come in session at 9:30, and then we will have the votes, two consecutive votes, at 10 o'clock.

The two votes we just had will be the last votes of tonight, provided we can get agreement on a list of amendments that will be brought up tomorrow. I have the commitment of cooperation of the Democratic leader to work with us to identify the amendments, get a finite list of amendments, so we will have that list we can proceed on tomorrow. If we cannot, you know, get this list of amendments worked out, we will have to consider other options, but I am assuming we are going to have good-faith cooperation, we are going to get these amendments, get them identified so we can complete action on the VA–HUD appropriations bill tomorrow. We had hoped to have more votes tonight and get it completed tonight, but there has been a good-faith effort made, certainly by the chairman and ranking Senator. And there have been other circumstances that have intervened that caused us to see if we could get the amendments agreed to and get the votes in the morning at 10 o'clock, back to back, and be prepared to complete the VA–HUD appropriations bill.

For the information of all Senators, there are two other things they need to be aware of. We are working on a bipartisan basis to see if we can come up with a resolution with regard to the situation in Iraq. There is going to be a meeting at 10 o'clock in the morning, bipartisan meeting, to see if some language can be agreed to.

In addition to that, with regard to the Defense of Marriage Act, you will recall there was a unanimous consent agreement entered into before we left for the August recess that provided a procedure to get that issue up for consideration beginning at 10 o'clock on Thursday. It provided that by 5 o'clock on Tuesday, up to four amendments could be offered on each side that would be voted on before we would get to final passage on the Defense of Marriage Act. But, also, after those four amendments on each side were filed as of 5 o'clock on Wednesday, the agreement could be vitiated and we would move on to other issues and decide on another way to handle the Defense of Marriage Act.

That has happened. After the amendments were filed there was a feeling, I presume on both sides, that the amendments were going to be a distraction. They were going to contribute to an atmosphere that would not be helpful in our trying to get agreements and passage on appropriations bills that we simply must get done during this month. So the minority leader and I talked about it and we understand each other. We are not going to go with that unanimous consent agreement.

I do want to emphasize we are going to have this issue brought up at some point. Unless we reach some other agreement, it would be my intent to bring it up and lay down the cloture motion on the motion to proceed. I have not made a decision exactly how we will do that or when we will do that. Part of it will depend on the cooperation we get on other issues, and whether or not we are making progress. But we would expect a vote or votes will occur on that issue sometime, probably next week, but without any final decision having been made as yet. Certainly I will consult with the Democratic leader before we take any action in that regard.

There is a lot more that could be said, a lot more accusations, charges or countercharges. Can we dispense with that and just get on with the business? I would like to proceed that way. I hope that is the way we will approach this appropriations bill and other appropriations bills.

I do have some additional unanimous consent requests here. I see the leader is on his feet. Would you like to comment at this point? I yield the floor at this time.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, let me just confirm the agreement that was anticipated, I think, by the majority leader's comments. He and I have been talking throughout the day in attempts to find some resolution to the problems we are facing with regard to finalizing the list on amendments to the HUD–VA bill. I have committed to the majority leader that it would be our hope that we could come up with a finite list tonight. I think we are pretty close to having that finite list available. I will share that with the majority leader later on.

It is my expectation the majority leader, as he has indicated, will work with us to finalize the language on the resolution relating to Iraq. The meeting, as he indicated, will be in his office tomorrow at 10. It will be my hope we could have the vote tomorrow on that resolution, and find a way in which to resolve the outstanding issues on the HUD–VA bill.

It is not our desire to preclude a vote, or to hold up a vote on the Defense of Marriage Act. Obviously, we had hoped we could come up with an agreement that would allow us a couple of amendments. As the majority leader indicated, there was concern on both sides and that was not possible. We want to work with the majority leader in finding a way to schedule that legislation and I am sure we can work through that as well.

So we hope we can get everyone's cooperation. As it relates to the pending bill, I have committed our best effort to see if we can come to closure on it. I know there are a number of amendments that will be offered. Hopefully, if we have the list, at least we can confine ourselves to that list and I pledge our best efforts to make that happen.

I yield the floor.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I do have a unanimous consent request that would list the amendments that have been identified on both sides at this point. I assume there is a little padding going on, on both sides. But at least, if we could get this list agreed to, we would have then a finite list we could work from. I believe, as the night proceeds and the day proceeds tomorrow, we will not have to do all these amendments, but I would like to go ahead, if I could, and get agreement on it.

I ask unanimous consent during the remaining consideration of H.R. 3666, the VA-HUD appropriations bill, the following be the only remaining first-degree amendments in order and they be subject to relevant second-degree amendments, and no motions to refer be in order, and following the disposition of the listed amendments, the bill be advanced to third reading. The amendments are as follows:

An amendment by Senator BOND regarding multifamily housing; a Faircloth amendment on HUD fair housing; Senator BENNETT, GAO review; another one by Senator BENNETT, reimburse State housing finance agencies; Senator SHELBY, land transfer; Senator THOMAS, antilobbying general provision; Senator THOMAS, decrease funding for Council on Environmental Quality; Senator HELMS, law enforcement in housing; Senator MCCAIN, two amendments, one on FHA mortgages, one on FEMA disaster relief; one by Senator BOND regarding HUD grant and loan programs; a technical amendment by Senator BOND; two amendments by Senator NICKLES, one on union dues, one on runaway plants; Senator BOND, a managers' amendment; Senator HATFIELD, relevant; Senator COVERDELL, relevant; Senator LOTT, two relevant amendments; Senator LOTT, one on Iraq; Senator NICKLES, an amendment on 48-hour hospital stay.

Democratic amendments identified: Senator BINGAMAN on United States-Japan commission; Senator BRADLEY, one amendment regarding hospital stay for newborns; Senator BYRD, two relevant amendments; Senator DASCHLE, or his designee, one on runaway plants and one on Iraq; Senator FEINGOLD, one on NASA; one by Senator FEINSTEIN dealing with Downy land transfer, one on biotech, one identified as relevant; Senator GRAHAM, veterans resource allocation; Senator HARKIN, funding vets health care; Senator KENNEDY, an amendment on employment discrimination; Senator MIKULSKI, four relevant amendments; Senator MOSELEY-BRAUN, an amendment on mortgage registration; Senator SARBANES, an amendment on

NASA; Senator WELLSTONE, an amendment on mental health; Senator LEVIN, an amendment on lobbying; and Senator BAUCUS, an amendment on environmental quality.

It seems that any amendments that did not make it before the August recess, or the heart may desire to be considered any time soon, is on this list. I hope we will consider those that really do contribute to development of legislation that we can pass for VA–HUD, and we will work together and try to get that done. I so ask unanimous consent.

Ms. MIKULSKI. Reserving the right to object, my staff has advised me that the majority leader's list did not include a Fritz Hollings amendment on HUD.

Mr. LOTT. Mr. President, I ask that be included in the list of amendments identified for consideration.

Mr. WARNER. Mr. President, reserving the right to object, if I might just address the distinguished leader, Senator SARBANES and I are the cosponsors of the amendment designated ''Sarbanes, NASA.'' I believe it is my understanding that the managers have accepted that; is that correct?

Ms. MIKULSKI. Yes.

Mr. BOND. That is correct.

Mr. WARNER. I thank the distinguished managers.

Mr. LOTT. So that amendment has already been accepted; is that correct?

Mr. BOND. It will be accepted. It has not yet been accepted.

Mr. LOTT. It is the Sarbanes-Warner amendment dealing with NASA.

Mr. WARNER. I thank the distinguished leader and managers.

Mr. DASCHLE. Reserving the right to object, I obviously failed to list as one of our amendments the amendment relating to spina bifida. That was supposed to have been listed. It was left off. I think everybody just understood it was going to be here.

Mr. LOTT. I thought that was one of the two or three really serious amendments we had for consideration that related to the bill itself. I cannot believe we left that off. We will have an amendment by Senator DASCHLE relating to veterans' program for children with spina bifida.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement?

Mr. BYRD. Mr. President, reserving the right to object, and I do not expect to object, I think I understood the distinguished majority leader correctly in that debate is not prohibited after third reading in his request.

Mr. LOTT. That is correct, that the bill be advanced to third reading and then stopped. I believe the Senator from West Virginia has made clear his desire that we have a few moments to look at this legislation when we reach that point, and we intend to do that.

Mr. BYRD. I thank the distinguished majority leader. I remove my reservation.

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

Mr. LOTT. Mr. President, I yield the floor. I hope the managers of the legislation will continue to work to see if they can reduce this list. I hope tomorrow that a number of these amendments will, in fact, be withdrawn and will be considered in some other forum another day. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, may I inquire what is the pending business?

AMENDMENT NO. 5167

The PRESIDING OFFICER. The question recurs on the BOND amendment, No. 5167.

Mr. BOND. Mr. President, we raised this issue and filed this amendment yesterday. We had a good discussion on it. We had it printed. We wanted everybody to have an opportunity to look at it. As I advised yesterday, this is an attempt to deal with a very complex problem that has some real consequences.

HUD has given us estimates that if we don't do something with the oversubsidized section 8 contracts for multifamily housing, we are going to do one of two things: No. 1, if we continue to renew the contracts at existing rates, these are multifamily units where subsidies were granted in the form of section 8 rental payments to get people to develop housing for the elderly in rural areas, needed housing in urban areas, these overmarket rent section 8 contracts would have an exploding cost.

The appropriations for this year would be about $4.3 billion; for 1998, $10 billion; $16 billion by fiscal year 2000. The actual cost each year would grow from $1.2 billion in fiscal year 1997 to $4 billion in fiscal year 2000 and to $8 billion in 10 years. Those are the costs. If we just refuse to renew the contracts, we could have tens of thousands of people who depend upon these section 8 subsidized contracts thrown out on the street. These could be elderly people in rural areas. These are people in many parts of the country where there are no readily available alternatives for which vouchers could get them housing.

So we have proposed a system that sounds complex, but, basically, we would write down a portion of the debt on the project and the Government would take back a second mortgage that would be paid back at the end of the first mortgage, writing these contracts down to fair market rentals.

That is a very brief and overly simplistic discussion of the amendment. We have worked on this on a bipartisan basis not only in the Appropriations Committee but, more important, with the authorizing committee, with Senator D'AMATO, Senator SARBANES, Senator MACK and Senator KERRY. We appreciate very much their assistance on it.

This is a demonstration project for 1 year on the way to getting a permanent resolution of these exploding contract costs. I hope that we can adopt this amendment by voice vote.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in support of the Bond amendment. I do it because it is the right thing to do at this time.

It starts to address a serious problem with our public housing. A large number of section 8 multifamily housing projects are subsidized by rents that far exceed the fair-market rent in the area. In fiscal year 1997 alone, HUD estimates there are 40,000 units whose contracts will expire at rents over 120 percent of the fair-market rent.

But Mr. President, this is not just an issue of numbers and statistics. This is an issue about real Americans and real lives. If we take the do-nothing approach, American taxpayers will continue to have their hard-earned tax money wasted by paying excessive rents. The Government can't afford to pay these excessive rents indefinitely.

If we take a strong-arm approach and try to force owners to lower the rents and we reduce subsidies, we risk massive defaults. In addition to the massive multibillion-dollar costs to HUD and the administrative burden it would cause the Agency, it could lead to massive resident displacement.

Mr. President, we're talking about real people in real communities potentially being out on the streets. None of us wants to be a part of putting people on the streets and increasing the homeless problem in our Nation. We as a nation are better than that. The residents deserve better and so do their communities.

I support the effort to begin addressing the problem. We must ensure that while we do so, we don't create hollow opportunities, don't create a generation of slum landlords, and don't create a new liability for the taxpayers. We don't want to just address the problem, we want to solve it—with creative and effective approaches.

This amendment is not a perfect solution, but it is a start. It allows HUD to negotiate with landlords of oversubsidized projects with contracts expiring in fiscal year 1997. HUD will seek to bring the rents of units over 120 percent of fair-market rent in line with the market rate where the units are located.

This amendment begins a process that we must continue to work on during the coming year. Some will voice concerns that this amendment goes too far, others will say it doesn't go far enough.

Mr. President, we must not make the perfect the enemy of the good. A modest beginning is better than no beginning. We can't afford to ignore the fact that over 750,000 units with subsidy problems are in the pipeline. The time to act is now. We can't afford to delay any longer. I urge my colleagues to support the amendment.

Mr. President, I just want to say this. This is not just an issue of numbers and statistics, this is an issue about real Americans and real lives. If we do nothing, the American taxpayer will continue to pay excessive rents. If we take a strong-arm approach, we could risk massive defaults.

I support this effort, because it absolutely begins to address the problem. We must ensure that in doing so we do not create a hollow opportunity for the poor, that Federal assistance does not generate a new class of sublandlords and new liability for the taxpayers.

I believe the Bond amendment is the right approach that talks about real opportunities for the poor, provides a safety net so that these projects do not collapse, but we begin to bring this into discipline and really focus on a market-based approach.

So, Mr. President, I support the amendment and urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? The question is on agreeing to the amendment.

The amendment (No. 5167) 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. Mr. President, I am most grateful for the assistance of my ranking member in dealing with that very difficult question. We may have to address this again in conference. But we think this is the start on the right path.

We have a number of amendments that I believe have been cleared on both sides. I propose that we proceed to those.

AMENDMENT NO. 5181

(Purpose: Prohibit HUD from removing regulatory requirements that HUD issue public notice and comment rulemaking.)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 5181.

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

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

The amendment is as follows:

Insert at the appropriate place at the end of the section on HUD:

SEC. . REQUIREMENT FOR HUD TO MAINTAIN PUBLIC NOTICE AND COMMENT RULEMAKING.

The Secretary of Housing and Urban Development shall maintain all current requirements under Part 10 of the Department of Housing and Urban Development's regulations (24 CFR part 10) with respect to the Department's policies and procedures for the promulgation and issuance of rules, including the use of public participation in the rulemaking process.

Mr. BOND. Mr. President, this is a prohibition on a HUD rulemaking effort to eliminate HUD public notice and comment. The HUD recently issued a proposed rule that would, as a practical matter, remove any requirement for HUD to issue public notice and comments. This amendment would prohibit HUD from doing that. The Administrative Procedures Act does not require agencies to issue public notice and comment rulemaking for grant loan programs, but HUD has traditionally deferred to congressional and public interest that HUD programs be developed in an open manner to ensure that the implementation of programs are consistent with congressional intent and receive the benefit of public input and scrutiny.

Basically, the requirement for HUD to issue the public notice and comment rulemaking is not an accident. Because of the program abuses at HUD in the late 1960's, HUD chose public notice, this public airing, to get them out of a real crack, to convince people that a change HUD was operating on the up and up. It is critical that they do this because, without public notice and comment rulemaking, HUD can and has designed programs in the past that are inconsistent with congressional intent, not in the best interest of beneficiaries, and, frankly, smell.

Last year the inspector general raised some very real questions about the way that empowerment zones had been selected. A lot of compelling questions were raised in that report. I think it is necessary to keep the spotlight on HUD so that we can be sure that we know what they are doing, that Congress and the media and the public have a right to see what they are doing, so that there will be less temptation to abuse the process.

The most recent example of HUD's disregard of the congressional intent is one that is particularly galling to many of us who fought for the provision for a long time. There was a provision in S. 1494, the Housing Opportunity Programs Extension Act, which provided public housing authorities with broad authority to designate public housing as ''elderly only,'' ''disabled only,'' or a combination thereof. HUD proceeded to issue a proposed rule that would require extensive micromanagement by HUD and place an unreasonable burden on public housing authorities that want to designate the public housing as ''elderly only'' or ''disabled only'' housing. It is finding out that kind of activity before it occurs that should save us a great deal of heartburn and avoid a lot of heartburn for HUD.

Ms. MIKULSKI. Mr. President, I support the Bond amendment, even though my State, my city of Baltimore got an empowerment zone. We think we met the test. I still support the amendment. We believe that there should be public notice. It was part of a reform. We believe that public notices act in the public interest. It is as straightforward and as simple as that. I urge the adoption of the Bond amendment and the continuation of existing policy.

Mr. BOND. Mr. President, as I have previously discussed, I remain very concerned about HUD's ability and capacity to administer its programs effectively, and in some cases, fairly.

In early 1995, Senator MACK and I requested the HUD IG to review the HUD's procedures and decisionmaking in selecting and designating six urban empowerment zones. As you know, the use of empowerment zones to revitalize decaying urban centers has a long history, with perhaps its greatest proponent in Jack Kemp, when he was Secretary of Housing and Urban Development. Secretary Kemp never had an opportunity to implement his vision of empowerment zones.

Empowerment zone legislation was finally enacted as part of the Omnibus Budget and Reconciliation Act of 1993 on August 10, 1993. This legislation proposed the establishment of nine empowerment zones, six urban and three rural zones, in distressed communities. Empowerment zones received some funding of $100 million as well as significant tax benefits designed to encourage employment in the empowerment zone. On December 21, 1994, President Clinton announced the designation of six urban empowerment zones and three rural empowerment zones. Another 66 urban communities and 30 rural communities were designated as enterprise communities with reduced benefits. The urban zones were New York City, Camden/Philadelphia, Atlanta, Chicago, Baltimore, and Detroit.

Nevertheless, no program, however well intended and designed, will work if the wrong people and the wrong communities are selected to implement and carry through the program. Much to my concern, the HUD IG confirmed my worst fears that HUD's designation of the empowerment zones did not likely include those communities that had put together the best partnerships and plans for implementing the empowerment zones.

The HUD IG report—pages 2, 6, and 7—indicates that the entire selection process was handled as a discretionary process, with all final decisions made by the Secretary. The report raises major issues as to whether HUD used a competitive or meritorious process in designating zones. The report is clear that if a competitive process was used, there is no record of the decisionmaking.

This is no way to run a program. Cities and localities exerted tremendous energy to forge partnerships and leverage local funding to put the best empowerment zone plan forward. These cities and localities believed that their applications would be considered on a level playing field.

I have heard reports that many of the designated empowerment zones have not performed well, that projected partnerships have faded and that

groups in some cities are having a food fight over the funding and the benefits. I know that major concerns have been raised with respect to the empowerment zones in Camden/Phillie and New York City. I think that it is time that we revisit and audit the current status of empowerment zones. If Federal dollars are being misused or abused, we need to find out, and we need to ensure that HUD is doing its job in preventing abuses.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BOND. Mr. President, I note that Kansas City got an empowerment zone as well. But there were many questions raised in it. I have no further debate on this.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 5181) 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. 5182

(Purpose: To require the Secretary of Veterans Affairs to convey certain real property to the City of Tuscaloosa, Alabama)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This amendment is offered on behalf of Senator SHELBY. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] for Mr. SHELBY, proposes an amendment numbered 5182.

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

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

The amendment is as follows:

At the end of title I, add the following:

SEC. 108. (a) The Secretary of Veterans Affairs may convey, without consideration, to the city of Tuscaloosa, Alabama (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in the northwest quarter of section 28 township 21 south, range 9 west, of Tuscaloosa County, Alabama, comprising a portion of the grounds of the Department of Veterans Affairs medical center, Tuscaloosa, Alabama, and consisting of approximately 9.42 acres, more or less.

(b) The conveyance under subsection (a) shall be subject to the condition that the City use the real property conveyed under that subsection in perpetuity solely for public park or recreational purposes.

(c) The exact acreage and legal description of the real property to be conveyed pursuant to this section shall be determined by a survey satisfactory to the Secretary of Veterans Affairs. The cost of such survey shall be borne by the City.

(d) The Secretary of Veterans Affairs may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

Mr. BOND. I do not believe this is controversial. It provides permissive authority to the Veterans' Administration to transfer lands to the city of Tuscaloosa, AL, for a recreational facility.

Ms. MIKULSKI. Mr. President, we consulted with the Veterans' Administration, and they have advised us they also concur with the amendment. I do so and therefore urge that the amendment be adopted.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 5182) 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.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 5176, AS MODIFIED

Mr. BOND. Mr. President, I ask that the pending business be amendment No. 5176, the McCain amendment on the Federal Emergency Management Act.

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

Mr. BOND. Mr. President, on behalf of Senator MCCAIN, I send to the desk a modification. This modification makes one small change.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 75, line 10, after the word ''expended'' insert the following: ''*Provided*, That no money appropriated for the Federal Emergency Management Agency may be expended for the repair of yacht harbors or golf courses except for debris removal; *Provided further*, That no money appropriated for the Federal Emergency Management Agency may be expended for tree or shrub replacement except in public parks; *Provided further*, That any funds used for repair of any recreational facilities shall be limited to debris removal and the repair of recreational buildings only.''

Mr. BOND. This change, after much intensive work, and extensive staff discussion and thought, changes the word ''marinas'' to ''yacht harbors,'' which I think satisfies the concerns that were raised in the discussion of the MCCAIN amendment. I believe it is agreeable on both sides.

As I stated in the discussion of it, this is just the beginning of what needs to be a major review of the limitations on disaster relief for recreational and landscape facilities, a part of the process that the FEMA IG has said must be undertaken. FEMA has agreed to undertake it, and we may be revisiting this in conference. Certainly we will work with the authorizing committees afterward to get a much better control over the expenditures of disaster relief money.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. First of all, Mr. President, the modification was made at my request. As the Senator knows, marinas in many instances are small businesses and are the equivalent in my State of family farms or small ranches. So we thank Senator MCCAIN for his courtesy in modifying it. We do support the amendment because it is based on an IG report. We think it really brings an important discipline to the FEMA program. We can fund disasters but we cannot create a budget disaster for ourselves. Therefore, I urge the adoption of the MCCAIN amendment as modified.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 5176), as modified, 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. 5183

(Purpose: Deletes EPA language relating to funds appropriated for drinking water state revolving funds. This language is no longer necessary given the enactment of drinking water state revolving fund legislation)

Mr. BOND. Mr. President, I send to the desk a technical amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 5183.

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

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

The amendment is as follows:

On page 72, beginning on line 11, strike the phrase beginning with '', but if no drinking water'' and ending with ''as amended'' on line 15.

Mr. BOND. Mr. President, this amendment is a technical amendment. It is cleared on both sides. It simply deletes a provision that we carried in the bill when it was reported out of the Appropriations Committee at that time. The drinking water legislation had not been enacted. It obviously has now been enacted and signed into law. So we delete the provision, and with the enactment of the drinking water legislation, this language is no longer necessary.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I concur with Senator BOND's amendment and urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 5183) 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.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 5184

Mr. BOND. Mr. President, I send an amendment to the desk on behalf of Senator BENNETT and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] for Mr. BENNETT, proposes an amendment numbered 5184.

Mr. BOND. Mr. President, I ask unanimous consent that further 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:

SEC. . GAO AUDIT ON STAFFING AND CONTRACTING.

The Comptroller General shall audit the operations of the Office of Federal Housing Enterprise Oversight concerning staff organization, expertise, capacity, and contracting authority to ensure that the office resources and contract authority are adequate and that they are being used appropriately to ensure that the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation are adequately capitalized and operating safely.

Mr. BENNETT. Mr. President, I rise today to add an amendment to H.R. 3666 which will emphasize my concern about the multiyear delay of a scheduled GAO audit of the OFHEO, Office of Federal Housing Enterprise Oversight. OFHEO is required by statute to create an effective review process to, in effect, ensure the fiscal safety and soundness of Freddie Mac and Fannie Mae. Quite frankly, it concerned me when I was informed that OFHEO was, in turn, several years behind schedule in producing a model to oversee these two important housing enterprises.

I continue to be concerned that mission creep may take hold of this regulator. Trips abroad to consult with other countries on how to regulate their housing enterprises should be curtailed until our own regulator is up and running. Therefore, it is my intent to refocus the GAO report to make sure OFHEO is still on track, and that it continues to focus all of its efforts on completing its very important mission. It is my intent to make sure that before OFHEO grows any larger, it is on track with a clear vision of its goals and responsibilities.

Mr. BOND. Mr. President, Senator BENNETT has been a leader in this area in attempting to develop adequate oversight of the Office of Federal Housing Enterprise Oversight.

He directs that the Comptroller General audit the operations to ensure that the office resource's contract authority are adequate, they are being used appropriately to ensure that the Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, Fannie Mae and Freddie Mac are adequately capitalized and operating safely.

Ms. MIKULSKI. Mr. President, I support the amendment as offered by the Senator from Utah. He raised this very important issue during our hearings and was concerned very much about mission creep in this Office of Federal Housing and Enterprise Oversight. It was his intent, as it is ours, that it focus on ensuring that Fannie Mae and Freddie Mac have fiscal safety and soundness. It was not meant to take foreign trips and see how the world is doing this. Fannie Mae and Freddie Mac have been around. It is our job to make sure that they are not only around, but are safe and sound and ready to do the job. We want to make sure they are fit for duty.

I support the Bennett amendment as offered by Senator BOND.

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

The amendment (No. 5184) 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. 5185

(Purpose: To prohibit the consolidation of NASA aircraft at Dryden Flight Research Center, California)

Ms. MIKULSKI. Mr. President, I send an amendment to the desk on behalf of Senator SARBANES, Senator WARNER, Senator FEINSTEIN and myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. SARBANES, for himself, Mr. WARNER, Mrs. FEINSTEIN, and Ms. MIKULSKI, proposes an amendment numbered 5185.

Ms. MIKULSKI. 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 104, below line 24, add the following:

SEC. 421. None of the funds appropriated or otherwise made available to the National Aeronautics and Space Administration by this Act, or any other Act enacted before the date of the enactment of this Act, may be used by the Administrator of the National Aeronautics and Space Administration to relocate aircraft of the National Aeronautics and Space Administration to Dryden Flight Research Center, California, for purposes of the consolidation of such aircraft.

Ms. MIKULSKI. This is a very straightforward amendment, Mr. President. What it does is preclude that no Federal funds be spent in consolidating NASA aeronautics facilities at Dryden Air Force Base. We feel NASA's proposal to do this is premature. Questions have been raised about the NASA proposal by the inspector general. We have been consulting with NASA about this and have lacked clarity from NASA in terms of what its future intent is.

It is one thing, I think, to talk about consolidation, but the IG raises many yellow flashing lights. So for now we wish to prohibit the consolidation until NASA comes forward with justification that then meets the requirements established by Senator SARBANES, myself, Senator WARNER, and Senator FEINSTEIN.

We hope this can be resolved before conference. In the meantime, we support the fact that none of the funds be used by the Administrator to relocate aircraft of NASA to Dryden.

Mr. BOND. Mr. President, the Senator from Maryland has been concerned and has been very active in bringing these matters to our attention. I do agree we will look at this very carefully prior to conference. We want to work with NASA to make sure that steps they are taking are, indeed, efficient, effective and could not cause any unnecessary dislocation or hardship.

Since there are a number of colleagues who have expressed great interest in this, we will attempt to learn more about it prior to the conference. We strongly support the amendment in the current form, and urge its adoption.

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

The amendment (No. 5185) 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. 5179

(Purpose: To amend provision appropriating monies to the Council on Environmental Quality to the level approved by the House)

Mr. THOMAS. Mr. President, I call up my amendment numbered 5179.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. THOMAS] proposes an amendment numbered 5179.

In title III, at the end of the subchapter entitled: Council on Environmental Quality and Office of Environmental Quality, strike ''$2,436,000.'' and insert in lieu thereof ''$2,250,000.''

Mr. THOMAS. Mr. President, this is an amendment, obviously, that decreases the funding level for the Council of Environmental Quality in the amount of funding that was passed by the House, and I rise to discuss this.

This amendment is offered largely because of what I think is the unfortunate changes that have taken place in CEQ during the Clinton administration. Congress established this council, the National Environmental Policy Act, to facilitate the implementation of NEPA and to coordinate the environmental activities of the executive branch.

Congress envisioned CEQ as a technical resource for Federal agencies that were confronted with questions about NEPA. Unfortunately, the intention and reality have diverged under the Clinton administration. CEQ has

not fulfilled the statutory mandates of NEPA, nor many of the promises which the chairman made to this Congress. I happened to be involved with the committee hearings last year on the confirmation of this chairman, and we talked a lot about how we were going to work together.

Instead, CEQ has been actively engaged in partisan kinds of things with respect to those issues before the Congress. CEQ has not done many of the things that have been prescribed under the law. NEPA requires CEQ to provide an annual quarterly report—annual. The last report prepared was completed 3 years ago, in 1993, and that report remains the only report CEQ has prepared under the Clinton administration despite the statutory mandate.

In that report, CEQ promised a handbook to facilitate Agency compliance of NEPA. This handbook still has not been drafted, let alone published for Agency use. CEQ promised the Congress a comprehensive study of NEPA's effectiveness at the end of 1995. CEQ's effectiveness study has still not been finalized despite repeated assurances that it would be. They promised Congress it would assist the Forest Service in streamlining the Agency's issuance of grazing permits. After some initial progress, there has not been a meeting between the Forest Service and CEQ in 6 months.

Last November, Senator CRAIG and I sent a detailed letter to Ms. McGinty, the chairman, suggesting reform to NEPA, compliance at the Forest Service. Other than an initial ''thank you'' for the letter, we have not heard anything about those suggestions.

This lack of followup is all too common at the CEQ and indicative of an Agency which apparently has lost its way. Things CEQ has been doing under the administration, CEQ has been involved in every timber sale which has occurred in national forests, been involved in the northern spotted owl debate in the Pacific Northwest, and now injected itself into the California spotted owl.

Ms. McGinty has taken up a number of things that are basically political, propaganda, including grazing, and has characterized the Public Rangeland Management Act, passed by this Senate, as a special interest give-away; lambasted the Republican platform as full of ''anti-environmental language,'' such as private property rights and streamlining regulations, despite the fact that in the hearings she indicated that is what we ought to do, make it simpler and streamline.

On timber salvage legislation, House Members have written to the President complaining about mischaracterization of the law.

Mr. President, I guess I use this opportunity to talk a little bit about something that bothers me a great deal.

I am very much interested in the kinds of things that go on in the environment and very much interested in the kinds of things that go on in the West. I am very much interested in trying to simplify and make more effective NEPA and some of the other activities that relate to that. I think that this has not been done. I think it should be done. There needs to be a wake-up call to that committee. Perhaps this will be that.

Rather than pursue it, however, in view of the time and things we are doing, I will withdraw my amendment. But I do want to have this opportunity to say that I think we need to do something differently. There are great opportunities for this committee to be effective and to bring about less rhetoric and more action.

So, Mr. President, I thank the managers of the bill for this opportunity. I ask unanimous consent that the amendment be withdrawn, and I will continue to work with it in the conference committee.

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

The amendment (No. 5179) was withdrawn.

Ms. MIKULSKI. Mr. President, I want to comment before the Senator from Wyoming leaves the floor. I thank him for withdrawing the amendment rather than embroiling us in controversy. I want to acknowledge the concerns that he has raised, and I respect them. As we move toward conference, perhaps there is report language or something that prods EPA in the direction to be more responsive to Members' inquiries and that the focus of the agency is to review environmental legislation and comment on it from that perspective and not be a propaganda machine. I acknowledge the validity of that.

Mr. THOMAS. I thank the Senator from Maryland, and I look forward to further discussion.

Mr. BOND. Mr. President, let me add my thanks, also, to the Senator from Wyoming for allowing us to move past that particular amendment. We have worked very hard to avoid some of the controversies. We are not going to avoid all of them. But we did understand what he said and the concerns he has. We have heard others raise those concerns. We will work with him and other Members to try to resolve those concerns. We very much appreciate his consideration in withdrawing the amendment.

FEMA AUDIT OF KAUAI COUNTY

Mr. INOUYE. I wish to raise an issue of concern with the managers of the bill. It relates to the direction of an audit conducted by the Federal Emergency Management Agency's [FEMA] inspector general on the county of Kauai and the State of Hawaii on the damages caused by Hurricane Iniki. It looks to undo insurance settlements, sanctioned by FEMA and agreed upon 4 years ago. In doing so, the inspector general would renege on funding commitments FEMA previously made, thereby leaving the county with outstanding obligations and in debt. The State of Hawaii voluntarily purchased insurance over that which was required after Hurricane Iwa hit in 1981. To now second guess the county's settlement with its insurance carriers, and then use it as the basis for denying previously approved damage survey reports [DSR's] is without precedent. It is a disincentive for States and cities to insure themselves against natural disasters. FEMA is wrongly penalizing a State for its good faith effort to minimize future losses and reduce the expenditure of Federal funds. There are currently no clear guidelines in the Stafford Act.

Mr. BOND. As the Senator from Hawaii knows, I support efforts to improve controls on disaster relief expenditures. However, I am sympathetic to the concerns raised by the Senator. I understand that the county of Kauai and the State of Hawaii are concerned with a FEMA IG's audit report regarding damages caused by Hurricane Iniki, and I encourage FEMA to reach a resolution in which FEMA ensures that the county and State are reimbursed for all eligible costs resulting from the 1992 event. The committee also directs FEMA to provide its policy justifications and recommendations regarding this matter. Finally, I believe that FEMA's policies should do everything to encourage, not discourage, States for efforts to minimize future losses and reduce the expenditure of Federal funds, such as strong insurance requirements.

Ms. MIKULSKI. I join Chairman BOND in encouraging FEMA to reach a resolution in which FEMA ensures that the county of Kauai and the State of Hawaii are reimbursed for all eligible costs resulting from Hurricane Iniki. I also support the chairman's effort in directing FEMA to provide its policy justifications and recommendations on this matter.

Mr. INOUYE. I thank the managers of the bill for your assistance in this matter.

Mr. MURKOWSKI: Mr. President, I am here today because the people of Alaska face a very serious problem. But, unlike other times when we face problems and find solutions, in this case the solution may be even worse. I'm referring to the use of oxygenated fuels to reduce the emissions of carbon monoxide. These alternative fuels are required by the Clean Air Act Amendments of 1990. Alaska has two areas where carbon monoxide levels are above those required by the law. But when we tried using gasoline treated with ether-based oxygenates, the people of Alaska became ill. Headaches, coughs, nausea, as well as other ailments, all resulted from exposure to these fuel additives.

Additionally, study after scientific study shows, oxygenated fuel doesn't reduce carbon monoxide levels in the extreme cold of Alaska. This finding was recently reinforced by a report of the National Research Council [NRC].

The NRC recognized that oxygenated fuels decrease carbon monoxide emissions under Federal test procedure conditions using fuel-control systems, but also stated that ''* * * the data presented do not establish the existence of this benefit under winter driving conditions.'' And oxygenates increase the costs of gasoline for the average working Alaskan. In sum, Mr. President, no environmental benefit, adverse health effects, and higher fuel costs. This is not the solution the Clean Air Act intended.

I am pleased to be here with my friend Senator BOND from Missouri and my friend Senator FAIRCLOTH from North Carolina to discuss this issue today. In previous years, the VA/HUD Appropriation Act has included language that prohibited implementation of an oxygenated fuel program in States where the winter temperature is below 0 degree. That language was designed to allow time for additional studies to be conducted on using ethanol-treated fuel in our cold weather, and to keep Alaskans from suffering adverse health effects with no environmental improvement in the quality of our air. I had hoped to see that amendment included in this year's bill.

Mr. BOND. I appreciate the situation facing the Senator from Alaska. I know he also appreciates the situation of our committee. We in Congress have tried very hard this year to address difficult issues that arise over implementation of our environmental laws. America has made significant progress in improving environmental quality, but sometimes our efforts to protect health and the environment have the opposite effect. Unfortunately, it has become increasingly difficult and unwieldy to address each of these instances in appropriations legislation.

Mr. MURKOWSKI. I thank my friend from Missouri, and I understand that his appropriations legislation cannot be turned into the Senate's version of the Corrections Day Calendar such as we have in the House. It is my intention to refrain from offering my amendment at this time, but I will need the able assistance of the chairman of the VA/HUD Subcommittee, and my distinguished colleague from North Carolina, the chairman of the Subcommittee on Clean Air of the Environment and Public Works Committee in addressing this problem. I believe the people of Fairbanks want to take the appropriate steps to address their carbon monoxide problem. I also think that the administration of region 10 of the U.S. Environmental Protection Agency is willing to work with them in a cooperative, flexible manner. But the science is clear that oxygenated fuel may not be the answer in very cold weather. I would ask the assistance of the subcommittee chairmen in two areas. First, will they aid us in working with the EPA to craft emission reduction programs for Alaskans that are flexible and workable? And second, will they work with the Alaska delegation to fix the provisions in the statute that may be driving Alaska toward remedies for air pollution that don't work?

Mr. FAIRCLOTH. I will be happy to assist the Senator from Alaska in any way I can regarding the possible misapplication of Clean Air Act requirements. The citizens of Alaska should not be forced to accede to a regulatory scheme which imposes significant additional costs, has no discernable health or environmental benefit, and may actually be creating harmful health effects. Together with the EPA, we can work to fix this situation for the people of Alaska and those similarly situated in other parts of the country.

Mr. BOND. The Senator from Alaska can count on any assistance I may be able to provide as he seeks a solution of this problem for his affected constituents.

Mr. MURKOWSKI. I thank my colleagues and I thank the Chair.

CLEAN LAKES PROGRAM FUNDING IN EPA BUDGET

Mr. LEAHY. Mr. President, the Clean Lakes Program, administered by EPA under Section 314 of the Clean Water Act, is in serious jeopardy. For many years, this valuable program helped define the causes and extent of pollution problems in our Nation's lakes. States used program grants to implement effective treatments to restore environmentally degraded lakes, and to guard against future damage.

Nearly 90 percent of the U.S. population lives within 50 miles of a lake, with a combined economic impact of billions of dollars. The Clean Lakes Program has provided targeted assistance to these lakes resulting in renewed recreational opportunities, increased wildlife, and enhanced property values that improved water quality brings.

Despite this track record however, EPA is in the process of combining the Clean Lakes Program with the much larger Nonpoint Source Pollution Control Program, Section 319 of the Clean Water Act. Section 319 is designed to address polluted runoff from cities, farms, and other sources. The needs of lake managers and lake users are too easily lost when forced to compete with projects affecting entire watersheds. Ironically, some of the most visible and immediate problems facing lake users, such as controlling non-native nuisance aquatic weeds like Eurasian water milfoil and hydrilla, are not even eligible for funding under the 319 program. These weeds, introduced from Asia and other locations, are threatening aquatic habitat, recreation, navigation, flood control efforts, and waterfront property values. When Vermont found a beetle that appeared to be controlling milfoil, the Clean Lakes Program provided funds to investigate further to determine whether the beetle could be used for weed control. Vermont's investigations have now ended, but numerous other States around the country, including Minnesota, Wisconsin, Illinois, Massachusetts, and Washington, have recently taken up the effort and are carrying on the work. Together, this work may result in a cost-effective control method for Eurasian milfoil. Without the Clean Lakes Program, Vermont would not have been able to initiate the studies, and other States would not have been able to expand on Vermont's efforts to solve a national problem.

The Clean Lakes Program has been highly successful in helping individual States restore lakes with severe problems, and then using the lessons learned in the process to help other States restore their lakes as well. Each State needs the information and experience gained by other States to cost-effectively restore their own lakes.

The Appropriations Committee recognized the importance of preserving the important qualities of the Clean Lakes Program in the fiscal year 1996 Appropriations bill, as the House has done in its fiscal year 1997 report, by including language specifically requiring EPA to continue funding the activities of the Clean Lakes Program through section 319. Senator BOND, do you support the language included in the House Appropriation bill specifying that activities like aquatic plant control, previously eligible for funding under the Clean Lakes Program, qualify for funding under the section 319 program?

Mr. BOND. Senator LEAHY, I know you have been a long time supporter of the Clean Lakes Program, and that the program has funded valuable lake inventory and restoration activities in Vermont and around the country. While this bill does not fund a separate Clean Lakes Program I do continue to support the language included in the fiscal year 1996 Appropriations bill and again in the House appropriations bill for fiscal year 1997, clarifying that activities funded under the Clean Lakes Program should continue to be funded under the 319 program.

ROBERT S. KERR ENVIRONMENTAL RESEARCH LABORATORY

Mr. INHOFE. Mr. President, I would like to take this opportunity to thank my colleagues for including language in last year's report that accompanied the VA, HUD, and independent agencies appropriations bill, encouraging the ground-water quality and remediation procedure research at the Kerr Environmental Research Laboratory in Ada, OK. I would like to particularly thank Subcommittee Chairman BOND and ranking member Senator MIKULSKI. I would also like to thank my colleagues for including the reauthorization of the Kerr Laboratory and University Consortium in the Senate-passed Safe Drinking Water Act. The Kerr Environmental Research Laboratory is a vital component of our country's environmental research. The laboratory is the premier ground water research facility in the United States and the world. The work accomplished at

this facility is vital to both the Drinking Water and Superfund programs.

Mr. BOND. I thank the Senator from Oklahoma for raising the importance of this research facility. The legislation under consideration does not specifically reference the Kerr laboratory although the importance of its research is fundamental to many of the programs at the Environmental Protection Agency. It is my understanding that the purpose of the Kerr Laboratory is to develop the knowledge and technology needed to protect the United States' ground water supplies and conduct research to develop better ways to clean up existing ground water contamination. This research is important for the recently reauthorized Safe Drinking Water Act and the Superfund Program.

Mr. INHOFE. I thank my colleague from Missouri. As members of the Senate Environment and Public Works Committee we share a concern that the programs at the EPA should be grounded in sound science and that the Agency must continue to produce sound scientific research to be used in the regulatory process. Continuing and encouraging the ground water research at the Kerr Laboratory will not only help protect the environment but will ensure that newly developed knowledge and technology for ground water remediation at contaminated sites to be made available to the remediation industry in a usable and timely manner. This research facility is essential in continuing to protect our country's ground water resources and I urge the EPA to continue to support the Kerr Laboratory.

EPA FUNDING FOR THE SOKAOGON CHIPPEWA COMMUNITY

Mr. KOHL. I would like to engage the chairman of the subcommittee, the Senator from Missouri, in a colloquy regarding EPA funding for the Sokaogon Chippewa community in Wisconsin to assess the environmental impacts of a proposed sulfide mine.

In the fiscal year 1995 and fiscal year 1996 VA, HUD, and Independent Agencies Appropriations Acts, funding has been provided to assist the Sokaogon Chippewa community in Crandon, WI, in their efforts to gather the baseline data needed to adequately assess the effects of a large sulfide mine proposed adjacent to their reservation. As a result of the proposed mine, concerns have been raised about the possible degradation of the ground and surface water in the area, as well as possible negative effects on the wild rice production activities within the reservation.

I believe that the efforts undertaken by the Sokaogon Chippewa community are very worthwhile, and have been helpful in allowing the tribe to contribute accurate and up-to-date data to the Federal agencies reviewing the mine proposal. Would the Senator from Missouri agree that this project is very worthwhile?

Mr. BOND. I thank the Senator from Wisconsin for raising the ongoing concerns of the Sokaogon Chippewa community, and I concur with the Senator that their efforts to be proactive in assessing the potential efforts of mining on their lands are worthwhile and laudable.

Mr. KOHL. While funding has not been provided specifically for the Sokaogon Chippewa in the Senate version of this year's bill, it is my understanding that there are many other opportunities for securing Federal funding for this project. First and foremost, I would like to request the chairman's strong consideration for this project during conference with the House. In the past 2 fiscal years, the conference committee has included funding for this project, and the same arguments for its inclusion continue this year as well.

Mr. BOND. I assure the Senator from Wisconsin that I will certainly give this project every consideration in conference. Further, there are many additional options available for funding important projects such as this. For example, it is not unusual for EPA to fund projects through the reprogramming of funds from other programs or lower priority projects.

Mr. KOHL. I thank the Senator for his comments, and look forward to continuing to work with him on this matter.

WEST CENTRAL FLORIDA ALTERNATIVE WATER SOURCE PROJECT

Mr. MACK. Mr. President, the subcommittee has generously funded several alternative water source projects in west central Florida in the last two EPA budgets. These funds have provided critical support to assist with the development of new technologies and applications to help ensure that the fastest growing State in the country will be able to keep up with the ever-increasing demand for water for potable, agricultural, commercial, and industrial uses. The subcommittee's support for these programs has been greatly appreciated as Senator GRAHAM and I have been working with our colleagues in both the Senate and the House to establish an authorized program for Florida and other Eastern States to assist with the development of alternative water sources similar to those currently available to most of the Western States through the Bureau of Reclamation. Although the subcommittee was not able to make any funds available during fiscal year 1997 for the projects in Florida, I want to thank the chairman for his past support and look forward to working with him to address this important concern in next year's appropriations bill for EPA.

Mr. BOND. I appreciate the remarks of the Senator from Florida and commend him and others working on this to responsibly plan for our Nation's future water supply needs. I share his concerns and look forward to working with him. I would note that the VA/HUD bill provides $1.275 billion for drinking water State revolving funds, providing much needed assistance to every State for such meritorious projects as those raised by the Senator from Florida.

UPPER MIDWEST AERONAUTICS CONSORTIUM

Mr. DORGAN. I would like to thank the chairman and the ranking member for including language in the report to accompany the fiscal year 1997 VA–HUD appropriations bill concerning the Upper Midwest Aeronautics Consortium [UMAC], a group of universities and businesses which are working with NASA's Mission to Planet Earth. I would simply like to clarify one point about the report language.

Mr. BOND. We would be happy to engage in a colloquy with the Senator on this matter.

Mr. DORGAN. The report language accompanying the bill states that UMAC has successfully completed an initial study of the concept of converting Mission to Planet Earth [MTPE] data into practical information for use by the public and that NASA should give every consideration to funding UMAC under a solicitation program for the expanded use of MTPE data in the areas of agriculture, education and natural resources. I would just like to clarify that UMAC is not limited by the report language solely to funding under this grant program but can seek additional assistance from other NASA sources as well.

Mr. BOND. The Senator from North Dakota is correct. UMAC can seek funding from any available sources within NASA, and is not limited to the grant solicitation program mentioned in the Committee report.

Ms. MIKULSKI. That is my understanding as well. I am very pleased with the work accomplished by UMAC to date in making data from MTPE available to the public. This kind of practical application of scientific data is exactly the type of public private partnership that we should be encouraging. It has the potential for reaching thousands of our citizens, providing them with a broader base of understanding and support for the important work of Mission to Planet Earth.

Mr. DORGAN. I would like to thank both Chairman BOND and Senator MIKULSKI for this clarification.

DIABETES INSTITUTES AT THE EASTERN VIRGINIA MEDICAL SCHOOL

Mr. ROBB. Would the distinguished chairman and ranking member of the subcommittee be willing to enter into a colloquy with this Senator concerning some language included in the conference report to the House passed VA/HUD appropriations bill?

Ms. MIKULSKI. The Senator from Missouri and I would be pleased to enter into a colloquy with the Senator from Virginia.

Mr. ROBB. I thank my colleague and I say to my friends, we have in Norfolk, Virginia, a medical center—the Diabetes Institutes at the Eastern Virginia Medical School—which is distinguished for its work in diabetes research, education, and clinical care. The Diabetes

Institutes is interested in establishing a research program with the Veterans' Administration to reduce the cost of care to veterans with diabetes. The House of Representatives included report language in support of the diabetes Institutes in this regard, and I wondered if the Chairman and ranking member of the subcommittee here in the Senate would be willing to work to retain the House language in conference.

Mr. BOND. I have no objection to the House report language.

Ms. MIKULSKI. I would be pleased to do what I can to retain the House language in support of the Diabetes Institutes in the final conference report.

Mr. ROBB. I thank my friends from Missouri and Maryland for their kind assistance with this matter.

ONONDAGA LAKE MANAGEMENT CONFERENCE

Mr. MOYNIHAN. Mr. President, I rise to enter into a colloquy with the distinguished Senator from Missouri and the distinguished Senator from Maryland about funding for the Onondaga Lake Management Conference. As they both know, the conference was authorized in 1990 to develop a plan for the cleanup of Onondaga Lake, the most polluted lake in the country. The commission is composed of the State and local officials involved in the cleanup effort, as well as representatives from the Army Corps of Engineers and the EPA.

In addition to the ongoing planning effort, the Commission helps support pilot programs to restore plants and fish to the lake, demonstration projects to measure oxygenation of the lake, remediation projects to address combined sewer overflow problems, and other important initiatives.

Ongoing funding is necessary to complete the work of the conference, including these projects. I ask my colleagues to consider an allocation of $500,000 for the management conference when this bill goes to conference.

Ms. MIKULSKI. I am aware of the work being done by the management conference, and that we have funded it each year since fiscal year 1990. I too hope we will be able to set aside funds for the operations of the conference.

Mr. BOND. I agree that we should try to identify funds to keep the management conference in operation.

SARASOTA BAY NATIONAL ESTUARY PROGRAM

Mr. MACK. Mr. President, I want to express my appreciation for the chairman's support of my efforts in coordination with Senators GRAHAM, LIEBERMAN, and DODD to clarify the EPA's authority to obligate funds to assist State and local governments in implementing comprehensive conservation and management plans prepared through the National Estuary Program. It is important that we do this so that the knowledge we have gained since the program's inception is not lost for lack of the Federal Government being able to contribute its fair share for implementation activities. On that point, Mr. Chairman, I would like to call to your attention the committee report which expresses its support for the administration's request for, among other EPA programs, the National Estuary Program, and of particular interest to me, ''full funding of the Sarasota Bay project.'' As the Chairman knows, the administration's request for the NEP is not adequate to support a full implementation effort and I would ask for your confirmation of the subcommittee's intent that EPA make every effort to make funds available from other programs to supplement its budget request for the NEP to support CCMP implementation efforts such as the Sarasota Bay project.

Mr. BOND. I thank the Senator from Florida for bringing this important issue to the subcommittee's attention and appreciate his kind words. We are glad to be able to help with this in cooperation with Senator CHAFEE and the Committee on Environment and Public Works. I concur that EPA should provide adequate support to the NEP, and request a reprogramming if necessary.

Mr. CRAIG. If I might ask the distinguished chairman of the Subcommittee on VA, HUD, and Independent Agencies Appropriations about the EPA review of the national ambient air quality standard for particulate matter. I understand that there are recent epidemiological studies that indicate a correlation between exposure to air polluted with particulates and adverse human health effects, and that EPA is studying this matter as a high priority.

Mr. BOND. I thank the Senator from Idaho for raising this important point. The EPA has indicated to our committee that it is highly concerned about the health effects of particulates. We have met the EPA's request for funding for this program, and included $18.8 million. These funds are for health effects research, exposure research, improving monitoring technologies, modeling studies, and other key requirements.

Mr. CRAIG. I am pleased to learn that the committee has directed this level of funding to EPA for this important research. This comprehensive research program is very much needed. At present, there appears to be insufficient data available for the agency to decide what changes, if any, should be made to the current standard. There is no scientific consensus on whether it is necessary to change the current ambient air quality standards for particulate matter to protect human and environmental health. It has come to my attention that in a letter to EPA on June 13, 1996, EPA's own Clean Air Scientific Advisory Committee concluded that ''our understanding of the health effects of [particulates] is far from complete,'' and these scientific uncertainties prevented the committee from agreeing on the agency's suggested new particulate standards. In addition, the former chairman of this advisory committee who is now a consultant to the advisory committee, Roger McClellan, wrote the current chairman in May to advise him that ''the current staff document does not provide a scientifically adequate basis for making regulatory decisions for setting of National Ambient Air Quality Standards and related control of particulate matter as specified in the Clean Air Act.'' Finally, in a peer-reviewed article just published in the Journal of the National Institute of Environmental Health Sciences, scientists John Gamble and Jeffery Lewis conclude that the recent epidemiology studies that show statistically significant acute health effects of particulate air pollution do not meet the criteria for causality. They suggest that the weak statistical correlations of increased mortality are as likely due to confounding by weather, copollutants, or exposure misclassification as they are by ambient particulate matter.

As the chairman is aware, EPA is under a Federal court order to make a final decision on whether to revise the current clean air rule regarding particulate matter. Under the court order, EPA must make a proposed decision on or before November 29, 1996, and a final decision on or before June 28, 1997. Can the Chairman inform me whether the court order allows the agency to decide not to revise the particulate standard until there is sufficient scientific basis for doing so?

Mr. BOND. It is my understanding that the court order only requires the agency to make a final decision on whether to revise the current ambient air standard for particulates, but the order does not require the agency to promulgate a new standard.

Mr. FAIRCLOTH. If I might interject, the fact that EPA has found several studies that indicate a correlation between loading of particulates in the air and premature mortality is important. This suggested link to human health problems needs to be promptly and thoroughly investigated. My objective is to provide protection of public health and the environment by designing control strategies that reduce harmful particulates and other pollutants form the air people breathe. However, I am concerned that EPA may be rushed to judgment by the Federal courts before real science has been developed to inform the agency about which particulates, in which geographic locations, and in which concentrations are harming people and the environment. There are many questions that need to be answered about particulate matter, as EPA's Clean Air Scientific Advisory Committee, referred to as ''CASC,'' made clear in its June 13, 1996, letter to EPA—to which the Senator from Idaho just referred. For example, we do not know the mechanisms by which particulates might affect public health. Since 1988, particulate matter concentrations have declined by more than 20 percent, with substantial future declines in particulates expected to result from compliance with existing clean air standards. Moving forward with the targeted research program recommended by the

CASAC is essential to understand the health problems associated with particulates. That better understanding of the health effects caused by particulates is needed before we can design an effective control strategy. I would note for my colleagues that this EPA advisory committee is meeting again in early September to design this particulate research program.

* * * * *

Mr. FAIRCLOTH. If the chairman would yield, I would ask whether any of the money in the fiscal year 1997 funding for particulate research will go to implementing an ambient air quality and emissions monitoring program, and will EPA be placing the monitors, or simply telling the States to do it? We want to know not just whether this expense will bring any health benefits, but also whether it will create serious unfunded mandates problems. I would ask the chairman if he would join me in requesting that the EPA send the appropriate committees of Congress, within 90 days, a description of the monitoring program they will be implementing and to what extent EPA will fund the cost of that program, and whether they intend to ask for additional funding in fiscal year 1998.

Mr. BOND. Yes; the agency has informed me that it will be using the 1997 appropriation for both increased health effects research and, in addition, more than $2 million will be for initiating an emissions monitoring program. In addition, it is my understanding EPA will be requesting additional funds for monitoring in its fiscal year 1998 budget submission. It is my expectation that the agency will request the funds necessary to establish a thorough and scientifically defensible monitoring program. I concur that EPA should send us a description of their proposed comprehensive monitoring program and a budget proposal.

I thank my colleagues, and I agree with my colleagues that EPA should seriously consider a no change option as part of its proposed decision due by November 29. However, I would add that in view of the potential for harm to the public from particulates, a prudent option for the November deadline would be to reaffirm the current ambient air standard—and thus not disrupt ongoing programs—while moving expeditiously to implement a sound research agenda upon which to base future decisions.

Mr. President, I am also concerned that EPA must pay closer attention to the potential adverse impacts of changes to the particulates standard on small businesses. I am aware that EPA is taking the position that changes to the particulates standard do not impact small business in terms of implicating the Regulatory Flexibility Act, because the EPA's standards do not create burdens on small business, it is the State implementation plan. As a primary author of the 1996 amendments to the Regulatory Flexibility Act, I strongly disagree with the agency's interpretation, and believe that EPA agency should fully comply with the requirements imposed on Federal agencies by that act.

NASA WORK FORCE RESTRUCTURING REPORT

Mr. GLENN. I would like to discuss an important issue with the distinguished Chairman and ranking member of the subcommittee regarding NASA's civil servant work force and their collective future. Last month the General Accounting Office [GAO] provided me with an assessment of NASA's efforts and plans to decrease its staffing levels. As ranking member of the Governmental Affairs Committee with jurisdiction over the Federal civil service laws, I was keenly interested in learning how NASA was meeting its aggressive work force restructuring goals.

As my friends know, in the early 1990's, NASA was projecting its civil service work force to be about 25,500; however, budget levels have drastically changed that projection. Currently NASA's work force stands at about 21,500, and plans to reduce it to 17,500 by fiscal year 2000. The GAO report, entitled ''NASA Personnel: Challenges to Achieving Workforce Reductions,'' discusses various steps NASA has taken to reduce its work force to current levels. The GAO report suggests that NASA should provide to Congress a work force restructuring plan which lays out in detail how NASA intends to meet its work force goals. I would note that I have heard from employees at NASA's Lewis Research Center outside the Cleveland who are very concerned about their future, and the future of NASA-Lewis. I will continue to do everything I can to make sure that Lewis remains a top flight research facility.

Ms. MIKULSKI. The subcommittee is deeply concerned about the timetable and process which NASA intends to follow to achieve its stated goal of reducing the NASA work force from the current level to 17,500 by the year 2000. Notwithstanding its civil service goals, the subcommittee believes that NASA should maintain the institutional capability to accomplish our national aerospace objectives.

In part due to the severe budget constraints the agency faces, various NASA initiatives have called for the following: One, shifting program management from headquarters to field centers; two, transitioning to a single prime contractor for space flight operations; and three, privatization initiatives such as the science institute concept. It is unclear how each of these proposals will contribute to the future FTE goals.

Many employees at Goddard Space Flight Center, NASA's Wallops island facility and headquarters are my constituents, and have expressed concerns similar to those my friend from Ohio has heard from NASA Lewis. I will stand sentry to ensure that as many jobs as possible are protected. I have asked NASA headquarters to explain why their current approach is necessary.

Mr. BOND. I would add my recommendation that NASA develop a work force restructuring plan to be submitted with the agency's fiscal year 1998 budget. This document should provide NASA's current plan for reaching the fiscal year 2000 FTE figure. In developing this plan, the Administrator shall consult with the Secretary of Labor, appropriate representatives of local and national collective bargaining units of individuals employed at NASA, appropriate representatives of agencies of State and local government, appropriate representatives of State and local institutions of higher education, and appropriate representatives of community groups affected by the restructuring plan.

Mr. GLENN. I strongly support that such a plan be submitted to the Congress. Further, I believe that for NASA headquarters and each field center, the plan should clearly establish the annual FTE targets by job description. The plan should also discuss what process and any assistance that will be provided to those employees whose jobs will be eliminated or transferred. To the extent possible the plan should be developed so as to minimize social and economic impact.

I would note that the Department of Energy has a legislative mandate to prepare a work force restructuring plan prior to any significant change in the work force at any of DOE's facilities. I was a primary author of this legislative provision—Public Law 102–484, section 3161. I believe that NASA should take a careful look at how DOE has developed their work force restructuring plans as it prepares the plan which we are requesting.

Ms. MIKULSKI. I agree with the Senator from Ohio. In addition, the President has indicated the need for a national space summit to elucidate our national space goals. I have been calling for such a summit for several months, and am pleased to see the President take this necessary step. Clearly the results of the space summit should also be incorporated into this work force restructuring plan.

Mr. GLENN. I thank my friend from Missouri and my friend from Maryland for their courtesy, and I would strongly encourage them to adopt language in the statement of the conference managers which would implement the work force restructuring plan we have discussed today.

Mr. BOND. The subcommittee will seriously consider the Senator's suggestion, and will work to implement it during the conference on our bill.

IMPROVEMENT AND REFORM OF THE FEDERAL ABOVEGROUND STORAGE TANK PROGRAM

Mr. ROBB. Mr. President, as the Senate considers fiscal year 1997 appropriations for the Environmental Protection Agency, it is only fitting that we highlight the need for reform in the manner in which EPA, in conjunction with the Department of Transportation and the Occupational Safety and Health Administration, regulates aboveground

petroleum storage tanks [AST's]. Under current Federal law, no less than five Federal offices are tasked with jurisdiction over these tanks. The myriad of Federal and State statutes coupled with the number of Federal offices administering the various regulations results in a situation which is at best confusing for aboveground storage tank owners, costly to taxpayers, and harmful to the environment.

Twice, once in 1989 and again in 1995, GAO has issued reports which detail how EPA should strengthen its program to improve the safety of aboveground oil storage tanks. While it is true that EPA has taken steps to implement some of the recommendations, EPA has yet to take substantive action on many others.

Ms. MIKULSKI. We are certainly committed to protecting and improving our environment. I would like to thank the distinguished Senator for highlighting this issue. I know that his State experienced a serious leak at an aboveground storage tank farm in Fairfax County, VA. I am interested in knowing how serious is the problem nationwide?

Mr. ROBB. In addition to the confusion created by the patchwork of laws regulating these aboveground petroleum tanks, a far graver problem exists with respect to the frequency with which these tanks and their pipes are currently leaking, releasing petroleum into the environment. Two GAO studies, one in 1989 and the other in 1995, found a significant number of tanks were leaking between 43 and 54 million gallons of oil per year.

More recently, there have been countless news reports on tank releases, leaks, failures and fires. Unfortunately, current Federal law only requires tank owners to report releases that contaminate surface water. There is no similar reporting requirement for underground leaks, and EPA does not have the authority to respond to leaks that contaminate ground water. Just last month, lightening struck an AST at a Shell gasoline facility in Woodbridge, NJ, igniting a fire that seriously injured 2 people and forced the evacuation of 200 nearby residents.

Although this fire was started by an act of nature, it's instructive because it highlights the serious dangers associated with AST fires, which pose complex challenges to firefighters, jeopardize nearby communities, and threaten ground water contamination. From Anchorage, AK, to the Everglades in Florida, damage from leaking tanks has been incurred, and some areas permanently spoiled from millions of gallons of leaked oil. This problem poses a critical threat to our country's ground, surface, and drinking water. With approximately half a million aboveground storage tanks located throughout this Nation, this is simply a matter we cannot continue to ignore. The tank fire in New Jersey serves to further demonstrate the need for improvement of AST safety and operation. The future safety of our families and homes depends upon meaningful reform in this area.

I think my colleague from South Dakota can also shed some light on this problem. Mr. President, would the Democratic leader please share his State's experience with an AST release that occurred 6 years ago in Sioux Falls.

Mr. DASCHLE. Certainly, but first I want to take a moment to thank the Senator from Virginia for his longstanding dedication and leadership on this issue. We have worked together on AST legislation since the 102d Congress, and again I appreciate this opportunity to work with him.

Senator MIKULSKI may remember that 6 years ago Sioux Falls suffered an AST leak of great magnitude. I can tell my colleague from personal observation that the environmental and public health effects of the spill were devastating, not to mention the costly cleanup expenses incurred. We now have the means to prevent similar incidents in my State and throughout the Nation.

My colleague from Virginia indicated the two GAO reports confirm that AST leakage is a prevalent problem across the country.

Mr. ROBB. I want to add that the underground storage tank program at EPA has enjoyed a wide measure of success. It is both comprehensive and understandable. Certainly, the regulation of above-ground petroleum tanks warrants similar consideration. Also, EPA has established an effective response program to surface water oilspills. EPA should now place a focus on improving the safety of AST operations and on leaks to ground water. This could only bolster EPA's spill prevention and response program.

Ms. MIKULSKI. In the opinion of the Senator, what would be the most effective means of addressing the issue?

Mr. ROBB. First, a commonsense approach is necessary. We can improve the Federal program so that it complements industry's efforts to improve voluntary AST standards. Some say that industry and environmental groups cannot work together to improve the environment. I simply do not believe this has to be the case.

In January, Senator DASCHLE, Senator SIMPSON, and I introduced a bill on AST's that is the product of a coalition of several industry and environmental groups. Our bill seeks not only to improve the environment with respect to above-ground tanks, but also seeks to reduce the regulatory requirements on industry.

We need Federal legislation to improve and reform the Federal program regulating AST's. This will provide more clear, concise guidelines to tank owners and operators, and enable EPA to deal swiftly and effectively with threats to human health and the environment.

Specifically, the bill would require EPA to consolidate its aboveground storage tank offices into one office on storage tanks. In conjunction with this restructuring, the bill requires EPA to work with the Department of Transportation and the Occupational Safety and Health Administration to streamline and simplify the current regulatory structure affecting aboveground petroleum storage tanks and their owners.

To improve the safety of large AST's that store oil, the bill also requires EPA to review current regulations to determine if gaps may exist, specifically with reference to secondary containment, overfill prevention, testing, inspection, compatibility, installation, corrosion protection, and structural integrity of these large petroleum tanks. Where current industry standards do not address those deficiencies identified, the EPA would be responsible for promulgating rules in the most cost-effective manner to alleviate those gaps.

Lastly, the bill would impose new reporting requirements for petroleum leaks so that EPA will know when they occur underground. EPA should not have to wait until leaks are too large to ignore or until they have contaminated an important ground water source.

I believe EPA has worked hard to implement a strong AST program. But I also know that more could be done. It is my hope that our bill will not only compliment EPA's efforts, but also allow EPA to place a higher priority on this issue.

Mr. DASCHLE. I would also like to emphasize one final point about our AST bill. We are more than aware of the frustration felt by many over the development and enforcement of Federal regulations and the lack of sensitivity exhibited by Federal agencies, particularly in regard to environmental statutes.

The bill does not exacerbate this problem. Rather, Senator ROBB, Senator SIMPSON, and I have worked together to ensure that our bill creates workable and streamlined regulations to ensure proper precautions are taken to prevent AST leakage and spills. This bill's simplicity is its elegance. I thank the Senator for her attention to this matter.

Ms. MIKULSKI. I thank my colleagues for bringing this important issue to the Senate's attention. I look forward to working with them to help reach some meaningful resolution to the problem at hand.

Mr. ROBB. I want to thank our distinguished ranking member for the opportunity to highlight the need for this type of reform and also look forward to working with her in the future.

NCAR

Mrs. BOXER. As the distinguished ranking member of the subcommittee is aware, the National Center for Atmospheric Research, or NCAR, is in the process of procuring a supercomputer to conduct complex weather simulation analyses. NCAR is a major grantee of the National Science Foundation, NSF.

NCAR published a request for proposals to provide the most capable supercomputer for a fixed price of $35 million. Three companies made proposals—Fujitsu, NEC, and Cray Research.

Ms. MIKULSKI. I am aware of the proposed procurement. NCAR initially selected NEC, but NSF announced last week that it is halting action on the proposed procurement until the completion of an investigation into illegal dumping.

Mrs. BOXER. I am very concerned by the possibility of dumping in this case. An internal analysis conducted by Cray Research estimated that NEC's costs exceed its sales price to NCAR by over 400 percent. According to Cray's analysis, NEC proposed selling a supercomputer fairly valued at almost $100 million for only $35 million.

The day after the selection of NEC was announced, Paul Joffe, Acting Assistant Secretary of the Department of Commerce for Import Administration, advised Dr. Neal Lane, Director of the National Science Foundation, of the strong possibility of dumping in this case. In the letter, Secretary Joffe states:

> Using standard methodology prescribed by the antidumping law, we estimate that the cost of production of one of the foreign bidders is substantially greater than the funding levels projected by NCAR's request for proposals. In antidumping law terms, this means that the ''dumping margin,'' that is, the amount by which the fair value of the merchandise to be supplied exceeds the export price, is likely to be very high.

Mr. KOHL. On July 29, Cray Research filed a formal petition for investigation with the Department of Commerce and the International Trade Commission. Under the antidumping law, the Department of Commerce was required to decide whether or not to initiate a formal investigation within 20 days. The ITC has 45 days to reach a preliminary determination.

Mr. FEINGOLD. On August 19, the Department of Commerce announced that it would initiate a formal antidumping investigation. The following day, Dr. Neal Lane, Director of the National Science Foundation announced that the NSF was halting action on the supercomputer procurement. Dr. Lane said in a written statement, ''It would be inappropriate for NSF to approve this procurement until the dumping issue has been resolved.'' I would ask the distinguished ranking member of the subcommittee if she agrees with Dr. Lane's view.

Ms. MIKULSKI. I do agree. I especially agree with Dr. Lane's statement that ''Acting now on this procurement would be inconsistent with the responsible stewardship of taxpayer money.'' It is critical, both from an economic and national security perspective, that the United States maintain its leading role in supercomputing technology. Because the supercomputer industry survives on relatively few sales, each procurement project plays an important role in maintaining the supercomputer industrial and technology base. I therefore strongly concur with the NSF's recent action.

Mr. KOHL. The committee report, which was filed on July 17, notes that no official determination of dumping, preliminary or otherwise, has been made in this case. Would the Senator agree that this statement is no longer accurate?

Ms. MIKULSKI. The decision by the Department of Commerce to initiate a formal investigation is an official determination that illegal dumping may have occurred. Furthermore, the letter written earlier by Secretary Joffe strongly suggests the possibility of dumping.

Mrs. BOXER. I thank the distinguished ranking member for sharing her views on this important subject. I know that she shares my view that the NSF is a very important agency and that this procurement is very important both for NCAR and the U.S. supercomputer industry.

Ms. MIKULSKI. I will continue to monitor this situation and will do all I can to ensure taxpayer dollars are spent responsibly by the NSF and its grantees.

Mrs. BOXER. I thank the Senator. I ask unanimous consent that the statement by NSF Director Neal Lane and the letter to Dr. Lane from Secretary Paul Joffe be printed in the RECORD.

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

STATEMENT BY DR. NEAL LANE, DIRECTOR, NATIONAL SCIENCE FOUNDATION, ON SUPERCOMPUTER ACQUISITION

The U.S. Department of Commerce has announced that it is initiating an investigation to determine whether Japanese vector supercomputers were being dumped in the United States and whether these imports were injuring the U.S. industry. The investigation includes a bid submitted in a supercomputer procurement being conducted by the University Corporation for Atmospheric Research (UCAR)—an awardee of the National Science Foundation. In my view, it would be inappropriate for NSF to approve this procurement until the dumping issue has been resolved.

In light of the numerous questions raised about and interest expressed in this procurement, I am pleased that the issue of dumping is being properly addressed by the appropriate federal agencies. The Department of Commerce and the International Trade Commission have the statutory authority, the expertise, and the established procedures to determine whether this offer is being made at less than fair value, and whether it would be injurious to America industry.

I am acutely aware that the National Center for Atmospheric Research (NCAR), which is operated by UCAR, needs state-of-the-art computational equipment to maintain U.S. world leadership in climate modeling research. I feel, however, that acting now on this procurement would be inconsistent with the responsible stewardship of taxpayer monies.

I hope the investigations will proceed expeditiously and bring a prompt resolution to this matter.

U.S. DEPARTMENT OF COMMERCE,
INTERNATIONAL TRADE ADMINISTRATION,
Washington, DC, May 20, 1996.

Dr. NEAL LANE,
Director, National Science Foundation,
Arlington, VA.

DEAR DR. LANE: The Department of Commerce is responsible for administering the U.S. antidumping law, which guards against unfair international pricing practices that harm U.S. industries. Injurious dumping, which is condemned by the General Agreement on Tariffs and Trade, can have serious adverse consequences for domestic producers and future consumers.

As you requested, we have examined the proposed procurement of a supercomputer system by the National Center for Atmospheric Research (NCAR), which is funded in part by the National Science Foundation and other federal agencies through the University Corporation for Atmospheric Research, to determine if it involves dumping. We have evaluated the NCAR procurement, and have information that we believe is relevant.

Using standard methodology prescribed by the antidumping law, we estimate that the cost of production of one of the foreign bidders is substantially greater than the funding levels projected by NCAR's request for proposals. In antidumping law terms, this means that the ''dumping margin,'' that is, the amount by which the fair value of the merchandise to be supplied exceeds the export price, is likely to be very high.

We have significant concerns that importation of the NCAR supercomputer system would threaten the U.S. supercomputer industry with material injury within the meaning of the antidumping law, because the imports are likely to have a significant suppressing or depressing effect on domestic prices and because these imports could have a serious adverse impact on the domestic industry's efforts to develop a more advanced version of the supercomputer system to be supplied.

Antidumping investigations can be initiated either at the request of the domestic industry or on the initiative of the Department of Commerce. If the Department finds dumping margins and the U.S. International Trade Commission finds injury, the Department will issue an antidumping order and will instruct the U.S. Customs Service to collect from the importer of the dumped merchandise an antidumping duty in the amount of the dumping margin.

Please let us know if we may answer any questions you may have. I may be reached at (202) 482–1780.

Sincerely,

PAUL L. JOFFE,
Acting Assistant Secretary
for Import Administration.

LIHPRHA FUNDING

Mr. CRAIG. Mr. President, the Senate adopted an amendment to H.R. 3666, which was included in a package of managers' amendments, and which originally was offered by the Senator from Massachusetts [Mr. KERRY], myself, and others. This amendment will restore some certainty to the Senate's appropriation for assistance under the Low Income Housing Preservation and Resident Homeownership Act, or LIHPRHA. I appreciate the managers accepting this amendment.

Senators MOSELEY-BRAUN, KEMPTHORNE, KERRY, and I had written Chairman BOND earlier to express our support for appropriating at least $500 million for LIHPRHA this year, and to note that, within a tight and fiscally

responsible budget, this program remains a reasonable priority.

Mr. President, as always, I want to reiterate my commitment to balancing the Federal budget and keeping it balanced. Balancing the budget is all about setting priorities. This Congress, the bravest in 40 years, has passed balanced budgets and I have supported them. I have no trouble finding room within those budgets for reasonable appropriations for LIHPRHA.

I have spoken with Idahoans—tenants and owners alike—who have turned to LIHPRHA as a cost-effective way to maintain private ownership of low-income housing, to preserve that housing stock, and to keep it in good repair. Just last month, such a transfer was concluded in Moscow, ID, involving a seller and buyer who care about tenants of modest means and wanted to see their affordable housing maintained.

The VA–HUD appropriations bill, as reported, had stated its hope and intent that $500 million is available for LIHPRHA in fiscal year 1997.

But, because $150 million of that appropriation would have been conditioned on recapturing interest savings when some owners sell what we call section 236 projects and pre-pay their mortgages, the timing of that funding stream would have been highly uncertain.

Such uncertainty would hamper effective decisionmaking in HUD's regional offices and would discourage the very buyers and sellers who want to keep low-income housing available to those who need it. This preservation has noble, beneficial goals. But the current process already takes too long and involves too much redtape. We don't need to make things worse by making the timing its funding still more unpredictable.

Also, it would have mixed apples and oranges to rely on money generated when housing loses its status as low-income housing to pay for a program intended to preserve low-income housing.

Our amendment offers the best of both worlds. The funding stream for LIHPRHA would be more certain. Any unexpected surplus section 236 savings would go to deficit reduction. This creates a win-win situation.

Our amendment is budget-neutral because LIHPRHA simply would be decoupled from the section 236 recaptured interest savings. These savings would continue, as they do under current law, to go into the Treasury, instead of being made directly available to LIHPRHA. This makes more sense.

Chairman BOND and I have visited about this program last year and I appreciate his continued willingness to support this program. I know the committee has been looking for the best means of continuing the program. I hope and believe that our amendment has been helpful to the chairman and the committee in this regard.

Once this bill goes to conference, I urge the committee to do everything possible to safeguard LIHPRHA funding. It is my hope that, if possible, the conference committee on this bill could provide more for this program.

The $500 million in this bill represents a 20 percent cut from fiscal year 1996 dollars. Even at this level, there is much more low-income housing ready for sale that can be accommodated by fiscal year 1997 appropriations for preservation. These are projects for which most of the work on the part of the sellers and buyers has been completed, and for which HUD has approved plans of action. Obviously, some sellers will not be able to postpone selling until fiscal year 1998—if there are appropriations then—and will have to sell sooner, without the guarantee of preserving the low-income status of the housing.

I understand there are concerns that the results of this program may not be as favorable and economical in every case as has been our experience in Idaho. Some reforms can and should be made that would make the program more cost-effective. Chairman BOND and Senator KERRY are both members of the Banking, Housing, and Urban Affairs Committee, and I look forward to their leadership in this area.

I thank Senator KERRY for his leadership on this amendment, I commend Chairman BOND for his helpfulness in this process, and I thank the managers and the Senate for accepting our amendment.

THE PRESIDENT'S EXECUTIVE ORDER TO BRING FEDERAL SURPLUS COMPUTER EQUIPMENT TO PUBLIC SCHOOLS

Mr. LEAHY. Earlier this year President Clinton signed Executive Order 1299 to aid in the process of transferring Federal surplus computer equipment to our public schools. This is equipment that in the past has sat on palettes in Federal warehouses gathering dust and becoming obsolete while schools all around the country try to scrape together the funds to buy computer technology equipment for their students.

I applaud the administration's effort to put this unused equipment to work in our classrooms. To help support that initiative I offered an amendment to the Treasury, Postal Service, and general Government appropriations bill with Senator MURRAY which reiterates the importance of this initiative and urges Federal Agencies to work with the Federal Executive Boards to implement it. I also strongly supported Senator MURRAY's language in the legislative branch appropriations bill bringing the Senate into compliance with the Executive order. We in Congress should be leading the effort to bring computer technology to our public schools.

Making unused computer equipment available to schools is too important to let fall between the cracks of the many bureaucracies involved in this initiative. A report to Congress at the end of the year is needed to ensure that the Executive order is carried out and to monitor its progress in bringing Federal surplus computers to our educators. The Office of Science and Technology Policy has been deeply involved in coordinating the implementation of the Executive order. I believe that the office is the appropriate one to carry out such a report.

I have written to John Gibbons, Director of OSTP requesting that his office provide such a report to Congress by January 30, 1997. He responded by concurring that such a report is needed and offering the services of his office to carry it out within available resources. I ask unanimous consent that those letters be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, July 31, 1996.

Mr. JOHN H. GIBBONS,
Director, Office of Science and Technology Policy, Old Executive Office Building, Washington, DC.

DEAR MR. GIBBONS: I would like to congratulate you on the work your office has done to implement the President's Executive order to bring Federal surplus computer equipment to schools. This initiative is sorely needed to transfer serviceable computer equipment no longer needed by Federal Agencies to our public schools where the need for this technology is great.

Senator Murray and I offered an amendment to the Fiscal Year 1997 Appropriations report for Treasury, Postal Service, and General Government which reinforces the importance of the Executive Order and urges governmentwide cooperation in speeding its implementation. I also strongly supported Senator Murray's language in the Legislative Appropriations bill bringing the United States Senate into compliance with the Executive Order. Congress should be leading the charge to bring surplus and excess computer equipment to our schools—Senator Murray's language will put the Senate in the race. For your information, I have included a copy of the report language in the Treasury and Legislative Appropriation bills.

I believe that the steps Federal Agencies are taking to conform with the Executive Order will be effective in bringing more surplus equipment to schools at less cost to the government and the schools themselves. A timely analysis of the progress that has been made and the problems Departments and the Federal Executive Boards may have run into would be very helpful in evaluating the success of the initiative. Because of the central role your office has played in this important effort to bring computers to schools, I think the Office of Science and Technology Policy (OSTP) is the most appropriate body to carry out such an evaluation.

Specifically, I request that OSTP report to Congress by January 30, 1997 on the implementation of the Federal Executive Order. This report should include information on the progress of Federal Agencies and Congress in making surplus computer equipment available to schools, and on the effectiveness of the Federal Executive Boards in channeling this equipment through the regions.

I look forward to working with your office to make sure that unused Federal computer equipment is made available to schools around the country. If you have any questions about the requested report please contact Amy Rainone in my office at 224–4242.

Sincerely,

PATRICK LEAHY,
U.S. Senator.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF SCIENCE AND TECHNOLOGY POLICY,
Washington, DC, August 1, 1996.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: As you know the President has worked hard to ensure that education technology is used effectively to prepare our children for the 21st century. I want to thank you for the leadership you have provided in helping America's schools make effective use of new technology. Your leadership in the Senate Education Technology Working group is very much appreciated.

I strongly concur with your recommendation that a study be conducted to determine how effectively the executive order to improve the transfer of excess federal computer equipment to schools and nonprofit organizations is being implemented. Within the limits of OSTP's resources, we will survey the way federal agencies are responding to the order and provide an estimate of the kinds of equipment that is being made available to schools. The study will be provided to the Congress by January 30, 1997 together with recommendations about any administrative or legislative actions that may be needed to improve the operation of the federal program and advice about the need for further reviews and oversight.

Sincerely,

JOHN H. GIBBONS,
Director.

Mr. LEAHY. Mr. President, does the Senator from Maryland support the use of OSTP funds to cover the expenses of preparing this important report for Congress?

Ms. MIKULSKI. I agree that this is an important initiative and one which Congress should support. Maryland schools are also trying very hard to ramp up to the information highway by providing Internet links and computer technology for students. I do think that producing such a report is an appropriate use of the funds provided in this bill and I join the Senator in urging OSTP to carry out the report by January 30, 1997.

CORPORATION FOR NATIONAL SERVICE, AMERICORPS USA

Mr. GRASSLEY. Mr. President, I want to talk about the Senate's appropriation for the Corporation for National Service. In particular, I want to talk about the appropriation for AmeriCorps. The program is not yet out of the woods. Though the program may be funded, the Senate should do so only with continued and close scrutiny.

I have been one of the most outspoken critics of the President's AmeriCorps Program. It has begun reform, but still needs more time to succeed. AmeriCorps has former Senator Harris Wofford as its new chief executive officer. He has approached me for assistance in helping the program to succeed.

Senator Wofford has assured me that he is attempting to reform the program. I think that the program deserves that chance. It is a high priority for the President, and I believe that a President should have the benefit of the doubt on his highest priorities. However, this program still needs to meet the tough standards that the President set. Frankly, AmeriCorps has not yet met those standards.

I want to praise the appropriators. In their subcommittee, Senators BOND and MIKULSKI have funded the National Service Corporation for fiscal 1997 at last year's levels. Because of my involvement, I am particularly proud of one new initiative to be funded in the AmeriCorps Program.

AWARDS FOR EDUCATION ONLY

I want to draw attention to this new cost saving initiative that I helped to develop. Of the entire appropriation for the National Service Trust, $9.5 million will be set aside to award true education scholarships for service. AmeriCorps has announced that it is awarding the first of 2,000 separate volunteers with scholarships, and only scholarships.

In other words, for volunteerism there shall be a reward of education. Gone will be the living allowances, recruitment costs, and much of the administrative overhead. These education-only awards will help true students go to college. The taxpayers will be rewarded with a greater value for their dollar. I believe that this pilot project may become so successful that it could become the future of AmeriCorps.

MATCHING REQUIREMENTS

Senator Wofford has told me he has increased the program matching requirement for all grantees. This requirement was 25 percent and has become 33 percent. This means that 67 percent of the program subsidy for AmeriCorps volunteers should come directly from the Federal taxpayer. This might seem attractive to some, but I have reservations.

I am reserved because, if there is an immediate problem with this target, then the problem could be in the sources of the 33 percent matching funds. It seems that a sizable portion of these matching funds will come from coffers of State governments. Because State taxpayers are also Federal taxpayers, I think that the State taxpayers reasonably expect that we in the Federal Government will do careful oversight of their tax dollars. That is why I hope that AmeriCorps will quantify and reach an acceptable goal for true private sector contributions. I emphasize the words private sector, and I hope that AmeriCorps will adopt a similar emphasis.

A NEW GAO STUDY

In its brief history, AmeriCorps has developed an infamous past. The inspector general of the Corporation for National Service attempted to audit the AmeriCorps' books and determined that the books were unauditable. There has been a lack of financial controls. It seems that some people who were in charge of writing checks were also in charge of accounting for receipts.

Last year, the General Accounting Office found that the AmeriCorps cost per participant was $27,000 instead of the $18,000 promised by the President.

This year, Senator BOND and I have asked the General Accounting Office to conduct another study. The GAO will go out to study the AmeriCorps programs at the State level.

The GAO will audit matching funds gathered by the State programs. The GAO will also look into the feasibility of giving more responsibility to the State commissions under the AmeriCorps Program. Greater autonomy for the State programs is a criterion that was reached in my agreement with Senator Wofford.

THE PRESIDENT'S NEW AMERICORPS INITIATIVE, READ AMERICA

Mr. President, before I conclude, I want to briefly discuss something regarding AmeriCorps that the President mentioned at his political convention. He mentioned that he would like to employ AmeriCorps subsidized workers to help teach some children to read. Although teaching children to read is a worthy cause, I will say two things about using AmeriCorps to do it.

First, as far as I am concerned, AmeriCorps is still on probation until it solves all of its current and continuing troubles. I question the wisdom of sending more money and increased responsibility to AmeriCorps until it has proven to the taxpayers that it is out of the woods.

The President has called for a massive increase in a program that has only had trouble. That plays into the claims of many that the President has no real interest in seeing AmeriCorps succeed. To them it shows that the President is only interested in seeing it used for campaign promises and political commercials.

Second, I think that if the President wants to help kids to learn to read, then he should allow parents to help their own kids to learn to read. He could do this by delivering on the middle class-tax cut that he promised. With fewer taxes, maybe both parents in a family will not have to work full time as they currently do. I think that many parents would enjoy teaching their own children to read if they only had the time. In short, families do not need more government spending, they need less government spending and fewer taxes.

Mr. President, AmeriCorps has reported that it is attempting to mend its programs. I think that the program deserves that chance. I conservatively support this appropriation with the reservations that I have spoken of.

SAFE DRINKING WATER REVOLVING LOAN FUND

Mr. BAUCUS. Mr. President, I would like to thank the managers of this bill, Senators BOND and MIKULSKI, for providing the first-time capitalization grant for the long awaited safe drinking water revolving loan fund. The much needed $725 million for the recently established drinking water loan fund will provide assistance to those drinking water suppliers who are trying to comply with the Federal law.

There are so many communities, especially small communities, that need

the funding and have been counting on Congress to act. Small communities lack the economies of scale to spread the cost of compliance among their customers, even though they have to comply with the same regulations as large systems. The bill signed into law last month recognizes these differences by, among other things, providing a funding source.

I appreciate the manager's recognition of this need and look forward to working with them in the future to ensure that this new loan fund meets the needs of the Nation's drinking water suppliers.

YOUTHBUILD BUILDS FOUNDATIONS FOR SUCCESS

Mr. KERRY. Mr. President, I would like to thank and congratulate my colleagues on the VA, HUD, Independent Agencies Appropriations Subcommittee, Senator BOND and Senator MIKULSKI, for their wisdom in providing $40 million for the Youthbuild program for fiscal year 1997. This amount is the same approved by the Senate last year for the current fiscal year, which was cut in half in negotiations with the House.

The Youthbuild Program gives young adults in our inner cities a chance. This program offers young adults ages 16 to 24 the opportunity to rehabilitate housing for the homeless or low-income people while attending academic and vocational training classes half time. Participants typically alternate a week on a construction site with a week in the Youthbuild classroom, where they work toward their GED's or high school diplomas. Youthbuild programs usually run for 12 months, after which graduates are placed in jobs or college. The programs are able to provide another 12 months of followup to assist these graduates to successfully complete their transitions from school to work.

The design of Youthbuild makes it unique among job training and community development programs. Youthbuild places a major emphasis on leadership development, with leadership defined as taking responsibility to make things go right for yourself, your family, and your community. Intensive counseling and a positive peer group provide personal support and an affirmative set of values to assist young people to make a dramatic change in their relationship to their communities and their own families. Thus, through Youthbuild's learning, construction, and personal components, students simultaneously gain the educational skills, work training, and sense of self they need to go on to productive, responsible futures.

In 1995 alone, Youthbuild programs helped more than 3,000 young people to become positive leaders and peer models in their communities. There are now 90 HUD-funded Youthbuild programs in operation in 38 States, and 56 organizations are planning to establish Youthbuild programs in their own cities and rural communities. Over 540 community organizations in 49 States and the District of Columbia applied to HUD last year for Youthbuild funding.

Despite the program's success, fiscal 1996 funding for this program was cut from $40 to $20 million at the behest of the House of Representatives. The Senate bill had contained a $40 million earmark. A return to the 1995 funding level is necessary if we are to maintain the achievements and realize the promise of this valuable movement. This program and the young people it serves—who also are the young people who do much of its work—need our help. They are some of the best that we have in this country and I am proud of their achievements and their drive to help themselves and to help others around them. They are a class act and the work they do is truly inspiring.

The $40 million for Youthbuild for fiscal year 1997 will allow Youthbuild to enroll 2,000 more young people nationwide, directly helping at-risk youth and furthering the development of affordable housing for the communities in which they live. It will preserve the infrastructure of local programs upon which we can then build and expand while steadily leveraging increased local support. I want to thank the 38 other Senators signing a letter to Senators BOND and MIKULSKI requesting the $40 million figure and I urge my Senate colleagues to insist on this amount in conference.

Mr. President, I would also like to offer my sincere congratulations to Ms. Dorothy Stoneman, the founder and president of Youthbuild USA, for her tireless and selfless contributions to the Youthbuild Program and to youth across the United States. She was recently awarded the prestigious MacArthur Foundation Award in recognition of her long fight to uplift the lives of youths on the margins of poor communities. She is a wonderful example of how individuals can really do good for others in this world and I want to make known my great admiration and praise for her efforts. This award is a testament to her hard work, and to the youth that are making our cities and towns better places to live every day. Her vision is inspiring and her enthusiasm contagious.

When people say that nothing works, when people say that poverty is inevitable, and when people say that there is no way to change injustice, Ms. Dorothy Stoneman is there to demonstrate that futility is not inevitable. She is a real life hero and I would like to thank her for her commitment to excellence. But what Dorothy Stoneman wants more than anyone's words of praise is the ability to offer to more young people Youthbuild's demonstrated ability to help young people take responsibility for themselves and their communities—to rescue down and out youths for lives of fulfillment and contribution. We help our country when we help these young people via Youthbuild.

ROUGE RIVER NATIONAL WETWEATHER DEMONSTRATION PROJECT AND THE CLINTON RIVER WATERSHED

Mr. LEVIN. Mr. President, I am pleased that the managers have made changes to the House-passed bill to allow the expenditure of $725 million in already appropriated funds for the new drinking water State revolving fund in fiscal year 1996. I encourage the conferees to retain this change so that money can flow to the States and local governments as soon as possible.

As my colleagues may know, the Rouge River National Wetweather Demonstration Project serves as a model for watershed-basin management, but on a very large, very urban scale. It combines all the key components affecting water quality in the Rouge watershed, which feeds into the Detroit River and then into Lake Erie. Cleaning up the Rouge River basin will have a beneficial effect on water quality from Detroit to the mouth of the St. Lawrence River and beyond. The House bill provides $20 million in fiscal year 1997 for this important project and I strongly urge the managers and the conferees to maintain that amount, if the final conference report includes project level recommendations.

Also, I would like to urge inclusion of approximately $500,000 for the Clinton River watershed Council in the conference report. The Clinton River Watershed feeds into Lake St. Clair, which experienced severe pollution in the summer of 1994 that closed beaches and threatened the local economy. Nutrient loadings, sewage overflows, and zebra mussel infestation contributed to a very unpleasant, if not public health-threatening situation. Clearly, something needs to be done in this dynamic part of Michigan to ensure that growth is sustainable. I encourage the managers and the conferees to include the above requested funds so that an integrated and comprehensive watershed management plan can be developed and executed. Some of the methods and experiences of the Rouge watershed will be very useful in the Clinton watershed.

I look forward to working with the conferees on these items.

Mr. BOND. Mr. President, I believe that concludes the work on the VA–HUD bill for the evening.

MORNING BUSINESS

Mr. BOND. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

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

NOTICE OF ADOPTION OF REGULATIONS AND SUBMISSION FOR APPROVAL

Mr. THURMOND. Mr. President, pursuant to section 304(b) of the Congressional Accountability Act of 1995 (2