refuses to account for Kuwaitis missing since the war; refuses to return Kuwaiti property seized during the Iraqi occupation; and continues to repress Iraqi citizens. Such actions must not be tolerated.

The United States has already made a substantial investment, in the Sacrifices, casualties of our troops and their families, to contain Saddam's aggression. During Desert Storm, almost 150 U.S. military personnel were killed, and over 460 were wounded. In addition, the American taxpayer invested heavily in the U.S. major military effort, and has continued to pay—an average of at least a half billion dollars a year since 1991—to contain Saddam Hussein.

That investment must be preserved, so a U.S. response to Saddam's latest transgression had to be made. The timeliness, the magnitude, and the process by which the Presidential decisions were made must be fully reviewed. But for now, a ''well done'' to the U.S. military.

I commend the majority leader, Senators THURMOND and MCCAIN for their leadership on this resolution.

Mr. CRAIG. Mr. President, Saddam Hussein's movement into northern Iraq was yet another direct threat to U.S. national interest: to maintain security and stability in the Middle East. American cruise missiles have struck various Iraqi military installations with the purpose of deterring Iraq from further violence against the Kurds and to take out air-defense systems that posed a danger to our air patrols.

I support the President as our Commander in Chief and his decision to attack Saddam Hussein's military installations to provide greater protection for our personnel enforcing the current and expanded no-fly zone. I stand 100 percent behind the brave men and women in our Armed Forces. Therefore, I support the resolution we are voting on this evening which condemns Saddam Hussein's actions and expresses support for our troops and the President's efforts to curb further actions by Iraq. It is my understanding that after intelligence reports disclosed the Iraqi military buildup, clear warnings were sent that he should not use any military force—warnings that were not heeded.

Mr. President, Saddam Hussein's actions and our response didn't come out of the blue. They are an extension of ongoing efforts to enforce the restraints placed on Iraq at the end of the Gulf war. Therefore, while the use of force should always be a last resort tool of foreign policy, the reckless and aggressive pattern of actions Hussein has carried out, required the only warning he would respond to: force.

While we can understand these recent events, the future of this situation remains a concern for us all. U.S. interests in the region have not changed. In addition, the various conflicts among neighboring nations and the division within the Kurdish people, further complicates our ability to stabilize the situation. It is critical and in our national interest that the administration work with our allies, especially those in the region, to bring this incident to a peaceful conclusion.

Finally, while the cold war has come to an end, it is clear that we continue to live in an unstable world where our national security interests will be tested. We must continue to fully fund our Armed Forces so they remain strong. When we ask American men and women to put their lives on the line for our country, they better have the best equipment and training possible.

Mr. President, there is no doubt that we have strong national security interests in this very volatile and unstable region of the world. Any further hostility by Saddam Hussein's forces against our personnel, or in violation of Operation Provide Comfort or the other restraints established by the international community must be met with a swift and decisive response from the United States.

Mr. BIDEN. Mr. President, 2 days ago the President ordered a forceful response to Iraq's aggression against its own Kurdish minority.

The question before us is whether the Senate supports the action taken by our President.

Some have expressed concerns that go beyond the scope of that question. They have raised points that could be the matter of legitmate debate—but that debate should be reserved for another day.

We are not debating the history of American diplomacy with respect to Iraq. We are not debating the future of American security policy in the Persian Gulf. We are simply being asked to state whether or not we support the actions initiated by the Commander in Chief; Whether we support the troops fulfilling his orders; and, whether we condemn Saddam Hussein's aggressive actions.

These are weighty matters in and of themselves. We should not cloud the debate by injecting extraneous issues.

I intend to support the resolution before us because I believe that the forceful response ordered by the President was both necessary and appropriate. Saddam Hussein has demonstrated repeatedly that he only understands the language of force.

He was warned explicitly by the United States when evidence mounted of a threatening Iraqi military mobilization. He chose to ignore those warnings and enter an area that has been the site of past Iraqi transgressions. His actions violated universal human rights norms as well as U.N. Security Council Resolution 688, which demanded that he cease his oppression of the Kurds.

Had this aggression gone unanswered, it would have strengthened his position internally and emboldened him to strike elsewhere. Thankfully, it did not go unanswered.

President Clinton's decisive action sent a strong signal that the United States will not condone Iraqi military adventurism. It sent the message that there is a price to pay for aggression. It served to protect vital interests in the Persian Gulf by reassuring key allies of America's commitment to regional stability. And by extending the Southern no-fly-zone, the President has constrained Saddam Hussein's ability to make greater mischief.

Upholding these interests transcends the concerns that I and many of my colleagues have over becoming enmeshed in the internecine warfare between Kurdish factions. The saga of the Kurds is a long tale of struggle, betrayal, and oppression. It is one that is further complicated by a regional dynamic involving Iran, Iraq, Syria, and Turkey. The Kurdish question does not lend itself to an easy solution.

However, we should not allow the complexities of Kurdistan to cause us to lose sight of our broader objectives. The President's action is not about involving the United States in Kurdish intrigue. It is about containing a dangerous tyrant who is a continuing threat to international peace and security. It is about preserving stability in a region vital to American national security. In short, it is about protecting American interests.

I urge my colleagues to join me in standing with the President as he confronts a ruthless dictator.

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

The Senate continued with the consideration of the bill.

Mr. BOND. Mr. President, I gather now we are able to wrap up the other matters which do not require a vote. We will attempt to do those very quickly. These are matters that have been cleared on both sides.

AMENDMENT NO. 5198

(Purpose: To revise the name of the Japan-United States Friendship Commission)

Mr. BOND. Mr. President, I send an amendment to the desk by Mr. BINGAMAN, Mr. MURKOWSKI, and Mr. ROCKEFELLER, to revise the name of the United States-Japan Friendship Commission, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. BINGAMAN, for himself, Mr. MURKOWSKI and Mr. ROCKEFELLER proposes an amendment numbered 5198.

Mr. BOND. 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 (a) REVISION OF NAME OF JAPAN-UNITED STATES FRIENDSHIP COMMISSION.—

(1)(A) The first sentence of section 4(a) of the Japan-United States Friendship Act (22 U.S.C. 2903(a)) is amended by striking out ''Japan-United States Friendship Commission'' and inserting in lieu thereof ''United States-Japan Commisison''.

(B) The section heading of such section is amended to read as follows:

''UNITED STATES-JAPAN COMMISSION''.

(2) Subsection (c) of section 3 of that Act (22 U.S.C. 2902) is amended by striking out ''Japan-United States Friendship Commission'' and inserting in lieu thereof ''United States-Japan Commission''.

(3) Any reference to the Japan-United States Friendship Commission in any Federal law, Executive order, regulation, delegation of authority, or other document shall be deemed to refer to the United States-Japan Commission.

Mr. BOND. It is agreed to on this side.

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

The amendment (No. 5198) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 5199

(Purpose: To require the conveyance to the City of Downey, California, of certain real property under the jurisdiction of NASA)

Mr. BOND. Mr. President, I send an amendment to the desk, by Mrs. FEINSTEIN, relating to transfer of property to the city of Downey, CA. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mrs. FEINSTEIN, proposes an amendment numbered 5199.

Mr. BOND. 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. (a) Subject to the concurrence of the Administrator of the General Services Administration (GSA) and notwithstanding Sec. 707 of Public Law 103–433, the Administrator of the National Aeronautics and Space Administration may convey to the City of Downey, California, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 60 acres and known as Parcels III, IV, and VI of the NASA Industrial Plant, Downey, California.

(b)(1) DELAY IN PAYMENT OF CONSIDERATION.—After the end of the 20-year period beginning on the date on which the conveyance under subsection (a) is completed, the City of Downey shall pay to the United States an amount equal to fair market value of the conveyed property as of the date of the conveyance from NASA.

(2) EFFECT OF RECONVEYANCE BY THE CITY.—If the City of Downy reconveys all or any part of the conveyed property during such 20-year period, the City shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of the reconveyance, excluding the value of any improvements made to the property by the City.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Administrator of NASA shall determine fair market value in accordance with Federal appraisal standards and procedures.

(4) TREATMENT OF LEASES.—The Administrator of NASA may treat a lease of the property within such 20-year period as a reconveyance if the Administrator determines that the lease is being used to avoid application of paragraph (b)(2).

(5) DEPOSIT OF PROCEEDS.—The Administrator of NASA shall deposit any proceeds received under this subsection in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)).

(c) The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City of Downey, California.

(d) The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

(e) If the City at any time after the conveyance of the property under subsection (a) notifies the Administrator that the City no longer wishes to retain the property, it may convey the property under the terms of subsection (b), or, it may revert all right, title, and interest in and to the property (including any facilities, equipment, or fixtures conveyed, but excluding the value of any improvements made to the property by the City) to the United States, and the United States shall have the right of immediate entry onto the property.

Mr. BOND. We have no objection.

Ms. MIKULSKI. No objection.

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

The amendment (No. 5199) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 5188, AS MODIFIED

Mr. BOND. Mr. President, I ask unanimous consent the Bennett amendment, No. 5188, previously adopted by the Senate, be modified by striking out the sum $755,573 and inserting therein $464,442, as shown in the revised amendment now sent to the desk.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

The amendment (No. 5188), as modified, is as follows:

On page 27, line 19, strike ''$969,000,000'' and insert ''$969,464,442''.

On page 29, line 5, strike the period, and insert a colon and the following: ''*Provided further*, That of the total amount provided under this head, the Secretary shall provide $464,442 to the Utah Housing Finance Agency, in lieu of amounts lost to such agency in bond refinancings during 1994, for its use in accordance with the immediately preceding proviso.''

AMENDMENT NO. 5200

(Purpose: To make an amendment relating to mortgage insurance)

Mr. BOND. Mr. President, I send to the desk, on behalf of Senator MCCAIN, an amendment relating to FHA insurance for large FHA projects. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. MCCAIN, proposes an amendment numbered 5200.

Mr. BOND. 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:

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

SEC. 2 . MORTGAGE INSURANCE.

(a) None of the funds appropriated under this Act may be used to give final approval to any proposal to provide mortgage insurance having a value in excess of $50 million for any project financing for which may be guaranteed under section 220 of the National Housing Act (12 U.S.C. 1715K), unless the Secretary has transmitted to the President pro tempore of the Senate and the Speaker of the House the Secretary's justification for such guarantee and no final approval shall be given until the justification has laid before the Congress for a period of not less than 30 days.

Mr. MCCAIN. Mr. President, I had intended to offer an amendment which would have stopped the Federal Housing Authority from using taxpayer dollars to guarantee mortgages for luxury housing developments, targeted to families earning over $100,000 per year.

The Department of Housing and Urban Development is processing an application from a team of developers, headed by the venerable Donald Trump, to obtain Federal Housing Authority mortgage guarantees for their luxury apartment development in Manhattan known as Riverside South.

The HUD program to which Mr. Trump and his associates are applying for assistance is intended to promote development within urban renewal areas. To help qualify for the aid, Mr. Trump's group has pledged to reserve 20 percent of the units for low- and moderate-income residents.

The issuance of the Federal mortgage guarantee and the 20 percent low-income reserve will entitle Mr. Trump and his partners to a vast array of municipal tax benefits, which one group calculates to be in the range of nearly $4.5 million per ''needy'' individual assisted—not exactly what most Americans would consider cost-effective use of Government assistance.

I certainly have nothing against luxury apartments nor do I have anything against very successful project developers, including Mr. Trump. I do object, however, to asking the taxpayer to bear the risk of a development for one of the wealthiest entrepreneurs in the country, to help finance a project that will predominantly benefit upper income Americans.

I do not know how many similar projects are in the pipeline but they should not be approved.

If this particular mortgage guarantee is approved, taxpayers will be on the

hook for over $350 million. They will take this enormous risk—the largest ever in the history of the program—to help provide housing, in some instances, for people who earn an annual income of over $200,000 per year. the average apartment in the Riverside South project will be targeted to families who earn in excess of $100,000.

I want to stress, the FHA program tapped to guarantee the success of Riverside South and its financiers is designed to promote vital urban renewal.

I am not sure that downtown Manhattan is among our highest urban renewal priorities. Harlem, South Chicago, South Central Los Angeles, and South Phoenix come to mind as needier priorities. Congressman NADLER who represents the area in the House, and who is a member on the other side of the aisle, does not consider the area around the development site to be blighted and he opposes the project. I am just not sure that Manhattan is particularly lacking the means to undertake urban renewal activities at its own expense.

The very simple premise is that we can and should focus our scarce Federal housing dollars, including loan guarantees, on projects that are primarily targeted to the needy in the most seriously depressed areas.

Moreover, the Donald Trumps of the world can more than afford to bear the risk of their endeavors, and should not be indemnified with taxpayer dollars. Quite to the contrary, scarce Federal housing resources should be used to maximize help to those who truly need assistance. I understand this amendment would be objected to.

In order to accomodate the leader's desire to finish the bill in a timely manner, I've offered an alternative that will ensure that should HUD decide to approve the Riverside South project or any other project over $250 million, Congress will at least have the opportunity to act to stop it if we decide that the risk is too much or otherwise not in the public interest. Under the amendment Congress will have 30 days to stop the approval before it can become effective.

Mr. BOND. There is no objection to the amendment on this side.

Ms. MIKULSKI. No objection.

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

The amendment (No. 5200) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 5201

(Purpose: To provide supplemental appropriations for veterans compensation and pensions for fiscal year 1996)

Mr. BOND. I send an amendment to the desk relating to an increase in the amounts for compensation and pensions of $100 million for the Veterans Administration and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Ms. MIKULSKI, proposes an amendment numbered 5201.

Mr. BOND. 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 105, after line 2, insert:

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for ''Compensation and Pensions'', $100,000,000, to be made available upon enactment of this Act, to remain available until expended.

Mr. BOND. Mr. President, this amendment provides supplemental appropriations for fiscal year 1996 for VA compensation and pensions. The department has just, today, notified our staffs that they anticipate being short $100 million in this current fiscal year for compensation. Without this supplemental, checks for about 2 million veterans would be delayed for a week until the start of the new fiscal year. It is supported on this side.

Ms. MIKULSKI. No objection.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 5201) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. GRAHAM. Mr. President, I am pleased that once again the Senate has chosen to continue our Nation's commitment to the future through the exploration and study of the exciting frontier of space. No one can predict the outcome of our investment in NASA, the space program, and the international space station; but we must continue to push forward in our pursuit of knowledge. Generations to come will benefit from the knowledge and experience gained from the investment we have made, and continued exploration of space will present many more opportunities to learn.

First, the space program will provide significant contributions not only to Americans, but people all around the world. We have already seen results of space-related research in life sciences, and the potential for expansion and development is virtually limitless. The discovery of possible life on Mars is a very exciting development for all mankind, and highlights the possibilities that exist if we continue to encourage and support our curiosities about the universe.

Second, our Nation's leadership role in high technology research and development must be maintained and enhanced. The aerospace industry is a significant area of America's international competitiveness. Support of our space program is essential to our future position as the world leader in high technology aerospace sciences.

Third, projects such as the international space station help to continue and expand the cooperation among the nation's of the world. Our collaborative efforts with the Europeans, Japanese, and Russians only serve to increase stability and strengthen our relations. Our space program enables us to exchange exciting ideas with the world community, and accelerate the pace of our own technology and space exploration.

Mr. President, I believe that these are very compelling reasons for continued support of our space program. NASA deserves our support. Congress and the administration should provide the appropriate resources needed for NASA to effectively and efficiently manage the space program. We must invest in our future, and invest in ourselves.

Mr. BYRD. Mr. President, I commend the efforts of the subcommittee chairman, Senator BOND, and the ranking minority member, Senator MIKULSKI, in bringing H.R. 3666, the fiscal year 1997 VA/HUD and Independent Agencies Appropriation Bill to the Senate expeditiously. They have done their best to craft a balanced bill within the discretionary funding allocation they were given. While the VA/HUD Subcommittee received an allocation that is $100 million in budget authority above the House allocation, the discretionary allocation for this subcommittee is nevertheless $3 billion below the President's request. Having to work within that very constrained level of funding, Chairman BOND and Senator MIKULSKI have done a remarkable job in funding the many important departments and agencies under the subcommittee's jurisdiction; from the Department of Veterans Affairs to NASA to HUD, to NSF, to FEMA, to EPA, and a number of other Federal agencies.

I also commend the chairman and ranking member of the subcommittee for their attempts to keep this bill free of the controversial riders and significant new legislative language that made this such a difficult bill during the fiscal year 1996 process.

In addition, Mr. President, I express my gratitude to the chairman of the subcommittee, Senator BOND, for his support of a very important amendment, which I co-sponsored. This initiative provides for a one-year extension of the authorization of the Federal Flood Insurance Program, which is administered by the Federal Emergency Management Administration. It will prevent disruption in the Federal Flood Insurance Program—which provides affordable insurance to residents of high-risk areas—ensuring that FEMA can enter into new flood insurance contracts and can renew existing contracts throughout the next year. For states

like West Virginia, where the topography makes a great many communities vulnerable to flooding, but the high price of private flood insurance often places it out of reach of families, residents rely on the Federal Flood Insurance Program. Again, I thank the chairman for his attention to this important program.

Finally, the staff of the subcommittee—Sally Chadbourne and Liz Blevins for the minority, and Stephen Kohashi, Carrie Apostolou, and LaShawnda Leftwich for the majority—are to be commended for their excellent work over the past weeks and months on this very important bill.

ENVIRONMENTAL PROTECTION

Mr. KERRY. Mr. President, I would like to reflect on the provisions of this bill that fund the Environmental Protection Agency [EPA] and the Council on Environmental Quality [CEQ] for fiscal year 1997.

With regard to the EPA, this bill is a vast improvement over the 1996 bill reported by the Appropriations Committee last year. It is welcome, indeed, that this bill reached the Senate floor without the antienvironmental legislative riders which plagued the 1996 Senate bill. These riders—which the Washington Post dubbed the ''riders from hell'' included legislative provisions which would have prohibited the EPA from implementing provisions in key environmental statutes such as the Safe Drinking Water Act and the Clean Water Act and would have eliminated EPA's role in issuing permits to fill wetlands.

In addition, compared to the severe budget cuts made to the EPA's budget request for fiscal year 1996, this appropriations bill certainly is preferable; it is just 6 percent below the President's requested level. Nonetheless, 6 percent of the EPA budget is over $425 million—with a disproportionate percentage coming from the EPA operating budget which includes management and oversight for standards-setting and enforcement. We must realize that such a reduction does not come without a significant loss of capability for the environmental protection efforts of this vital agency.

I fully support the President's funding request for the EPA—which includes his request to provide $100 million for the Boston Harbor cleanup project. In addition, I am disappointed that the committee cut by 86 percent from the President's request and 76 percent from last year's level funding for the Environmental Technology Initiative and made deep cuts in EPA's climate change program. I greatly regret this bill does not contain the President's levels of support and that there are sufficient Republican votes to prevent passage of amendments that would raise the bill's appropriations levels for these items.

As the House and Senate begin meeting in conference to work out their differences on the VA–HUD bill, I will continue working with the President, the subcommittee chairman and ranking member, and other conferees to secure funding for the Boston Harbor project.

While I wish to convey my concerns about the extremely serious situation facing the residents of Boston in undertaking the multibillion dollar Boston Harbor project, I want to emphasize that this project merits national attention as do other projects in cities that face requirements for similar water infrastructure improvements to comply with federal mandates.

Mr. President, the Boston Harbor project is a massive undertaking which will provide water and sewer services to over 2.5 million people in 61 communities with a total cost, including the combined sewer overflow (CSO) and capital cost improvements, of over $5 billion. The sewage treatment plant is being built under a Federal court-ordered schedule that requires completion by 1999.

When the Clean Water Act was originally enacted, Congress acknowledged the great importance of the Federal role in cleaning the water we drink and use for so many other purposes. It did so by providing Federal support of 50 to 90 percent of the funding for projects on the scale of the Boston Harbor project. The goals of the Federal Clean Water Act are laudable and the environmental benefits to Boston Harbor from the initial water infrastructure improvements are already being felt in the surrounding Bay area. However, while the goals and standards of the Clean Water Act have remained and should continue to remain intact, over the past 15 years we have seen the Federal assistance for large water infrastructure projects decline. Only approximately 20 percent of the Boston secondary sewerage treatment project costs have been paid by the Federal Government, and that is not even counting the costs of the combined sewer overflow and other improvements that will be required in the future.

Let me also say that the Harbor cleanup is not a partisan issue. The Clinton administration each year has included $100 million in its budget request, as did the Bush administration before it. I hope the Congress will take this same bipartisan approach and will appropriate $100 million for the project.

I also would like to comment on the importance of funding the Council on Environmental Quality. There are those in the Senate who do not realize the great value of CEQ to the American people.

Since its inception in 1971, CEQ has played the key role of arbiter of environmental policy conflicts among Federal agencies. Most recently, CEQ coordinated the administration's support for and contributed to the passage of the Safe Drinking Water Act reauthorization legislation and the Food Safety bill.

The President and his administration advocate sustainable environmental policies that enhance economic growth. The Vice President, as charged by the President, has led an effort under the National Performance Review to streamline regulations, remove red-tape, and reward efficiency, compliance, and innovation by industry. With a very limited budget, CEQ has been and remains a cost-effective and resourceful contributor in these endeavors.

The Henry M. Jackson Foundation's 1995 report states that the ''* * * CEQ has never been more needed. The easy environmental problems are resolved. Now the more difficult business begins of seeing to it that governmental efforts produce results in an economically efficient manner and not just greater bureaucracy, waste and frustration.''

CEQ provides an invaluable public service and the limited Federal resources dedicated to its functions are well spent. I compliment the committee on providing adequate funding for these activities.

After the dark nights of 1995 and early 1996, we have emerged to find greater reasonableness in the environmental funding and policy actions of the Republican congressional majority. Despite the significant differences that still exist between our views of the level of environmental protection activities the Federal Government should undertake, we are close enough to compromise.

I compliment and thank the chairman and ranking member and their staffs for their diligent efforts to bring this bill before the Senate, and urge that they push as hard as possible for the highest achievable level of funding for environmental programs during the conference committee with the House.

Mr. FEINGOLD. Mr. President, I rise today to express my concern with language that appears in the committee report on the fiscal year 1997 VA–HUD appropriations bill.

Last year, when we debated the fiscal year 1996 version of this legislation, I and the junior Senator from Illinois Senator MOSELEY-BRAUN, offered an amendment to strike a provision in that bill that would have effectively barred HUD from investigating complaints of discrimination in the sale of property insurance.

Mr. President, this issue, commonly known as insurance redlining, is nothing new. Redlining derives its name from the practice of literally drawing red lines around certain minority and low-income neighborhoods and treating the residents of those neighborhoods differently. In the case of insurance redlining, agents refuse to sell homeowners policies in these neighborhoods, or if they do sell policies, they are policies that provide significantly less coverage than a policy that might be sold for a similar house in a more upscale neighborhood.

The ramifications of reducing access to affordable and adequate homeowners' insurance have proven severe

for urban areas with large minority communities. As we all know, without property insurance an individual cannot obtain a home loan. And without a home loan, an individual cannot obtain a home. Thus, refusing to provide property insurance to an individual because he or she lives in a predominantly minority community is a clear violation of the civil rights protections of the Fair Housing Act.

My interest in this issue grew out of widely-reported redlining abuses in the city of Milwaukee, WI, where it was well documented that insurance redlining was occurring on a widespread basis. I was deeply concerned that this sort of documented discrimination was occurring not only in my home State, but apparently in many others as well, including Illinois, Missouri, and Ohio.

Early in 1995, as well as in the 103d Congress, I introduced legislation that would have required insurance companies in our Nation's largest urban areas to collect and report certain information about their underwriting practices to the Department of Housing and Urban Development. This information, including the number and type of policies written, where such policies are written, and certain loss claims data, would have then been made available to State regulators, civil rights organizations, and other groups interested in combating property insurance discrimination.

Mr. President, it is important not to forget who these redlining victims are—they are hard-working Americans, who have played by the rules and are trying to simply buy a home. They are trying to bring a sense of stability and vitality to their families and their communities.

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

But for those of my colleagues who might think such discrimination in the insurance market is limited to Milwaukee, WI, I assure you that is not the case. Extensive studies conducted by consumer and civil rights organizations, as well as a recent study conducted by the National Association of Insurance Commissioners, have found insurance redlining to be a widespread phenomenon, national in scope. Strong evidence of property insurance discrimination has been reported in cities across the country, including St. Louis, Chicago, New Orleans, Kansas City, Detroit, Dallas, and many others.

Mr. President, there is ample reason to believe that insurance redlining does occur, it occurs all across this country, and we should be taking steps to enhance the government's ability to combat this form of discrimination.

Unfortunately, we're not taking those steps forward. And last year, the Appropriations Committee, which to my knowledge had not held a single hearing on this issue, sought to prohibit HUD from expending funds on the adjudication of property insurance discrimination complaints.

The provisions in that bill were a direct attempt to stop HUD from investigating complaints of discrimination under the Fair Housing Act. HUD would have been barred from spending any money investigating any complaints of insurance redlining. They would not have been allowed to investigate the over 10,000 property insurance complaints that are filed with HUD each year.

Thankfully, when it became clear that there was a bipartisan majority in favor of protecting our civil rights laws, our amendment was agreed to and the language was stricken from the bill.

Although this year's VA-HUD bill does not include this language restricting HUD's enforcement of our fair housing laws, the committee report does include some language that I believe is rife with inaccuracies and mischaracterizations.

The report language claims that the Fair Housing Act does not say one word about property insurance. The language states that ''neither it [the FHA] nor its legislative history suggests that Congress intended it to apply to the provision of property insurance''. It is true the original Fair Housing Act does not address property insurance. But as a result of the Fair Housing Act Amendments of 1988—signed into law by President Reagan—HUD promulgated regulations that specifically placed property insurance under the umbrella of the Fair Housing Act. These regulations were promulgated by the Bush administration.

Let me repeat that: If anyone is under the impression that HUD's involvement in combating property insurance discrimination is a Clinton administration initiative, that is categorically wrong. The regulations were the result of a law that passed Congress with strong bipartisan support and was signed into law by President Reagan. The regulations were promulgated by the Bush administration.

So let's set aside the faulty assertion that HUD's role in enforcing the Fair Housing Act as it applies to property insurance is some new effort to expand the Federal Government regulatory powers over a particular industry.

The supporters of this new language also say that regulating the insurance industry is the sole domain of the States as mandated under the McCarran-Ferguson Act. This, Mr. President, is a diversionary tactic. This is not an issue of regulating the insurance industry. The States are the regulators of the insurance industry. This is an argument about whether the Federal Government has the ability to enforce the civil rights of those who have been discriminated against when they are attempting to purchase a home.

This argument also fails to recognize that virtually every Federal court that has ruled on this issue, including the Sixth Circuit Court of Appeals in Nationwide Insurance Co. versus Cisneros, and the Seventh Circuit Court of Appeals in NAACP versus American Family Insurance, have held that the Fair Housing Act applies to property insurance and that HUD was legally authorized to enforce the FHA as it relates to homeowners insurance. Moreover, the Supreme Court has specifically refused to review these cases.

There is clearly another attempt to undermine HUD's efforts to do its job. Over the last several years, time and time again, HUD has uncovered incidents and patterns of discrimination in the sale and availability of homeowners insurance. And that is precisely why we are debating this issue today. It is because HUD has been too effective in enforcing our civil rights laws.

Look at last year's settlement between American Family Insurance Co. and the people of Milwaukee. And just weeks ago, it was announced that State Farm Insurance Co., long under investigation by HUD for property insurance discrimination, had agreed to completely restructure their underwriting procedures, add new sales and service centers in urban communities, and invest over $1 million in first-mortgage financing in urban Toledo, OH.

As I have said repeatedly in the past, I do not mean in any way to throw a blanket indictment at the insurance industry. I know many individuals in my home State who work in the insurance industry, and it is my firm belief that the vast majority of those individuals are decent, hard-working Americans who would join with myself and others in condemning this sort of bigotry and discrimination. Unfortunately, it is evident that these sort of abuses do occur, and the Federal Government must do all it can to aggressively enforce the Fair Housing Act.

As was demonstrated last year and in years past, this is not an inherently partisan issue. This Congress has in fact, demonstrated time and time again that it will stand up to mindless bigotry and discrimination in whatever form it might take. The language contained in the committee report represents a threat to a longstanding bipartisan commitment to protecting and enforcing civil rights in this country and battling the various forms of bigotry and discrimination that continue to pervade this Nation. The committee report language, obviously, does not have the force of law and it should be disregarded.

Ms. MOSELEY-BRAUN. Mr. President, the VA–HUD bill currently under

consideration contains report language stating that HUD's property insurance practices duplicate State regulation of insurance and that HUD's activities in this area create an unwarranted and unnecessary layer of Federal bureaucracy. Mr. President, now is not the time to retreat from our commitment to fair housing opportunities for all. Congress made its decision on this issue last year when I offered an amendment which was adopted to ensure that the Government would remain able to combat discrimination in the issuance of property insurance.

In 1988, Congress gave HUD the authority to promulgate regulations to enforce the Fair Housing Act. At that time, HUD, under then-President George Bush and HUD Secretary Jack Kemp, issued a regulation which defined conduct prohibited under the Fair Housing Act to include: ''refusing to provide property or hazard insurance for dwellings, or providing such insurance differently, because of race, color, religion, sex, handicap, familial status, or national origin.''

The reason for this prohibition is simple. Without property insurance, no lender will provide a mortgage. Without a mortgage, few individuals can buy a house. Denial of property or hazard insurance impairs the ability of an individual to buy their own home, in a very real and concrete way.

Mr. President, discrimination in the issuance of property insurance is not a minor problem. Recent investigations conducted in 9 different cities found that discrimination against African-Americans and Latino neighborhoods occurred more than 50 percent of the time. In my hometown of Chicago, discrimination occurred 83 percent of the time. Investigators found that minority homeowners were routinely charged more money for less coverage, were not offered the best insurance policies, and were even denied any coverage at all.

Consider a case that the Department of Justice settled last year against a major insurance company for its conduct in Milwaukee, WI. The Department alleged that the company routinely sold more costly, less comprehensive policies to minorities, failed to return phone calls or keep appointments with black customers, avoided entire neighborhoods with high minority populations, and subjected applications from black neighborhoods to greater scrutiny. One potential black customer was told that ''you people make phony claims,'' and a white manager was instructed in writing to quit writing all those blacks.

Despite opponents arguments to the contrary, HUD's enforcement of the Fair Housing Act does not involve regulation. Regulation of rates, or other aspects of the insurance business, is a State responsibility. What HUD is obligated to do, and what it has done, is enforce civil rights laws that prohibit discrimination. No one has offered any valid explanation to show why this one particular industry should be exempted from antidiscrimination laws.

This fact is, Congress has consistently rejected the argument that the Federal Government should leave the enforcement of civil rights to the exclusive jurisdiction of the States. The Federal Government has a very real interest in ensuring that effective remedies for acts of discrimination are available to all people. While States do have laws prohibiting discrimination in insurance, the Fair Housing Act provides a wider array of remedies, including a private right of action, than those provided by most States.

There is more uniting America, than dividing us. We share a common dream—the American dream. We all want to raise our children in safe communities, and provide a home for our families. It's because of the American dream that we have to keep raising these issues.

Housing discrimination and segregation undermine the health and vitality of American communities—our cities, suburbs and rural towns. It denies families full and free choice about where to live, send their kids to school, and where to work.

As a Chicago Tribune editorial said,

> We all pay a price for racial discrimination. Those who are discriminated against pay the most. But those who do the discriminating, or condone it, eventually reap what they sow in higher taxes and lowered economic horizons. Experience teaches that the cost of racial segregation reaches beyond the inner city. We all pay the price for the poverty, joblessness, and crime that fester there. In one respect, wealthier taxpayers pay the most.

The American people believe in fairness. They certainly don't believe in a special-interest exemption to the civil rights laws. Yet that is exactly what we are approaching if Congress condones report language indicating a concern about HUD's use of funds for other fair housing activities aimed at property insurance practices.

Federal efforts to combat discrimination are vital. Congress would be setting a bad example if it retreats from its commitment to fairness and nondiscrimination in fair housing laws. Continued enforcement of the Fair Housing Act is key.

MISSION TO PLANET EARTH

Mrs. BOXER. Mr. President, I rise today to ask if the distinguished chairman of the appropriations subcommittee on VA, HUD and Independent Agencies, Senator BOND, and the distinguished ranking member, Senator MIKULSKI, would yield to a question regarding funding for NASA's Mission to Planet Earth Program.

Mr. BOND. We would be happy to yield to the Senator from California.

Mrs. BOXER. Thank you. I first want to thank the chairman and the ranking member for their work to restore cuts in the House bill to the Mission to Planet Earth, the civilian scientific mission to study the environment of this third planet from the Sun. The Senate bill provides $100 million more for NASA than provided in the House bill and restores this critical program for studying global climate change. As the Senate committee report points out, this program also encompasses disaster prediction and mitigation. This element is very important to my State of California.

Technological growth and the experience of repeated earthquakes in California have helped expand our ability to provide important data for detailed mapping of earthquake faults. The California Seismic Safety Commission has recommended a research and technology initiative whereby space technology may be used to reduce the risk from major California earthquakes. NASA has the unique ability to provide orbital photography, remote sensing data such as radar, and advanced optics and radio wave technology under the Mission to Planet Earth to assist California's earthquake risk reduction efforts. I understand that Missouri's Office of Emergency Services is interested in this effort, as well.

Accelerating California's seismic hazards identification programs would go a long way toward providing earth sciences information in a form that is useful to builders and local government planners so that we can genuinely manage seismic risk and reduce economic damage and human casualties from these natural disasters.

I ask the chairman and ranking member if it is their understanding that a portion of the funds provided to the Mission to Planet Earth could be made available for a cooperative program between the Johnson Space Center and the California Seismic Safety Commission and other seismically active States, and if such a program would be consistent with the goals of the Mission to Planet Earth?

Mr. BOND. I thank the Senator from California. The committee encourages NASA to collaborate with other Federal agencies and private industry to pursue opportunities for public-private partnerships to apply Mission to Planet Earth data for environmental, agricultural, transportation, fisheries and forestry management, as well as disaster prediction and management. I believe a cooperative program between NASA's Johnson Space Center and the State of California and other seismically active States, such as my own State of Missouri, would be an excellent example of this committee's intent.

Ms. MIKULSKI. The cooperative venture that the Senator from California has described is clearly the kind of information that we intend the Mission to Planet Earth to provide for our local officials to make real use of this invaluable data from space. We should support hazard reduction programs whenever we can in order to hold down cost of disaster in lives and property in the future.

THE TRANSFER OF SPACE STATION RELATED BIOTECHNICAL ACTIVITIES

Mrs. FEINSTEIN. Mr. President, I am concerned about a number of highly qualified persons who work at NASA's

Ames Research Center in California. It is my understanding that NASA is considering a layoff of these highly trained individuals and sending the technologies for the space station program on which they are working—the Centrifuge Facility—to the Japanese space agency NASDA. The Centrifuge Facility, and its related programs, have always been a part of the United States' contribution to the International Space Station. I simply do not understand why NASA would consider giving this work to the Japanese when they have significantly less experience in the life sciences area.

I say to the Chairman that we are both strong supporters of the International Space Station Program and want to see it become the premier microgravity research center of the world. This can only be accomplished if the best talent is focused on every sector of the program. To assign these biotechnology activities to anyone other than the individuals at the Ames Research Center—many of whom invented these technologies in the first place—makes little sense. Can he assure me that Ames Research Center will remain the center for these critical space station related biotechnical activities?

Mr. BOND. I appreciate the senior Senator from California raising the very important issue of the development of research capabilities and instruments for use on the space station. As the Senator indicates, the space station program will draw upon a wide variety of disciplines and technical capabilities of NASA, as well as other research institutions here in the United States and those of our international partners. With such a widely distributed effort, involving so many different parties, it is critical that we demand of NASA a rigorous system of utilizing the most capable entities available to as to yield the highest quality research for our significant investment in this program.

The Senator is justifiably proud of the biotechnology capabilities of Ames Research Center, and I certainly agree that shifts in responsibility for important research tasks be very sensitive to issues of technical merit and capacity. I am aware that NASA has under consideration a shift in responsibility for the centrifuge facility which is a matter of significant concern to me. The Congress has long supported retention of the centrifuge in the face of repeated past proposals to eliminate this important facility. The centrifuge is crucial to life science studies since it provides a control for experiments in the microgravity environment of the space station.

Unfortunately, as the Senator from California knows, NASA has requested authority to shift funding for the current fiscal year, and for the next 2 years, within the $2.1 billion annual cap. The cost of fabricating components of the overall spacecraft such as the nodes are requiring greater investment at this point in the development program to maintain deployment schedule goals. These funding shifts from space station research hardware development, to spacecraft development, require rescheduling and optimization of space station research program plans in order to avoid cost overruns and minimize adverse program impacts.

We are evaluating these requirements and will be proposing changes in conference to the NASA appropriations accounts to enable the agency to make the most effective use of available funding. We extensively will examine the agency proposals to make sure that such authorities will retain critical research capabilities within a workable overall development schedule. I want to assure her that we will all participate in evaluating the merits of the agency's proposals, and I certainly expect NASA to consult fully with all affected parties prior to making significant program changes.

Ms. MIKULSKI. I agree with the Senator from California that this biotechnology capability should remain within the United States. We have the experience that Japan cannot match in this arena and should not relinquish that capability.

FUNDING FOR OKLAHOMA CITY BOMBING RELIEF

Mr. NICKLES. It has now been more than a year since the tragic and senseless bombing of the Murrah Building in Oklahoma City. Last year, this Congress, with the support of the administration, approved $39 million in disaster relief specifically for the recovery of Oklahoma City. This funding was for community development assistance to repair public and private facilities damaged by the blast. For that I, along with the people of Oklahoma, am grateful.

In the aftermath of this disaster, a full evaluation of its impact on downtown Oklahoma City indicates that if the area is to adequately recover, additional Federal assistance is needed. To this end, I asked the Appropriations Committee in May to consider supplementing last year's funding to cover additional damage claims plus loan and grant funds to assist businesses as they re-enter the damaged area. The administration, while not officially requesting these funds, has indicated its support for the additional funding during recent discussions with Oklahoma City officials.

The distinguished chairman of the subcommittee has worked with me in trying to accommodate this request. Can he assure me that he will continue this cooperative effort to meet these ongoing needs arising from the bombing?

Mr. BOND. I can assure my friend and colleague from Oklahoma that the committee will continue to work with him and the people of Oklahoma in recovering from this terrible tragedy. As the Senator has noted, the committee was pleased to provide $39 million in community development funds last year to aid in the restoration of downtown Oklahoma City. In addition, the emergency supplemental appropriation last year provided $40.4 million for the replacement of the Murrah Federal Building. Additional funds have also been made available administratively through several government agencies, particularly the Federal Emergency Management Agency.

Also, as can certainly be understood, only a portion of the $39 million appropriation from last year has been obligated by the city. It takes time to assess the vast damage that occurred and award the contracts for repair. Further, compliance with Federal regulations, such as prevailing wage statutes, adds to the complexity of awarding contracts. Therefore, it takes time to fully obligate these funds.

Once these funds are fully expended, I assure the Senator from Oklahoma that I will reassess the remaining assistance needs for the city. I also understand that commitments have been made by the administration to Oklahoma City officials to furnish currently appropriated funds for the relief effort. FEMA has indicated that $2 million will be made available from its public assistance program for infrastructure repair. Further, the administration has agreed to make available $2.1 million for the purchase of land for a Federal campus for housing several Federal agencies. Both of these items were to be paid for by the emergency appropriation. This will enable the city to repay additional damage claims from this emergency supplemental.

Let me state to the Senator, however, that no budget request from the administration has been received for additional funds. Such a request would show what offsets, if any, the administration intended to utilize to pay for these added funds. It would also indicate whether or not this was an emergency designation, or if it intended to use reprogrammed funds from existing appropriations.

I commend the Senator for his ongoing commitment to ensure that Oklahoma City, and indeed the entire State of Oklahoma, recovers from this terrible tragedy. I fully intend to work with the Senator, the administration, and the city of Oklahoma City to meet any need for further assistance.

HUD'S AUTHORITY REGARDING PROPERTY INSURANCE

Mr. WELLSTONE. Mr. President, when the Senate considered the fiscal year 1996 VA-HUD appropriations bill last year, I was a proud cosponsor of the Feingold/Moseley-Braun amendment, which deleted language which would have restricted the use of HUD funds in the investigation of discrimination in homeowner's insurance. This year, in the Senate committee report of the fiscal year 1997 VA-HUD appropriations bill, there is once again language recommending that HUD be prohibited from enforcing protections against property insurance redlining. In fact the committee report calls

HUD's activities related to property insurance ''duplicative of state regulation of insurance . . . creat(ing) an unwarranted and unnecessary layer of federal bureaucracy.''

I want to make it very clear, as I did last year, that I believe the U.S. Senate should not set the precedent of exempting property insurance from fair housing laws. If HUD is not able to investigate claims of property insurance redlining, Americans might be kept from buying houses because they might not be able to get homeowner's insurance. I believe that all Americans have the right to homeowner's insurance, regardless of race or ethnicity or the neighborhood in which they live.

Mr. President, once again, I will remind you that we have been through this before. The insurance industry claims that this type of denial of coverage is not taking place, but HUD reports that it continues to process and settle thousands of claims of property insurance redlining. Unfortunately, the shameful practice of denying coverage to Americans because of the neighborhood they live in or the color of their skin is still practiced today.

If HUD is barred from funding private fair housing groups investigating claims of property insurance redlining, Americans will be denied the protection of a basic civil rights law. I do not think that insurance companies should be exempt from property provisions in the Fair Housing Act. HUD's enforcement of civil rights protections does not undermine State insurance regulation, rather, Federal fair housing protections ensure that homeowners or potential homeowners do not encounter discriminatory practices in their effort to obtain homeowner's insurance. In this campaign season, many have voiced their desire to help all Americans get their piece of the American dream. Mr. President, this is a perfect place for us to protect Americans who are trying to purchase a home from discrimination.

TRAVIS VA HOSPITAL

Mrs. FEINSTEIN. Mr. President, I rise today to express my strong disappointment that funding for the Travis VA Hospital was not included in the VA, HUD, and independent agencies appropriations bill for fiscal year 1997. There are currently 450,000 veterans in northern California who have no local veterans hospital.

Let me briefly describe the continuing situation for these veterans seeking inpatient health services. A veteran in northern California must drive an average of 4 to 5 hours, sometimes as many as 8 hours, to get to a VA inpatient facility. Once the veteran is released from the hospital, he and his family must drive back and forth from home to the VA facility again for checkups.

These hardships are having a detrimental effect on the care these veterans receive. The Department of Veterans Affairs own numbers show that the use of inpatient care in northern California has declined from 7,000 cases in fiscal year 1991 to 2,538 in fiscal year 1995. That is a decrease of 64 percent. With the aging population of these veterans, it is hard to believe that they do not need the health care that the Travis VA Hospital would provide.

The Clinton administration has seen the needs of these veterans and responded. The President's fiscal year 1997 budget request included $32.1 million for phase II construction at the hospital. Phase II allocation funds utility relocation, site development, and foundation and structural construction. The House of Representatives also acted to meet the needs of these veterans by funding President Clinton's request for phase II funds and by reprogramming the $25 million appropriated last year for an outpatient care facility so that they could also be used to build the hospital.

As bad as the situation has been, these veterans have been exceedingly patient. At the groundbreaking ceremony on June 2, 1994, attended by Vice President GORE, we all were optimistic that northern California's veterans would not have much longer to wait for quality health care. More than 2 years later, the plans are complete and the land is ready to begin construction of the replacement hospital. Instead, that land will remain empty, and nearly a half a million veterans will continue to be unserved.

The area that the Travis VA Hospital would serve is one of the largest, most geographically dispersed, and highly populated veterans' areas in the country. In fact, more veterans live in northern California than in 27 individual States and the District of Columbia.

I am very disappointed that the members of the Senate Appropriations Committee deleted the funding the House included for the Travis VA Hospital and turned their backs on nearly a half a million veterans by not continuing to fund the replacement VA hospital at Travis Air Force Base.

It is a sad day when the men and women who have served our country without question—and who have the right to expect their Government to fulfill its promises—are now being told ''tough luck.''

I appeal to my colleagues to honor the commitment we as a nation have made to our veterans when this bill is considered in conference. I pledge to continue my fight for northern California's veterans and for full funding for the Travis VA Hospital.

Mr. SIMON. Mr. President, I join my colleagues in expressing concern about language in the Appropriations Committee report on H.R. 3666, the VA, HUD, and independent agencies bill, which raises concerns about ''HUD's use of funds for * * * fair housing activities aimed at property insurance practices.'' The report concludes that HUD's activities duplicate State regulation of insurance and violate the McCarran-Ferguson Act by ''interfer[ing] with State regulation of insurance.'' I disagree with this view of the nature and effect of HUD's anti-discrimination activities regarding property insurance.

Republican and Democratic administrations have recognized that without non-discriminatory access to property insurance, many hard-working Americans will be denied the opportunity to own a home. The Bush administration's regulations implementing the 1988 Fair Housing Act Amendments explicitly applied the act to discrimination in access to property insurance. This interpretation has been upheld by U.S. district and circuit courts which have ruled that HUD's enforcement activities in this area do not constitute a regulation of insurance and do not conflict with the McCarran-Ferguson Act because they do not ''invalidate, impair or supersede'' any state laws regulating the business of insurance.

It is my expectation that nothing in H.R. 3666 or the accompanying report will be interpreted to diminish HUD's enforcement authority under the Fair Housing Act with regard to discriminatory property insurance practice.

INSURANCE REDLINING LANGUAGE

Mr. KENNEDY. Mr. President, I am heartened that, in the context of the VA–HUD appropriations bill, certain Republicans have not attempted to repeat the mistake of last year, when there was an ill-advised effort to insert a provision that would have prohibited the Department of Housing and Urban Development from enforcing the Fair Housing Act as it relates to property insurance. This provision, if enacted, would have prevented millions of Americans from pursuing the American dream of home ownership by prohibiting HUD from enforcing the Fair Housing Act as it relates to property insurance.

This effort to roll back civil rights protections in the name of regulatory and insurance reform was defeated by a voice vote, under the leadership of Senators FEINGOLD, SIMON, MOSELEY-BRAUN, and MIKULSKI. Fortunately Republicans did not attempt to include this provision in the 1997 VA-HUD appropriations bill. However, there is language in the committee report pertaining to insurance redlining which incorrectly asserts that: First, HUD lacks the authority under the Fair Housing Act to investigate insurance redlining cases; and second, insurance redlining is not covered by the Fair Housing Act.

These claims are simply wrong, Since passage of the Fair Housing Act amendments in 1988, courts have consistently held that the Fair Housing Act prohibits racial discrimination in the provision of property insurance. *Nationwide Mut. Insurance Co.* v. *Cisneros,* 52 F.3d 1351 (6th Cir. 1995); *United Farm Bureau Mut.* v. *Human Relation Comm'n,* 24 F.3d 1008 (7th Cir. 1994); *NAACP* v. *American Family Mut. Ins. Co.,* 978 F.2d 287 (7th Cir. 1992); *Strange* v. *National Mutual Insurance Co.,* 867 F. Supp. 1209 (E.D. Pa. 1994).

These consistent court interpretations of the Fair Housing Act make perfect sense. If a person does not have access to homeowners insurance, buying a home would be impossible. As Judge Easterbrook, a conservative Seventh Circuit judge, observed in *NAACP* v. *American Family Mutual Insurance Co.*, ''lenders require their borrowers to secure property insurance. No insurance, no loan; no loan, no house; lack of insurance thus makes housing unavailable [within the meaning of the Fair Housing Act].'' 978 F.2d at 297. Overall, the case law is clear that the Fair Housing Act covers property insurance discrimination. Any assertion to the contrary is simply incorrect.

In the Committee Report, there is a claim that the McCarran-Ferguson Act prevents the enforcement of property insurance discrimination under the Fair Housing Act. This claim also ignores the case law, in which courts have consistently stated that the Fair Housing Act is not preempted by McCarran-Ferguson. *See American Family*, 978 F.2d at 293–97; *Cisneros*, 52 F.3d at 1363; *United Farm Bureau*, 24 F.3d at 1016. Thus, it is incorrect to suggest that HUD's assertion of authority in insurance redlining cases ''contradicts'' the McCarran-Ferguson Act.

The Fair Housing Act was intended to break down barriers of discrimination that unfairly prevented scores of Americans from securing decent and affordable housing. This discrimination comes in many forms. Insurance redlining is one such manifestation, and is a persistent problem throughout America. For example, in a recent case in Milwaukee, Wisconsin, a $14.5 million settlement was reached on behalf of a class of hundreds of African-American homeowners. A manager at the insurance company wrote to an agent who expressed a willingness to give insurance to African-Americans: ''*Quit writing* to all those *Blacks*'' (emphasis in original). Eliminating such discrimination is an appropriate and vital function of HUD and the Department of Justice. America cannot be America unless we eliminate all vestiges of discrimination, and I applaud Secretary Cisneros for his willingness to enforce laws banning insurance redlining.

OPPOSITION TO RESTRICTIONS ON HUD FUNDING TO INVESTIGATE INSURANCE REDLINING

Mr. BRADLEY. Mr. President, I rise in opposition to inclusion of language in the VA–HUD fiscal year 1997 Appropriations Committee Report barring the Department of Housing and Urban Development [HUD] from using Fair Housing Initiatives Program [FHIP] funds to enforce the Fair Housing Act against insurance redlining. The language in this report is intended to deny the protection of a basic civil rights law to people subject to discrimination by a particular industry. Because insurance redlining is a reality in America, efforts to eliminate such discrimination should be aggressively undertaken. Sadly, by attempting to strip HUD of its enforcement authority, this funding restriction will allow such discrimination to flourish.

In September 1995, language prohibiting HUD from investigating insurance-related discrimination complaints was placed in the 1996 VA–HUD Appropriations bill. This language was removed before a vote on the Senate floor due to opposition from a number of Senators. Now, the committee seeks to accomplish through the back door what the Senate refused to sanction last year.

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

The investigation uncovered the fact that discrimination against African American and Latino neighborhoods occurred more than 50 percent of the time. Astoundingly, in Chicago, Latino testers ran into problems in more than 95 percent of the attempts to obtain insurance; in Toledo, African Americans experienced discrimination by State Farm 85 percent of the time. While white testers encountered no problems obtaining insurance quotations and favorable rates, African American and Latino testers encountered the following problems: Failure by insurance agents to return repeated phone calls; Failure to provide quote information; Giving pre-conditions for providing quotes (inspection of property, credit rating checks); Failure to provide replacement cost coverage to homes of Blacks and Latinos; and Charging more money to Blacks and Latinos, while providing less coverage.

Mr. President, the results of this investigation are profoundly disturbing. Insurance redlining directly affects the ability of African Americans, Asians and Hispanics to purchase a home, because the denial of insurance results in the denial of a mortgage loan, which in turn results in the inability to purchase a home. Property insurance discrimination is illegal under the Fair Housing Act. As this country moves toward its stated ideal of a colorblind society, the effort of the committee to strip HUD of its enforcement authority and remove a whole category of discrimination—insurance redlining—from the reach of the law is not supported by judicial decisions or the language of the Fair Housing Act.

Mr. President, the report claims that HUD's assertion of authority regarding property insurance contradicts the McCarran-Ferguson Act of 1945. However, Federal fair housing laws enforce civil rights protections which do not threaten or regulate the business of providing insurance. Thus, the report's argument that enforcement of civil rights protections undermines State insurance regulation is inaccurate, and more importantly, elevates a business practice over the enforcement of fundamental civil rights.

The report further claims that the Fair Housing Act does not directly mention homeowners insurance, and therefore does not apply to the provision of homeowners insurance. However, section 3604 of the Fair Housing Act makes it illegal to ''discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services * * * in connection therewith. * * *'' Based on the language of section 3604, Federal courts have held that homeowners insurance discrimination is within the purview of the Fair Housing Act. Indeed, in February of this year, the Supreme Court refused to entertain an appeal from a decision holding that the Fair Housing Act covers insurance.

Mr. President, under Secretary Cisneros, HUD has been an active participant in enforcing the Fair Housing Act and ensuring that property insurance discrimination ceases. The insurance industry has been fighting in court to restrict HUD's authority to enforce insurance redlining. The industry has not been successful in the judicial arena in its efforts to stop HUD's enforcement activities. Thus, the industry has now turned to Congress to restrain stepped-up Federal fair lending enforcement efforts. This effort failed last year, and there exists no legal justification for the committee to now restrict FHIP funds in the investigation of homeowners insurance redlining.

It is this Senator's view, and I believe that of many others, that this report language does not and should not reflect the view of the Senate, and that HUD should not treat this language as having the force of law.

Mr. LAUTENBERG. Mr. President, let me begin by commending both the chairman, Senator BOND, and the ranking minority member, Senator MIKULSKI, and their staffs, for their hard work on this legislation.

With the inadequate allocation given this subcommittee, they have had to make very hard choices between the competing needs for environmental protection, housing, veterans, science, and NASA, not to mention the many other agencies covered by this bill. It's a very, very difficult job.

Mr. President, as one with a strong interest in the environment, I am very pleased that the bill funds Superfund cleanup at the President's level, and exceeds the President's level for the State revolving loan funds, which are used to ensure that our water supply is clean. I also appreciate the chairman's support of the Agency for Toxic Substances and Disease Registry, which studies the health threats posed by toxic waste sites and helps to prioritize Superfund cleanups.

I also am pleased that this year we will avoid the debate on anti-environmental riders that have been pushed so hard in the past by many House Republicans.

Mr. President, although we have made great progress on EPA funding overall, I do remain concerned about the inadequate funding of research into sediment decontamination technology. This work is critical to finding affordable and environmentally benign ways of dredging many harbors that are contaminated with deadly toxics sediments.

I also am concerned that we are continuing to add duties to EPA without the accompanying resources. This budget does not provide the needed funding to implement Congress' demands for more and better risk-benefit analysis, more assistance to small business, and more consideration of stakeholders in the regulatory process. It does not provide the needed infrastructure to enhance EPA's scientific abilities. It also does not provide adequate funding to counter global warming, or for President Bush's initiative to improve the water quality of Boston Harbor.

The President's budget provided $450 million for these various programs, money that is not in this bill. As the process moves forward, I want to work with the President to add these funds for this important allocations.

Mr. President, led by NEWT GINGRICH and extremist Members of the House, this Congress has seen a massive assault on our environment. Last year, the House passed a bill to cut EPA by one-third. They have tried to tie the agency up in regulatory knots and redtape. And they have invited polluters into the back rooms to weaken environmental standards.

Mr. President, President Clinton has stood up to these extremists, and our environment will be much cleaner as a result.

However, the war over the environment is not over. Senator Dole is proposing a budget scheme that calls for massive cuts in domestic programs. And that would mean deep reductions in environmental protection. Senator Dole also has pushed hard to undermine the ability of EPA and other agencies to protect public health and the environment.

So, Mr. President, the real battle over the environment will be fought in this November's elections.

Mr. President, let me now move beyond the environment to discuss the provisions in this bill that provide funding for housing, and for our Nation's cities.

Mr. President, I am disappointed that these programs have again been targeted for disproportionate budget cuts. I represent a State with very severe housing needs, and several depressed urban areas. And it is of great concern to me that the Congress has not made these problems a higher priority.

This bill funds HUD at $2 billion below the President's budget request and cuts spending for vital programs such as homeless assistance, the economic development initiative, and public housing modernization.

These cuts will adversely affect many of our Nation's most economically vulnerable families. And that troubles me. Just as I know it troubles many of my colleagues on both sides of the aisle.

So, Mr. President, I am concerned about many of the cuts in this bill for housing and community development. But I realize that the chairman and the ranking minority member have been dealt a terrible deck, and they've done their best in a bad situation. During last year's appropriations process, after Senate passage, additional funds were allocated for housing and environmental programs. I will work with the administration to restore these funds so that we may better address the severe housing needs of our Nation.

I want to commend both Senator BOND and Senator MIKULSKI for protecting several other important programs from funding cuts, including the Drug Elimination Program, CDBG, and HOME, each of which will continue to operate at current funding levels.

Finally, I would like to thank the chairman for his generous funding of the low-income housing preservation program. This program will help to maintain the stock of affordable housing and potentially protect thousands of families from losing their homes.

So, Mr. President, as a member of the VA/HUD and Independent Agencies Subcommittee, I will vote for this bill. It is not perfect legislation. But it is a significant improvement over some of the related legislation we've seen in the recent past.

THE NEIGHBORHOOD NETWORKS PROGRAM

Mr. JOHNSTON. Mr. President, I would like to commend the distinguished chairman, Senator BOND, and the distinguished ranking member of the VA, HUD and Independent Agencies Subcommittee on Appropriations, Senator MIKULSKI, for their guidance and cooperative efforts in bringing this bill, H.R. 3666, to the floor.

Mr. President, I rise today to bring attention to a program that is providing an indispensable service to Americans living in our Nation's troubled urban areas, in public and assisted housing. As HUD has worked to increase housing and home ownership opportunities for our citizens, it has become increasingly clear that an important aspect of insuring adequate housing is insuring that people have the skills and employment opportunities that will allow them to contribute sufficiently to their own rents and mortgages. Insuring that our people have such skills and opportunities is not only a means of improving the lives of these citizens but also helping them develop and maintain their neighborhoods and communities.

Mr. BOND. I would agree with my colleague.

Mr. JOHNSTON. The University of New Orleans has developed an entrepreneurship program designed not only to assist in the development of skills, but also to assist in the creating of individual, family, and small businesses in our inner cities. The two things go hand in hand—providing training and skills development and then seeing that there is a job in which the training skills can be used. UNO has held discussions on this program with HUD and I believe that it is the type of activity which HUD should be supporting. Consequently, I would hope that we could urge HUD to pursue this effort with UNO whether it be through the Neighborhood Networks Program or some other means.

Mr. BOND. I strongly support finding ways to encourage people to find means of self-support with a goal towards bettering their lives. This seems to me an excellent way to move people away from a state of dependence into one of independence and self-sufficiency. I agree with the Senator from Louisiana that HUD should be supportive of such programs.

Ms. MIKULSKI. I agree with my colleagues. These efforts are important as we expect a future of declining allocations. We must find ways to meet the needs of Federal programs in a balanced way. Particular attention should be paid to effective programs that give taxpayers the most bang for their hard earned buck.

Mr. JOHNSTON. I thank my colleagues.

Mr. BOND. Mr. President, I must note that our first priority for HUD is demand that it more adequately address its principal responsibilities over loan and grant programs for housing and community development. We have worked to drastically cut back on the thicket of programs that it amassed over the years, some 240 individual activities. Though terminations and by consolidating related activities in more flexible, broadly-based grant programs we are reducing burdensome paperwork requirements both for HUD and for the local administering agency. Furthermore, by granting flexibility, we hope to enable local units of government to better tailor programs to meet their specific local needs and priorities. With this orientation,we must be restrained in our appetite for endorsing new programs or initiatives or risk turning back the clock on our reforms by creating a whole new set of categorical programs and requirements.

MONTREAL PROTOCOL FACILITATION FUND

Mr. CHAFEE. Mr. President, the EPA portion of this bill includes $12 million for Agency contributions to the Montreal Protocol facilitation fund. This funding level is the same as that approved by the Congress last year, but $7 million lower than the administration's request of $19 million.

It is my understanding that the House of Representatives approved the full fiscal year 1997 administration request of $19 million for EPA's contribution to this fund. This funding is included in the EPA environmental programs and management account. If I

might, Mr. President, I would like to provide some historical perspective on the Montreal Protocol facilitation fund.

The fund was created in 1990 through the London Amendments to the Montreal Protocol on Substances that Deplete the Ozone Layer. It was created to assist developing countries in their efforts to phase out ozone depleting substances. The United States agreed to participate in the fund after the Senate, on December 18, 1991, voted to approve ratification of the London Amendments. It is important to remember that the Montreal Protocol and the facilitation fund were successfully negotiated by the administrations of Ronald Reagan and George Bush, respectively.

The Montreal Protocol facilitation fund was established with the clear understanding that the problem of ozone depletion was global in nature. That understanding, and the agreement which ensued, was that the developed countries would provide technical and financial assistance to developing countries who agree to strict ozone depleting substance use reductions.

This is a pact, Mr. President, that the United States freely committed itself to. A pact which has enjoyed tremendous success with respect to reducing the use of these chemicals around the world; with respect to the promotion of American goods and services around the world; and with respect to the development of a global effort to solve a complicated environmental problem. Contributions to this multilateral fund, from nations like Japan, Germany, the United Kingdom, and Canada, have been made at a higher rate, 85 percent, than any other United Nations trust fund.

How large is the facilitation fund? How much does the United States contribute? The total size of the fund has been set at $510 million with the U.S. share capped at 25 percent of the total, which is the U.N. standard. The current U.S. contribution is set at $38 million per year.

The problem, Mr. President, is that we have not met our obligations to the fund. At the conclusion of calendar year 1996, the United States will be approximately $27 million in arrears. Even if the full administration request for EPA and State Department contributions were to be provided for fiscal year 1997, the United States would still find itself behind in 1997 by approximately $18 million.

If the $12 million level recommended by the Senate Appropriations Committee is approved by the Senate and ultimately prevails in conference with the House, the United States would find itself $25 million in arrears. This estimate assumes that the full State Department allotment of $27.5 million will be provided in fiscal year 1997.

Mr. President, we cannot afford to fall further and further behind on this commitment. Failure by the United States to maintain this pact in the agreed-upon fashion would not only harm the progress made in this area, but would undoubtedly make negotiation of future international environmental agreements much more difficult. As such, I would request of my friend from Missouri, who will be leading negotiations with the House on this matter, that he work toward conference adoption of the House-passed funding level of $19 million for the Montreal Protocol facilitation fund.

Mr. BOND. Mr. President, I appreciate the remarks made by my colleague from Rhode Island. While I cannot guarantee the results on this or any other matter in a conference with the House, I will make sure that all conferees are aware of the Senator's strong interest in this vitally important program.

Mr. CHAFEE. I thank the Senator from Missouri and appreciate all of his good work on this bill. Mr. President, before I yield, I would like to conclude with a statement made by President Reagan on April 5, 1988, concerning the Montreal Protocol:

> The Montreal Protocol is a model of cooperation. It is a product of the recognition and international consensus that ozone depletion is a global problem, both in terms of its causes and effects. The Protocol is the result of an extraordinary process of scientific study, negotiations among representatives of the business and environmental communities, and international diplomacy. It is a monumental achievement.

Indeed it is. With that, Mr. President, I again thank the Senator from Missouri and yield the floor.

EPA RESEARCH

Mr. CHAFEE. Mr. President, in 1994, the EPA awarded the University of Rhode Island's Marine Ecosystem Research Laboratory a $1.4 million grant to examine the degree to which coastal marine areas of the United States are degraded by elevated concentrations of waterborne nitrogen. Why should this matter be studied? Why do we care if elevated concentrations of nitrogen exist in estuaries and bays? Let me provide just a few reasons.

Nitrogen concentrations stimulate the growth of marine plants such as phytoplankton and seaweed. Excessive growth of these plants often shade out and thus kill off natural sea grasses that form fish habitat, as in Chesapeake Bay. In some instances these plants sink to the bottom and decompose, thus consuming all oxygen and leading to widespread fish kills, as in Long Island Sound, Mobile Bay, and elsewhere.

Elevated nitrogen levels are also believed to be responsible for altering the species composition and biodiversity of indigenous plants, thus dramatically altering marine food chains. Some suspect links between nitrogen enrichment and toxic algal blooms and fish disease. The project undertaken in 1994 at the University of Rhode Island is designed to help scientists and policymakers better understand how coastal marine systems respond to nitrogen enrichment.

Regrettably, only two-thirds of the agreed upon project has been completed. Under the 1994 grant agreement, the University of Rhode Island was to receive $1.4 million over fiscal years 1994 through 1996. According to EPA, insufficient fiscal year 1996 resources prevent the Agency from fulfilling the third and final year's commitment of $474,000.

Mr. President, it is my belief that this important research effort warrants the very modest resources committed to it just 2 years ago. I might note that two papers submitted by the university as a result of this project have been published recently in peer-reviewed scientific journals.

Thus, it is my hope that the EPA Administrator and her Assistant Administrator for Research and Development will give every consideration to providing the final year of funding for this effort in fiscal year 1997.

Mr. BOND. I thank the Senator from Rhode Island for his interest in EPA research programs. While I am not familiar with the merits of this particular project, it seems only fair to me that EPA should look closely at fulfilling previously initiated grant awards before beginning new ones.

Mr. CHAFEE. I thank my friend from Missouri. Mr. President, I yield the floor.

Mr. FAIRCLOTH. Mr. President, I rise today to speak about the HUD appropriation levels for fiscal year 1997 and to raise concerns about some of HUD's programs that have been going forward unabated for decades.

HUD has failed. It has too many programs with hundreds of billions of dollars of long-term financial commitments. There are widespread weaknesses. It has the worst reputation of all the large Government agencies.

Over the past 3 years, all kinds of proposals for reinventing HUD have been suggested. Proposals have come from Secretary Cisneros, the White House, and the Congress. HUD's proposal to change its delivery of housing programs was named ''Reinvention Blueprint.''

This proposal is not really a reinvention of HUD. It is just a few changes to the same idea. Solving problems was supposed to be HUD's mission. When considering whether we should reinvent HUD or end it, each of us has to ask ourselves these questions:

Are our inner cities better off than they were 30 years ago?

Is the state of public housing better off than it was 30 years ago?

The answers to these questions is no—absolutely no. In fact, our cities are more decayed and more dangerous today than ever.

HUD's housing policy denotes the 1930's belief that public housing will solve the problems of the poor—that tearing down the slums and building public housing to replace them would eliminate breeding grounds for crime and disease.

HUD thinks that the housing it built is now ill-designed and not well constructed. HUD wants to believe that if

we tear down those unsightly highrise buildings and build more aesthetically pleasing townhouses that the state of the poor will change.

HUD wants to believe that bricks and mortar are to blame. But we know that is not true. We cannot blame the state of public housing on bricks and mortar.

That is why I believe this administration's housing policy is flawed. Housing is first and foremost a local issue. Reinvention Blueprint recognizes some major flaws with HUD, but it falls short of what is really needed to reform housing.

As former HUD Secretary Jack Kemp said, ''The American people do not want to reinvent government, they want to reduce the role of Government.''

HUD is a massive bureaucracy with over 11,000 bureaucrats. It has over 240 housing programs—so many that the Secretary of HUD himself did not even know he had that many.

HUD has over $192 billion in unused budget authority. This spending is increasing so rapidly that by the year 2000, housing assistance will be the largest discretionary spending function in our Government.

Can Secretary Cisneros reinvent HUD? No. That is why I introduced legislation to abolish HUD.

States should be given maximum flexibility to develop their own housing policies. With States in control, tenants will be offered home ownership opportunities consistent with what Secretary Jack Kemp developed during the Bush administration.

We have made strides in changing our housing policy with reforms made in the public housing bills currently in conference. But we need to go further. We need to abolish HUD.

My colleagues, when you cast your vote for this bill and you look at the funding levels for HUD, ask yourselves why we continue to fund programs that have failed. HUD is not truly going to reinvent itself. When you look at the administration's policy behind its funding requests you too will see that we can't afford not to abolish HUD.

SWEETWATER BRANCH PROJECT

Mr. MACK. Mr. President, I rise today with my colleague from Florida, Senator GRAHAM, to make the Senate—and particularly the chairman of the VA, HUD and Independent Agencies Subcommittee—aware of the Sweetwater Branch project. This project is most important to the citizens of Florida and I believe it merits attention by the Senate.

Mr. President, the Sweetwater Basin begins north of Gainesville, FL, runs through the city and discharges into Paynes Prairie—a critical natural resource area owned by the State of Florida and home to many important species of plants and animals. This water ultimately makes its way through the Alachua Sink—a large sinkhole in the area—into the Floridan aquifer. The aquifer is a primary source of drinking water for Florida's citizens and its health is critical to our quality of life.

The city has brought together the State, Alachua County, and other interested parties in an effort to ensure that these discharges into the Prairie and the aquifer are not contaminated with agricultural and urban runoff. The city is to be commended for its diligence in working toward a solution. The project of cleaning up this water, however, is beyond the scope—both geographically and financially—of the city of Gainesville. While it has prepared to plan that would mitigate this problem at a relatively low cost, the city needs help on the funding and implementation.

Thus, it is important—in my view—that this project be made eligible for Federal assistance. I am hopeful the chairman of the subcommittee will work with us on securing the necessary funding to assist the city of Gainesville in this most important effort.

Mr. GRAHAM. Mr. President, I would join Senator MACK in commending the city of Gainesville for its diligence in funding a solution to this complex problem. The project should be considered for Federal funding because of the complexity of the problem, the difficult web of jurisdictions, and the large potential impact to the State's primary drinking water supply.

I would simply add, Mr. President, that the city of Gainesville has a history of using local resources to solve local problems. In this case the city has already financed the development of this plan and would be further committed to a financial partnership on the solution. I believe such an arrangement is critical to the success of the plan and, again, I commend the city of Gainesville for its strong commitment to this most important project. I express my strong support for the efforts of the city of Gainesville and look forward to working with my colleagues on the subcommittee to secure the necessary funding in the fiscal year 1997 legislation.

RESTRUCTURING THE FHA-INSURED AND ASSISTED MULTIFAMILY MORTGAGE PORTFOLIO

Mr. MACK. Mr. President, I rise today to commend Senator BOND for his interest in moving forward the process for restructuring the FHA-insured and assisted multifamily mortgage portfolio.

I know that the Senator believes his amendment is not a substitute for a permanent debt restructuring proposal. I want to make it clear that the authorizing committee fully intends to move forward with portfolio restructuring legislation that can be enacted before the end of this Congress.

Immediately before the recess, I introduced S. 2042, the Multifamily Assisted Housing Reform and Affordability Act of 1996. This comprehensive multifamily mortgage portfolio restructuring proposal; will deal with expiring contracts on units with rents that exceed fair market rents by reducing those rents to market levels and providing a process for restructuring the underlying FHA mortgages. I am pleased that Senator BOND has cosponsored this legislation.

The Housing Subcommittee of the Banking Committee has long been concerned that flaws in the HUD multifamily insurance and rental assistance programs have allowed owners to receive more federal dollars in rental assistance than necessary to maintain properties as decent and affordable housing. Such a policy is not fair to the American taxpayer, and it cannot be sustained in the current budget environment.

Without changes in current policies, the cost of renewing expiring project-based section 8 contracts will grow from $1.2 billion in fiscal year 1997 to almost $4 billion in fiscal year 2000 and $8 billion 10 years from now. However, if these contracts are not renewed, residents and communities will be adversely affected and most of the FHA-insured mortgages—with an unpaid balance of $18 billion—will default and result in claims on the FHA insurance fund.

This proposal would establish an orderly and well-understood mechanism for reducing section 8 rents and restructuring mortgage debt with or without FHA mortgage insurance. It would utilize capable public entities, like State housing finance agencies, to restructure the portfolio; require input from residents and communities; and treat good owners and managers of multifamily properties fairly.

I believe our bill will have broad-based support that reflects the interests of all of the stakeholders in the process, and we intend to move it forward.

I look forward to working with Senator BOND to develop a sound long term strategy for section 8 contract renewals.

BUDGET COMMITTEE SCORING OF H.R. 366

Mr. DOMENICI. Mr. President, I rise in support of H.R. 3666, the Departments of Veterans Affairs and Housing and Urban Development and independent agencies appropriations bill for 1997.

This bill provides new budget authority of $84.3 billion and new outlays of $49.7 billion to finance the programs of the Departments of Veterans Affairs and Housing and Urban Development, the Environmental Protection Agency, NASA, and other independent agencies.

I congratulate the chairman and ranking member for producing a bill that, with adoption of the manager's amendment, is within the subcommittee's 602(b) allocation. This is a one of the most difficult bills to manage with its varied programs and challenging allocation, but I think the bill meets most of the demands made of it while staying under budget and is a strong candidate for enactment, so I commend my friend the chairman for his efforts and leadership.

When outlays from prior-year budget authority and other adjustments are taken into account, the bill totals $84.3 billion in budget authority and $98.7

billion in outlays. As reported, the total bill is over the Senate subcommittee's 602(b) nondefense allocation for budget authority by $4 million and under its allocation for outlays by $6 million. The subcommittee is also under its defense allocation by $4 million in budget authority and outlays.

I ask Members of the Senate to refrain from offering amendments which would cause the subcommittee to exceed its budget allocation and urge the speedy adoption of this bill.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

VA–HUD SUBCOMMITTEE SPENDING TOTALS—SENATE-REPORTED BILL

[Fiscal year 1997, dollars in millions]

	Budget authority	Outlays
Defense discretionary:		
Outlays from prior-year budget authority and other actions completed	--	61
H.R. 3666, as reported to the Senate	125	64
Scorekeeping adjustment	--	--
Subtotal defense discretionary	125	125
Nondefense discretionary:		
Outlays from prior-year budget authority and other actions completed	365	47,431
H.R. 3666, as reported to the Senate	63,964	31,611
Scorekeeping adjustment	--	--
Subtotal nondefense discretionary	64,329	79,042
Mandatory:		
Outlays from prior-year budget authority and other actions completed	--	1,153
H.R. 3666, as reported to the Senate	20,260	18,013
Adjustment to conform mandatory programs with budget resolution assumptions	−406	381
Subtotal mandatory	19,854	19,547
Adjusted bill total	84,308	98,714
Senate subcommittee 602(b) allocation:		
Defense discretionary	129	129
Nondefense discretionary	64,325	79,048
Violent crime reduction trust fund	--	--
Mandatory	19,854	19,547
Total allocation	84,308	98,724
Adjusted bill total compared to Senate subcommittee 602(b) allocation:		
Defense discretionary	−4	−4
Nondefense discretionary	4	−6
Violent crime reduction trust fund	--	--
Mandatory	--	--
Total allocation	--	−10

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

NSF SUPERCOMPUTER

Mr. BOND. Mr. President, more than a month after the Committee on Appropriations reported the pending fiscal year 1997 VA–HUD appropriations bill, the Department of Commerce announced that it would undertake an investigation of the alleged below-market bid made by a Japanese vendor in a pending supercomputer procurement of the National Center for Atmospheric Research [NCAR]. This investigation is in accordance with the anti-dumping procedures specified in law. Subsequent to this announcement, on August 20, the National Science Foundation, which provides the bulk of Federal operating support for NCAR requested that the pending procurement be put on hold and await the resolution of the dumping issue.

I have been asked if these actions negate or otherwise change the Committee's position with respect to the deletion of section 421 of the House-passed bill. That provision was intended to block the NCAR procurement by prohibiting the use of funds to pay the salaries of personnel who approve a contract for a supercomputer which is found to be in violation of the anti-dumping provisions of law.

The answer is no. The House provision inappropriately attempted to impose a penalty for alleged dumping, separate and apart from that provided for in law. Current law specifies a clearly defined process for the Department of Commerce to investigate and determine if unfair prices are being offered by a foreign vendor. Furthermore, upon the determination that dumping has occurred, redress is provided through the imposition of compensating duties. The House proposal would require the National Science Foundation to determine whether dumping has occurred, an agency that does not have the expertise nor the authority to make such a finding. If this provision were to be enacted the Foundation would have to prejudge the outcome of the Commerce Department investigation. Unfortunately, by preventing any contract from being approved, NSF may lead to the adverse consequences that we are seeking to avoid.

The decision of the Foundation to request a delay in the procurement pending competition of the anti-dumping investigation process now underway by the Commerce Department may jeopardize the pending procurement, and will certainly delay the needed acquisition of state-of-the-art supercomputing technology. Such potential consequences are very disturbing, especially since the NSF is under no obligation to delay these contractual negotiations. Indeed, the anti-dumping provisions remedies are premised on imposition of special duties, not on a rescission of any sales or a prohibition on any sale.

If the action of the Foundation were to terminate the pending procurement, it would have the effect of nullifying the established process of investigating and determining whether dumping has occurred, a responsibility of the Commerce Department, not the National Science Foundation.

Mr. President, the chairman and the ranking minority Member of the Senate Finance Committee, Senators ROTH and MOYNIHAN, wrote a letter objecting to the House provision, and urging that the normal process be followed. In addition, the Senator from Maine, Senator COHEN, also wrote on behalf of the Government Affairs Committee expressing his concern over the implications that the House provision would have on procurement procedures of the Government, under the jurisdiction of that committee.

I ask unanimous consent that these 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,
COMMITTEE ON FINANCE,
Washington, DC, July 25, 1996.

Hon. CHRISTOPHER S. BOND,
Chairman, Subcommittee on VA, HUD, and Independent Agencies, Committee on Appropriations, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR KIT: We are writing to express our concerns about a provision in the House version of the VA–HUD appropriations bill for fiscal year 1997 (H.R. 3666), which may also be offered as an amendment to the Senate version of the bill. This provision (section 421) would prohibit the use of appropriated funds to pay the salaries of National Science Foundation (NSF) employees who authorize the acquisition of any supercomputer, which the Department of Commerce determines was sold at a dumped price.

In our opinion, it is inappropriate to include this provision on an appropriations bill. The provision involves the administration of the antidumping law, which falls squarely under the jurisdiction of the Senate Committee on Finance. Because the provision could result in a violation of United States' obligations under the antidumping rules of the World Trade Organization (WTO), the Committee on Finance should have an opportunity to examine the potential consequences should the provision be enacted into law.

Moreover, in making its procurement decision, the NSF must take into account all relevant factors, including the possibility of dumping. However, the U.S. antidumping law provides a remedy if the NSF's procurement results in the U.S. industry having to compete with dumped imports. Then the appropriate action is for the U.S. industry to file an antidumping petition with the Department of Commerce and the U.S. International Trade Commission or for the Department of Commerce to self initiate an antidumping investigation.

In light of these considerations, we urge you to do what you can to resist any attempt to add this or any similar provision to the Senate bill and to ensure that the provision is not included in the bill when the legislation moves to conference.

Sincerely,

WILLIAM V. ROTH, JR.,
Chairman.

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, July 9, 1996.

Hon. CHRISTOPHER BOND,
Chairman, Subcommittee on VA-HUD Appropriations, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Attached is a copy of a provision contained in H.R. 3666, which the House recently passed to provide appropriations for VA-HUD and Independent Agencies.

This bill contains funding for National Science Foundation (NSF) programs. Section 421 is aimed at preventing the planned lease of a supercomputer by the University Corporation for Atmospheric Research (UCAR), which must obtain NSF approval before entering into a contract to acquire the supercomputing capacity selected by UCAR technical experts under a competitive procurement process.

When the House of Representatives considered H.R. 3666, there was serious disagreement among several Members as to whether the language of Section 421 was a violation of the government procurement code. Representative Kolbe and Representative Campbell presented strong arguments that the

procurement code would indeed be violated by this provision, if it is enacted into law. Representative Crane, Chairman of the Subcommittee on Trade, presented arguments that the provision could also be a violation of antidumping and trade laws (please see attached copy of his letter).

As the Chairman of the Subcommittee on Oversight of Government Management and the District of Columbia, I wanted to inform you of my concern that this particular provision has not been discussed in appropriate hearings before the Senate and that it's impact has not received any consideration by the Committee on Government Affairs which has jurisdiction over the issue of government procurement.

In your role as the Chairman of the Subcommittee providing funding for the National Science Foundation, I hope you will agree the language of Section 421 or any language which is intended to interrupt the orderly operation of the formal procurement process could set a dangerous precedent. Because of the intense concern expressed by the House Members during their debate and because the Senate committee of jurisdiction has not yet discussed this serious issue, I ask that you take whatever action is necessary to prevent the inclusion of any language in the VA-HUD appropriations bill which, in effect, could create a legislated change in the manner in which the procurement code is applied. Any impact on the procurement process caused by congressional legislative action should receive the full review and consideration by the committee of jurisdiction.

Your consideration of this request will be sincerely appreciated.

With best wishes, I am

Sincerely,

William S. Cohen,

Chairman, Subcommittee on Oversight of Government Management and the District of Columbia.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, June 12, 1996.

Hon. BOB LIVINGSTON,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR BOB: I am writing in reference to provision 421 included in the National Science Foundation (NSF) appropriations legislation as reported out by subcommittee that would provide that no funding may be used to pay the salaries of any NSF employee who approves a contract for supercomputing equipment after a preliminary or final determination of dumping by the Commerce Department (language attached). This amendment is aimed at the proposed procurement of an NEC supercomputer by an NSF grantee. In a May 20, 1996 letter, the Commerce Department opined, without conducting a formal investigation, that the lease in question may constitute dumping.

I am greatly concerned that the effect of this amendment would be to force NSF to turn down the NEC supercomputer even though neither the Department of Commerce nor the International Trade Commission have made any formal findings of dumping and injury and, in fact, have not initiated any formal investigations, as required in order to impose antidumping duties.

Clearly, we must enforce our antidumping laws to prevent unfair trading. However, this amendment would improperly use the appropriations process to chill what could be a legitimate, procurement that does not involve dumping. I believe that whether the NEC lease is an appropriate procurement and whether the lease is in fact being made at a dumped price should be determined on the merits of the case. It is impossible for Congress to determine now whether the procurement in question violates the antidumping statute. That is a matter for the Commerce Department and the International Trade Commission to determine, using statutorily mandated procedures. Only when they have made this determination can we begin to consider the effects on the procurement.

The amendment, however, forces Congress to prejudge this decision. Indeed, I am concerned that such an amendment could violate our obligations under Article 18(1) of the WTO Antidumping Agreement, which states that no specific action against dumping of exports from another party may be taken except in accordance with the Agreement and does not authorize punitive measures such as disqualification from government procurement. In addition, I am concerned that the amendment could violate Article III of the Government Procurement Agreement, which provides that each party shall provide national treatment to suppliers of other parties. Accordingly, I strongly urge you to remove the amendment from the legislation when the bill is considered by your Committee.

I look forward to working with you on this matter.

With best personal regards,

PHILIP M. CRANE,
Chairman.

PROVISION 421

SEC. 421. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries of personnel who approve a contract for the purchase, lease, or acquisition in any manner of supercomputing equipment or services after a preliminary determination, as defined in 19 U.S.C. 1673b, or final determination, as defined in 19 U.S.C. 1673d, by the Department of Commerce that an organization providing such supercomputing equipment or services has offered such product at other than fair value.

Mr. BOND. Mr. President, for the reasons I have outlined, both programmatic, as well as jurisdictional, it is my intent to sustain the Senate's deletion of the House provision in conference. And for the same reasons, I urge the National Science Foundation to reconsider its delay in this procurement.

ENVIRONMENTAL PROTECTION AGENCY

Mrs. BOXER. Mr. President, last year Republicans waged a covert war against the environment when they attempted to drastically cut EPA's budget in order to cripple the EPA's ability to set and enforce environmental standards. The cuts that eventually passed were not as drastic, but they have meant that an already stretched EPA has had to curtail important work that ensures the health and safety of all Americans.

I am relieved to see that, this year, there is no new attempt by Republicans to further cut EPA's enforcement budget. A poorly funded EPA will mean more water pollution, more smog in our cities and countryside, more toxic waste problems. For this reason I will continue to fight for a strong, efficient, and well funded Environmental Protection Agency. It is in the best interest of the health and safety of our citizens.

I am also pleased that the fiscal year 1997 appropriations bill for the Environmental Protection Agency does not include any of the contentious antienvironmental legislative riders that were attempted last year.

There are several issues included in this bill of great importance to California that I would like to highlight:

South Tahoe export pipeline replacement project:

Although my request for funds for this project was not included in the bill, I want to thank Senator BOND and Senator MIKULSKI for their interest in the project and ask them to keep Lake Tahoe in mind in conference to see if some help for Lake Tahoe can be provided.

Help for Lake Tahoe is so urgent that the project was authorized in the Safe Drinking Water Act as a special project to be considered by the Administrator of EPA if there are sufficient funds.

The South Tahoe Public Utility District needs urgent help in replacing its export pipeline system which protects and preserves the water quality in Lake Tahoe. The export pipeline transports reclaimed water from the wastewater treatment plant in South Tahoe out of the Lake Tahoe basin to a nearby reservoir where the reclaimed water is stored and later used for irrigation and other purposes.

The existing pipeline is reaching the end of its useful life and must be replaced quickly if we are to avoid the possibility of a catastrophic spill resulting in serious environmental harm to Lake Tahoe. Several serious leaks have already occurred over the last 2 years, and the risk of a rupture increases the longer it takes to complete the replacement project.

The local community has raised $10 million toward replacement of the pipeline, but a total of $30 million will be needed. The local community is already paying sewer rates substantially higher than the average in California, $10 million in Federal assistance is needed if the pipeline is to be replaced in a timely manner. While the local community might be able to pay for the pipeline replacement over the long term by enduring high utility rates, it will not get the job done as quickly as it could be done with Federal assistance. Such Federal assistance would enable the South Tahoe Public Utility District to complete the project in a more expeditious manner, reducing the chances of a large leak with serious environmental consequences for the lake.

Southwest center for environmental research and policy center.

I am pleased that the bill includes an additional $2.5 million for the Southwest Center for Environmental Research and Policy.

SCERP is a consortium of American and Mexican universities that works to address environmental problems along the United States-Mexican border including but not limited to air quality, water quality, and hazardous materials. SCERP's members include San Diego State University, New Mexico State University, University of Utah, University of Texas-El Paso, and Arizona State University. SCERP had its

origins in the Clean Air Act Amendments of 1990, which authorized the establishment of an entity to research air and water quality and other environmental problems in the border region. SCERP has been funded through congressional appropriations for the last 5 years in fulfillment of the Clean Air Act mandate.

United States-Mexico border cleanup: New River cleanup.

I strongly support the $100,000 million appropriation, the same as the budget request, for architecture, engineering, design, and construction-related activities for high priority water and wastewater facilities in communities near the United States-Mexico border.

A top priority border cleanup project is the cleanup of the New River, which flows from Mexico to Imperial County, CA, and is one of the most polluted rivers in the world.

New River cleanup is essential to ensuring the environmental health of the southern California border region. The cleanup project consists of two stages. Stage one, currently underway, consists of a series of quick fix repair jobs on the Mexicali, Mexico, sewer system aimed at significantly reducing the flow of raw sewage into the New River. Stage two will consist of planning, design, and construction of a wastewater treatment plant and allied systems.

I recently wrote to Carol Browner, Administrator of the Environmental Protection Agency asking the EPA to reaffirm its commitment to meeting the obligation of the United States to contribute 55 percent of the cleanup costs of the New River in Imperial County, CA. The EPA responded on July 26, 1996, confirming its commitment to meeting its 55-percent share of the cleanup costs for the New River. I ask unanimous consent that the EPA letter appear in the RECORD immediately after my statement.

Rice growers in California's Sacramento River valley.

In closing I strongly urge the Environmental Protection Agency to continue working closely with California rice growers to help them achieve certainty regarding the regulation of agricultural waters under the Clean Water Act. Rice growers need clarity and certainty regarding how water quality standards apply to waters associated with rice production in the Sacramento River Valley. I am hopeful that we will be able to reach a solution that all sides are comfortable with in the very near future.

LOW-INCOME HOUSING PRESERVATION

Ms. MOSELEY-BRAUN. Mr. President, I would like to thank the chairman and ranking member of the VA, HUD, and Independent Agencies Subcommittee, on behalf of myself and the other sponsors of the preservation amendment, for including an increase in preservation funding in the manager's amendment to the appropriations bill. Senator BOND and Senator MIKULSKI have been strong and constant champions of the preservation program.

The provision included in the manager's amendment would increase the full appropriation for the low-income housing preservation program by $150 million to $500 million by rescinding $150 million in recaptured preservation interest payments.

Adequate funding for preservation sales to nonprofit organizations is vital if we are to retain affordable rental housing in our communities for families and senior citizens. There are currently more than 300 projects with 30,000 units of affordable housing in the process of being sold to nonprofit and tenant organizations. Without sufficient funding these sales will not go through and thousands of units of affordable housing could be irretrievably lost.

Preservation has been a tremendous success throughout the country and in my own State of Illinois. To date, over 4,000 apartments in more than 17 developments in Illinois have been preserved as affordable housing. Eight of these properties, containing over 2,400 apartments have been transferred to nonprofit owners with the support of the residents.

In Illinois we have three properties, Carmen Marine Apartments, 707 Waveland, and West Park Place, that have been sold to resident councils who are converting the properties to resident home ownership. Carmen Marine is a 300 unit high rise located on Lake Michigan. The residents here became the first tenants in the country to purchase their units under the preservation program in 1994. The average income is approximately $18,000 per year. Rents have remained affordable and a mixed income community with seniors and families of diverse national origins has been preserved. An Illinois success story repeated across the Nation.

The need for affordable housing greatly exceeds the supply. It does not make sense to take a significant number of high quality, low-income units off the market where they can be preserved. With adequate preservation funding we can preserve some of the best of our affordable housing stock. In many neighborhoods, there is no comparable housing available to these tenants.

In Illinois alone, the sales of over 3,500 units to nonprofits are pending. These are units that house senior citizens in their own neighborhoods. These are units that allow families to grow up in good communities. These are affordable units for working people.

The decisions we make concerning funding for preservation will have a direct impact on the lives of these residents and for hundreds of thousand of others around the country. Good, affordable apartments and the American dream of home ownership, to me that, is something worth preserving. I thank my colleagues for including this important increase in preservation funding in the fiscal year 1997 VA, HUD, and independent agencies appropriations bill.

Mr. KERRY. Mr. President, I would like to comment on the HUD title of the VA–HUD appropriations bill. I first want to commend the chairman and the ranking member of the subscommittee for their hard work on this bill. The competing and diverse priorities addressed by this appropriations bill make it arguably the most difficult of all the bills to craft. The chairman and the ranking members take a thoughtful, considered approach to a difficult task and their efforts deserve recognition.

Unfortunately, the VA–HUD Subcommittee has over the last several years been saddled with an insufficient budget allocation. It should not be terribly surprising therefore, that the amounts the subcommittee has provided for many of its programs and activities are inadequate. Nowhere are the overall Federal budget pressures felt more keenly than at HUD. Funding in this bill for public housing operating subsidies, public housing modernization, incremental section 8, elderly and disabled housing, and homeless assistance simply is inadequate relative to the needs across our Nation.

But despite the insufficient overall allocation, there are some bright spots in the bill. Several elements of the HUD title deserve particular mention. I congratulate the subcommittee for providing level funding for the HOME and CDBG programs. These are extremely important programs for providing affordable housing and revitalizing distressed communities. Their blend of national priorities and local flexibility makes these two of HUD's strongest programs.

I also would like to thank the chairman and the ranking member for accepting two amendments that I offered with other members. The first amendment that I offered with my distinguished colleague from new Mexico, Senator DOMENICI, will provide a set-aside of $50 million for vouchers for disabled persons. As the Congress has moved to allow local public housing authorities to designate certain housing developments for elderly only, it is important that we provide alternative housing resources to meet the housing needs of disabled individuals who in the past had access to such housing.

The second amendment increases the appropriations for the low-income housing preservation program from $350 million to $500 million. This is an extremely important program in Massachusetts and across the country. Thousands of families around the country are threatened with losing their affordable housing as owners prepay their HUD-assisted mortgages and convert the housing to either market-rate housing or other uses. The preservation program provides funding to maintain the buildings as affordable housing. The program has been troubled, but its mission is sound. We on the authorizing committee will continue to work to

improve its performance. I again thank the chairman and the ranking member for their support of this amendment and I thank my cosponsors Senators CRAIG, MOSELEY-BRAUN, and SARBANES.

In 1996, Congress provided a priority for funding the portion of the preservation program that provides for the transfer of these developments to community and resident-based nonprofit corporations. I have visited with residents in my home State who have worked for years to assemble funding packages and grant applications to achieve ownership of their dwellings. With this appropriation, the dreams of many across the Nation will come to fruition. But the demand for the sales program has been extraordinary and it is already clear that the $500 million for fiscal year 1997 will not be enough. I am planning to work with the administration and the conferees on this bill to identify other possible sources of funding in order to meet this demand.

Finally, Mr. President, I would like to comment on the Bond amendment related to HUD multifamily portfolio restructuring. We have been working very hard in a bipartisan manner in the Banking Committee to address this intractable problem. As others have described, the effort to lower high section 8 costs and avoid excessive FAA mortgage defaults—while at the same time preserving affordable housing—is complicated and costly. The demonstration for which the Bond amendment provides, represents a good first step toward putting in place a program for lowering section 8 costs and restructuring the mortgages in a sound way. Most important, the amendment states that the purpose of the demonstration is to preserve affordable housing and identifies the public interest in the future affordability of these properties. The amendment preserves project-based assistance and ensures that public agencies are involved in the restructuring.

I do have several concerns with the Bond amendment—particularly related to the role of the residents, the community, and the local government in the restructuring process—but I am confident the bipartisan approach Senator BOND has taken to this point with respect to this amendment will continue in the conference committee and I look forward to working with the chairman in making these improvements and in putting something in place until the authorizing committee can enact a permanent solution.

Mr. BOND. Mr. President, let me thank the leaders for their cooperation in helping us come to what I had not expected to see at this point. We are deeply grateful for the accommodation. After we have acted on the pending amendments, then I believe we will be ready to go to third reading.

Thanks and appreciation to all involved, particularly my colleague, Senator MIKULSKI, and our staffs on both sides.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, as we are just minutes away from the vote on four amendments and then final passage, I thank Senator BOND for his cooperation, respecting the voice of the minority, and for his very able staff and the way they worked with us; Senator LOTT, who worked with us to bring the bill to the floor; to the Democratic leader for his advocacy for all of the issues in this bill, and for creating a framework where we could get many things done; and also to my staff for the excellent work that they did.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. LOTT. I would like to take a moment, too, to say to the chairman of the subcommittee and the ranking member, the managers of this legislation, they have done an excellent job. I know it has not been easy for them, many times, working with the leadership as we have tried to get agreement on a whole number of issues that were really unrelated to their legislation. I think they have done a great job with the bill itself. I apologize for us not being able to get it done before the August recess, but you have been very considerate in your willingness for us to do other things. I thank you for your work. You have done a good job and I am glad we are going to be able to complete it tonight. Although we have enjoyed having you on the floor all this week, you have done such a wonderful job, we still think it better to move on to other issues. Thank you for your good work.

AMENDMENT NO. 5194, AS AMENDED

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 5194, as amended, offered by the Senator from New Mexico. The yeas and nays have been ordered. The clerk will call the roll.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, before we start, we had a minute on each side. Do they need it? I think we might as well get started. I don't think we need it on this particular amendment, but I wanted to be sure. Under the unanimous-consent agreement, there are 2 minutes equally divided prior to each piece of legislation.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to my colleague from Kentucky, I think on the Domenici-Wellstone amendment, we had a pretty thorough debate and discussion, so we probably don't need it on this one.

Mr. FORD. That is what I was saying. On the others, I wanted to alert the Chair to that.

The PRESIDING OFFICER. The Chair thanks the minority whip. The clerk will call the roll.

The bill clerk called the roll.

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

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] and the Senator from Alaska [Mr. MURKOWSKI] would vote ''yea.''

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The result was announced—yeas 82, nays 15, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—82

Abraham	Feingold	McConnell
Akaka	Feinstein	Mikulski
Baucus	Ford	Moseley-Braun
Bennett	Frahm	Moynihan
Biden	Frist	Murray
Bingaman	Glenn	Nunn
Bond	Graham	Pell
Boxer	Grassley	Pressler
Bradley	Harkin	Pryor
Breaux	Hatch	Reid
Bryan	Heflin	Robb
Bumpers	Helms	Rockefeller
Burns	Hollings	Roth
Byrd	Hutchison	Santorum
Campbell	Jeffords	Sarbanes
Chafee	Johnston	Shelby
Cochran	Kassebaum	Simon
Cohen	Kempthorne	Simpson
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
D'Amato	Kohl	Thomas
Daschle	Lautenberg	Thurmond
DeWine	Leahy	Warner
Dodd	Levin	Wellstone
Domenici	Lieberman	Wyden
Dorgan	Lott	
Exon	Lugar	

NAYS—15

Ashcroft	Gramm	Mack
Brown	Grams	McCain
Coats	Gregg	Nickles
Faircloth	Inhofe	Smith
Gorton	Kyl	Thompson

NOT VOTING—3

Hatfield	Inouye	Murkowski

The amendment (No. 5194), as amended, was agreed to.

AMENDMENT NO. 5197

The PRESIDING OFFICER. All succeeding votes will be 10-minute rollcall votes. The next order of business is amendment No. 5197, the amendment offered by the Senator from Iowa, Mr. HARKIN.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is sufficient second.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, we are ready to propound a unanimous-consent request. That way Members will know what they can expect for the next 3 days, Friday, Monday, and Tuesday. We will go through this now and then we will go to the brief explanation on the Harkin amendment and go to final vote. Members have been asking, Mr. President, what will be the items that we will go to next. Rather than answer one by one I thought I could go ahead and outline this. I want to thank