but they are the best that can be done under the circumstances. The House budget was less than ours. We had almost $1.6 billion additional funding, and we have put all of that money into education.

That is a subject, Mr. President, that I feel very strongly about from my days growing up where education was very heavily stressed in the Specter household really because my parents had so little of it.

My father, as an immigrant from Russia, coming to this country as a young man of 18, had no formal education at all. My mother came with her family when she was 5 years old from a small town on the Russian-Polish border and she went to only the eighth grade. Her father, my grandfather, died of a heart attack in his mid-forties, and she had to leave school in the eighth grade to help support the family. My brother, my two sisters and I, having had excellent educational opportunities, have been able to share in the American dream.

I think in the long run education is the answer. If you take a look at virtually all of the problems that beset our society, problems of welfare, problems of teenage pregnancy, problems of disintegration of the family, problems of crime, education would be the long-range answer.

Twenty-eight years ago, when I was an official in the city of Philadelphia, working as district attorney and a candidate that year for mayor, there was an impressive book written, ''Cities in a Race with Time,'' and not a whole lot has changed because we really have not dug into the educational system in America.

One of the proposals in this bill which we have funded in the Senate but was not funded in the House has been the Goals 2000 program, initiated under a Republican President, President Bush, carried forward under a Democratic President, President Clinton.

There are two States which have not taken funding under Goals 2000, the State of Virginia and the State of New Hampshire, and one State, Montana, will not take funding next year.

It is my view, Mr. President, that Goals 2000 constitutes a very important step forward. They are voluntary goals. They are not mandatory. States may adopt other goals as they see fit There are some standards. Terrel Bell, in 1983, was Secretary of Education when a book came forward talking about the crisis in the American educational system, and still we have failed to deal adequately with that issue.

We held hearings in the Labor, HHS and Education Appropriations Subcommittee, on September 12, looking for a way to eliminate some of the Federal strings to satisfy all of the States, and we may have found changes to pursue in an authorization bill.

Also, there is a possibility that funds might be given directly to local school districts subject to veto power by the State which has sovereignty. But it is my hope that states will use Goals 2000 to set these standards to strengthen education in America.

On biomedical research, Mr. President, we have for the National Institutes of Health nearly $11.6 billion, an increase of some $300 million over the fiscal year 1995 appropriations. These funds will boost the biomedical research appropriations to maintain and strengthen the tremendous strides which have been made in unlocking medical mysteries which lead to new treatments and cures. Gene therapy offers great promise for the future. In the 15 years that I have been in the Senate, all those years on the appropriations subcommittee dealing with health and human services, where cuts have been proposed by Presidents, both Democrat and Republican, we have increased funding for medical research, which I think it is very important.

Two years ago, I had a medical problem and was the beneficiary of the MRI developed in 1985, after I had come to the Senate, a life-saving procedure to detect an intracranial lesion. So I have professional, political, and personal experiences to attest to the importance of health research funding.

On Alzheimer's disease, Mr. President, this last year the United States spent over $90 billion to care for Alzheimer's patients. This devastating disease robs its victims of their minds while depriving families of the well-being and security they deserve.

We have been working to focus more attention and more money into the causes and cures of Alzheimer's. To address this problem, the bill contains increased funding for research into finding the cause and cures for Alzheimer's disease. The bill also includes nearly $5 million for a State grant program to help families caring for Alzheimer's patients at home. The statistics are enormously impressive, Mr. President, that if we could delay the onset of Alzheimer's disease, we could save billions of dollars.

On women's health, in 1995, 182,000 women will be diagnosed as having breast cancer and some 46,000 women will die from the disease. The investment in education and treatment advances led to the announcement last year that the breast cancer death rates in American women declined by 4.7 percent between 1989 and 1992, the largest such short-term decline since 1950.

And while this was encouraging news, it only highlighted the fact that the Federal Government investment is beginning to pay off. While it was difficult in a tight budget year to raise funding levels, the subcommittee placed a very high priority on women's health issues. The bill before the Senate contains an increase of $25 million for breast and cervical cancer screening, increases to expand research on the breast cancer gene, to permit the

development of a diagnostic test to identify women who are at risk, and speed research to develop effective methods of prevention, early detection and treatment.

Funding for the Office of Women's Health has also been doubled to continue the national action plan on breast cancer, and to develop and establish a clearinghouse to provide health care professionals with a broad range of women's health-related information. This increase has been recommended for the Office of Women's Health, because of the very effective work that that office has been doing.

On Healthy Start, Mr. President, children born of low birthweight is the leading cause of infant mortality. Infants who have been exposed to drugs, alcohol or tobacco in utero are more likely to be born prematurely and of low birthweight. We have in our society, Mr. President, thousands of children born each year no bigger than the size of my hand, weighing a pound, some even as little as 12 ounces. They are human tragedies at birth carrying scars for a lifetime. They are enormously expensive, costing more than $200,000 until they are released from the hospital.

Years ago, Dr. Koop outlined the way to deal with this issue by prenatal visits. The Healthy Start program was initiated, and has been carried forward, to target resources for prenatal care to high incidence communities; it is funded as well as we could under this bill with increases as I have noted.

On AIDS, the bill contains $2.6 billion for research, education, prevention and services to embattle the scourge of AIDS, including $379 million for emergency aid to the 42 cities hardest hit by this disease.

When it comes to the subject of violence against women, it is one of the epidemic problems in our society. The Department of Justice reports that each year women are the victims of more than 4.5 million violent crimes, including an estimated 500,000 rapes or other sexual assaults.

But crime statistics do not tell the whole story. I have visited many shelters, Mr. President, in Harrisburg and Pittsburgh and have seen firsthand the physical and emotional suffering so many women are enduring. In a sad, ironic way the women I saw were the lucky ones because they survived violent attacks.

The Labor-HHS-Education bill contains $96 million for programs authorized by the Violent Crime Reduction Act. The bill before the Senate contains the full amount authorized for these programs, including $50 million for battered-women shelters, $35 million for rape prevention programs, $7 million for runaway youth, and $4.9 million for community demonstration programs, the operation of the hotline and education programs for youth. These funds have been appropriated, Mr. President, after very, very careful analysis as to where the subcommittee and the full committee felt the money could best be spent.

On the school-to-work program, the committee recommends $245 million within the Departments of Labor and Education, which is maintenance of the level provided in 1995. We would like to have had more money, but that was the best we could do considering the other cuts.

On nutrition programs for the elderly, for the congregate and home-delivered meals program, the bill provides almost $475 million. Within this amount is $110.3 million for the home-delivered meals program, an increase of $16.2 million over the 1995 appropriation because there are such long waiting lists, so many seniors who really depend upon this for basic subsistence.

On education, we have allocated the full amount of the increase that our subcommittee received, some $1.6 billion. The bill does not contain all of the funds we would like to have provided, but it is a maximum effort on this important subject.

As to job training, Mr. President, we know all too well that high unemployment means a waste of valuable human resources, inevitably depresses consumer spending, and weakens our economy. The bill before us today includes $3.4 billion for job training programs. And again, candidly, I would like to see more, Mr. President, but this is the maximum that we could allocate.

As to workplace safety, the bill contains an increase of $62 million over the amount recommended by the House for worker protection programs. While progress has been made in this area, there are still far too many work-related injuries and illnesses, and these funds will provide programs and inspect businesses and industry, weed out occupational hazards, and protect worker pensions within reasonable bounds.

LIHEAP is a program which is very important, Mr. President, to much of America. It provides low-income heating and fuel assistance. Eighty percent of those who receive LIHEAP assistance earn less than $7,000 a year. It is a program which was zeroed out by the House, and we have reinstated it in this bill. We have effectively included a total of $1 billion here, $100 million of which is carryover funds, as we understand the current state of affairs, although it is hard to get an exact figure, and an additional $900 million.

As the Congress consolidates and streamlines programs, Federal administrative costs must also be downsized. In this bill, with the exception of the Social Security Administration, we have cut program management an average of 8 percent. Many view administrative costs as waste and others suggest that deeper cuts are justified. It is our judgment that any further reductions would be counterproductive.

In closing, Mr. President, I want to thank the extraordinary staffs who have worked on this program. On the Senate side, Bettilou Taylor and Craig Higgins have been extraordinary and professional in taking inordinately complicated printouts and working through a careful analysis of the priorities.

We received requests from many of our colleagues. And to the maximum extent, we have accommodated those requests. We have received many requests from people around the country. We have accommodated as many requests for personal meetings as we could, both with the Senators and with their staffs. And we think this is a very significant bill.

There are people on both sides who have objected to provisions of the bill. When a motion to proceed is offered, it is my hope that we will proceed to take up this bill and that we will pass it. We are aware that there has been the threat of a veto from the executive branch, and I invite the President or any of his officials to suggest improvements if they feel they can do it better.

There is a commitment in America to a balanced budget and, that is something we have to do. We have structured our program to have that balanced budget within 7 years by the year 2002. The President talks about a balanced budget within 9 years. I suggest that our targeting is the preferable target.

To the extent people have suggestions on better allocations, we are prepared to listen, but this is our best judgment. We urge the Senate to proceed with this bill.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, we have been trying to figure out some way to move this bill out of the Senate. As the Senator from Pennsylvania has been explaining, it is a very important bill. We understand the President is going to veto it. We have been trying to determine how can we get it to the President quickly.

Of course, one way to do it is to pass it without any amendments, have him veto it, and then have the fight on all these different amendments at a later time. Unfortunately, we do not seem to have an agreement on that procedure. But the two leaders have agreed to a request, and it has been signed off on by the Senator from Pennsylvania, Senator SPECTER, the chairman of the subcommittee, and Senator HARKIN from Iowa, the ranking member on the subcommittee. I will propound that request.

Let me first explain to all Senators that we have a problem here because we could not come together. There would have been a filibuster on a motion to proceed. In order to have a motion to proceed, it takes 60 affirmative votes to shut off debate so you can go to the bill. That also requires that you set up getting a cloture motion signed. Then it must be filed and there must be one intervening day of the Senate's session. We are within a couple of days of completing our work on the appropriations bills prior to the end of the

fiscal year. It seems to me the agreement I will ask for in a minute seems to achieve this 60-vote test without having to file cloture motions to comply with all other provisions of rule XXII.

I will now make the request.

UNANIMOUS CONSENT AGREEMENT—H.R. 2127

Mr. DOLE. Mr. President, I ask unanimous consent that at 9 a.m. on Thursday, I be recognized to make a motion to proceed to consideration of H.R. 2127; that a vote occur on the motion to proceed at 10 a.m. on Thursday; that the time between 9 a.m. and 10 a.m. be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Mr. President, I further ask unanimous consent that if the motion to proceed does not receive 60 or more votes, there then be a second vote on the motion to proceed at 11 a.m. on Thursday, with the time between votes to be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Mr. President, I further ask unanimous consent that if the second vote on the motion to proceed does not receive 60 votes in the affirmative, the motion automatically be withdrawn.

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

Mr. DOLE. Mr. President, I think I have explained this. This, in effect, saves a couple of days going through the cloture route, intervening days and all these things. It seems to me we have so many differences on each side that this bill is in great difficulty, notwithstanding the splendid efforts made by the managers, particularly the chairman of the subcommittee.

But it also seems to me if we are not going to have any movement on the bill, we at least ought to make the effort and then withdraw the motion to proceed and lay the bill aside.

That would leave us one additional bill, State, Justice, Commerce appropriations to deal with yet this week, and also the continuing resolution, and also to complete in the Finance Committee and the Agriculture Committee our reconciliation obligations.

I think the other committees, as far as I know, have completed them. The Finance Committee will meet this evening as soon as we recess, which will be in a few moments.

So I hope this procedure will expedite something. I am not certain what. Maybe it will expedite getting out this week.

Hopefully, this may not happen, but I have discussed this with the manager, Senator SPECTER, after we have these two votes, if we do not receive 60 votes, maybe then we can convince our colleagues on each side to let us pass this by voice vote, send it to conference, and get it down to the President. He already said he is going to veto it. There is no question about a veto. The veto cannot be overridden. Then we initiate a new bill in the House, it will come back to the Senate, and then we have our fight sometime probably late October. In the meantime, it will be wrapped in the continuing resolution.

MEASURE READ FOR FIRST TIME—H.R. 927

Mr. DOLE. Mr. President, I inquire of the chair if H.R. 927 has arrived from the House of Representatives.

The PRESIDING OFFICER. It has arrived.

Mr. DOLE. Therefore, I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes.

Mr. DOLE. I now ask for its second reading.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, as a pro forma matter, I voice an objection at this time since there is no other Senator on the floor to raise that objection. I do so pro forma to protect the record, not because I would not like personally to see us proceed.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. I thank my colleague from Pennsylvania. Senator DASCHLE would have objected and appreciates you doing that for him.

Mr. DOLE. As I understand, the bill remains at the desk?

The PRESIDING OFFICER. The bill will be read a second time on the next legislative day.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

THE RUSSELL, KS, DELEGATION

Mr. SPECTER. Mr. President, I thank the distinguished majority leader for working out this procedure. I have been here almost 15 years. This is the first time, I think, that only Senator DOLE and I have been on the floor at the same time. I hope everyone in Russell, KS, who has C–SPAN 2 is watching this proceeding. This is a full Russell, KS, delegation now on the floor conducting the Senate business. I do hope if Russell High School has not yet initiated a course in Senate procedure, they do so very, very promptly. Perhaps Senator DOLE and I can nominate Mrs. Alice Mills, the sole remaining teacher who taught both of us, to be emeritus instructor of that course.

Mr. DOLE. I thank the Senator from Pennsylvania. I do hope people in our hometown are watching. It is a small place, but a lot of good people there. They are friends of both of ours. They are having great difficulties sorting out all this 1996 Presidential politics in Russell, KS.

Mr. SPECTER. That is the most encouraging thing I have heard today, Mr. President.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:30 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 927. An act to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes.

H.R. 2399. An act to amend the Truth in Lending Act to clarify the intent of such Act and to reduce burdensome regulatory requirements on creditors.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 927. An act to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 22, 1995 he had presented to the President of the United States, the following enrolled bills:

S. 464. An act to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts, and for other purposes.

S. 532. An act to clarify the rules governing venue, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. GRASSLEY:

S. 1276. A bill to permit agricultural producers to enter into market transition contracts and receive loans, to require a pilot

revenue insurance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN (for himself and Mr. PRYOR):

S. 1277. A bill to provide equitable relief for the generic drug industry, and for other purposes; to the Committee on the Judiciary.

By Mr. BURNS:

S. 1278. A bill to establish an education satellite loan guarantee program for communications among education, Federal, State, and local institutions and agencies and instructional and educational resource providers; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for himself, Mr. HATCH, Mr. ABRAHAM, Mr. KYL, Mr. REID, Mr. SPECTER, Mrs. HUTCHISON, Mr. THURMOND, Mr. SANTORUM, Mr. BOND, Mr. D'AMATO, and Mr. GRAMM):

S. 1279. A bill to provide for appropriate remedies for prison condition lawsuits, to discourage frivolous and abusive prison lawsuits, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 1276. A bill to permit agricultural producers to enter into market transition contracts and receive loans, to require a pilot revenue insurance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FARM INCOME TRANSITION ACT OF 1995

Mr. GRASSLEY. Mr. President, today the Senate Agriculture Committee began marking up the commodity title to the 1995 farm bill. Although I am no longer a member of that committee, the farm bill has as much impact on my State as any other piece of legislation considered before this body.

For that reason, Mr. President, I have used my position on other committees to indirectly influence farm policy. I have also formed a group, the Farm Policy Coalition, that is cochaired by Senator DORGAN and consists of 52 Members of the Senate. In order to more directly influence the debate.

Today, however, the Agriculture Committee was not able to agree on a farm bill to take to reconciliation. And there are rumors that the Budget Committee may have to act to make the necessary cuts in farm spending. As a member of the Budget Committee, I publicly stated that the Agriculture Committee, and not the Budget Committee, is the best place to write the farm bill.

But now with the Agriculture Committee deadlocked, I feel it necessary to send a clear signal, as a Budget Committee member and a Senator interested in the future of agriculture, on how I believe we should proceed on the 1995 farm bill; taking into consideration what is in the best interests of my State and American agriculture as a whole.

Therefore, Mr. President, I rise today to introduce the Farm Income Transition Act of 1995. This bill is similar to one introduced by the distinguished chairman of the House Agriculture Committee, PAT ROBERTS, known as the Freedom to Farm Act.

My bill represents a transition to a new era of farm programs; an era that will be characterized by limited Government intrusion in the market and the unleashing of the productivity of American agriculture. Yet the Federal Government will still play a role in providing a safety-net for the family farmer.

Mr. President, this bill is a dramatic departure from the farm programs of the past. We all know that our current farm programs were established during the Great Depression of the 1930's.

The intent of the program then, as it is now, was to stabilize farm income while ensuring a dependable, abundant, and inexpensive food supply. This is accomplished mainly by making direct payments to farmers when commodity prices are low, and implementing production controls to limit the supply of commodities.

To a large extent, the programs of the past have been successful. The American consumer spends less than 10 percent of their disposable income on food; the lowest of any Nation in the world.

Despite its success, the farm program has had many critics. Some criticize the program for its high degree of Government intervention. Others argue that the benefits go primarily to large, corporate farms. Many farmers, themselves, have grown tired of the endless amount of paperwork and redtape associated with the program.

Through all the criticism, however, the farm program has remained virtually unchanged for the last 50 years. But times have changed. And these changes mandate that a new direction be taken on farm programs.

The crisis of the 1930's was rampant unemployment and poverty. Drastic action was needed to support the income of ordinary Americans.

The crisis of the 1990's is rampant Government spending and intervention into the lives of ordinary Americans. The voters told us in no uncertain terms last November that they wanted the Government out of their lives and the budget deficit brought under control.

Mr. President, the Senate approved a budget resolution this spring that will bring the Federal budget into balance in the year 2002. This resolution contains a sense-of-the Senate calling for a cut in spending on agriculture commodity programs of about $9.6 billion over the next 7 years.

During the debate on the budget, I voiced my strong opposition to further cuts in agriculture spending. I will not repeat all of the arguments I made at that time, but it is clear to me that agriculture has contributed disproportionately to deficit reduction in the past. All I asked for at that time, Mr. President, was that agriculture be treated equitably in the budget process.

I also argued during the budget debate that agriculture, more than any other sector of this economy, has much to gain by achieving a balanced budget.

Agriculture is a capital-intensive business, its success dependent on low-interest rates. Only by getting our fiscal house in order can we ensure a sustained period of low-interest rates and the continued success of the family farmer.

So although Federal spending on agriculture will be reduced, because this reduction is within the context of a balanced budget, agriculture will benefit greatly in the long run.

But, Mr. President, it is vital that as Federal spending on agriculture is reduced, the regulations and restrictions on individual farmers are reduced accordingly. Because if farmers are getting less from the Government, they must have the tools to earn more income from the marketplace.

This bill meets both of these goals: It reduces spending to meet the requirements of my sense-of-the Senate in the budget resolution and it dramatically reduces the regulatory burden placed on farmers.

Mr. President, I will take a moment to describe how this bill accomplishes these goals. First, it mirrors the Freedom to Farm Act by providing farmers with a 7-year contract consisting of annual payments. In return, the farmer must maintain compliance with current conservation requirements. The total payments over the 7-year period are capped at $43 billion, which meets the requirements of the budget resolution.

Furthermore, the regulatory burden on farmers is significantly diminished. For many years, the planting decisions of American farmers have been dictated, in part, by the U.S. Congress and the Department of Agriculture. This limits a farmer's ability to maximize his profit from the marketplace. These decisions must be removed from the hands of bureaucrats and put back into the hands of the farmers.

My bill provides for full planting flexibility. Farmers' planting decisions will no longer be restricted by their historical crop base. This will allow farmers to plant for the marketplace and not the Federal farm program.

The bill also eliminates the acreage reduction program. No longer will farmers be required to leave a portion of their productive land unplanted because of a mandate imposed by Washington.

Furthermore, the bill maintains certain aspects of the current farm program while reforming others. For instance, nonrecourse loans will continue to be made available. This is a necessary and important marketing tool for farmers that does not require direct Government spending.

On the other hand, the three-entity rule is eliminated. Payments will now be directly attributed to farmers instead of corporations and other entities.

Last, the bill provides for a new era of farm programs based on risk management. Specifically, it directs the Secretary to initiate a revenue insurance pilot program as an alternative to the crop insurance program.

Revenue insurance will cost the Federal Government no more than the current crop insurance program. But it will give the farmer a solid and dependable safety net.

The program will allow a farmer to pay a premium to protect himself from a significant decline in revenue, whether it is caused by crop loss or low prices. Thus unlike crop insurance, the farmer is protected from both natural disasters and from situations when too much grain on the market causes extremely low prices.

This revenue insurance program truly represents a revolutionary new farm program.

Mr. President, the future of American agriculture is not in Government payments and subsidies. The future of American agriculture rests on the ability of farmers to remain competitive in a world marketplace.

The role of government consists of opening access to new markets for agricultural products, providing research for the development of better crops and new uses for existing commodities, and providing a safety net for the family farm structure.

Mr. President, I am convinced that not only will American agriculture reach unprecedented levels of productivity and profitability in the future, but there will continue to be a vital role for the family farmer.

The independent, family farmer is still the backbone of the agricultural economy in my State of Iowa. These farmers tell me that they can compete with the large farms, if they only have a level playing field and equal access to markets and information.

Government should do everything in its power to provide this level playing field. I believe that the bill I have introduced today helps put all farmers on an equal footing as agriculture approaches the 21st century.

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

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

S. 1276

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Farm Income Transition Act of 1995 ''.

SEC. 2. CERTAINTY AND FLEXIBILITY FOR AGRICULTURAL PROGRAMS.

The Agricultural Act of 1949 (7 U.S.C. 1441 et seq.) is amended—

(1) by transferring sections 106, 106A, and 106B to the end of part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) and redesignating the sections as sections 320D, 320E, and 320F, respectively;

(2) by moving sections 104, 111, 112, 114, and 202 to the end of title IV and redesignating the sections as sections 428, 429, 430, 431, and 432 respectively;

(3) by moving sections 108B, 204, and 206 to the end of title IV (as amended by paragraph (2)) and redesignating the sections as sections 433, 434, and 435, respectively; and

(4) by striking titles I through III and inserting the following:

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) CONSIDERED PLANTED.—The term 'considered planted', with respect to acreage on a farm, means acreage considered planted to a covered commodity (as defined in section 201(a)) in the conservation reserve, or under a program in effect under this Act through the 1995 crop of a commodity or the 1996 crop of winter wheat on—

''(A) any reduced acreage on the farm;

''(B) any acreage on the farm that producers were prevented from planting to the commodity because of drought, flood, or other natural disaster, or other condition beyond the control of the producers;

''(C) acreage in a quantity equal to the difference between the permitted acreage for a commodity and the acreage planted to the commodity, if the acreage considered to be planted is devoted to conservation uses or the production of crops permitted by the Secretary under the programs established for any of the 1990 through 1994 crops of a commodity; or

''(D) any acreage on the farm that the Secretary determines is necessary to be included in establishing a fair and equitable crop acreage base.

''(2) CROP ACREAGE BASE.—The term 'crop acreage base' means the average of the quantity of acres planted and considered planted to the commodity for the 1990 through 1994 crops, including the crop acreage base for extra long staple cotton established under section 103(h)(5) (as in effect prior to the date of enactment of the Farm Income Transition Act of 1995).

''(3) DOUBLE CROPPING.—The term 'double cropping' means a farming practice, as defined by the Secretary, that has been carried out on a farm during at least 3 of the 5 crop years immediately preceding the crop year for which the crop acreage base for the farm is established.

''(4) MARKET TRANSITION PAYMENT.—The term 'market transition payment' means a payment made pursuant to a contract entered into under section 201 with producers on a farm who—

''(A) satisfy the eligibility requirements of section 201(c); and

''(B) in exchange for annual payments, are in compliance with the conservation compliance plan for the farm prepared in accordance with section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812) and wetland protection requirements applicable to the farm under subtitle C of title XII of the Act (16 U.S.C. 3821 et seq.).

''(5) NONRECOURSE COMMODITY LOAN.—The term 'nonrecourse commodity loan' means a nonrecourse loan paid to producers on a farm under the terms provided in section 202.

''(6) PERSON.—The term 'person' means an individual, corporation, or other entity, as defined by the Secretary.

''(7) PRODUCERS.—The term 'producers' means 1 or more individual persons who, as determined by the Secretary—

''(A) share in the risk of production of a commodity; and

''(B) is, or would have been, entitled to a share of the proceeds from the marketing of the commodity.

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(9) UNITED STATES.—The term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the other territories and possessions of the United States.

''TITLE I—FUNDING FOR FEDERAL FARM PROGRAM COMMODITY PAYMENTS

''SEC. 101. EXPENDITURES FOR MARKET TRANSITION PAYMENTS FOR 1996 THROUGH 2002 CROP YEARS.

''(a) TOTAL EXPENDITURES.—The total amount of funds expended by the Commodity Credit Corporation under this title may not exceed $46,920,000,000 for—

''(1) payments made for the 1995 crop of a commodity after September 30, 1995; and

''(2) market transition payments for a commodity for the 1996 through 2002 crops.

''(b) TOTAL EXPENDITURES PER CROP YEAR.—The Secretary shall, to the maximum extent practicable, expend not more than the following amounts on market transition payments:

''(1) For the 1996 crop, $8,260,000,000.

''(2) For the 1997 crop, $7,240,000,000.

''(3) For the 1998 crop, $7,080,000,000.

''(4) For the 1999 crop, $6,850,000,000.

''(5) For the 2000 crop, $6,590,000,000.

''(6) For the 2001 crop, $5,490,000,000.

''(7) For the 2002 crop, $5,380,000,000.

''(c) COMMODITY CREDIT CORPORATION.—

''(1) SALARIES AND EXPENSES.—No funds of the Commodity Credit Corporation may be used to pay any salary or expense of an officer or employee of the Department of Agriculture in connection with the administration of market transition payments or nonrecourse commodity loans.

''(2) AGRICULTURAL PRODUCTION.—No funds of the Commodity Credit Corporation in excess of the amounts authorized by subsection (b) may be used to support—

''(A) the price of a covered commodity (as defined in section 201(a)) or any similar activity in relation to the commodity; or

''(B) the income of producers on a farm.

''TITLE II—MULTIYEAR PAYMENTS TO IMPROVE FARMING CERTAINTY AND FLEXIBILITY

''SEC. 201. MARKET TRANSITION PAYMENTS.

''(a) DEFINITION OF COVERED COMMODITY.—In this section, the term 'covered commodity' means wheat, corn, grain sorghums, barley, oats, upland cotton, extra long staple cotton, and rice.

''(b) MARKET TRANSITION CONTRACTS.—

''(1) OFFER AND CONSIDERATION.—Beginning as soon as practicable after the date of enactment of the Farm Income Transition Act of 1995, but not later than February 1, 1996, the Secretary shall offer to enter into a market transition contract with producers on a farm who satisfy the requirements of subsection (c). Participating producers shall agree, in exchange for annual payments, to comply with the conservation compliance plan for the farm established under section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812) and the wetland protection requirements applicable to the farm under subtitle C of title XII of the Act (16 U.S.C. 3821 et seq.).

''(2) ENTRY INTO CONTRACTS.—

''(A) DEADLINE.—Except as provided in subparagraphs (B) and (C), producers on a farm shall elect whether to enter into a market transition contract not later than April 15, 1996.

''(B) CONSERVATION RESERVE LANDS.—

''(i) IN GENERAL.—In the case of a conservation reserve contract applicable to cropland on a farm that expires after April 15, 1996, producers on the farm shall have the option of including the cropland on the farm that has considered planting history (as determined by the Secretary) in a market transition contract of the producers. To be eligible, the cropland must include 1 or more crop

acreage bases attributable to the cropland (as determined by the Secretary).

''(ii) WHOLE FARM ENROLLED IN CONSERVATION RESERVE.—Producers on a farm who have enrolled the entire cropland on the farm, as determined by the Secretary, into the conservation reserve shall have the option, on expiration of the conservation reserve contract, to enter into a market transition contract.

''(iii) AMOUNT.—Market transition payments made for cropland under this subparagraph shall be made at the rate and amount applicable to the market transition payment level for that year.

''(C) 1996 CROP OF WINTER WHEAT.—

''(i) IN GENERAL.—Producers on a farm who plant a 1996 crop of winter wheat in 1995 may elect to enter into a market transition contract, or obtain loans and payments for the 1996 crop of winter wheat, under the same terms and conditions as were in effect for the 1995 crop of winter wheat.

''(ii) TIMING OF PAYMENTS.—The Secretary shall, if the Secretary determines practicable, pay producers on a farm who plant a 1996 crop of winter wheat and elect to enter into a market transition contract for the crop—

''(I) an advance payment not later than June 1, 1996; and

''(II) a final payment not later than September 30, 1996.

''(iii) SUBSEQUENT CROPS.—Producers on a farm who plant a 1996 crop of winter wheat shall elect whether to enter into a market transition contract for each of the 1997 through 2002 crops not later than April 15, 1996.

''(3) DURATION OF CONTRACT.—Except for the 1996 crop of winter wheat, a market transition contract shall apply to the 1996 crop of a covered commodity and terminate on December 31, 2002.

''(c) ELIGIBILITY FOR MARKET TRANSITION PAYMENTS.—

''(1) IN GENERAL.—To be eligible for market transition payments, producers on a farm must—

''(A) own, rent, or crop share land that has a crop acreage base that is attributable to the farm, as determined by the Secretary; and

''(B) satisfy the criteria under paragraph (2).

''(2) PAYMENTS BASED ON PRODUCTION HISTORY.—Producers on a farm shall be eligible for market transition payments if deficiency payments and, if applicable, conservation reserve payments were made for covered commodities that were planted, or considered planted, on a crop acreage base established on the farm for at least 2 of the 1990 through 1994 crops.

''(d) AMOUNT OF MARKET TRANSITION PAYMENTS.—

''(1) DEFINITION OF PAYMENTS.—In this subsection (except as otherwise specifically provided), the term 'payments' means—

''(A) deficiency payments; and

''(B) if applicable, the lesser of—

''(i) conservation reserve payments; or

''(ii) the amount of deficiency payments that would have been made for the quantity of the covered commodity considered planted if the commodity had been planted, as determined by the Secretary.

''(2) 1990-1994 PAYMENTS.—The Secretary shall determine the total amount of payments—

''(A) made to producers on a farm for all covered commodities that were planted or considered planted on the farm for the 1990 through 1994 crops; and

''(B) made for all covered commodities that were planted and considered planted throughout the United States for the 1990 through 1994 crops.

''(3) MARKET TRANSITION PAYMENT FOR 1996-2002 CROPS.—The annual market transition payment for each of the 1996 through 2002 crops shall equal the product of—

''(A) the total amount of payments made to producers on a farm determined under paragraph (2)(A) divided by the total amount of payments made throughout the United States determined under paragraph (2)(C); and

''(B) the annual funding available for the crop under section 101(b).

''(4) ADJUSTMENT.—To maintain equity and fairness in market transition payments, the Secretary shall, as determined appropriate, adjust the payments to producers on a farm to reflect the ratio of—

''(A) the land on the farm on which there is historical production and considered planting history on 1 or more crop acreage bases; to

''(B) the land on the farm for which the producers on the farm are at risk in the year of the market transition payment.

''(e) RECEIPT OF MARKET TRANSITION PAYMENTS.—

''(1) ANNUAL PAYMENT ESTIMATE.—The Secretary shall announce the estimated minimum payment to producers entering into a market transition contract not later than March 15 of each year of the term of the contract. The producers may terminate the contract without penalty not later than 15 days after the date of the announcement.

''(2) TIMING OF PAYMENTS.—

''(A) IN GENERAL.—Payments shall be made not later than September 30 of the year covered by the contract.

''(B) ADVANCE PAYMENT.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary may provide ½ of the annual payment in advance to producers on a farm not later than March 15 of the same year, at the option of the producers.

''(ii) 1996 CROP.—If the Secretary elects to provide advance payments for the 1996 crop, the Secretary shall make the advance payments as soon as practicable after the date of enactment of the Farm Income Transition Act of 1995, as determined by the Secretary.

''(3) ELIGIBILITY.—Producers on a farm who have entered into a market transition contract shall be eligible to receive market transition payments if the producers comply with the conservation compliance plan for the farm and applicable wetland protection requirements, as determined by the Secretary.

''(f) PLANTING FLEXIBILITY.—Producers on a farm who possess 1 or more crop acreage bases shall plant any crop or conserving crop on the acreage base to receive a market transition payment. If a perennial conserving crop is planted, the producers shall not be required to replant the crop in the subsequent year.

''(g) PAYMENT LIMITATION.—

''(1) AMOUNT.—The total amount of payments made to a person under a market transition contract for any year may not exceed $50,000.

''(2) ATTRIBUTION.—The Secretary shall attribute payments to a natural person in proportion to the ownership interests of the person in a corporation, limited partnership, or other entity (as determined by the Secretary).

''(3) SCHEME OR DEVICE.—If the Secretary determines that a person has knowingly adopted a material scheme or device to obtain market transition payments to which the person is not entitled, has evaded the requirements of this section, or has acted with the purpose of evading the requirements of this section, the person shall be ineligible to receive all payments applicable to the crop year for which the scheme or device was adopted and the succeeding crop year. The authority provided by this paragraph shall be in addition to, and shall not supplant, the authority provided by subsection (h).

''(4) REGULATIONS.—The Secretary shall issue regulations—

''(A) defining the term 'person', as used in this subsection, in a manner that conforms, to the maximum extent practicable, to the regulations defining the term 'person' issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308);

''(B) prescribing such rules as the Secretary determines are necessary to ensure a fair and reasonable application of the limitation established under this subsection; and

''(C) providing for the tracking of payments made or attributed to a person or entity (as determined by the Secretary) on the basis of the social security account number of the person or the employer identification number of the entity.

''(h) VIOLATION OF CONTRACT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if the Secretary determines that producers on a farm are in violation of, or have violated, the conservation compliance plan for the farm or wetland protection requirements applicable to the farm, the Secretary may terminate the market transition contract with respect to the producers. On termination, the producers shall forfeit all rights to receive future payments under the contract and shall refund to the Secretary all payments received by the producers during the period of the violation with interest (as determined by the Secretary).

''(2) REFUND OR ADJUSTMENT.—If the Secretary determines that a violation does not warrant termination of the contract, the Secretary shall require the producers to—

''(A) refund to the Secretary a portion of the payments received during the period of the violation, together with interest, that is proportionate to the severity of the violation (as determined by the Secretary); or

''(B) accept a reduction in the amount of future payments that is proportionate to the severity of the violation (as determined by the Secretary).

''(i) TRANSFER OF INTEREST IN LAND SUBJECT TO CONTRACT.—

''(1) EFFECT OF TRANSFER.—Except as provided in paragraph (2), if producers on a farm who have entered into a market transition contract transfer title of the land of the farm to another person, or otherwise transfer the right to receive market transition payments, the transfer shall void the contract with the producers on the farm, effective as of the date of the transfer, unless—

''(A) the transferee of the land or the right to receive the remaining market transition payments agrees to assume all or a portion of the obligations of the contract in proportion to the transfer (as determined by the Secretary); and

''(B) the transferor agrees to transfer all or a portion of the remaining transition payments in proportion to the transfer (as determined by the Secretary).

''(2) EXCEPTION.—If a producer who is eligible for payments under a market transition contract dies, becomes incompetent, or is otherwise unable to receive the payments, the Secretary shall make the payments in accordance with regulations prescribed by the Secretary.

''SEC. 202. NONRECOURSE AND MARKETING LOANS.

''(a) DEFINITION OF COVERED COMMODITY.—In this section, the term 'covered commodity' means corn, grain sorghums, barley, oats, rye, wheat, upland cotton, extra long staple cotton, rice, soybeans, sunflower seed, rapeseed, canola, safflower, flaxseed, and mustard seed.

''(b) NONRECOURSE LOANS.—For each of the 1996 through 2002 crops of a covered commodity, the Secretary shall make available to producers on a farm a nonrecourse commodity loan under terms and conditions prescribed by the Secretary. A nonrecourse commodity loan shall have a term of 9 months, beginning on the first day of the first month after the month in which the loan is made and may be extended at the discretion of the Secretary.

''(c) LOAN RATE.—

''(1) IN GENERAL.—The Secretary shall announce the loan rate for each covered commodity not later than the first day of the marketing year for which the loan rate is to be in effect.

''(2) CALCULATION.—The loan rate for a marketing transition loan for a crop shall be equal to 80 percent of the simple average price received by the producer for the covered commodity during the immediately preceding 5 marketing years for the commodity, excluding the year in which the average price was lowest and the year in which the average price was highest.

''(3) SIMPLE AVERAGE PRICE.—For purposes of paragraph (2), the Secretary shall determine the simple average price received by producers of a covered commodity for the immediately preceding marketing year.

''(d) MARKETING LOANS.—

''(1) IN GENERAL.—The Secretary may permit producers on a farm to repay a loan made under this section for a covered commodity at a level that is the lesser of—

''(A) the loan level; or

''(B) the prevailing world market price for the commodity (adjusted to United States quality and location), as determined by the Secretary.

''(2) PREVAILING WORLD MARKET PRICE.—If the Secretary permits producers on a farm to repay a loan in accordance with paragraph (1), the Secretary shall prescribe by regulation—

''(A) a formula to determine the prevailing world market price for the crop of a covered commodity, adjusted to United States quality and location; and

''(B) a mechanism by which the Secretary shall announce periodically the prevailing world market price for the crop of the commodity.

''TITLE III—ADMINISTRATION

''SEC. 301. REVENUE INSURANCE.

''(a) PILOT PROGRAM.—Not later than December 31, 1996, the Secretary shall carry out a pilot program in a limited number of States or groups of States, as determined by the Secretary, under which a producer of an agricultural commodity can elect to receive revenue insurance that will ensure that the producer receives an indemnity if the producer suffers a loss of revenue, as determined by the Secretary.

''(b) NATIONAL PROGRAM.—Not later than December 31, 2000, the Secretary shall offer revenue insurance to agricultural producers at 1 or more levels of coverage that is in addition to, or in place of, catastrophic and higher levels of crop insurance.

''(c) ADMINISTRATION.—Revenue insurance under this section shall—

''(1) be offered through reinsurance arrangements with private insurance companies;

''(2) offer at least a minimum level of coverage that is an alternative to catastrophic crop insurance;

''(3) be actuarily sound; and

''(4) require the payment of premiums and administrative fees by participating producers.

''SEC. 302. ADMINISTRATION.

''(a) EQUITABLE RELIEF.—

''(1) LOANS AND PAYMENTS.—Notwithstanding section 201(h), if the failure of producers on a farm to comply fully with the terms and conditions of the program conducted under titles I through III precludes the making of loans and payments, the Secretary may, notwithstanding the failure, make the loans and payments in such amounts as the Secretary determines are equitable in relation to the seriousness of the failure. The Secretary may consider whether the producers made a good faith effort to comply fully with the terms and conditions of the program in determining whether equitable relief is warranted under this paragraph.

''(2) DEADLINES AND PROGRAM REQUIREMENTS.—The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet the other requirements does not affect adversely the operation of the program.

''(b) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the programs authorized by title I through this title through the Commodity Credit Corporation.

''(c) ASSIGNMENT OF PAYMENTS.—Section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) shall apply to payments or loans made under title I through this title.

''(d) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of payments made under title I through this title for any farm among the producers on the farm on a fair and equitable basis.

''(e) TENANTS AND SHARECROPPERS.—In carrying out this Act, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.''.

SEC. 3. CONFORMING AMENDMENTS.

Title X of the Food Security Act of 1985 is amended by striking sections 1001, 1001A, 1001B, and 1001D (7 U.S.C. 1308 et seq.).

SEC. 4. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection and as otherwise specifically provided in this Act, this Act and the amendments made by this Act shall apply beginning with the earlier of—

(A) the 1996 crop of an agricultural commodity; or

(B) December 1, 1995.

(2) MARKET TRANSITION CONTRACT.—Title II of the Agricultural Act of 1949 (as amended by section 2(4)) shall apply as of the beginning of signup for market transition payments under section 201 of the Act.

(b) PRIOR CROPS.—

(1) IN GENERAL.—Except as otherwise specifically provided and notwithstanding any other provision of law, this Act and the amendments made by this Act shall not affect the authority of the Secretary of Agriculture to carry out a price support or production adjustment program for any of the 1991 through 1995 crops of an agricultural commodity established under a provision of law in effect immediately before the effective date specified in subsection (a).

(2) LIABILITY.—A provision of this Act or an amendment made by this Act shall not affect the liability of any person under any provision of law as in effect before the application of the provision in accordance with subsection (a).

By Mr. BURNS:

S. 1278. A bill to establish an education satellite loan guarantee program for communications among education, Federal, State, and local institutions and agencies and instructional and educational resource providers; to the Committee on Commerce, Science, and Transportation.

THE EDUCATIONAL SATELLITE LOAN GUARANTEE PROGRAM ACT

Mr. BURNS. Mr. President, today I introduced a bill to establish an education satellite loan guarantee program from communications among education, Federal, State, and local institutions and agencies and instructional and educational resource providers. Americans face many problems and challenges in education. From Montana to Maine, local school districts to large universities, educators are being asked to do more with less. There is overcrowding in urban areas and a lack of access to educational opportunities in many rural areas. We are being challenged as a nation, and we must react as a nation with unity of purpose. We must marshall our resources and save our children's future. Over this Nation's history, we have used good old American creativity to conquer many challenges and force new horizons. I believe that technology plays a key role in making us world leaders. In the areas of space and defense, our technological know-how has made us second to none.

We should act now to apply our same know-how to education. Whether it be through copper wire, glass, or satellites, distance learning can provide access to the vast educational resources of our Nation, regardless of wealth or geographic location. There is a crisis facing America's distance education providers and users at all levels of schooling due to shortages and price increases in satellite capacity. This crisis in the distance education field has been noted and documented by the satellite and broadcasting industries and the National Education Telecommunications Organization [NETO]. The crisis facing the educators is a lack of availability of satellite capacity and dramatically escalating costs which puts an educational institution's ability to equitably transmit instructions at high risk. We must start right here, right now, by taking advantage of the satellite technology that exist today.

More than 90 American college provide education and instruction to K–12 school districts, colleges, libraries, and students in other distant education centers, nationwide and internationally. In my own State of Montana and throughout the country from Washington State through Texas to Maine, teaches and students are receiving word that they will not have access to instruction heretofore received in science, math, language, and other special events. Rural and urban school districts, family health centers in hard-to-reach areas and rural hospitals will be immediately impacted at the start-up of the fall 1995 semester. If nothing is done to ameliorate the crisis more than 200 small education entrepreneurial communications centers are at risk

by the fall of 1996. These are communications centers in America's colleges, school districts, and education consortia which include State education and television agencies who have invested State and local taxes to create cost-effective, equitable transmission using satellite, telephone, and cable to deliver instruction and training in classrooms throughout the Nation.

For an interim solution to the crisis, Congresswoman CONSTANCE MORELLA, Congressman CEORGE E. BROWN, JR., and I have asked NASA to dedicate unused satellite capacity to the education sector as the prime users for a period up to 3 years. However, we must begin to create an adequate satellite system dedicated to education to meet the educational needs and demands of America's students, teachers, and workers for the future.

The bill introduced today will facilitate the acquisition by an appropriate nonprofit, public corporation of a communications satellite system dedicated to the transmission of instructions, education, and training programming that is not subject to preemptive use by Federal Government for purposes of national security. The bill would authorize the Secretary of Interior to carry out a loan guarantee program under which a non-profit, public corporation could borrow funds to buy or lease satellites dedicated to instructional programming. A dedicated educational satellite will allow us to address two barriers faced by those involved in distance learning via satellite. First, it will insure instructional programmers that they will be able to obtain affordable satellite transmission time without risk of preemption by commercial users. Second, it will allow educators using the programming to have one dish focused on one satellite off which they can receive at least 24 channels of instructional programming—every hour of the school year.

There is no doubt in my mind that distance learning is a growth area and that there is a role for the Federal Government in facilitating that growth. The Office of Technology Assessment's 1989 report, ''Linking for Learning: A New Course for Education'' documents the recent growth of distance learning, calling the growth in the K–12 sector dramatic. OTA anticipates this growth to continue. The National Governors' Association in 1988 found that while fewer than 10 States were promoting distance learning in 1987; 1 year later two-thirds of the States reported involvement. The NGA passed a resolution in 1988, and revised it in 1991, expressing their support for a dedicated education and public purpose satellite-based telecommunications network. Following their 1989 education summit in Charlottesville, VA where former Governor Wallace Wilkinson of Kentucky and other Governors raised with President Bush the proposal for this dedicated system, the EDSAT Institute was formed to analyze the proposal. In 1991, they issued a report entitled ''Analysis of a Proposal for an Education Satellite,'' and they found as did the OTA report, that individual States and consortiums of States are investing heavily in distance learning technologies and that the education sector is a significant market.

The organization, the National Educations Telecommunications Organization [NETO], was formed after the EDSAT Institute held seven regional meetings during the summer of 1991. Through these meetings, they recognized the need to aggregate the education market for distance learning and concluded that an education programming users organization was needed. NETO has a distinguished board of educators, public policy officials, State education agencies, and telecommunications experts who are committed to the goal of developing an integrated telecommunications system dedicated to education. The first step is what we are facilitating through Federal loan guarantees.

If this legislation passes, the Federal Government will be setting a national policy in support of a telecommunications infrastructure for distance learning. A policy that will cost the government relatively little compared to the benefits our Nation will receive through improved education and educational access. The risk to the Federal Government is minimal. The only risk the Government is assuming is the risk that the distance learning market will dissipate. I think the findings of the National Governors' Association, the OTA, and the EDSAT Institute prove highly unlikely. But I also believe that with distance learning, as with transportation and other infrastructure-dependent markets, once an infrastructure is in place the market will expand beyond our current expectations.

A dedicated satellite system will bring instructional programming which is now scattered across 12 to 15 satellites into one place in the sky. This collocation will allow educators to receive a variety of instructional programs without having to constantly reorient their satellite dish. By making the investment in a dedicated system on the front end, we are reducing distance learning costs for educators on the State and local levels. The programmers will benefit because they will be able to market their programming to a wider audience and will be guaranteed reliable satellite time at an affordable rate. A rate that will be equal no matter how much time they buy. Programmers include public schools, colleges, universities, State agencies, private sector corporations and consortiums, such as the star schools consortiums, and independents. The users will benefit because their investment in equipment to receive instructional programming may be reduced because of the technological advantages of focusing on one point in the sky. Users include primary and secondary students, college, and university students, professionals interested in continuing education, community members, and government bodies. The benefits far outweigh the costs in my mind.

A dedicated educational satellite will allow our kids to benefit from equal access to quality education. This is really just the first step. Both NETO and I believe that a telecommunications infrastructure for use by the educational sector should not be technology specific. I plan to continue pushing for passage of S. 1200 to make a national broadband fiber-optic network a reality. NETO's vision is for an integrated, nationwide telecommunications system, a transparent highway that encompasses land and space, over which educational and instructional resources can be delivered. They envision bringing together the land-based systems that are already in place, not replacing them. This is an inclusive effort, not an exclusive one. I hope that my colleagues will join me in making this a reality.

Technology has transformed every sector of our lives. It can transform education as well. It will not replace teachers, it will empower them with better teaching tools. It will inspire our young people to actively engage in their education. It will expose them to the world around them and broaden their horizons. Our Nation's children deserve no less.

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

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

S. 1278

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

SECTION 1. PURPOSE.

It is the purpose of this Act to facilitate the acquisition of a dedicated communications satellite system on which instruction, education, and training programming can be collocated and free from preemption.

SEC. 2. EDUCATIONAL SATELLITE LOAN GUARANTEE PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Commerce may carry out a program to guarantee any lender against loss of principal or interest on a loan described in subsection (b) made by such lender to a nonprofit, public corporation that—

(A) is recognized for expertise in governing and operating educational and instructional telecommunications in schools, colleges, libraries, State agencies, workplaces, and other distant education centers;

(B) was in existence as of January 1, 1992;

(C) the charter of which is designed for affiliation with Federal, State, and local educational and instructional institutions and agencies, and other distant education and instructional resource providers;

(D) has a governing board that includes members representing elementary and secondary education, community and State colleges, universities, elected officials, and the private sector; and

(E) has as its sole purpose the acquisition and operation of an integrated communications satellite system and other telecommunications facilities dedicated to transmitting instruction, education, and training programming.

(2) INTERIM ACQUISITION OF TRANSPONDER CAPACITY.—As an interim measure to acquire a communications satellite system dedicated to instruction, education, and training programming, a corporation that meets the requirements of paragraph (1) may acquire unused satellite transponder capacity owned or leased by a department or agency of the Federal Government or unused satellite transponder capacity owned or leased by a non-Federal broadcast organization for reuse by schools, colleges, community colleges, universities, State agencies, libraries, and other distant education centers at competitive, low costs, subject only to preemption for national security purposes.

(3) ENCOURAGEMENT OF INTERCONNECTIVITY.—A corporation that meets the requirements of paragraph (1) shall encourage the interconnectivity of elementary and secondary schools, colleges, and community colleges, universities, State agencies, libraries, and other distant education centers with ground facilities and services of United States domestic common carriers and international common carriers and ground facilities and services of satellite, cable, and other private communications systems in order to ensure technical compatibility and interconnectivity of the space segment with existing communications facilities in the United States and foreign countries to best serve United States education, instruction, and training needs and to achieve cost-effective, interoperability for friendly end-user, ''last mile'' access and use.

(4) TECHNICAL AND TRAINING NEEDS.—A corporation that meets the requirements of paragraph (1) shall determine the technical and training needs of educations users and providers to facilitate coordinated and efficient use of a communications satellite system dedicated to instruction, education, and training to further unlimited access for schools, colleges, community colleges, universities, State agencies, libraries, and other distant education centers.

(b) ELIGIBLE LOANS.—The Secretary of Commerce may guarantee a loan under this section only if—

(1) the corporation described in subsection (a)(1) has—

(A) investigated all practical means of acquiring a communications satellite system;

(B) reported to the Secretary the findings of such investigation; and

(C) identified for acquisition the most cost-effective, high-quality communications satellite system to meet the purpose of this Act; and

(2) the proceeds of such loan are used solely to acquire and operate a communications satellite system dedicated to transmitting instruction, education, and training programming.

(c) LOAN GUARANTEE LIMITATIONS.—The Secretary of Commerce may not guarantee more than $270,000,000 in loans under the program under this section, of which—

(1) not more than $250,000,000 shall be for the guarantee of such loans the proceeds of which are used to acquire a communications satellite system; and

(2) not more than $20,000,000 shall be used for the guarantee of such loans the proceeds of which are used to pay the costs of not more than 4 years of operating and management expenses associated with providing integrated communications satellite system services through the integrated communications satellite system referred to in subsection (a)(1)(E).

(d) LIQUIDATION OR ASSIGNMENT.—

(1) IN GENERAL.—In order for a lender to receive a loan guarantee under this section the lender shall agree to assign to the United States any right or interest in the communications satellite system or communications satellite system services that such lender possesses upon payment by the Secretary of Commerce on such loan guarantee.

(2) DISPOSITION.—The Secretary may exercise, retain, or dispose of any right or interest acquired pursuant to paragraph (1) in any manner that the Secretary considers appropriate.

(e) SPECIAL RULE.—Any loan guarantee under this section shall be guaranteed with full faith and credit of the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each fiscal year to carry out this section.

(g) DEFINITIONS.—In this section:

(1) The term ''acquire'' includes acquisition through lease, purchase, or donation.

(2) The term ''communications satellite system'' means one or more communications satellites capable of providing service from space, including transponder capacity, on such satellite or satellites.

(3) The term ''national security preemption'' means preemption by the Federal Government for national security purposes.

Mr. DOLE (for himself, Mr. HATCH, Mr. ABRAHAM, Mr. KYL, Mr. REID, Mr. SPECTER, Mrs. HUTCHISON, Mr. THURMOND, Mr. SANTORUM, Mr. BOND, Mr. D'AMATO, and Mr. GRAMM):

S. 1279. A bill to provide for appropriate remedies for prison condition lawsuits, to discourage frivolous and abusive prison lawsuits, and for other purposes; to the Committee on the Judiciary.

THE PRISON LITIGATION REFORM ACT OF 1995

Mr. DOLE. Mr. President, I am pleased to join today with my distinguished colleagues, Senators HATCH, KYL, ABRAHAM, HUTCHISON, REID, THURMOND, SPECTER, SANTORUM, D'AMATO, GRAMM, and BOND, in introducing the Prison Litigation Reform Act of 1995.

This legislation is a new and improved version of S. 866, which I introduced earlier this year to address the alarming explosion in the number of frivolous lawsuits filed by State and Federal prisoners. It also builds on the stop-turning-out-prisoners legislation, championed by Senators KAY BAILEY HUTCHISON and SPENCER ABRAHAM, by making it much more difficult for Federal judges to issue orders directing the release of convicted criminals from prison custody.

INMATE LITIGATION

Unfortunately, the litigation explosion now plaguing our country does not stop at the prison gate. According to Enterprise Institute scholar Walter Berns, the number of ''due-process and cruel and unusual punishment'' complaints filed by prisoners has grown astronomically—from 6,600 in 1975 to more than 39,000 in 1994. These suits can involve such grievances as insufficient storage locker space, a defective haircut by a prison barber, the failure of prison officials to invite a prisoner to a pizza party for a departing prison employee, and yes, being served chunky peanut butter instead of the creamy variety. The list goes on and on.

These legal claims may sound farfetched, almost funny, but unfortunately, prisoner litigation does not operate in a vacuum. Frivolous lawsuits filed by prisoners tie up the courts, waste valuable legal resources, and affect the quality of justice enjoyed by law-abiding citizens. The time and money spent defending these cases are clearly time and money better spent prosecuting violent criminals, fighting illegal drugs, or cracking down on consumer fraud.

The National Association of Attorneys General estimates that inmate civil rights litigation costs the States more than $81 million each year. Of course, most of these costs are incurred defending lawsuits that have no merit whatsoever.

Let me be more specific. According the Arizona Attorney General Grant Woods, a staggering 45 percent of the civil cases filed in Arizona's Federal courts last year were filed by State prisoners. That means that 20,000 prisoners in Arizona filed almost as many cases as Arizona's 3.5 million law-abiding citizens. And most of these prisoner lawsuits were filed free of charge. No court costs. No filing fees. This is outrageous and it must stop.

GARNISHMENT

Mr. President, I happen to believe that prisons should be just that—prisons, not law firms. That is why the Prison Litigation Reform Act proposes several important reforms that would dramatically reduce the number of meritless prisoner lawsuits.

For starters, the act would require inmates who file lawsuits to pay the full amount of their court fees and other costs.

Many prisoners filing lawsuits today in Federal court claim indigent status. As indigents, prisoners are generally not required to pay the fees that normally accompany the filing of a lawsuit. In other words, there is no economic disincentive to going to court.

The Prison Litigation Reform Act would change this by establishing a garnishment procedure: If a prisoner is unable to fully pay court fees and other costs at the time of filing a lawsuit, 20 percent of the funds in his trust account would be garnished for this purpose. Every month thereafter, an additional 20 percent of the income credited to the prisoner's account would be garnished, until the full amount of the court fees and costs are paid-off.

When average law-abiding citizens file a lawsuit, they recognize that there could be an economic downside to going to court. Convicted criminals should not get preferential treatment: If a law-abiding citizen has to pay the costs associated with a lawsuit, so too should a convicted criminal.

In addition, when prisoners know that they will have to pay these costs—perhaps not at the time of filing, but

eventually—they will be less inclined to file a lawsuit in the first place.

JUDICIAL SCREENING

Another provision of the Prison Litigation Reform Act would require judicial screening, before docketing, of any civil complaint filed by a prisoner seeking relief from the Government. This provision would allow a Federal judge to immediately dismiss a complaint if either of two conditions is met: First, the complaint does not state a claim upon which relief may be granted, or second, the defendant is immune from suit.

OTHER REFORMS

The Prison Litigation Reform Act would also allow Federal courts to revoke any good-time credits accumulated by a prisoner who files a frivolous suit. It requires State prisoners to exhaust all administrative remedies before filing a lawsuit in Federal court. And it prohibits prisoners from suing the Government for mental or emotional injury, absent a prior showing of physical injury.

If enacted, all of these provisions would go a long way to take the frivolity out of frivolous inmate litigation.

STOP TURNING OUT PRISONERS

The second major section of the Prison Litigation Reform Act establishes some tough new guidelines for Federal courts when evaluating legal challenges to prison conditions. These guidelines will work to restrain liberal Federal judges who see violations on constitutional rights in every prisoner complaint and who have used these complaints to micromanage State and local prison systems.

Perhaps the most pernicious form of judicial micromanagement is the so-called prison population cap.

In 1993, for example, the State of Florida put 20,000 prisoners on early release because of a prison cap order issued by a Federal judge who thought the Florida system was overcrowded and thereby inflected cruel and unusual punishment on the State's prisoners.

And, then, there's the case of Philadelphia, where a court-ordered prison cap has put thousands of violent criminals back on the city's streets, often with disastrous consequences. As Pro. John Diiulio has pointed out: ''Federal Judge Norma Shapiro has singlehandedly decriminalized property and drug crimes in the City of Brotherly Love * * * Judge Shapiro has done what the city's organized crime bosses never could; namely, turn the town into a major drug smuggling port.''

By establishing tough new conditions that a Federal court must meet before issuing a prison cap order, this bill will help slam-shut the revolving prison door.

CONCLUSION

Finally, Mr. President, I want to express my special thanks to Arizona Attorney General Grant Woods and to the National Association of Attorneys General. Their input these past several months has been invaluable as we have attempted to draft a better, more effective piece of legislation.

Mr. President, I ask unanimous consent that the full text of the Prison Litigation Reform, as well as a letter from the National Association of Attorneys General and a section-by-section summary, be reprinted in the RECORD.

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

S. 1279

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Prison Litigation Reform Act of 1995''.

SEC. 2. APPROPRIATE REMEDIES FOR PRISON CONDITIONS.

(a) IN GENERAL.—Section 3626 of title 18, United States Code, is amended to read as follows:

''§ 3626. Appropriate remedies with respect to prison conditions

''(a) REQUIREMENTS FOR RELIEF.—

''(1) PROSPECTIVE RELIEF.—(A) Prospective relief in any civil action with respect to prison conditions shall extend no further than necessary to correct the violation of the Federal right of a particular plaintiff or plaintiffs. The court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right. The court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the relief.

''(B) Nothing in this section shall be construed to authorize the courts, in exercising their remedial powers, to order the construction of prisons or the raising of taxes, or to repeal or detract from otherwise applicable limitations on the remedial powers of the courts.

''(2) PRELIMINARY INJUNCTIVE RELIEF.—In any civil action with respect to prison conditions, to the extent otherwise authorized by law, the court may enter a temporary restraining order or an order for preliminary injunctive relief. Preliminary injunctive relief must be narrowly drawn, extend no further than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct that harm. Preliminary injunctive relief shall automatically expire on the date that is 90 days after its entry, unless the court makes the findings required under subsection (a)(1) for the entry of prospective relief and makes the order final before the expiration of the 90-day period.

''(3) PRISONER RELEASE ORDER.—(A) In any civil action with respect to prison conditions, no prisoner release order shall be entered unless—

''(i) a court has previously entered an order for less intrusive relief that has failed to remedy the deprivation of the Federal right sought to be remedied through the prisoner release order; and

''(ii) the defendant has had a reasonable amount of time to comply with the previous court orders.

''(B) In any civil action in Federal court with respect to prison conditions, a prisoner release order shall be entered only by a three-judge court in accordance with section 2284 of title 28, if the requirements of subparagraph (E) have been met.

''(C) A party seeking a prisoner release order in Federal court shall file with any request for such relief, a request for a three-judge court and materials sufficient to demonstrate that the requirements of subparagraph (A) have been met.

''(D) If the requirements under subparagraph (A) have been met, a Federal judge before whom a civil action with respect to prison conditions is pending who believes that a prison release order should be considered may sua sponte request the convening of a three-judge court to determine whether a prisoner release order should be entered.

''(E) The court shall enter a prisoner release order only if the court finds—

''(i) by clear and convincing evidence—

''(I) that crowding is the primary cause of the violation of a Federal right; and

''(II) that no other relief will remedy the violation of the Federal right; and

''(ii) by a preponderance of the evidence—

''(I) that crowding has deprived a particular plaintiff or plaintiffs of at least one essential, identifiable human need; and

''(II) that prison officials have acted with obduracy and wantonness in depriving the particular plaintiff or plaintiffs of the one essential, identifiable human need caused by the crowding.

''(F) Any State or local official or unit of government whose jurisdiction or function includes the prosecution or custody of persons who may be released from, or not admitted to, a prison as a result of a prisoner release order shall have standing to oppose the imposition or continuation in effect of such relief and to seek termination of such relief, and shall have the right to intervene in any proceeding relating to such relief.

''(b) TERMINATION OF RELIEF.—

''(1) TERMINATION OF PROSPECTIVE RELIEF.—(A) In any civil action with respect to prison conditions in which prospective relief is ordered, such relief shall be terminable upon the motion of any party—

''(i) 2 years after the date the court granted or approved the prospective relief;

''(ii) 1 year after the date the court has entered an order denying termination of prospective relief under this paragraph; or

''(iii) in the case of an order issued on or before the date of enactment of the Prison Litigation Reform Act, 2 years after such date of enactment.

''(B) Nothing in this section shall prevent the parties from agreeing to terminate or modify relief before the relief is terminated under subparagraph (A).

''(2) IMMEDIATE TERMINATION OF PROSPECTIVE RELIEF.—In any civil action with respect to prison conditions, a defendant or intervener shall be entitled to the immediate termination of any prospective relief if the relief was approved or granted in the absence of a finding by the court that the relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right.

''(3) LIMITATION.—Prospective relief shall not terminate if the court makes written findings based on the record that prospective relief remains necessary to correct a current or ongoing violation of the Federal right, extends no further than necessary to correct the violation of the Federal right, and that the prospective relief is narrowly drawn and the least intrusive means to correct the violation.

''(4) TERMINATION OR MODIFICATION OF RELIEF.—Nothing in this section shall prevent any party from seeking modification or termination before the relief is terminable under paragraph (1) or (2), to the extent that modification or termination would otherwise be legally permissible.

''(c) SETTLEMENTS.—

''(1) CONSENT DECREES.—In any civil action with respect to prison conditions, the court shall not enter or approve a consent decree unless it complies with the limitations on relief set forth in subsection (a).

''(2) PRIVATE SETTLEMENT AGREEMENTS.—(A) Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with the limitations on relief set forth in subsection (a), if the terms of that agreement are not subject to court enforcement other than the reinstatement of the civil proceeding that the agreement settled.

''(B) Nothing in this section shall preclude any party claiming that a private settlement agreement has been breached from seeking in State court any remedy for breach of contract available under State law.

''(d) STATE LAW REMEDIES.—The limitations on remedies in this section shall not apply to relief entered by a State court based solely upon claims arising under State law.

''(e) PROCEDURE FOR MOTIONS AFFECTING PROSPECTIVE RELIEF.—

''(1) GENERALLY.—The court shall promptly rule on any motion to modify or terminate prospective relief in a civil action with respect to prison conditions.

''(2) AUTOMATIC STAY.—Any prospective relief subject to a pending motion shall be automatically stayed during the period—

''(A)(i) beginning on the 30th day after such motion is filed, in the case of a motion made under paragraph (1) or (2) of subsection (b); or

''(ii) beginning on the 180th day after such motion is filed, in the case of a motion made under subsection (b)(4); and

''(B) ending on the date the court enters a final order ruling on the motion.

''(f) SPECIAL MASTERS.—

''(1) IN GENERAL.—(A) In any civil action in a Federal court with respect to prison conditions, the court may appoint a disinterested and objective special master, who will give due regard to the public safety, to conduct hearings on the record and prepare proposed findings of fact.

''(B) The court shall appoint a special master under this subsection during the remedial phase of the action only upon a finding that the remedial phase will be sufficiently complex to warrant the appointment.

''(2) APPOINTMENT.—(A) If the court determines that the appointment of a special master is necessary, the court shall request that the defendant institution and the plaintiff each submit a list of not more than 5 persons to serve as a special master.

''(B) Each party shall have the opportunity to remove up to 3 persons from the opposing party's list.

''(C) The court shall select the master from the persons remaining on the list after the operation of subparagraph (B).

''(3) INTERLOCUTORY APPEAL.—Any party shall have the right to an interlocutory appeal of the judge's selection of the special master under this subsection, on the ground of partiality.

''(4) COMPENSATION.—The compensation to be allowed to a special master under this section shall be based on an hourly rate not greater than the hourly rate established under section 3006A for payment of court-appointed counsel, plus costs reasonably incurred by the special master. Such compensation and costs shall be paid with funds appropriated to the Federal Judiciary.

''(5) REGULAR REVIEW OF APPOINTMENT.—In any civil action with respect to prison conditions in which a special master is appointed under this subsection, the court shall review the appointment of the special master every 6 months to determine whether the services of the special master continue to be required under paragraph (1). In no event shall the appointment of a special master extend beyond the termination of the relief.

''(6) LIMITATIONS ON POWERS AND DUTIES.—A special master appointed under this subsection—

''(A) shall make any findings based on the record as a whole;

''(B) shall not make any findings or communications ex parte; and

''(C) may be removed at any time, but shall be relieved of the appointment upon the termination of relief.

''(g) DEFINITIONS.—As used in this section—

''(1) the term 'consent decree' means any relief entered by the court that is based in whole or in part upon the consent or acquiescence of the parties but dues not include private settlements;

''(2) the term 'civil action with respect to prison conditions' means any civil proceeding arising under Federal law with respect to the conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison, but does not include habeas corpus proceedings challenging the fact or duration of confinement in prison;

''(3) the term 'prisoner' means any person subject to incarceration, detention, or admission to any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program;

''(4) the term 'prisoner release order' includes any order, including a temporary restraining order or preliminary injunctive relief, that has the purpose or effect of reducing or limiting the prison population, or that directs the release from or nonadmission of prisoners to a prison;

''(5) the term 'prison' means any Federal, State, or local facility that incarcerates or detains juveniles or adults accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law;

''(6) the term 'private settlement agreement' means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil proceeding that the agreement settled;

''(7) the term 'prospective relief' means all relief other than compensatory monetary damages; and

''(8) the term 'relief' means all relief in any form that may be granted or approved by the court, and includes consent decrees but does not include private settlement agreements.''.

(b) APPLICATION OF AMENDMENT.—

(1) IN GENERAL.—Section 3626 of title 18, United States Code, as amended by this section, shall apply with respect to all prospective relief whether such relief was originally granted or approved before, on, or after the date of the enactment of this Act.

(2) TECHNICAL AMENDMENT.—Subsections (b) and (d) of section 20409 of the Violent Crime Control and Law Enforcement Act of 1994 are repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter C of chapter 229 of title 18, United States Code, is amended to read as follows:

''3626. Appropriate remedies with respect to prison conditions.''.

SEC. 3. AMENDMENTS TO CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.

(a) INITIATION OF CIVIL ACTIONS.—Section 3(c) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997a(c)) (referred to in this section as the ''Act'') is amended to read as follows:

''(c) The Attorney General shall personally sign any complaint filed pursuant to this section.''.

(b) CERTIFICATION REQUIREMENTS.—Section 4 of the Act (42 U.S.C. 1997b) is amended—

(1) in subsection (a)—

(A) by striking ''he'' each place it appears and inserting ''the Attorney General''; and

(B) by striking ''his'' and inserting ''the Attorney General's''; and

(2) by amending subsection (b) to read as follows:

''(b) The Attorney General shall personally sign any certification made pursuant to this section.''.

(c) INTERVENTION IN ACTIONS.—Section 5 of the Act (42 U.S.C. 1997c) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''he'' each place it appears and inserting ''the Attorney General''; and

(B) by amending paragraph (2) to read as follows:

''(2) The Attorney General shall personally sign any certification made pursuant to this section.''; and

(2) by amending subsection (c) to read as follows:

''(c) The Attorney General shall personally sign any motion to intervene made pursuant to this section.''.

(d) SUITS BY PRISONERS.—Section 7 of the Act (42 U.S.C. 1997e) is amended to read as follows:

''SEC. 7. SUITS BY PRISONERS.

''(a) APPLICABILITY OF ADMINISTRATIVE REMEDIES.—No action shall be brought with respect to prison conditions under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.

''(b) FAILURE OF STATE TO ADOPT OR ADHERE TO ADMINISTRATIVE GRIEVANCE PROCEDURE.—The failure of a State to adopt or adhere to an administrative grievance procedure shall not constitute the basis for an action under section 3 or 5 of this Act.

''(c) DISMISSAL.—(1) The court shall on its own motion or on the motion of a party dismiss any action brought with respect to prison conditions under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other law, by a prisoner confined in any jail, prison, or other correctional facility if the court is satisfied that the action fails to state a claim upon which relief can be granted or is frivolous or malicious.

''(2) In the event that a claim is, on its face, frivolous or malicious, the court may dismiss the underlying claim without first requiring the exhaustion of administrative remedies.

''(d) ATTORNEY'S FEES.—(1) In any action brought by a prisoner who is confined to any jail, prison, or other correctional facility, in which attorney's fees are authorized under section 2 of the Revised Statutes of the United States (42 U.S.C. 1988), such fees shall not be awarded, except to the extent that—

''(A) the fee was directly and reasonably incurred in proving an actual violation of the plaintiff's rights protected by a statute pursuant to which a fee may be awarded under section 2 of the Revised Statutes; and

''(B) the amount of the fee is proportionately related to the court ordered relief for the violation.

''(2) Whenever a monetary judgment is awarded in an action described in paragraph (1), a portion of the judgment (not to exceed 25 percent) shall be applied to satisfy the amount of attorney's fees awarded against the defendant. If the award of attorney's fees is greater than 25 percent of the judgment, the excess shall be paid by the defendant.

''(3) No award of attorney's fees in an action described in paragraph (1) shall be based

on an hourly rate greater than the hourly rate established under section 3006A of title 18, United States Code, for payment of court-appointed counsel.

''(4) Nothing in this subsection shall prohibit a prisoner from entering into an agreement to pay an attorney's fee in an amount greater than the amount authorized under this subsection, if the fee is paid by the individual rather than by the defendant pursuant to section 2 of the Revised Statutes of the United States (42 U.S.C. 1988).

''(e) LIMITATION ON RECOVERY.—No Federal civil action may be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury suffered while in custody without a prior showing of physical injury.

''(f) HEARING LOCATION.—To the extent practicable, in any action brought with respect to prison conditions in Federal court pursuant to section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other law, by a prisoner confined in any jail, prison, or other correctional facility, pretrial proceedings in which the prisoner's participation is required or permitted shall be conducted—

''(1) at the facility; or

''(2) by telephone or video conference without removing the prisoner from the facility in which the prisoner is confined.

Any State may adopt a similar requirement regarding hearings in such actions in that State's courts.

''(g) WAIVER OF REPLY.—(1) Any defendant may waive the right to reply to any action brought by a prisoner confined in any jail, prison, or other correctional facility under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) or any other law. Notwithstanding any other law or rule of procedure, such waiver shall not constitute an admission of the allegations contained in the complaint. No relief shall be granted to the plaintiff unless a reply has been filed.

''(2) The court may, in its discretion, require any defendant to reply to a complaint commenced under this section.

''(h) DEFINITION.—As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.''.

(e) REPORT TO CONGRESS.—Section 8 of the Act (42 U.S.C. 1997f) is amended by striking ''his report'' and inserting ''the report''.

(f) NOTICE TO FEDERAL DEPARTMENTS.—Section 10 of the Act (42 U.S.C. 1997h) is amended—

(1) by striking ''his action'' and inserting ''the action''; and

(2) by striking ''he is satisfied'' and inserting ''the Attorney General is satisfied''.

SEC. 4. PROCEEDINGS IN FORMA PAUPERIS.

(a) FILING FEES.—Section 1915 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''(a) Any'' and inserting ''(a)(1) Subject to subsection (b), any'';

(B) by striking ''and costs'';

(C) by striking ''makes affidavit'' and inserting ''submits an affidavit'';

(D) by striking ''such costs'' and inserting ''such fees'';

(E) by striking ''he'' each place it appears and inserting ''the person'';

(F) by adding immediately after paragraph (1), the following new paragraph:

''(2) A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.''; and

(G) by striking ''An appeal'' and inserting ''(3) An appeal'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting after subsection (a) the following new subsection:

''(b)(1) Notwithstanding subsection (a), if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee. The court shall assess, and when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20 percent of the greater of—

''(A) the average monthly deposits to the prisoner's account; or

''(B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.

''(2) After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds $10 until the filing fees are paid.

''(3) In no event shall the filing fee collected exceed the amount of fees permitted by statute for the commencement of a civil action or an appeal of a civil action or criminal judgment.

''(4) In no event shall a prisoner be prohibited from bringing a civil action or appealing a civil or criminal judgment for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee.'';

(4) in subsection (c), as redesignated by paragraph (2), by striking ''subsection (a) of this section'' and inserting ''subsections (a) and (b) and the prepayment of any partial filing fee as may be required under subsection (b)''; and

(5) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

''(e)(1) The court may request an attorney to represent any person unable to afford counsel.

''(2) Notwithstanding any filing fee that may have been paid, the court shall dismiss the case at any time if the court determines that—

''(A) the allegation of poverty is untrue; or

''(B) the action or appeal—

''(i) is frivolous or malicious; or

''(ii) fails to state a claim on which relief may be granted.''.

(b) COSTS.—Section 1915(f) of title 28, United States Code (as redesignated by subsection (a)(2)), is amended—

(1) by striking ''(f) Judgment'' and inserting ''(f)(1) Judgment'';

(2) by striking ''cases'' and inserting ''proceedings''; and

(3) by adding at the end the following new paragraph:

''(2)(A) If the judgment against a prisoner includes the payment of costs under this subsection, the prisoner shall be required to pay the full amount of the costs ordered.

''(B) The prisoner shall be required to make payments for costs under this subsection in the same manner as is provided for filing fees under subsection (a)(2).

''(C) In no event shall the costs collected exceed the amount of the costs ordered by the court.''.

(c) SUCCESSIVE CLAIMS.—Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(g) In no event shall a prisoner in any prison bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious bodily harm.''.

(d) DEFINITION.—Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(h) As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.''.

SEC. 5. JUDICIAL SCREENING.

(a) IN GENERAL.—Chapter 123 of title 28, United States Code, is amended by inserting after section 1915 the following new section:

''§ 1915A. Screening

''(a) SCREENING.—The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.

''(b) GROUNDS FOR DISMISSAL.—On review, the court shall dismiss the complaint, or any portion of the complaint, if the complaint—

''(1) fails to state a claim upon which relief may be granted; or

''(2) seeks monetary relief from a defendant who is immune from such relief.

''(c) DEFINITION.—As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.''.

(b) TECHNICAL AMENDMENT.—The analysis for chapter 123 of title 28, United States Code, is amended by inserting after the item relating to section 1915 the following new item:

''1915A. Screening.''.

SEC. 6. FEDERAL TORT CLAIMS.

Section 1346(b) of title 28, United States Code, is amended—

(1) by striking ''(b)'' and inserting ''(b)(1)''; and

(2) by adding at the end the following:

''(2) No person convicted of a felony who is incarcerated while awaiting sentencing or while serving a sentence may bring a civil action against the United States or an agency, officer, or employee of the Government, for mental or emotional injury suffered while in custody without a prior showing of physical injury.''.

SEC. 7. EARNED RELEASE CREDIT OR GOOD TIME CREDIT REVOCATION.

(a) IN GENERAL.—Chapter 123 of title 28, United States Code, is amended by adding at the end the following new section:

''§ 1932. Revocation of earned release credit

''In any civil action brought by an adult convicted of a crime and confined in a Federal correctional facility, the court may order the revocation of such earned good time credit under section 3624(b) of title 18,

United States Code, that has not yet vested, if, on its own motion or the motion of any party, the court finds that—

''(1) the claim was filed for a malicious purpose;

''(2) the claim was filed solely to harass the party against which it was filed; or

''(3) the claimant testifies falsely or otherwise knowingly presents false evidence or information to the court.''.

(b) TECHNICAL AMENDMENT.—The analysis for chapter 123 of title 28, United States Code, is amended by inserting after the item relating to section 1931 the following:

''1932. Revocation of earned release credit.''.

(c) AMENDMENT OF SECTION 3624 OF TITLE 18.—Section 3624(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the first sentence;

(B) in the second sentence—

(i) by striking ''A prisoner'' and inserting ''Subject to paragraph (2), a prisoner'';

(ii) by striking ''for a crime of violence,''; and

(iii) by striking ''such'';

(C) in the third sentence, by striking ''If the Bureau'' and inserting ''Subject to paragraph (2), if the Bureau'';

(D) by striking the fourth sentence and inserting the following: ''In awarding credit under this section, the Bureau shall consider whether the prisoner, during the relevant period, has earned, or is making satisfactory progress toward earning, a high school diploma or an equivalent degree.''; and

(E) in the sixth sentence, by striking ''Credit for the last'' and inserting ''Subject to paragraph (2), credit for the last''; and

(2) by amending paragraph (2) to read as follows:

''(2) Notwithstanding any other law, credit awarded under this subsection after the date of enactment of the Prison Litigation Reform Act shall vest on the date the prisoner is released from custody.''.

PRISON LITIGATION REFORM ACT OF 1995—SECTION SUMMARY

Section 1: Short Title:

Entitles the Act as the ''Prison Litigation Reform Act of 1995.''

Section 2: Appropriate Remedies for Prison Conditions:

This section limits the remedies available to federal courts in suits challenging conditions of confinement and defines the procedures for seeking, enforcing, and terminating remedial relief in these cases. Highlights include appointment of a special 3-judge panel to consider any order that would impose a population cap on a prison or jail.

Prospective relief in prison conditions cases would not be allowed to extend any further than necessary to correct the violation of a federal right of an identifiable plaintiff. Federal courts would have to ensure that the relief is narrowly drawn and that it is the least intrusive means of correcting the violation, giving substantial weight to any adverse impact the relief might have on public safety.

Preliminary injunctive relief would expire after 90 days, unless made final before that date.

No prison population cap could be imposed unless:

(a) the court had previously entered an order for a less intrusive remedy that, after sufficient time for implementation, failed to correct the violation of the federal right; and

(b) a 3-judge panel finds by clear and convincing evidence that crowding is the primary cause of the violation and no other relief will remedy it, and finds by a preponderance of the evidence that crowding has deprived an identifiable plaintiff of an essential human need.

Public officials whose function includes the prosecution or custody of persons who could be released from, or not admitted to, a prison or jail as a result of a population cap would have standing to challenge the imposition or continuation of such a cap.

Prosective relief granted in conditions of confinement cases may be terminated on the motion of either party unless the court finds, based on the record, that the relief remains necessary to correct a current, ongoing violation of a federal right, and that the relief extends no further than necessary, is narrowly drawn, and is the least intrusive means to correct the violation of the right.

Federal court approval of consent decrees would be subject to the same limitations. Private settlements and remedies under state law would be unaffected.

The court would be required to rule promptly on any motion to modify or terminate prospective relief. After 30 days, an automatic stay on the prospective relief would apply during the pendency of the motion.

Courts would be authorized to employ an impartial special master for the preparation of proposed findings of fact in the remedial phase of complex prison conditions cases. The special master would be appointed from lists submitted by both parties, and would be compensated at a rate no higher than that for federal court-appointed counsel. The appointment would be reviewed every 6 months, and would lapse at the termination of the prospective relief. The special master's findings would be required to be on the record, and no ex parte findings or communications would be permitted.

Section 3: Amendments to Civil Rights of Institutionalized Persons Act (CRIPA):

Subsections (a) through (c): Technical amendments concerning references to the Attorney General.

Subsection (d): Suits by Prisoners.

This subsection rewrites Section 7 of CRIPA (42 U.S.C. 1997e), which is currently limited to provisions related to administrative remedies in connection with inmate lawsuits, to establish broader standards to govern suits filed by prisoners.

Requires inmates' administrative remedies be exhausted prior to the filing of a suit in federal court; removes requirement that state administrative remedies be certified by the Attorney General of the United States. Retains provision of current law stating that the absence of administrative remedies by itself does not provide the Attorney General with grounds to bring or intervene in a suit against a state or local prison.

Permits the court to dismiss, without hearing, inmate suits that are frivolous or malicious.

Limits attorney's fees that may be awarded to successful inmate plaintiffs. Fees must be directly and reasonably incurred in proving an actual violation of a plaintiff's rights, and would be based on an hourly rate no higher than that for other federal court appointed counsel. Also requires that up to 25% of a plaintiff's monetary judgement be applied towards attorney's fees.

Limits prisoner suits in federal court for mental or emotional injury to instances where the plaintiff shows physical injury as well.

Provides that in civil suits brought by a prisoner, any pretrial proceedings in which the prisoner must or may participate may be conducted at the prison or jail, by teleconference, or by videoconference whenever practicable.

Permits the defendant in a prisoner-initiated suit to waive reply without default, unless the reply is required by the court.

Subsections (e) and (f): Technical amendments concerning references to the Attorney General.

Section 4: Proceedings In Forma Pauperis:

This section reforms the filing of suits in forma pauperis by prisoners.

Requires an inmate seeking to file in forma pauperis to submit to the court a certified copy of the inmate's prison trust fund account.

Requires prisoners seeking to file in forma pauperis to pay, in installments, the full amount of filing fees, unless the prisoner has absolutely no assets.

Provides for appointed counsel for indigent in forma pauperis litigants, and requires the court to dismiss a suit filed in forma pauperis if the allegation of poverty is untrue, or if the suit is frivolous or malicious.

Requires payment of costs by unsuccessful prisoner litigants in the same manner as filing fees, if the judgment against the prisoner includes costs.

Prohibits, except in narrow circumstances, the filing of an in forma pauperis suit by a prisoner, who, on at least 3 prior occasions, has brought a suit that was dismissed because it was frivolous, malicious, or failed to state a claim upon which relief could be granted.

Section 5: Judicial Screening:

Requires judicial pre-screening of prisoner suits against government entities or employees; requires dismissal of suits which fail to state a claim upon which relief can be granted, or which seek monetary damages from an immune defendant.

Section 6: Federal Tort Claims:

Limits prisoner suits against the federal government for mental or emotional injury under the Federal Tort Claims Act to instances where the plaintiff shows physical injury as well.

Section 7: Earned Release Credit or Good Time Credit Revocation:

Reforms provisions governing the awarding of ''good time'' credit in the federal prison system.

Subsections (a) and (b): Permits a federal court to order the revocation of a federal prisoner's good time credit as a sanction for the filing of malicious or harassing claims, or for the knowing presentation of false evidence to the court.

Subsection (c): Revises present ''good time'' statute.

Requires exemplary adherence to prison rules by all prisoners in order to qualify for good time credit and permits Bureau of Prisons to award partial credit at its option.

Provides that progress toward a high school equivalency degree should be a factor for consideration in awarding good time credit.

Provides that future awards of good time credit will not vest prior to the prisoner's actual release date. Returns to the standard that applied prior to the enactment of the Sentencing Reform Act of 1986.

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL,

Washington, DC, September 19, 1995.

Re Frivolous Inmate Litigation: Proposed Amendment to the Commerce, Justice, State Appropriations Bill.

Hon. BOB DOLE,

Senate Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: We write on behalf of the Inmate Litigation Task Force of the National Association of Attorneys General to express our strong support for the Prison Litigation Reform Act, which we understand you intend to offer as an amendment to the Appropriations Bill for Commerce, Justice, State and Related Agencies. As you know, the issue of frivolous inmate litigation has been a major priority of this Association for a number of years. Although a number of states—including our own—have enacted

state legislation to address this issue, the states alone cannot solve this problem because the vast majority of these suits are brought in federal courts under federal laws. We thank you for recognizing the importance of federal legislation to curb the epidemic of frivolous inmate litigation that is plaguing this country.

Although numbers are not available for all of the states, 33 states have estimated that together inmate civil rights suits cost them at least $54.5 million annually. Extrapolating this figure to all 50 states, we estimate that inmate civil rights suits cost states at least $81.3 million per year. Experience at both the federal and state level suggests that, while all of these cases are not frivolous, more than 95 percent of inmate civil rights suits are dismissed without the inmate receiving anything. Although occasional meritorious claims absorb state resources, nonetheless, we believe the vast majority of the $81.3 million figure is attributable to the non-meritorious cases.

We have not had an opportunity to discuss the specifics of the amendment with every Attorney General, however, we are confident that they would concur in our view that this amendment will take us a long way toward curing the vexatious and expensive problem of frivolous inmate lawsuits. Thank you again for championing this important issue, along with Senators Hatch, Kyl, Reid and others, as it is a top priority for virtually every Attorney General. Your leadership on this issue and your continued commitment to this common sense legal reform is very important to us and our colleagues.

Sincerely,

FRANKIE SUE DEL PAPA,
Attorney General of Nevada, Chair, NAAG Inmate Litigation Task Force.
DANIEL E. LUNGREN,
Attorney General of California, Chair, NAAG Criminal Law Committee,
GRANT WOODS,
Attorney General of Arizona, Vice-Chair, NAAG Inmate Litigation Task Force,
JEREMIAH W. NIXON,
Attorney General of Missouri, Vice-Chair, NAAG Criminal Law Committee.

Mr. HATCH. Mr. President, I am pleased to be joined by the majority leader and Senators KYL, ABRAHAM, REID, THURMOND, SPECTER, HUTCHISON, D'AMATO, SANTORUM, and GRAMM in introducing the Prison Litigation Reform Act of 1995. This landmark legislation will help bring relief to a civil justice system overburdened by frivolous prisoner lawsuits. Jailhouse lawyers with little else to do are tying our courts in knots with an endless flood of frivolous litigation.

Our legislation will also help restore balance to prison conditions litigation and will ensure that Federal court orders are limited to remedying actual violations of prisoners' rights, not letting prisoners out of jail. It is past time to slam shut the revolving door on the prison gate and to put the key safely out of reach of overzealous Federal courts.

As of January 1994, 24 corrections agencies reported having court-mandated population caps. Nearly every day we hear of vicious crimes committed by individuals who should have been locked up. Not all of these tragedies are the result of court-ordered population caps, of course, but such caps are a part of the problem. While prison conditions that actually violate the Constitution should not be allowed to persist, I believe that the courts have gone too far in micromanaging our Nation's prisons.

Our legislation also addresses the flood of frivolous lawsuits brought by inmates. In 1994, over 39,000 lawsuits were filed by inmates in Federal courts, a staggering 15 percent increase over the number filed the previous year. The vast majority of these suits are completely without merit. Indeed, roughly 94.7 percent are dismissed before the pretrial phase, and only a scant 3.1 percent have enough validity to reach trial. In my State of Utah, 297 inmate suits were filed in Federal courts during 1994, which accounted for 22 percent of all Federal civil cases filed in Utah last year. I should emphasize that these numbers do not include habeas corpus petitions or other cases challenging the inmate's conviction or sentence. The crushing burden of these frivolous suits makes it difficult for courts to consider meritorious claims.

In one frivolous case in Utah, an inmate sued demanding that he be issued Reebok or L.A. Gear brand shoes instead of the Converse brand being issued. In another case, an inmate deliberately flooded his cell, and then sued the officers who cleaned up the mess because they got his Pinochle cards wet.

It is time to stop this ridiculous waste of the taxpayers' money. The huge costs imposed on State governments to defend against these meritless suits is another kind of crime committed against law-abiding citizens.

Mr. President, this legislation enjoys broad, bipartisan support from State attorneys general across the Nation. We believe with them that it is time to wrest control of our prisons from the lawyers and the inmates and return that control to competent administrators appointed to look out for society's interests as well as the legitimate needs of prisoners. I urge my colleagues to support this bill, and look forward to securing its quick passage by the Senate.

Mr. KYL. Mr. President, special masters, who are supposed to assist judges as factfinders in complex litigation, have all too often been improperly used in prison condition cases. In Arizona, special masters have micromanaged the department of corrections, and have performed all manner of services in behalf of convicted felons, from maintaining lavish law libraries to distributing up to 750 tons of Christmas packages each year. Special masters appointed to oversee prison litigation have cost Arizona taxpayers more than $320,000 since 1992. One special master was even allowed to hire a chauffeur, at taxpayers' expense, because he said he had a bad back.

The Prison Litigation Reform Act, introduced as an amendment to the Commerce/Justice/State appropriations bill, requires the Federal judiciary, not the States, to foot the bill for special masters in prison litigation cases. Last July the Arizona legislature and Governor Symington cut off funds to special masters. It's time we take the Arizona model to the rest of the States.

The amendment also addresses prison litigation reform. Many people think of prison inmates as spending their free time in the weight room or the television lounge. But the most crowded place in today's prisons may be the law library. Federal prison lawsuits have risen from 2,000 in 1970 to 39,000 in 1994. In the words of the Third Circuit Court of Appeals, suing has because, recreational activity for long-term residents of our prisons.

Today's system seems to encourage prisoners to file with impunity. After all, it's free. And a courtroom is certainly a more hospitable place to spend an afternoon than a prison cell. Prisoners file free lawsuits in response to almost any perceived slight or inconvenience—being served chunky instead of creamy peanut butter, for instance, or being denied the use of a Gameboy video game—a case which prompted a lawsuit in my home State of Arizona.

These prisoners are victimizing society twice—first when they commit the crime that put them in prison, and second when they waste our hard-earned tax dollars while cases based on serious grievances languish on the court calendar.

In Arizona, Attorney General Grant Woods, who is here with us today, used to spend well over $1 million a year processing and defending against frivolous inmate lawsuits. But Grant successfully championed a reform bill, which went into effect last year, and the number of prison lawsuits was cut in half. Arizona prisoners still have the right to seek legal redress for meritorious claims, but the time and money once spent defending frivolous suits is now used to settle legitimate claims in a timely manner.

But the States alone cannot solve this problem. The vast majority of frivolous suits are brought in Federal courts under Federal laws—which is why I introduced the Prison Litigation Reform Act of 1995 last may with Senators DOLE and HATCH. We are incorporating that legislation into the Commerce/Justice/State amendment.

Federal prisoners are churning out lawsuits with no regard to this cost to the taxpayers or their legal merit. We can no longer ignore this abuse of our court system and taxpayers' funds. With the support of attorneys general around the country, I am confident that we will see real reform on this issue.

Mr. ABRAHAM. Mr. President, the legislation we are introducing today

will play a critical role in restoring public confidence in government's ability to protect the public safety. Moreover, it will accomplish this important purpose not by spending more taxpayer money but by saving it.

I would like to focus my remarks on the provisions addressing the proper scope of court-ordered remedies in prison conditions cases.

In many jurisdictions, including my own State of Michigan, judicial orders entered under Federal law have effectively turned control of the prison system away from elected officials accountable to the taxpayer, and over to the courts. The courts, in turn, raise the costs of running prisons far beyond what is necessary. In the process, they also undermine the legitimacy and punitive and deterrent effect of prison sentences.

Let me tell you a little bit about how this works.

Under a series of judicial decrees resulting from Justice Department suits against the Michigan Department of Corrections, the Federal courts now monitor our State prisons to determine.

First, how warm the food is; second, how bright the lights are; third, whether there are electrical outlets in each cell; fourth, whether windows are inspected and up to code; fifth, whether prisoners' hair is cut only by licensed barbers; and sixth, and whether air and water temperatures are comfortable.

This would be bad enough if a court had ever found that Michigan's prison system was at some point in violation of the Constitution, or if conditions there had been inhumane. But that is not the case.

To the contrary, nearly all of Michigan's facilities are fully accredited by the American Corrections Association. We have what may be the most extensive training program in the Nation for corrections officers. Our rate of prison violence is among the lowest of any State. And we spend an average of $4,000 a year per prisoner for health care, including nearly $1,700 for mental health services.

Rather, the judicial intervention is the result of a consent decree that Michigan entered into in 1982—13 years ago—that was supposed to end a lawsuit filed at the same time. Instead, the decree has been a source of continuous litigation and intervention by the court into the minutia of prison operations.

I think this is all wrong. People deserve to keep their tax dollars or have them spent on projects they approve. They deserve better than to have their money spent, on keeping prisoners in conditions some Federal judge feels are desirable, although not required by any provision of the Constitution or any law. And they certainly don't need it spent on defending against endless prisoner lawsuits.

Meanwhile, criminals, while they must be accorded their constitutional rights, deserve to be punished. Obviously, they should not be tortured or treated cruelly. At the same time, they also should not have all the rights and privileges the rest of us enjoy. Rather, their lives should, on the whole, be describable by the old concept known as ''hard time.''

By interfering with the fulfillment of this punitive function, the courts are effectively seriously undermining the entire criminal justice system. The legislation we are introducing today will return sanity and State control to our prison systems.

Our bill forbids courts from entering orders for prospective relief (such as regulating food temperatures) unless the order is necessary to correct violations of individual plaintiffs' Federal rights. It also requires that the relief be narrowly drawn and be the least intrusive means of protecting the Federal rights. And it directs courts to give substantial weight to any adverse impact on public safety or the operation of the criminal justice system caused by the relief.

It also provides that any party can seek to have a court decree ended after 2 years, and that the court will order it ended unless there is still a constitutional violation that needs to be corrected.

As a result, no longer will prison administration be turned over to Federal judges for the indefinite future for the slightest reason. Instead, the States will be able to run prisons as they see fit unless there is a constitutional violation, in which case a narrowly tailored order to correct the violation may be entered.

This is a balanced bill that allows the courts to step in where they are needed, but puts an end to unnecessary judicial intervention and micromanagement. I thank all my colleagues for their interest in this matter and hope we will be able to get something enacted soon.

ADDITIONAL COSPONSORS

S. 773

At the request of Mrs. KASSEBAUM, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 773, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

S. 881

At the request of Mr. PRYOR, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 881, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 896

At the request of Mr. CHAFEE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 896, a bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services, and for other purposes.

S. 949

At the request of Mr. GRAHAM, the names of the Senator from Kansas [Mr. DOLE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 953

At the request of Mr. CHAFEE, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black Revolutionary War patriots.

S. 955

At the request of Mr. HATCH, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 955, a bill to clarify the scope of coverage and amount of payment under the medicare program of items and services associated with the use in the furnishing of inpatient hospital services of certain medical devices approved for investigational use.

S. 1006

At the request of Mr. PRYOR, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1006, a bill to amend the Internal Revenue Code of 1986 to simplify the pension laws, and for other purposes.

S. 1052

At the request of Mr. HATCH, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 1052, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions and to provide for carryovers and carrybacks of unused credits.

S. 1200

At the request of Ms. SNOWE, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1200, a bill to establish and implement efforts to eliminate restrictions on the enclaved people of Cyprus.

S. 1219

At the request of Mr. FEINGOLD, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1219, a bill to reform the financing of Federal elections, and for other purposes.

AMENDMENT NO. 2784

At the request of Mr. KERRY his name was added as a cosponsor of amendment No. 2784 proposed to H.R.

2099, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes.

AMENDMENT NO. 2785

At the request of Mr. ROCKEFELLER the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Amendment No. 2785 proposed to H.R. 2099, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes.

AMENDMENT NO. 2786

At the request of Mr. BAUCUS the names of the Senator from Washington [Mrs. MURRAY] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Amendment No. 2786 proposed to H.R. 2099, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes.

AMENDMENTS SUBMITTED

THE VA–HUD APPROPRIATIONS ACT FOR FISCAL YEAR 1996

LAUTENBERG (AND ROBB) AMENDMENT NO. 2788

Mr. LAUTENBERG (for himself and Mr. ROBB) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes; as follows:

On page 141, line 4, strike beginning with ''$1,003,400,000'' through page 152, line 9, and insert the following: ''$1,435,000,000 to remain available until expended, consisting of $1,185,000,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101–508: *Provided,* That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further,* That $11,700,000 of the funds appropriated under this heading shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996: *Provided further,* That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed $64,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: *Provided further,* That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1996*: Provided further,* That none of the funds made available under this heading may be used by the Environmental Protection Agency to propose for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended (42 U.S.C. 9605), unless the Administrator receives a written request to propose for listing or to list a facility from the Governor of the State in which the facility is located, or appropriate tribal leader, or unless legislation to reauthorize CERCLA is enacted.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $45,827,000, to remain available until expended: *Provided,* That no more than $8,000,000 shall be available for administrative expenses: *Provided further,* That $600,000 shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended: *Provided,* That not more than $8,000,000 of these funds shall be available for administrative expenses.

PROGRAM AND INFRASTRUCTURE ASSISTANCE

For environmental programs and infrastructure assistance, including capitalization grants for state revolving funds and performance partnership grants, $2,668,000,000, to remain available until expended, of which $1,828,000,000 shall be for making capitalization grants for State revolving funds to support water infrastructure financing; $100,000,000 for architectural, engineering, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $50,000,000 for grants to the State of Texas, which shall be matched by an equal amount of State funds from State resources, for the purpose of improving wastewater treatment for colonias; and $15,000,000 for grants to the State of Alaska, subject to an appropriate cost share as determined by the Administrator, to address wastewater infrastructure needs of Alaska Native villages: *Provided,* That beginning in fiscal year 1996 and each fiscal year thereafter, and notwithstanding any other provision of law, the Administrator is authorized to make grants annually from funds appropriated under this heading, subject to such terms and conditions as the Administrator shall establish, to any State or federally recognized Indian tribe for multimedia or single media pollution prevention, control and abatement and related environmental activities at the request of the Governor or other appropriate State official or the tribe: *Provided further,* That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs: *Provided further,* That of the $1,828,000,000 for capitalization grants for State revolving funds to support water infrastructure financing, $500,000,000 shall be for drinking water State revolving funds, but if no drinking water State revolving fund legislation is enacted by December 31, 1995, these funds shall immediately be available for making capitalization grants under title VI of the Federal Water Pollution Control Act, as amended: *Provided further,* That of the funds made available under this heading in Public Law 103–327 and in Public Law 103–124 for capitalization grants for State revolving funds to support water infrastructure financing, $225,000,000 shall be made available for capitalization grants for State revolving funds under title VI of the Federal Water Pollution Control Act, as amended, if no drinking water State revolving fund legislation is enacted by December 31, 1995.

ADMINISTRATIVE PROVISIONS

SEC. 301. MORATORIUM ON CERTAIN EMISSIONS TESTING REQUIREMENTS.

(a) MORATORIUM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the ''Administrator'') shall not require adoption or implementation by a State of a test-only or I/M240 enhanced vehicle inspection and maintenance program as a means of compliance with section 182 of the Clean Air Act (42 U.S.C. 7511a), but the Administrator may approve such a program if a State chooses to adopt the program as a means of compliance.

(2) REPEAL.—Paragraph (1) is repealed effective as of the date that is 1 year after the date of enactment of this Act.

(b) PLAN APPROVAL.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the ''Administrator'') shall not disapprove a State implementation plan revision under section 182 of the Clean Air Act (42 U.S.C. 7511a) on the basis of a regulation providing for a 50-percent discount for alternative test-and-repair inspection and maintenance programs.

(2) CREDIT.—If a State provides data for a proposed inspection and maintenance system for which credits are appropriate under section 182 of the Clean Air Act (42 U.S.C. 7511a), the Administrator shall allow the full amount of credit for the system that is appropriate without regard to any regulation that implements that section by requiring centralized emissions testing.

(3) DEADLINE.—The Administrator shall complete and present a technical assessment of data for a proposed inspection and maintenance system submitted by a State not later than 45 days after the date of submission.

SEC. 302. None of the funds made available in this Act may be used by the Environmental Protection Agency to impose or enforce any requirement that a State implement trip reduction measures to reduce vehicular emissions. Section 304 of the Clean Air Act (42 U.S.C. 7604) shall not apply with respect to any such requirement during the period beginning on the date of the enactment of this Act and ending September 30, 1996.

SEC. 303. None of the funds provided in this Act may be used within the Environmental Protection Agency for any final action by the Administrator or her delegate for signing and publishing for promulgation a rule concerning any new standard for arsenic, sulfates, radon, ground water disinfection, or

the contaminants in phase IV B in drinking water, unless the Safe Drinking Water Act of 1986 has been reauthorized.

SEC. 304. None of the funds provided in this Act may be used during fiscal year 1996 to sign, promulgate, implement or enforce the requirement proposed as ''Regulation of Fuels and Fuel Additives: Individual Foreign Refinery Baseline Requirements for Reformulated Gasoline'' at volume 59 of the Federal Register at pages 22800 through 22814.

SEC. 305. None of the funds appropriated to the Environmental Protection Agency for fiscal year 1996 may be used to implement section 404(c) of the Federal Water Pollution Control Act, as amended. No pending action by the Environmental Protection Agency to implement section 404(c) with respect to an individual permit shall remain in effect after the date of enactment of this Act.

SEC. 306. Notwithstanding any other provision of law, for this fiscal year and hereafter, an industrial discharger to the Kalamazoo Water Reclamation Plant, an advanced wastewater treatment plant with activated carbon, may be exempted from categorical pretreatment standards under section 307(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met: (1) the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for such industrial discharger and (2) the State or the Administrator, as applicable, approves such exemption request based upon a determination that the Kalamazoo Water Reclamation Plant will provide treatment consistent with or better than treatment requirements set forth by the EPA, and there exists an operative financial contract between the City of Kalamazoo and the industrial user and an approved local pretreatment program, including a joint monitoring program and local controls to prevent against interference and pass through.

SEC. 307. No funds appropriated by this Act may be used during fiscal year 1996 to enforce the requirements of section 211(m)(2) of the Clean Air Act that require fuel refiners, marketers, or persons who sell or dispense fuel to ultimate consumers in any carbon monoxide nonattainment area in Alaska to use methyl tertiary butyl ether (MTBE) to meet the oxygen requirements of that section.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $4,981,000: *Provided*, That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Improvement Act of 1970 and Reorganization Plan No. 1 of 1977, $2,188,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. Section 105(b) of House Concurrent Resolution 67 (104th Congress, 1st Session) is amended to read as follows:

''(b) RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.—

''(1) CERTIFICATION.—(A) In the Senate, upon the certification pursuant to section 205(a) of this resolution, the Senate Committee on Finance shall submit its recommendations pursuant to paragraph (2) to the Senate Committee on the Budget. After receiving the recommendations, the Committee on the Budget shall add such recommendations to the recommendations submitted pursuant to subsection (a) and report a reconciliation bill carrying out all such recommendations without any substantive revision.

''(B) The Chair of the Committee on the Budget shall file with the Senate revised allocations, aggregates, and discretionary spending limits under section 201(a)(1)(B) increasing budget authority by $760,788,000 and outlays by $760,788,000.

''(2) COMMITTEE ON FINANCE.—Funding for this section shall be provided by limiting any tax cut provided in the reconciliation bill to families with incomes less than $150,000.''.

FEINGOLD (AND OTHERS) AMENDMENT NO. 2789

Mr. FEINGOLD (for himself, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Mr. BRADLEY, Mr. WELLSTONE, Ms. MIKULSKI, and Mr. SIMON) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 125, strike lines 12 through 17.

CHAFEE (AND LEVIN) AMENDMENT NO. 2790

Mr. CHAFEE (for himself and Mr. LEVIN) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 150, strike lines 12 through 24, and insert the following: ''for this fiscal year and hereafter, an industrial discharger that is a pharmaceutical manufacturing facility and discharged to the Kalamazoo Water Reclamation Plant (an advanced wastewater treatment plant with activated carbon) prior to the date of enactment of this Act may be exempted from categorical pretreatment standards under section 307(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met: (1) the owner or operator of the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for such industrial discharger, (2) the State or Administrator, as applicable, approves such exemption request based upon a determination that the Kalamazoo Water Reclamation Plant will provide treatment and pollution removal consistent with or better than treatment and pollution removal requirements set forth by the Environmental Protection Agency, the State determines that the total removal of each pollutant released into the environment will not be lesser than the total removal of such pollutants that would occur in the absence of the exemption, and (3) compliance with paragraph (2) is addressed by the provisions and conditions of a permit issued to the Kalamazoo Water Reclamation Plant under section 402 of such Act, and there exists an operative''.

BINGAMAN (AND OTHERS) AMENDMENT NO. 2791

Mr. BINGAMAN (for himself, Mrs. HUTCHISON, and Mr. DOMENICI) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 40, line 17, insert before the period the following: '': *Provided further*, That section 916 of the Cranston-Gonzalez National Affordable Housing Act shall apply with respect to fiscal year 1996, notwithstanding section 916(f) of that Act''.

CHAFEE (AND OTHERS) AMENDMENT NO. 2792

Mr. CHAFEE (for himself, Mr. LIEBERMAN, and Mr. SANTORUM) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 142, line 20, after the period, insert the following: ''*Provided further*, That the Administrator shall continue funding the Brownfields Economic Redevelopment Initiative from available funds at a level necessary to complete the award of 50 cumulative Brownfields Pilots planned for award by the end of FY96 and carry out other elements of the Brownfields Action Agenda in order to facilitate economic redevelopment at Brownfields sites.''

THURMOND AMENDMENT NO. 2793

Mr. THURMOND proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 3, line 19, strike ''$1,345,300,000'' and insert ''$1,352,180,000.''

On page 3, strike line 24 and add ''as amended: *Provided further*, That of the amounts appropriated for readjustment benefits, $6,880,000 shall be available for funding the Service Members Occupational Conversion and Training program as authorized by sections 4481–4497 of Public Law 102–484, as amended.''

On page 10, line 18, strike ''$880,000,000'' and insert ''$872,000,000.''

HARKIN AMENDMENT NO. 2794

Ms. MIKULSKI (for Mr. HARKIN) proposed an amendment to the bill H.R. 2099, supra; as follows:

At the appropriate place, insert the following:

SEC. . The Administrator of the Environmental Protection Agency shall not, under authority of section 6 of the Toxic Substances Control Act (15 U.S.C. 2605), take final action on the proposed rule dated February 28, 1994 (59 Fed. Reg. 11122 (March 9, 1994)) to prohibit or otherwise restrict the manufacturing, processing, distributing, or use of any fishing sinkers or lures containing lead, zinc, or brass unless the Administrator finds that the risk to waterfowl cannot be addressed through alternative means in which case, the rule making may proceed 180 days after Congress is notified of the finding.

BOND (AND OTHERS) AMENDMENT NO. 2795

Mr. BOND (for himself, Mr. D'AMATO, Mr. BENNETT, and Mr. MACK) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 105, beginning on line 10, strike ''SEC. 214.'' and all that follows through line 4 on page 107:

''SEC. 214. SECTION 8 CONTRACT RENEWAL.

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall renew upon expiration each contract for project-based assistance under section 8 of the United States Housing Act of 1937 that expires during fiscal year 1996 in accordance with this subsection.

''(b) CONTRACT TERM.—Each contract described in subsection (a) may be renewed for a term not to exceed 2 years.

''(c) RENTS AND OTHER CONTRACT TERMS.—Except as provided in subsections (d) and (e),

the Secretary shall offer to renew each contract described in subsection (a) (including any contract relating to a multifamily project whose mortgage is insured or assisted under the new construction and substantial rehabilitation program under section 8 of the United States Housing Act of 1937):

''(1) at a rent equal to the budget-based rent for the project;

''(2) at the current rent, where the current rent does not exceed 120 percent of the fair market rent for the jurisdiction in which the project is located; or

''(3) at the current rent, pending the implementation of guidelines for budget-based rents.

''(d) LOAN MANAGEMENT SET-ASIDE CONTRACTS.—The Secretary shall offer to renew each loan management set-aside contract at a rent equal to the budget-based rent for the unit, as determined by the Secretary, for a period not to exceed 1 year.

''(e) TENANT-BASED ASSISTANCE OPTION.—Notwithstanding any other provision of law, the Secretary may, with the consent of the owner of a project that is subject to a contract described in subsection (a) and with notice to and in consultation with the tenants, agree to provide tenant-based rental assistance under section 8(b) or 8(o) in lieu of renewing a contract to provide project-based rental assistance under subsection (a). Subject to advance appropriations, the Secretary may offer an owner incentives to convert to tenant-based rental assistance.

''(f) DEMONSTRATION PROGRAM.—If a contract described in subsection (a) is eligible for the demonstration program under section 213, the Secretary may make the contract subject to the requirements of section 213.

''(g) DEFINITIONS.—

''(1) BUDGET-BASED RENT.—For purposes of this section, the term ''budget-based rent'', with respect to a multifamily housing project, means the rent that is established by the Secretary, based on the actual and projected costs of operating the project, at a level that will provide income sufficient, with respect to the project, to support—

''(A) the debt service of the project.

''(B) the operating expenses of the project, including—

(i) contributions to actual reserves;

(ii) the costs of maintenance and necessary rehabilitation, as determined by the Secretary;

(iii) other costs permitted under section 8 of the United States Housing Act of 1937, as determined by the Secretary.

''(C) an adequate allowance for potential and reasonable operating losses due to vacancies and failure to collect rents, as determined by the Secretary.

''(D) an allowance for a rate of return on equity to the owner not to exceed 6 percent.

''(E) other expenses, as determined to be necessary by the Secretary.

''(2) BASIC RENTAL CHARGE FOR SECTION 236. ''A basic rental charge'' determined or approved by the Secretary for a project receiving interest reduction payments under section 236 of the National Housing Act shall be deemed a ''budget-based rent'' within the meaning of this section.''.

''(3) SECRETARY.—The term ''Secretary'' refers to the Secretary of Housing and Urban Development.''.

SIMON (AND MOSELEY-BRAUN) AMENDMENT NO. 2796

Mr. BOND (for Mr. SIMON for himself and Ms. MOSELEY-BRAUN) proposed an amendment to the bill H.R. 2099, supra; as follows:

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.''

JOHNSTON AMENDMENT NO. 2797

Mr. BOND (for Mr. JOHNSTON) proposed an amendment to the bill H.R. 2099, supra; as follows:

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, 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.''

BINGAMAN AMENDMENT NO. 2798

Mr. BOND (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2099, supra; as follows:

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.).

BOND AMENDMENT NO. 2799

Mr. BOND proposed an amendment to the bill H.R. 2099, supra; as follows:

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''.

BOND AMENDMENT NO. 2800

Mr. BOND proposed an amendment to the bill H.R. 2099, supra; as follows:

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 thereof ''$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 15, 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 ''1437f)'' 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 ''orginally'' 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, after ''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''.

KEMPTHORNE (AND BOND) AMENDMENT NO. 2801

Mr. BOND (for Mr. KEMPTHORNE for himself and Mr. BOND) proposed an amendment to the bill, H.R. 2099, supra; as follows:

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''.

FAIRCLOTH AMENDMENT NO. 2802

Mr. BOND (for Mr. FAIRCLOTH) proposed an amendment to the bill, H.R. 2099, supra; as follows:

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 nonfrivolous 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.''.

FAIRCLOTH (AND KYL) AMENDMENT NO. 2803

Mr. BOND (for Mr. FAIRCLOTH for himself and Mr. KYL) proposed an amendment to the bill, H.R. 2099, supra; as follows:

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 of all Regional Counsels or until such time that HUD issues a final rule in accordance with 5 U.S.C. 553.''.

FEINSTEIN AMENDMENT NO. 2804

Mr. BOND (for Mrs. FEINSTEIN) proposed an amendment to the bill, H.R. 2099, supra; as follows:

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 rehabilition'' 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).

WARNER (AND NICKLES) AMENDMENT NO. 2805

Mr. BOND (for Mr. WARNER, for himself and Mr. NICKLES) proposed an amendment to the bill H.R. 2099, supra; as follows:

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

SEC. 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.

MOYNIHAN (AND D'AMATO) AMENDMENT NO. 2806

Mr. BOND (for Mr. MOYNIHAN, for himself, and Mr. D'AMATO) proposed an amendment to the bill H.R. 2099, supra; as follows:

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.''.

BOND AMENDMENT NO. 2807

Mr. BOND proposed an amendment to the bill H.R. 2099, supra; as follows:

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.''

FEINGOLD AMENDMENT NO. 2808

Mr. BOND (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2099, supra; as follows:

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 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) substantial the extent to which the availability of such funds has been a 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 facilitate the transfer of jobs from one state to another.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

CRAIG AMENDMENT NO. 2809

(Ordered to lie on table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes; as follows:

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

SEC. . None of the funds appropriated in this Act may be obligated or expended by the Department of Labor for the purposes of enforcement and the issuance of fines under Hazardous Occupation Order Number 12 (HO 12) with respect to the placement or loading of materials by a person under 18 years of age into a cardboard baler that is in compliance with the American National Standards Institute safety standard ANSI Z245.5 1990, and a compactor that is in compliance with the American National Standards Institute safety standard ANSI Z245.2 1992.

ABRAHAM AMENDMENT NO. 2810

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2127, supra; as follows:

On page 48, lines 15 and 16, strike ''titles III and IV of the Goals 2000: Educate America Act'' and insert ''the Educational Choice and Equity Act of 1995''.

On page 48, strike lines 18 through 20, and insert the following:

$432,500,000, of which $280,000,000 shall be available to carry out the Educational Choice and Equity Act of 1995, $30,000,000 shall be available to the Secretary of Education for grants to States to enable such States to support charter school programs, and $122,500,000 shall be available to carry out the School-to-Work Opportunities Act of 1994, shall become available on July 1,

On page 48, line 21, strike the colon and insert a period.

On page 48, beginning with line 22, strike all through page 49, line 2.

On page 58, line 4, insert ''and'' after ''of title X,''.

On page 58, lines 6 and 7, strike ''and title VI of the Goals 2000: Educate America Act,''.

On page 68, strike lines 19 through 22.

On page 108, between lines 15 and 16, insert the following:

TITLE ____—EDUCATIONAL CHOICE AND EQUITY

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Educational Choice and Equity Act of 1995''.

SEC. ____02. PURPOSE.

The purpose of this title is to determine the effects on students and schools of providing financial assistance to low-income parents to enable such parents to select the public or private schools their children will attend.

SEC. ___03. DEFINITIONS.

As used in this title—

(1) the term ''choice school'' means any public or private school, including a private sectarian school or a public charter school, that is involved in a demonstration project assisted under this title;

(2) the term ''eligible child'' means a child in grades 1 through 12 who is eligible for free or reduced price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.);

(3) the term ''eligible entity'' means a public agency, institution, or organization, such as a State, a State or local educational agency, a consortium of public agencies, or a consortium of public and private nonprofit organizations, that can demonstrate, to the satisfaction of the Secretary, its ability to—

(A) receive, disburse, and account for Federal funds; and

(B) carry out the activities described in its application under this title;

(4) the term ''evaluating agency'' means any academic institution, consortium of professionals, or private or nonprofit organization, with demonstrated experience in conducting evaluations, that is not an agency or instrumentality of the Federal Government;

(5) the term ''local educational agency'' has the meaning given that term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801);

(6) the term ''parent'' includes a legal guardian or other individual acting in loco parentis;

(7) the term ''school'' means a school that provides elementary education or secondary education (through grade 12), as determined under State law; and

(8) the term ''Secretary'' means the Secretary of Education.

SEC. ___04. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $600,000,000 for fiscal year 1996 and such sums as may be necessary for each of the fiscal years 1997, 1998, 1999, and 2000 to carry out this title.

SEC. ___05. PROGRAM AUTHORIZED.

(a) RESERVATION.—From the amount appropriated pursuant to the authority of section ___04 in any fiscal year, the Secretary shall reserve and make available to the Comptroller General of the United States 2 percent for evaluation of the demonstration projects assisted under this title in accordance with section ___11.

(b) GRANTS.—

(1) IN GENERAL.—From the amount appropriated pursuant to the authority of section ___04 and not reserved under subsection (a) for any fiscal year, the Secretary shall award grants to eligible entities to enable such entities to carry out at least 100 demonstration projects under which low-income parents receive education certificates for the costs of enrolling their eligible children in a choice school.

(2) AMOUNT.—The Secretary shall award grants under paragraph (1) for fiscal year 1996 in amounts of $5,000,000 or less.

(3) CONTINUING ELIGIBILITY.—The Secretary shall continue a demonstration project under this title by awarding a grant under paragraph (1) to an eligible entity that received such a grant for a fiscal year preceding the fiscal year for which the determination is made, if the Secretary determines that such eligible entity was in compliance with this title for such preceding fiscal year.

(c) USE OF GRANTS.—Grants awarded under subsection (b) shall be used to pay the costs of—

(1) providing education certificates to low-income parents to enable such parents to pay the tuition, the fees, the allowable costs of transportation, if any, and the costs of complying with section ___09(a)(1), if any, for their eligible children to attend a choice school; and

(2) administration of the demonstration project, which shall not exceed 15 percent of the amount received under the grant for the first fiscal year for which the eligible entity provides education certificates under this title or 10 percent of such amount for any subsequent year, including—

(A) seeking the involvement of choice schools in the demonstration project;

(B) providing information about the demonstration project, and the schools involved in the demonstration project, to parents of eligible children;

(C) making determinations of eligibility for participation in the demonstration project for eligible children;

(D) selecting students to participate in the demonstration project;

(E) determining the amount of, and issuing, education certificates;

(F) compiling and maintaining such financial and programmatic records as the Secretary may prescribe; and

(G) collecting such information about the effects of the demonstration project as the evaluating agency may need to conduct the evaluation described in section ___11.

(d) SPECIAL RULE.—Each school participating in a demonstration project under this title shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) which prohibits discrimination on the basis of race, color, or national origin.

SEC. ___06. AUTHORIZED PROJECTS; PRIORITY.

(a) AUTHORIZED PROJECTS.—The Secretary may award a grant under this title only for a demonstration project that—

(1) involves at least one local educational agency that—

(A) receives funds under section 1124A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6334); and

(B) is among the 20 percent of local educational agencies receiving funds under section 1124A of such Act (20 U.S.C. 6334) in the State that have the highest number of children described in section 1124(c) of such Act (20 U.S.C. 6333(c)); and

(2) includes the involvement of a sufficient number of public and private choice schools, in the judgment of the Secretary, to allow for a valid demonstration project.

(b) PRIORITY.—In awarding grants under this title, the Secretary shall give priority to demonstration projects—

(1) in which choice schools offer an enrollment opportunity to the broadest range of eligible children;

(2) that involve diverse types of choice schools; and

(3) that will contribute to the geographic diversity of demonstration projects assisted under this title, including awarding grants for demonstration projects in States that are primarily rural and awarding grants for demonstration projects in States that are primarily urban.

SEC. ___07. APPLICATIONS.

(a) IN GENERAL.—Any eligible entity that wishes to receive a grant under this title shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

(b) CONTENTS.—Each application described in subsection (a) shall contain—

(1) information demonstrating the eligibility of the eligible entity for participation in the demonstration project;

(2) with respect to choice schools—

(A) a description of the standards used by the eligible entity to determine which public and private schools are within a reasonable commuting distance of eligible children and present a reasonable commuting cost for such eligible children;

(B) a description of the types of potential choice schools that will be involved in the demonstration project;

(C)(i) a description of the procedures used to encourage public and private schools to be involved in the demonstration project; and

(ii) a description of how the eligible entity will annually determine the number of spaces available for eligible children in each choice school;

(D) an assurance that each choice school will not impose higher standards for admission or participation in its programs and activities for eligible children provided education certificates under this title than the choice school does for other children;

(E) an assurance that each choice school operated, for at least 1 year prior to accepting education certificates under this title, an educational program similar to the educational program for which such choice school will accept such education certificates;

(F) an assurance that the eligible entity will terminate the involvement of any choice school that fails to comply with the conditions of its involvement in the demonstration project; and

(G) a description of the extent to which choice schools will accept education certificates under this title as full or partial payment for tuition and fees;

(3) with respect to the participation in the demonstration project of eligible children—

(A) a description of the procedures to be used to make a determination of the eligibility of an eligible child for participation in the demonstration project, which shall include—

(i) the procedures used to determine eligibility for free or reduced price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.); or

(ii) any other procedure, subject to the Secretary's approval, that accurately establishes the eligibility of an eligible child for such participation;

(B) a description of the procedures to be used to ensure that, in selecting eligible children to participate in the demonstration project, the eligible entity will—

(i) apply the same criteria to both public and private school eligible children; and

(ii) give priority to eligible children from the lowest income families;

(C) a description of the procedures to be used to ensure maximum choice of schools for participating eligible children, including procedures to be used when—

(i) the number of parents provided education certificates under this title who desire to enroll their eligible children in a particular choice school exceeds the number of eligible children that the choice school will accept; and

(ii) grant funds and funds from local sources are insufficient to support the total cost of choices made by parents with education certificates under this title; and

(D) a description of the procedures to be used to ensure compliance with section ___09(a)(1), which may include—

(i) the direct provision of services by a local educational agency; and

(ii) arrangements made by a local educational agency with other service providers;

(4) with respect to the operation of the demonstration project—

(A) a description of the geographic area to be served;

(B) a timetable for carrying out the demonstration project;

(C) a description of the procedures to be used for the issuance and redemption of education certificates under this title;

(D) a description of the procedures by which a choice school will make a pro rata refund of the education certificate under this

title for any participating eligible child who withdraws from the school for any reason, before completing 75 percent of the school attendance period for which the education certificate was issued;

(E) a description of the procedures to be used to provide the parental notification described in section ___10;

(F) an assurance that the eligible entity will place all funds received under this title into a separate account, and that no other funds will be placed in such account;

(G) an assurance that the eligible entity will provide the Secretary periodic reports on the status of such funds;

(H) an assurance that the eligible entity will cooperate with the Comptroller General of the United States and the evaluating agency in carrying out the evaluations described in section ___11; and

(I) an assurance that the eligible entity will—

(i) maintain such records as the Secretary may require; and

(ii) comply with reasonable requests from the Secretary for information; and

(5) such other assurances and information as the Secretary may require.

SEC. ___08. EDUCATION CERTIFICATES.

(a) EDUCATION CERTIFICATES.—

(1) AMOUNT.—The amount of an eligible child's education certificate under this title shall be determined by the eligible entity, but shall be an amount that provides to the recipient of the education certificate the maximum degree of choice in selecting the choice school the eligible child will attend.

(2) CONSIDERATIONS.—

(A) IN GENERAL.—Subject to such regulations as the Secretary shall prescribe, in determining the amount of an education certificate under this title an eligible entity shall consider—

(i) the additional reasonable costs of transportation directly attributable to the eligible child's participation in the demonstration project; and

(ii) the cost of complying with section ___09(a)(1).

(B) SCHOOLS CHARGING TUITION.—If an eligible child participating in a demonstration project under this title was attending a public or private school that charged tuition for the year preceding the first year of such participation, then in determining the amount of an education certificate for such eligible child under this title the eligible entity shall consider—

(i) the tuition charged by such school for such eligible child in such preceding year; and

(ii) the amount of the education certificates under this title that are provided to other eligible children.

(3) SPECIAL RULE.—An eligible entity may provide an education certificate under this title to the parent of an eligible child who chooses to attend a school that does not charge tuition or fees, to pay the additional reasonable costs of transportation directly attributable to the eligible child's participation in the demonstration project or the cost of complying with section ___09(a)(1).

(b) ADJUSTMENT.—The amount of the education certificate for a fiscal year may be adjusted in the second and third years of an eligible child's participation in a demonstration project under this title to reflect any increase or decrease in the tuition, fees, or transportation costs directly attributable to that eligible child's continued attendance at a choice school, but shall not be increased for this purpose by more than 10 percent of the amount of the education certificate for the fiscal year preceding the fiscal year for which the determination is made. The amount of the education certificate may also be adjusted in any fiscal year to comply with section ___09(a)(1).

(c) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of an eligible child's education certificate shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency in which the public school to which the eligible child would normally be assigned is located for the fiscal year preceding the fiscal year for which the determination is made.

(d) INCOME.—An education certificate under this title, and funds provided under the education certificate, shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

SEC. ___09. EFFECT ON OTHER PROGRAMS; USE OF SCHOOL LUNCH DATA; CONSTRUCTION PROVISIONS.

(a) EFFECT ON OTHER PROGRAMS.—

(1) IN GENERAL.—An eligible child participating in a demonstration project under this title, who, in the absence of such a demonstration project, would have received services under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) shall be provided such services.

(2) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this title shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(3) COUNTING OF ELIGIBLE CHILDREN.—Notwithstanding any other provision of law, any local educational agency participating in a demonstration project under this title may count eligible children who, in the absence of such a demonstration project, would attend the schools of such agency, for purposes of receiving funds under any program administered by the Secretary.

(b) USE OF SCHOOL LUNCH DATA.—Notwithstanding section 9 of the National School Lunch Act (42 U.S.C. 1751 et seq.), an eligible entity receiving a grant under this title may use information collected for the purpose of determining eligibility for free or reduced price lunches to determine an eligible child's eligibility to participate in a demonstration project under this title and, if needed, to rank families by income, in accordance with section ___07(b)(3)(B)(ii). All such information shall otherwise remain confidential, and information pertaining to income may be disclosed only to persons who need that information for the purposes of a demonstration project under this title.

(c) CONSTRUCTION PROVISIONS.—

(1) OTHER INSTITUTIONS.—Nothing in this title shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by religious or other private institutions, except that no provision of a State constitution or State law shall be construed or applied to prohibit—

(A) any eligible entity receiving funds under this title from using such funds to pay the administrative costs of a demonstration project under this title; or

(B) the expenditure in or by religious or other private institutions of any Federal funds provided under this title.

(2) DESEGREGATION PLANS.—Nothing in this title shall be construed to interfere with any desegregation plans that involve school attendance areas affected by this title.

(3) PROHIBITION OF FEDERAL DIRECTOR, SUPERVISION OR CONTROL.—Nothing in this title shall be construed to authorize the Secretary or any employee, officer, or agency of the Department of Education to exercise any direction, supervision, or control over the curriculum, program of instruction, or personnel decisions of any educational institution or school participating in a demonstration project assisted under this title.

SEC. ___10. PARENTAL NOTIFICATION.

Each eligible entity receiving a grant under this title shall provide timely notice of the demonstration project to parents of eligible children residing in the area to be served by the demonstration project. At a minimum, such notice shall—

(1) describe the demonstration project;

(2) describe the eligibility requirements for participation in the demonstration project;

(3) describe the information needed to make a determination of eligibility for participation in the demonstration project for an eligible child;

(4) describe the selection procedures to be used if the number of eligible children seeking to participate in the demonstration project exceeds the number that can be accommodated in the demonstration project;

(5) provide information about each choice school participating in the demonstration project, including information about any admission requirements or criteria for each choice school participating in the demonstration project; and

(6) include the schedule for parents to apply for their eligible children to participate in the demonstration project.

SEC. ___11. EVALUATION.

(a) ANNUAL EVALUATION.—

(1) CONTRACT.—The Comptroller General of the United States shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the demonstration projects under this title.

(2) ANNUAL EVALUATION REQUIREMENT.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to annually evaluate each demonstration project under this title in accordance with the evaluation criteria described in subsection (b).

(3) TRANSMISSION.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to transmit to the Comptroller General of the United States—

(A) the findings of each annual evaluation under paragraph (1); and

(B) a copy of each report received pursuant to section ___12(a) for the applicable year.

(b) EVALUATION CRITERIA.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the demonstration projects under this title. Such criteria shall provide for—

(1) a description of the implementation of each demonstration project under this title and the demonstration project's effects on all participants, schools, and communities in the demonstration project area, with particular attention given to the effect of parent participation in the life of the school and the level of parental satisfaction with the demonstration project; and

(2) a comparison of the educational achievement of all students in the demonstration project area, including a comparison of—

(A) students receiving education certificates under this title; and

(B) students not receiving education certificates under this title.

SEC. ___12. REPORTS.

(a) REPORT BY GRANT RECIPIENT.—Each eligible entity receiving a grant under this title shall submit to the evaluating agency entering into the contract under section ___11(a)(1) an annual report regarding the demonstration project under this title. Each

such report shall be submitted at such time, in such manner, and accompanied by such information, as such evaluating agency may require.

(b) REPORTS BY COMPTROLLER GENERAL.—

(1) ANNUAL REPORTS.—The Comptroller General of the United States shall report annually to the Congress on the findings of the annual evaluation under section ___11(a)(2) of each demonstration project under this title. Each such report shall contain a copy of—

(A) the annual evaluation under section ___11(a)(2) of each demonstration project under this title; and

(B) each report received under subsection (a) for the applicable year.

(2) FINAL REPORT.—The Comptroller General shall submit a final report to the Congress within 9 months after the conclusion of the demonstration projects under this title that summarizes the findings of the annual evaluations conducted pursuant to section ___11(a)(2).

SEC. ___13. REPEAL.

(a) AMENDMENT.—The Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.) is repealed.

(b) RECOMMENDED LEGISLATION.—

(1) IN GENERAL.—The Secretary of Education, in consultation with the appropriate committees of the Congress, shall prepare and submit to the Congress recommended legislation containing technical and conforming amendments to reflect the amendment made by subsection (a).

(2) SUBMISSION DATE.—Not later than 6 months after the date of enactment of this Act, the Secretary of Education shall submit the recommended legislation referred to under paragraph (1).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, September 27, 1995, at 9 a.m., in SR–332, to mark up the committee's budget reconciliation instructions.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, September 27, 1995, to conduct a markup of S. 650, the Economic Growth and Regulatory Paperwork Reduction Act of 1995.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Wednesday, September 27, 1995, session of the Senate for the purpose of conducting a hearing on S. 1239, the Air Traffic Management System Performance Improvement Act of 1995.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DOLE. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a nomination hearing to receive testimony from Kathleen A. McGinty to be a member of the Council on Environmental Quality, Wednesday, September 27, at 9:30 a.m., Hearing Room (SD–406).

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an executive session, during the session of the Senate on Wednesday, September 27, 1995, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate Select Committee on Intelligence be authorized to meet during the session of the Senate on September 27, 1995, at 2 p.m. to hold a hearing on intelligence matters.

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

ADDITIONAL STATEMENTS

PRISON, PROBATION ROLLS SOARING

• Mr. SIMON. Mr. President, as we move toward consideration of the Senate Commerce, Justice, State appropriations bill, which increases funding for State prison construction by $250 million and allocates not one penny for crime prevention programs, it is important to take time to examine our current policies and consider our direction.

The Justice Department recently released a survey of our Nation's prisons, jails, parole, and probation services. According to the report, a record 5.1 million Americans—2.7 percent of all adults—were behind bars, on probation or on parole in 1994. Last year the Justice Department reported that we passed the mark of having 1 million people in prison. That puts the United States in the dubious position of having the second highest incarceration rate in the industrialized world. As our prison population has soared, our crime rate has been unaffected. Before we allocate scarce resources on more prisons, it makes sense to consider our alternatives and consult with experts.

Last December, I sponsored a survey of wardens and inmates in eight States in an effort to inform this debate. Rather than an all-or-nothing distribution of funds, when asked how they would spend an extra $10 million to fight crime in their communities, wardens split the money evenly: 43 percent on prevention and 57 percent on punishment. Even the 1994 crime bill fell far short of this equation, spending 75 percent of its funding on punishment and a mere 25 percent for prevention programs. This appropriations bill would further the imbalance by denying any funds for the crime bill's prevention programs.

Mr. President, I ask that a Chicago Sun-Times article on the Justice Department survey be included in the RECORD at this point.

The article follows:

[From the Chicago Sun-Times, Aug. 28, 1995]

PRISON, PROBATION ROLLS SOARING: TOTAL HITS 5.1 MILLION, 2.7 PERCENT OF ALL ADULTS

(By Alan C. Miller)

WASHINGTON.—A record 5.1 million Americans—2.7 percent of the nation's adult population—were behind bars, on probation or on parole last year, the Justice Department reported Sunday.

Since 1980, state and federal prison populations have increased by 213 percent, and probation rolls have jumped by 165 percent. The average annual rate of growth has been 7.6 percent; the figure for 1994 was 3.9 percent.

Nearly 3 million people were on probation as of last Dec. 31, a Bureau of Justice Statistics study found.

Half of those on probation were found guilty of committing a felony; one in seven had been convicted of driving under the influence of alcohol.

Another 690,000 people were on parole, or conditionally released under supervision, after serving a prison term. Parolees can be returned to prison for violating a set of rules or committing another offense. All but 5 percent had served time for felonies.

The Justice Department survey found that 82 percent of those on probation and parole had maintained regular contact with a supervising agency as required. Another 9 percent had failed to report or could not be located. The rest were not required to maintain regular contact.

Texas had the most people on probation and parole, 503,000—more than 3.8 percent of the state's adults. California followed with 370,000.

Illinois had about 103,000 people on probation and parole.

Twelve states and the federal probation system showed a decrease in the number of people on probation. The biggest decrease was in South Dakota, down 6.2 percent, followed by California, down 5.8 percent.

The figures show that a higher percentage of men and white people are on probation than are in the prison system. Women make up 21 percent of all probationers and only 6 percent of all prisoners. Blacks make up 32 percent of those on probation and 50 percent of the prison population.

Half of those in prison have committed a violent crime; 80 percent have previous convictions.

Prisons are running at 20 percent over capacity, and thus more than 4 percent of those sentenced to prison terms are being held in local jails despite considerable prison construction, forcing the early release of some inmates, said Lawrence A. Greenfeld, a deputy director of the Bureau of Justice Statistics.

Criminal justice experts said the sharp increases reflect tougher sentencing on a range of crimes as well as a greater proportion of drug arrests involving longer prison terms.

At the same time, they said the consequent pressure to ease congestion in packed prisons and jails has led to expanded use of alternatives to incarceration or early release.

Alfred A. Blumstein, a criminologist at the Heinz School of Public Policy and Management at Carnegie Mellon University in Pittsburgh, Pa., said he believes the criminal justice system ''may be overextending itself'' and that increased emphasis on such programs as drug treatment and prevention may be more effective in the long run than meting out harsher sentences.

''Just by locking away more people, we do avert crimes, but at a cost,'' Blumstein said. ''We have no good estimates of how much benefit we get for . . . the cost of $25,000 per person per year in prison or jail.''●

GREEN LIGHTS, MONTREAL PROTOCOL

● Mr. JEFFORDS. Mr. President, the amendment I offered yesterday will restore the EPA Administrator's ability to fulfill our obligations under the Montreal Protocol. In addition, it will authorize the EPA Administrator to fund the successful Green programs, including the Green Lights Program and Energy Star Buildings Programs.

I need not go into detail on the importance of the Montreal Protocol. Last year, the Congress appropriated $119 million for these important programs—$101 million for the Green programs and roughly $17 million for the Montreal Protocol multilateral fund. This amendment will allow the Administrator to spend up to $100 million on these programs, a 13-percent cut from last years levels.

Negotiated and signed by President Reagan and expanded and implemented by President Bush, the Montreal Protocol is working to reduce the production and use of ozone-depleting substances. President Reagan believed it was vital that we fulfill our commitments under this important treaty. President Bush took a leadership position and urged the rest of the world to agree to a complete phase out of a number of ozone depleting substances. President Bush also concluded the negotiations, begun by President Reagan, to establish the multilateral fund.

Now, let me explain the fund, because this is what we are debating today. The multilateral fund was created in 1990 in order to assist developing countries in their efforts to phaseout ozone depleters. Since the development of the fund, 100 developing countries have ratified the protocol and agreed to the protocol's strict reduction requirements. They did this with the understanding that the fund would assist these developing countries in transferring the technology necessary to end this use of ozone-depleting substances. Most of this technology comes from the United States.

Failure to pay our share of the fund would force developing countries to end their protocol obligations. This would lead to increased use of ozone-depleting substances in developing countries and offset the tens of billions of dollars spent by the developed countries to phase them out.

Let me summarize.

No money to the fund.

Violation of our commitment to the treaty.

Greater use of CFC's by developing countries.

Faster depletion rates of the ozone.

More negative health effects, such as skin cancer and cataracts.

We must maintain our commitment to protect the ozone layer.

My colleagues may argue that funds for the Montreal protocol belong in the State Department budget, not the EPA budget. As a member of the Foreign Operations Appropriations Subcommittee, I am continuing to work to ensure that the protocol has adequately funded the State Department budget. However, I believe that funding for international programs is so limited, that offsetting the loss in this bill would be impossible.

Since 1991, almost one-third of the money for the fund has come from EPA. We made the decision, in 1990, to require EPA to assist the State Department. Let me read from section 617b of the Clean Air Act Amendments of 1990, which many of us here today voted for. Quote:

> The Administrator, in consultation with the Secretary of State, shall support global participation in the Montreal protocol by providing technical and financial assistance to developing countries.

And at that time we authorized $30 million to be spent for the fund.

The phaseout of CFC's is not just an international political issue, it is a technical, industrial, and environmental issue, on which EPA is respected globally. Further, through its experience in the United States of ridding the country of ozone-depleting substances, EPA has a good understanding of the benefits of U.S. technologies, and has been able to promote those technologies in other countries.

This is no time to end this progress.

Let me spend a minute on the Green Lights Program. I remember President Bush searching for alternatives to the overregulation, command and control policies of the 1970's and 1980's. He longed to find a way to control pollution in a nonregulatory, free-market manner. His legacy to the environment is his success in developing just such a program.

The Green Lights Program, and Energy Star Programs, are a testament to the type of innovative programs we must implement if we wish to reduce the regulatory burden faced by industry today. The programs are voluntary, reduce energy use, decrease our dependence on foreign energy, save business money, and stimulate markets for clean, alternative energy technologies and services.

Green Lights is simple. EPA provides technical assistance to help a company survey its facilities and upgrade its lighting. That's it. Since its inception, Green Lights has saved companies hundreds of millions of dollars and dramatically reduced air pollution emissions. All this without one regulation.

This is the most successful public-private partnership running. Just ask companies in my own State, such as IBM, our largest utility—Green Mountain Power, Jay Peak Ski area, and others.

Ask the Mobile Corp., who points out in this article in Time magazine that with the help of EPA Green Lights they have reduced their lighting energy costs by 49 percent.

Eliminating this program now would be unwise. This program reduces the need for regulation. Without Green Lights we might need more regulation to accomplish what is now being done with a voluntary partnership.

I believe one of the reasons this program is slated for elimination is that it is considered corporate welfare. Let me tell you why it is not.

EPA does not give any grants or financial assistance to Green Lights partners.

All funds are spent for information dissemination and communication.

The resulting investment by participants is more than 50 times the Federal investment.

Green Lights participants represent a wide range of entities, including 360 schools, 193 hospitals, numerous churches, local governments, small businesses, and nonprofit groups.

Overcoming market barriers is valuable to many, but beyond the reach of individual organizations. Many businesses cannot afford to keep on hand the technical expertise that EPA has assembled to help business succeed in reducing their energy costs in this manner.

Green Lights is a successful public-private partnership. It creates jobs and opportunities for sound energy use and savings, while at the same time preventing pollution. This is a model, non-regulatory program.

Mr. President, I urge my colleagues to seriously consider the consequences of ending these two vital programs. My amendment does not increase spending, nor does it cut from other areas of the bill. The amendment simply requests that the EPA Administrator be allowed to spend, within available funds, enough funds to keep these important programs up and running.●

TRIBUTE TO ABRAHAM SACKS

● Mr. LEVIN. Mr. President, I rise today to pay tribute to a great citizen of the State of Michigan, Abraham Sacks. On October 7, 1995, 50 years to the month when 1st Lt. Abraham Sacks returned to the United States from Europe, civilian Abraham ''Abe'' Sacks will receive his World War II medals. Fifty years—for some people that is a lifetime; in many families that is two generations. For Abe Sacks, it has not even been something to think about.

Abe served five years in the U.S. Army from 1941 until his discharge in January 1946. And since then, he has not had the time to think about the medals he never received. Abe and his wife Bea have been too busy living their lives. They settled into their new

home in Huntington Woods, MI. They were blessed with two children, and have since watched their children grow and start families of their own. They have become involved in their community by volunteering at their local synagogue and for political campaigns. Although they have now retired, they have continued to volunteer at the synagogue and with SCORE. Has Abe had time to think about medals he earned but never received? That was not Abe's style and still is not.

Several months ago when Bea discovered some papers in Abe's Army chest showing that he never received his medals, she took it upon herself to correct this oversight. She contacted the powers that be, and on October 7, 1995, at a gathering of family, friends, and other veterans, 1st Lt. Abraham Sacks will receive the medals he earned fighting for his country in World War II. Abe will be the recipient of the European-African-Middle Eastern Medal with Silver Star, the African Campaign Medal, the American Defense Service Medal, the World War II Victory Medal, the Army of Occupation Medal with Germany, and the Good Conduct Medal. On behalf of a country that is grateful to the men and women of our military forces, I want to congratulate 1st Lt. and dear friend Abe Sacks. It is never too late to honor someone of his caliber, goodness, and integrity. I know Abe will display these medals with the same pride he exhibited when he served his country.●

TRIBUTE TO THOMAS L. AYRES ON HIS RETIREMENT FROM THE DEPARTMENT OF VETERANS AFFAIRS

● Mr. NUNN. Mr. President, I would like for the Senate to recognize the retirement of Thomas L. Ayres from the Department of Veterans Affairs after more than 41 years of exemplary service in providing health care to the armed service members and veterans of our nation. On September 30, 1995, Mr. Ayres will retire from his position as the Director of the Department of Veterans Affairs Medical Center in Augusta, GA.

Tom Ayres began providing health care during his service with the United States Army from 1955 until 1959 at the 279th Station Hospital in Berlin. After his service in the Army, he started his career with the Veterans Administration by becoming a nursing assistant at the Veterans Administration Hospital in Marion, Indiana. From 1962 until 1969, Tom Ayres worked as a supervisory recreation specialist at the Veterans Hospital in Brecksville, OH. From 1969 until 1972, he served as a voluntary services officer at Veterans Administration Hospitals in both Madison, WI and Gainesville, FL. In 1972, Tom Ayres became a medical administration assistant at the Veterans Hospital in Madison, WI.

Since 1972, Tom Ayres has earned appointments to positions of increased responsibility within the Department of Veterans Affairs. In 1976, he became a hospital administration specialist and soon thereafter was transferred to the Veterans Affairs central office and served as the executive assistant to the Associate Chief Medical Director for Operations.

Tom Ayres received an appointment to the position of Medical Center Director of the Veterans Administration Hospital in Salisbury, NC in 1981. Nine years later, he became the Director of the two-division Veterans Administration Medical Center in Augusta, GA. He also serves as the Associate Administrator for Veterans Affairs at the Medical College of Georgia and as a member of the Medical College of Georgia's Clinical Enterprise Executive Committee.

Throughout his long and distinguished career in providing health services for U.S. veterans throughout our great Nation, Tom Ayres has received numerous awards based on the exemplary performance of his duties. His awards include the National Daughters of American Veterans Commander Award, the Award for Valor from the Secretary of Veterans Affairs, three Superior Performance Awards, and five consecutive Executive Performance awards. In 1990, he received the Presidential Rank Award from the President of the United States.

It is important to note that his compassion and sense of civic responsibility does not start and end with his job. Tom Ayres is an active participant with the local United Way, Kiwanis Club, American Legion, Senior Executive Association, and the American College of Hospital Administrators. In addition, he serves on the administrative board of Trinity on the Hill Church and is a life member of the Disabled American Veterans and the Veterans of Foreign Wars.

Mr. President, I ask my colleagues to join me in thanking Thomas L. Ayres for his outstanding career spent in service to our Nation's veterans. He is a model citizen in every sense of the term. We wish him, his wife Christa, and their children and grandchildren Godspeed and every success for the future.●

OUT OF PRINT

● Mr. SIMON. Mr. President, recently, Bob Samuelson had a column in the Washington Post on the scarcity of various Government statistics in printed form.

Mr. Samuelson wrote that some of the reports published by the Census Bureau are going out of print. He cited the fact that the Census Bureau issued only 635 printed reports in 1994 as opposed to over 1,000 the Bureau printed in 1992.

His concern over the scarcity of printed statistics led him to contact the Census Bureau. Mr. Samuelson learned that the Census Bureau is still researching and compiling all of the same data and information it has in the past. Only now, rather than publishing its reports in printed form, the Census is circulating statistics on the Internet.

Lately there has been a great deal of attention surrounding the Internet and the information superhighway.

I have to confess that my knowledge of the Internet is limited. Although, I do understand that a large and varied amount of information may be accessed by using the system.

I join Mr. Samuelson in his concern that those who do not have access to the Internet, or choose not to use the information superhighway, will not have the same access to the vital statistics published by the Census Bureau that they have had in the past.

While I do not dispute the benefits that accompany the Internet and other similar technological advances—especially in the field of education—I am concerned that we might overlook the usefulness and practicality of printed materials in the name of progress.

Having access to a wide range of information at our fingertips is definitely an advantage of the Internet. We must be mindful, however, that there is no substitute for the printed word.

Mr. President, I ask that Robert Samuelson's column entitled ''Out of Print'' be printed in the RECORD at this point.

The column follows:

[From the Washington Post]

OUT OF PRINT

(By Robert J. Samuelson)

My name is Robert, and I am a numbers junkie. I compulsively scour the Statistical Abstract for intriguing indicators of our national condition—the fact, for example, that state lotteries collect $25 billion annually. Naturally, I am also a big fan of the Census Bureau, which publishes the abstract and conducts surveys on everything from our incomes to our housing patterns. So it pains me to report that Census is now committing a colossal blunder. It is slowly going out of print. Literally.

The Statistical Abstract momentarily seems safe, but scores of other printed reports are simply being eliminated. In 1992 Census issued 1,035 reports; last year the number was 635, and the retreat from print has only begun. Gone are, among others: ''Earnings by Occupation and Education,'' ''Poverty Areas in the United States'' and ''Language Use in the United States.'' This is absurd. We go to great trouble to collect this information, and now Census is suppressing it.

The losers are not just statistics addicts. Our public conversations depend heavily on these dry numbers. The shape our concept of who we are, of how society is performing and of what government should or shouldn't do. Political speeches routinely spit out statistics that can be made to tell stories: some true, some not so true. Keeping the conversations honest requires that the basic data be easily accessible to anyone who wants them.

When I say Census is ''suppressing,'' I don't mean that it's deliberately hiding its surveys. As a reporter, I've asked Census for information hundreds of times; I can't recall an instance when answers, when available, weren't provided quickly. The culture of the place is to release information. By its lights,

Census isn't abandoning print so much as it's shifting its data to the Information Superhighway. Statistics are being distributed by CD-ROMs and the Internet. Already, Census brags that its World Wide Web site is receiving 50,000 hits a day. Sounds amazing.

It isn't. Those 50,000 daily hits are a lot less breathtaking than they seem, even if the figure is accurate (and I have my doubts). In May, Interactive Age, a trade publication, surveyed Internet sites. It reported that Pathfinder (the site for Time Warner publications, such as Time and People) had about 686,000 daily hits, Playboy had about 675,000, and HotWired (the site for Wired magazine) had about 429,000. I mention these popular sites because they belong to magazines. As yet, none is forsaking the printed page for the glories of the Internet.

There are good reasons for this. One is that the number of daily hits on a Web site exaggerates how many people use it; the same person may hit the same site repeatedly. Another reason is that the Internet hasn't yet evolved into an effective platform for advertising. But the main reason is that, for many purposes, the printed page is still superior to the computer screen. You can flip pages faster than you can search computer files. You can read a magazine standing in a subway or lying in a hammock.

Census's shift from print clearly discriminates against people (including me) who don't surf the Internet or use CD-ROMs. We remain the vast majority. American Demographics magazine recently reported a number of surveys that tried to measure U.S. Internet use in 1994. The surveys put usage of the World Wide Web between 2 million and 13.5 million people, which is at most about 5 percent. The average income of Internet households was $67,000, which is the richest fifth of Americans. But it's not just computer clods or the unaffluent who will suffer.

Carl Haub is a demographer at the Population Reference Bureau in Washington. He's a big user of Census statistics and is comfortable cruising in cyberspace. ''It's going to be a disaster for the average analyst,'' he says. Downloading and printing data from the Internet can take hours. Getting a number from a CD-ROM is often a lot harder than getting it from a book. To Haub, Census is transferring a lot of the cost—in time and money—of making statistical information useful to people like him.

Martha Farnsworth Riche, director of the Census Bureau, admits as much. ''If someone else can do it, let's shift it to the outside,'' she says. ''We've had a hiring freeze since at least 1992, and those [printed] reports take an enormous amount of time from professionals.'' They need to concentrate on doing surveys of ''an economy and population that are changing dramatically. Our statistics have fallen behind.'' Only Census can collect much of this data, she says. Let academics and analysts prepare reports.

Up to a point, Riche has my sympathies. The Constitution created the census (Article 1, Section 2), and social and economic surveys are a basic function of modern government. Some congressional proposals to cut the agency's budget sharply are stupid beyond words. But that said, the new approach is misguided. The danger of over-relying on outsiders to organize and analyze basic data is that statistics may fall hostage to special pleaders or incompetents. Printed Census reports provide an easy way to check self-interested or faulty claims.

Print's other great virtue is that it guarantees a historic record. Computer technology is changing so rapidly that data committed to one technology may no longer be easily accessible if that technology vanishes. ''The CD–ROMs that we're so excited about today—20 years from now, no one will use them,'' says Richard Rockwell, director of the Inter-University Consortium for Political and Social Research. ''The book is a highly advanced technology for preserving some kinds of information.'' Exactly.

Let's not become too infatuated too soon with the Information Superhighway. Census should be issuing its data in computer-friendly ways, but not as a substitute for printed reports. A jaunt on the Internet—piloted by my friend Steve—only affirmed my skepticism. Steve typed the Census Web address (http://www.census.gov), and up popped the ''home page'' designating me as the 567,352nd visitor. Unless the count began 10 days earlier (and it didn't), that was a lot fewer than 50,000 daily hits. I informed a Census official. He was mystified. After checking, he said there were other ways of accessing the Web site that didn't raise the count. Hmm. Could be. But it also shows how, on the Information Superhighway, we're still navigating in the dark.●

SPARKY ANDERSON

● Mr. LEVIN. Mr. President, ''It was the best of times. It was the worst of times.'' It was 1984, and the Detroit Tigers won it all, from opening day in April until the final game of the World Series in October, a perfect season, never out of first place, with Sparky at the helm. It is 1995, a not so perfect season; in fact, a bummer of a season, with Sparky at the helm, getting a look at the new, young players, and most likely closing out the 1984 era.

On Sunday, October 1, in Baltimore, the Orioles play the Tigers in the last regular game of the season. But to me, what is most poignant is that I believe we will be seeing Sparky Anderson in a Detroit Tigers uniform for the last time. And when he leaves the field that day, along with Alan Trammell and Lou Whitaker, the last of the 1984 Tigers' team will be gone.

Sparky Anderson is baseball. As a kid, his dream was to be a player, but from all early indications—he played only 1 year in the majors—he was meant to be a manager. He studied the game constantly from boyhood to this day. When he sits in the dugout, you can see those eyes darting around the field, taking in every movement of everyone on the field and at the plate, incessantly studying and instructing his players, both veterans and rookies.

Sparky Anderson has a remarkable record as a manger. He is the third winningest manager in big league history—only Connie Mack and John McGraw won more games. But he is the only manager to win a World Series in each league, with the Cincinnati Reds and the Tigers, and he is the first to win 100 games in each league. He is, without question, headed for the Baseball Hall of Fame.

Every indication is that Sparky will be leaving the Detroit Tigers and will announce this shortly after the season ends on October 1. But, I do not think Sparky will leave baseball. He will be in some baseball uniform next year. I am sure that we will turn on the television some day and see Sparky going to home plate to hand the umpire the starting lineup, we will see him sitting in the dugout, chewing his bubblegum or his sunflower seeds, and his eyes will be darting around the field, and we will see him walk to the pitcher's mound in the late innings, with that familiar skip to avoid stepping on the third base foul line.

Maybe we will get to see one of those nose-to-nose arguments with the umpire, and we will certainly look forward to hearing a post-game analysis, and in spite of that fractured English of his, we will get a first rate lesson in the way this great game of baseball works, for more than anything else, Sparky is a baseball purist, a lover of the game and totally loyal to the institution we call baseball.

Detroit will miss Sparky Anderson, but we hope he will hang around the game long enough to break John McGraw's record, and maybe even, someday, overtake the record of the great Connie Mack.●

ORDERS FOR THURSDAY, SEPTEMBER 28, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Thursday, September 28, 1995; that following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and then the majority leader be recognized as under the previous order.

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

PROGRAM

Mr. DOLE. Mr. President, I will just say for the information of all Senators, under the agreement that has just been obtained, I will make a motion to proceed to the Labor-HHS appropriations bill tomorrow morning. A rollcall vote will occur on the motion to proceed at 10 a.m., and, in accordance with the unanimous consent agreement, a second vote will occur at 11 a.m. on the motion if 60 votes are not obtained on the first vote.

If 60 votes are not obtained on the motion to proceed on the second vote, it is expected I will recess the Senate until later in the afternoon on Thursday to enable the Finance Committee to meet to complete reconciliation instructions.

The Senate is then expected to reconvene later to begin consideration of Commerce, State, Justice appropriations. Therefore, the Senate could be asked to be in session late into the evening on Thursday in order to complete the appropriations process prior to the end of the fiscal year.

I also will indicate that I think the House will take up the continuing resolution tomorrow. I talked with Speaker Gingrich this morning. He indicated earlier, at least I was informed, he had signed off on the continuing resolution,

and they will take that up tomorrow, as I understand it, in the House. Then it will come to the Senate.

It is my hope we can dispose of that without amendment and perhaps by voice vote.

RECESS UNTIL 9 A.M. TOMORROW

Mr. DOLE. Mr. President, if there is no further business to come before the Senate, I ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:20 p.m., recessed until Thursday, September 28, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 27, 1995:

DEPARTMENT OF AGRICULTURE

MICHAEL V. DUNN, OF IOWA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE EUGENE BRANSTOOL, RESIGNED.

COMMODITY CREDIT CORPORATION

MICHAEL V. DUNN, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE EUGENE BRANSTOOL, RESIGNED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be brigadier general

COL. JOHN P. ABIZAID, 000–00–0000, U.S. ARMY.
COL. JOSEPH W. ARBUCKLE, 000–00–0000, U.S. ARMY.
COL. BARRY D. BATES, 000–00–0000, U.S. ARMY.
COL. WILLIAM G. BOYKIN, 000–00–0000, U.S. ARMY.
COL. CHARLES M. BURKE, 000–00–0000, U.S. ARMY.
COL. CHARLES C. CAMPBELL, 000–00–0000, U.S. ARMY.
COL. JAMES L. CAMPBELL, 000–00–0000, U.S. ARMY.
COL. JOSEPH R. CAPKA, 000–00–0000, U.S. ARMY.
COL. GEORGE W. CASEY, JR., 000–00–0000, U.S. ARMY.
COL. JOHN T. CASEY, 000–00–0000, U.S. ARMY.
COL. DEAN W. CASH, 000–00–0000, U.S. ARMY.
COL. DENNIS D. CAVIN, 000–00–0000, U.S. ARMY.
COL. ROBERT F. DEES, 000–00–0000, U.S. ARMY.
COL. LARRY J. DODGEN, 000–00–0000, U.S. ARMY.
COL. JOHN C. DOESBURG, 000–00–0000, U.S. ARMY.
COL. JAMES E. DONALD, 000–00–0000, U.S. ARMY.
COL. DAVID W. FOLEY, 000–00–0000, U.S. ARMY.
COL. HARRY D. GATANAS, 000–00–0000, U.S. ARMY.
COL. ROBERT A. HARDING, 000–00–0000, U.S. ARMY.
COL. RODERICK J. ISLER, 000–00–0000, U.S. ARMY.
COL. DENNIS K. JACKSON, 000–00–0000, U.S. ARMY.
COL. ALAN D. JOHNSON, 000–00–0000, U.S. ARMY.
COL. ANTHONY R. JONES, 000–00–0000, U.S. ARMY.
COL. DANEIL L. LABIN, 000–00–0000, U.S. ARMY.
COL. WILLIAM J. LENNOX, JR., 000–00–0000, U.S. ARMY.
COL. JAMES J. LOVELACE, JR., 000–00–0000, U.S. ARMY.
COL. JERRY W. MCELWEE, 000–00–0000, U.S. ARMY.
COL. DAVID D. MCKIERNAN, 000–00–0000, U.S. ARMY.
COL. CLAYTON E. MELTON, 000–00–0000, U.S. ARMY.
COL. DANIEL L. MONTGOMERY, 000–00–0000, U.S. ARMY.
COL. WILLIE B. NANCE, JR., 000–00–0000, U.S. ARMY.
COL. ROBERT W. NOONAN, JR., 000–00–0000, U.S. ARMY.
COL. KENNETH L. PRIVRATSKY, 000–00–0000, U.S. ARMY.
COL. HAWTHORNE L. PROCTOR, 000–00–0000, U.S. ARMY.
COL. RALPH R. RIPLEY, 000–00–0000, U.S. ARMY.
COL. JOSEPH J. SIMMONS IV, 000–00–0000, U.S. ARMY.
COL. EARL M. SIMMS, 000–00–0000, U.S. ARMY.
COL. ZANNIE O. SMITH, 000–00–0000, U.S. ARMY.
COL. ROBERT L. VANANTWERP, JR., 000–00–0000, U.S. ARMY.
COL. HANS A. VANWINKLE, 000–00–0000, U.S. ARMY.
COL. ROBERT W. WAGNER, 000–00–0000, U.S. ARMY.
COL. DANIEL R. ZANINI, 000–00–0000, U.S. ARMY.