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

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

PRAYER

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

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

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

Under the previous order, leadership time is reserved.

MORNING BUSINESS

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

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

A BRIGHT STAR IN AMERICA'S CONSTELLATION OF RESTAURANTS

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

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

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

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

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

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

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

The history of the Bright Star is rich and quintessentially American. In 1907, Greek immigrant Tom Bonduris established the Bright Star. When its doors opened, it was only a small cafe with a horseshoe-shaped bar, but it soon outgrew three locations, moving to its present site in 1915. Bill Koikos and his brother, Peter, joined in the enterprise when they emigrated from Greece in 1927. Customers were introduced to a new dining atmosphere, complete with ceiling fans, tile floors, mirrored and marbled walls, and murals painted by a European artist traveling through the area, all creating a pleasing effect reflecting the style of that era. While major alterations have occurred since, the same early 20th-century-style atmosphere has been largely preserved.

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

As immigrants, Tom Bonduris and Bill and Peter Koikos knew little of the English language and had few possessions when they arrived in this country, but they worked hard and learned to please their customers. By establishing the Bright Star restaurant as a place of "philoxenia"—a place of hospitality from the heart—the Koikos and Bonduris families drew upon the culture and traditions of their ancestors, striking a resonating chord of acceptance with the public which has never faded. They brought with them spiced ever since those early days to their descendants—Bill's wife, Anastasia, and children, Helen, Jimmy, and Nicholas.

The employees of the Bright Star are an integral part of the family there, and many of them have been with the restaurant for many years. I ask unanimous consent that a list of the employees who have been with the Bright Star for 10 years or more be printed in the CONGRESSIONAL RECORD following my remarks. Among these are Gwendolyn Atkinson, an employee for 32 years; Mary Sherrod, 46 years; Fannie Wright, 33 years; Walter Hoskins, 26 years; and Nita Ray, 27 years.

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

(See CONGRESSIONAL RECORD, September 27, 1995, 10)

EXHIBIT 1

BRIGHT STAR EMPLOYEES OF 10 YEARS OR MORE

<table>
<thead>
<tr>
<th>Name</th>
<th>Years</th>
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</thead>
<tbody>
<tr>
<td>Gwendolyn Atkinson</td>
<td>32</td>
</tr>
<tr>
<td>Betty Bailey</td>
<td>22</td>
</tr>
<tr>
<td>Wanda Johnson</td>
<td>30</td>
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<td>Mary Sherrod</td>
<td>46</td>
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<tr>
<td>Robert Moore</td>
<td>11</td>
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<tr>
<td>Dorothy Paxton</td>
<td>19</td>
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<tr>
<td>Felisa Tolbert</td>
<td>16</td>
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<tr>
<td>Carl Thomas</td>
<td>18</td>
</tr>
<tr>
<td>Fannie Wright</td>
<td>45</td>
</tr>
<tr>
<td>Aaren Tolbert</td>
<td>16</td>
</tr>
<tr>
<td>Angela Sellers</td>
<td>13</td>
</tr>
<tr>
<td>Marion Tankley</td>
<td>13</td>
</tr>
<tr>
<td>Walter Hoskins</td>
<td>25</td>
</tr>
<tr>
<td>Brenda Adams</td>
<td>12</td>
</tr>
<tr>
<td>Fumiko Adams</td>
<td>19</td>
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<td>Elizabeth Gardner</td>
<td>19</td>
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<td>Nita Ray</td>
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<td>Ritta Weems</td>
<td>12</td>
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<tr>
<td>Anne Mull</td>
<td>15</td>
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<td>Marie Jackson</td>
<td>20</td>
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<tr>
<td>Suzan Wright</td>
<td>19</td>
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<tr>
<td>Anthony Ross</td>
<td>10</td>
</tr>
<tr>
<td>Faye Kelley</td>
<td>12</td>
</tr>
<tr>
<td>Dale Ware</td>
<td>10</td>
</tr>
<tr>
<td>Jerome Walker</td>
<td>10</td>
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</tbody>
</table>

TRIBUTE TO LOU WHITAKER AND ALAN TRAMMELL

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

In an age when professional athletes move from city to city, it is refreshing to talk about these two men. Lou Whitaker and Alan Trammell have been foremost in the baseball Hall of Fame for these achievements.

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

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

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

Mr. BYRD. Mr. President, modern-day life expectancy now tops seventy years. Compare that to the life expectancy during the days of the Roman Empire, when the average Roman citizen could expect to live approximately 22 years (June 15, 1994, Gannett News Service). Twenty-two years—an amazing fact, especially when we consider that today, one must attain the age of 25 before serving in the U.S. House of Representatives and the ripe old age of 30 before contemplating service in the U.S. Senate.

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

Recently, ABC News aired a story in
which they questioned the accuracy of
two passages in my book, The Senate of
the Roman Republic. The reporter of
this news segment chose to take issue
with my assertion that "the Roman
Senate, as originally created was
made reference to Romulus' creation of
the first senate, "* * * he chose a hun­
dred of the older men * * * whom,
from time to time, but in the main, the
Senate possessed a power with respect
to the Roman Senate’s veto power. As
the following excerpts from noted historians will attest, this
power of the Senate ebbed and flowed
from time to time, but in the main, the
Senate preserved, directly or indi­
rectly, its authority and power of ratifi­
cation or veto over the actions of
Roman assemblies. I believe my case is
made by the following quotes from
prominent historians.

—A History of the Roman People (1962)

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

—A History of Roman Political Institutions (1963) by Frank

Frost Abbott:
This view that the senate was the ultimate source of authority was the aristocratic
view of the constitution down to the end
of the republic period.

* * * * *

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

—Roman Political Institutions from City
to State (1962) by Leon Homo:
The senatus, the Senate of the
centuriate assembly, whose influence on the Senate, the stronghold of the Patriciate, which it perma­
nently represented, enjoyed a still more
complete right of control. In elections and in
voting, as well as in the decision of the
Centuriate Assembly must, to be fully valid
and to produce its legal effects, be ratified
afterwards by the Senate (comitia Patrum). Refusal of the Senate to ratify was an abso­
lute veto; it made every decision of the
Comitia Centurata null and void, and they
had no legal recourse against it.

* * * * *

So, through the Consuls, the Senatorial ol­
igarchy recovered, in indirect but effective
form, the auctoritas patrum, of which the Lex Hortensia had deprived it.

* * * * *

the Senate, in losing its right of veto.

* * * * *

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

—A History of the Roman World 753-146

BC (1980) by H.H. Scullard, FBA,
FSA:
Though the Senate was a deliberative body
which discussed and need not vote on busi­
ness, it had the right to veto all acts of
the assembly which were invalid without senato­
rial ratification.

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

—A History of Rome to A.D. 565

(1965) by Arthur B.B. Bonk, H.D. and
William G. Stilnigen, Ph.D.:
The Senate also acquired the right to sanc­
tion or to veto resolutions passed by the
Assembly, which could not become laws with­
out the Senate’s approval.

* * * * *

During the early years of the Republic, the
only Assembly of the People was the old
Curial Assembly (concilium curium regal
period... Its powers were limited to voting,
for it did not have the right to initiate legis­
lation or to discuss or amend measures that
were presented to it. Its legislative power,
therefore, was limited by the Senate’s
right of veto.

* * * * *

The legislative power of the Centuries was
limited for a long time, however, by the veto
power of the patrician senators (the patria
auctoritas), who had to ratify measures
passed by the assembly before they became
law. This restriction was practically re­
moved by the Publilian Law (339), which
re­
required the centurial assembly to present pro­
posals that were to be presented to this assem­
by.

Hence it was called the Council of Plebs
(concilium plebis) and not the Tribal Assem­
bly. Its resolutions, called plebiclices, were
binding on plebeians only, but, from the resolutions
were approved by the Senate, they became
valid for all Romans. In the course of the
fourth century the councils began to summon
for legislative purposes an assembly that vir­
ually duplicated the Council of the Plebs
but was called the Tribal Assembly (comitia
tributa) because it was presided over by a
magistrate with imperium and was open to all
citizens. It voted in the same way as the
Council of the Plebs and its laws were sub­
ject to the veto power of the Senate.

A History of Rome to the Battle of Ac­
tium (1894) by Evelyn Shirley
Shuckburgh, M.A.:

* * * * *

the second ordered the auctotitas of the
fathers (that is, a resolution of the Sen­
ate) to be given up and all laws passed in the centuriate assembly...

* * * * *

It took from the senators the power of
stopping the passing of a law in the
Centuriate Assembly. . . .

Mr. President, though these two mat­
ters may seem trivial and insignificant
when taken separately, I did want to take this op­
portunity to assure the readers of my
book, The Senate of the Roman Republic,
that the conclusions drawn are based on a
great deal of study on my part.

Over the course of many years of re­
search I have gleaned information not
only from esteemed modern scholars in
Roman history, but also from the ac­
tual historians of the time. My ref­
erence to the Roman Senate as an as­
sembly of old men and to the veto
power of the Roman Senate was gar­
nered from these authorities. I recog­
nize that history is sometimes subject
to interpretation; therefore, one can
only assume that this may have been
the premise for the ABC News story.

CONCLUSION OF MORNING
BUSINESS

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

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

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

The assistant legislative clerk read as follows:

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

purposes. The Senate resumed consideration of the bill.

Pending: Sarbanes Amendment No. 2762, to restore homeless assistance funding to fiscal year 1996 levels using excess public housing agen­
cy project reserves.

Rockefeller Amendment No. 2764, to strike section 107 which limits compensation for
mentally disabled veterans and offset the loss of revenues by ensuring that any tax cut benefits only those families with incomes
less than $100,000.

Rockefeller Amendment No. 2765 (to commit­tee amendment on page 6, lines 9-10), to increase funding for veterans’ medical care and offset the increase in funds by ensuring that any tax cut benefits only those families with incomes
less than $100,000.

Rockefeller Amendment No. 2766, to provide that any provision that limits implementa­tion or enforcement of any environmental law shall not apply if the Administrator of the
Environmental Protection Agency deter­
mines that application of the prohibition or limitation would diminish the protection of
human health or the environment otherwise provided by law.

The PRESIDING OFFICER. Under the previous order, there are 4 minutes
Mr. ROCKEFELLER. Madam President, speaking as a proponent of the amendment, I urge my colleagues to waive the Budget Act and then to strike this provision which discriminates against mentally disabled veterans.

Mr. President, during last evening's debate on my amendment to strike the provision which discriminates against mentally disabled veterans, I made a number of times during the debate that the mentally incompetent veterans we are talking about are other than VA beneficiaries. Indeed, it is worth noting that about 85 percent of estates left by mentally incompetent veterans are inherited by close family members. While these individuals may or may not be dependents, that should hardly qualify them from inheriting the veterans' estates. Indeed, it is very often these individuals—parents, nondependent children, brothers and sisters, other close family members—who have made significant personal sacrifices to care for the veteran during the veteran's lifetime.

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

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

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

For example, Mr. President, neither report provided evidence that mentally disabled veterans accumulate more assets than other veterans. Nor did either report provide evidence that the limitation did not affect the payment of compensation to mentally incompetent veterans from other disabled veterans on the issue of the disposition of their estates or as to any other element related to their VA compensation. In fact, neither report looks at competent veterans.

Both reports assumed, with no basis, that mentally disabled veterans do not have wills. This is simply not true. Neither report studied mentally competent veterans to learn how they dispose of their estates.

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

With respect to the Inspector general's report, my colleagues may not know that the IG did not recommend that compensation payments to mentally incompetent veterans be stopped, but rather recommended that the compensation payments be paid into a special trust fund on behalf of the veterans.
Mr. President, in essence, this provision is establishing a means test for one of the smallest groups of veterans, and doing so on a very scant record. I know that both the House and Senate Veterans' Affairs Committees supported this provision in OBR A 90. We made a mistake then, and I know it is demonstrated more clearly than in the district court opinion in the suit brought by DAV.

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

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

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

Mr. President, if there is no one area where everyone can agree that the Federal Government has a compelling role, it is in the care of our Nation's service disabled and indigent veterans. It is the Federal Government which raises armies and the Federal Government which sends our young people off to war. It is the Federal Government which is obligated to take care of veterans after the shooting stops.

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

Everyone in this body is familiar with the $245 billion in tax cuts that have been proposed by the Republican leadership. I have been against these cuts from the start, because more than half of the benefits go toward those they belong, and that is on providing services for the veterans who have earned them.

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

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

Mr. WILSTEONE. Madam President, I am very proud to be an original cosponsor of these amendments, of both these amendments. There is, I think, a very, very direct question for each Senator to answer. In exchange for a one time tax giveaway for children at $100,000 a year, we will make sure that we do not put into effect an egregious practice of mean testing compensation for veterans that are struggling with mental illness, service-connected.

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

Finally, Madam President, to be able to restore $511 million so we keep a quality of inpatient and outpatient care, that is what this is about; not the tax giveaways for those with high incomes under $100,000 a year, we will make sure that we do not put into effect an egregious practice of mean testing compensation for veterans that are struggling with mental illness, service-connected.

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

Madam President, I am pleased and proud to be the original cosponsor of the two amendments to H.R. 2669, the VA-HUD appropriati ons bill for fiscal year 1996 that specifically concern our Nation's veterans. My distinguished colleagues who are cosponsoring this amendment are to be congratulated for their efforts to ensure veterans' access to quality VA health care is not seriously compromised and to protect some mentally incompetent veterans who are being targeted for discriminatory, arbitrary, and shameful cuts in VA compensation.

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

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

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

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

While not directly related to this amendment but related to the quality of VA health care generally, this bill also would eliminate all major medical construction projects requested by the President. In the process, some projects involving VA hospitals that do not meet community standards and are deteriorating would not be funded. How can we justify a veteran's claim that what do not meet fire and other safety standards? In obsolete facilities that lack separate rest rooms and dressing room areas for men and women veterans? This is a travesty and no way to treat those who have defended our country. Our veterans do not deserve such shabby and undignified treatment and I will do all in my power to see that this shameful situation ends. I hope that my colleagues will join me in this long overdue effort.
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Madam President, as I pointed out at a Veterans' Affairs Committee hearing a few months ago these cuts could not come at a worse time. We are now talking about cutting $270 billion over the next ten years and making deep cuts in Medicaid. This could lead to a much greater demand for VA services precisely at a time when VA health care capabilities are eroding. Would the VA be able to cope with an influx of elderly and indigent veterans eligible for health care, but currently covered by Medicare or Medicaid? There sometimes is much talk about a declining veterans population, but much less about an aging veterans population—one that disproportionately requires expensive and intensive care. What happens if this population grows even more as a result of Medicare and Medicaid cuts? Before veterans fall victim to the law of unintended consequences, I strongly urge my colleagues to give careful consideration to the cumulative impact on veterans health care of such concurrent cuts in Federal entitlements.

Regarding the other Rockefeller amendment, I was frankly appalled when I learned that both the House and Senate versions of H.R. 2058 include a provision that eliminates compensation benefits for mentally incompetent veterans without dependents but does not limit benefits for physically incapacitated veterans without dependents—or any other class of veterans for that matter. As I understand it, compensation for service-connected disabilities paid to mentally incompetent veterans without dependents would be terminated when the veteran's estate reached $25,000 and not reinstated until the veteran's estate fell to $10,000. Such unequal treatment is outrageous and indefensible. How can we discriminate against veterans who became disabled while serving their country only because they are mentally ill? In eloquent and informative testimony before the Senate Veterans' Affairs Committee, Secretary of Veterans Affairs Jessie Brown, whom I regard as an outstanding Cabinet officer and a singularly tenacious and effective advocate for veterans, pointed out that the only difference between veterans who have lost both arms and legs and those who have a mental condition as a result of combat fatigue, is that the latter group cannot defend themselves. Moreover, the Secretary stressed, we are not only talking about veterans who seem to have no organic basis for their mental illness, but also veterans who were shot in the head on the battlefield and as a result of brain damage cannot attend to their own affairs. And, I might add that to make matters worse, this provision amounts to making disabled while serving their country, applies to only one class of veterans—the mentally ill. I am aware that such a provision was enacted in OBRA 1990 and withstood court challenge, but the fact that it was held to be constitutional makes it no less abhorrent. Fortunately Congress had the good sense to let this onerous provision expire in 1992.

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

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

The veterans' health care and compensation protected by these two amendments are by no means handouts, but entitlements earned by men and women who put their lives on the line to defend this great country. They are part and parcel of America's irrevocable contract with its veterans, a contract that long predates the Constitution. With America we have heard so much about recently. I have a deep commitment to Minnesota veterans to protect the veterans' benefits they have earned and are entitled to and in cosponsoring these amendments I am keeping my faith with them. I urge my colleagues to join me in supporting both amendments.

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

The PRESIDING OFFICER. The Sergeant at Arms is to rely on a phony offset. Everyone in this Senate knows that there is no tax cut in this budget. He would not let it against a tax cut. It is not there.

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

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

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

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

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

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

Mr. WELLSTONE. I thank the Chair.

The PRESIDING OFFICER. All time has expired.

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

The yeas and nays resulted, yeas 47, nays 53 as follows: [Rollcall Vote No. 465 Leg.]

YEAS—47

Akaka          Feingold          Lieberman
Baucus         Fleschner         Mikulski
Biden          Ford              Monuchy-Braun
Bingaman       Glenn             Moynihan
Byrd           Graham            Murray
Bumpers        Harkins           Nann
Breaux         Hefflin           Pell
Brady          Hoeffner          Pogue
Brown          Inouye            Reid
Burns          Johnson           Robb
Cohen          Kennedy           Rockefeller
Conrad          Kerry             Sarbanes
Dodd           Kohl              Simon
Duckworth      Lauseng           Snowe
Dorgan          Leahy             Wellstone
Exon

NAYS—53

Abraham        Bentson           Campbell
Ashcroft       Brown             Chafee
Bennett        Burns             Coats
Feinstein       Mikulski
Ford              Monuchy-Braun
Glenn             Moynihan
Graham            Murray
Harkins           Nann
Hefflin           Pell
Hoeffner          Pogue
Inouye            Reid
Johnson           Robb
Kennedy           Rockefeller
Kerry             Sarbanes
Kohl              Simon
Lauseng           Snowe
Leahy             Wellstone
Exon

Now, the solution offered by my friend and colleague from West Virginia is to rely on a phony offset. Everybody in this Senate knows that there is no tax cut in this budget. He would not let it against a tax cut. It is not there.
The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion to waive the Budget Act is not agreed to. The point of order is sustained.

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

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

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

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

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

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

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

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

I urge my colleagues to vote no.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

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

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

[Rollcall Vote No. 466 Leg.]
House, that we should not use appropriations bills for a back-door attack on environmental protection.

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

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

Let me remind everyone why this amendment is necessary. We need to reform our environmental laws, to make them not only strong but smart. But the appropriations bill, and particularly the House, is not environmental reform. It contains riders that roll back, eliminate environmental laws. For example, it eliminates the Great Lakes initiative; it eliminates rules for toxic air emissions from hazardous waste incinerators and refineries; it eliminates enforcement of the wetlands program. In the Environment & Public Works Committee, we are dealing with the wetlands program, working to reform it. This rider eliminates it. It eliminates rules that control discharge of raw sewage into public waters. The list of riders goes on.

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

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

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

Mrs. MURRAY. Mr. President, the funding of EPA for the legislative riders contained in this bill means one thing for the citizens of our Nation: a lower quality of life. It means widespread degradation of the quality of life for all Americans by cleaning up our air, water, and soil and keeping them clean. But with inadequate funding and congressionally mandated caveats and barriers, our people and our environment will no longer be adequately protected.

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

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

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

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

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

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

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

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

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

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

Make no mistake, however, the riders particularly in the House bill will, if they find their way into law, quickly and permanently realign our national policies. The riders would severly limit the agency's ability to ensure that our water is safe, our food is safe, and our air is clean.

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

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

These programs were designed to keep raw sewage off beaches and out of waterways and reduce dirty runoff from streets and farms. They are critical to the cleanup and long-term health of Long Island Sound. Last year alone Connecticut had 162 beach closings from too high a count of disease-causing bacteria. These bacteria come from raw untreated sewage that still flows from sewerage treatment systems in Connecticut, New York that are outdated and inadequate, sewage treatment and collection systems. Stormwater controls would be eliminated from many urban areas. The result would be widespread degradation of water quality, which would threaten the State's commercial fishing and shellfishing industry. As the Connecticut Commissioner of Environmental Protection, Sidney Holbrook, has written about the House bill: "If enacted in its current form, the bill would adversely impact important water quality and public health initiatives." EPA does much more than enforce this law. EPA provides guidance and funding so that States and localities can upgrade and repair their aging sewerage systems. Language in the House bill would completely stop EPA from issuing stormwater permits, providing technical assistance and outreach, and enforcing against the most serious overflow problems.

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

One rider would prevent the EPA from enforcing its rule limiting emissions of hazardous air pollutants from refineries. This rule, which has just gone final, would reduce toxic emissions from refinery facilities by almost 50 percent—approximately 50,900 tons per year of toxic emissions and 277,000 tons per year of emissions of volatile organic compounds, the major contributor to smog. The health impacts of hazardous air pollutants include potential respiratory, reproductive, and neurotoxic effects.

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

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

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

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

Mr. BOND. Mr. President, last night I said that this amendment was breathing. First, I extend my sincere thanks to the kind words that the Senator from Montana has made about the measures we put in our bill. He addressed his arguments against the so-called legislative riders in the House bill. Regardless of how good or bad they are, how good or bad ours are, his suggestions will not give the EPA administrator unfettered authority to disregard a law passed by the Congress and signed by the President.

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

Let me for the benefit of my colleagues, read this to you: Any prohibition or limitation in this Act on the implementation or enforcement of any law administered by the Administrator of the Environmental Protection Agency shall not apply if the Administrator determines that application of the prohibition or limitation would diminish the protection of human health or the environment otherwise provided by law.

That, to me, gives the EPA Administrator the power to veto, ignore, or totally disregard a law. I am not going to move to table this. I want my colleagues to have the pleasure of voting up or down on the simple proposition. The PRESIDING OFFICER. A motion to table has already been made. Mr. BOND. Mr. President, I ask unanimous consent to withdraw the motion to table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. Mr. BOND. I want my colleagues to have the pleasure of voting yes or no on this simple proposition: Do you want the unappointed Administrator of the EPA to be able to change laws passed by Congress and signed by the President?

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

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

The yeas and nays have been ordered. The clerk will call the roll. The legislative clerk called the roll. The PRESIDING OFFICER. No further action on any other Senators in the Chamber desiring to vote? The result was announced—yeas 39, nays 61, as follows:

[Table of votes]

The PRESIDING OFFICER. So the amendment (No. 2786) was rejected.
Mr. BYRD. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

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

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

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

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

The PRESIDING OFFICER. Right.

The Senator from Maryland.

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

Mr. President, I implore my colleagues to support this amendment on the homeless. The committee has cut the funding for homeless assistance by 32 percent from last year's level. In fact, the committee level is below the level of the year before last. The House voted to decrease the less assistance programs is named after the very distinguished former Republican Congressman from Connecticut. Ever since Congressman McKinney's efforts to develop the homeless assistance programs, Federal policies for homeless assistance have enjoyed bipartisan support. I urge my colleagues to continue to support bipartisan approach here today.

How much time is remaining?

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

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

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

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

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

The Senator from Missouri.

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

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

There is no dispute that more homeless assistance funding could be used. The committee looked everywhere it could to find this money, to balance the needs and needs of those who are now getting existing low-income housing assistance. Despite severe budgetary constraints, the committee increased House-passed homeless funding by $94 million. When combined with amounts released by HUD, homeless activities in fiscal year 1996 should be maintained at current rates.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Mr. President, 5 on each side?

Mr. SARBANES. Mr. President, in closing, let me just underline that I would prefer that we not take the money out of the section 8 reserves. But we are forced by the budget rules to find an offset. The question before us here is, amongst the priorities, which activities ought to come first?

The homeless are at the very bottom of the scale. They are out on the street. We have been trying to put together an infrastructure to try to deal with their needs and we are having some success across the country. Each of you know that in your local communities you have church groups, you have civic organizations, you have community groups who are marshaling their resources to try to deal with the needs of the homeless. They need this Federal support.

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

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

I am simply saying to my colleagues, support this amendment: Vote to shift the $36 billion in the Senate bill is allowed to stand, you will give us a chance to put a new approach into effect.

The PRESIDING OFFICER. The Senator from Missouri.

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

The Secretary, Secretary Cisneros, said after he revised it, we need $1.8 billion. We were only able in this tight budget time to give him $1.3 billion. I do not believe him when he says that he can make this work with less than $1 billion. I think that is an accommodation.

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

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

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yea and nay vote were ordered.

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

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

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

The legislative clerk called the roll.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, if I might respond, we have been working out a number of these amendments. I think we were very close to agreement on a number of them. Some of them clearly are going to require votes. We are ready to line up two, one with an hour time agreement, one with a 45-minute time agreement. Then I cannot say on this side that there are any more of our amendments that should require a vote. I think they can be accepted or would be included in a—excuse me, there is one Senator CHAFFE is going to offer, proposes to offer about the brown fields. I hope that will be agreed upon. That might require a vote. It should be a short time limit. I would be interested on the minority side in what my colleague sees as the opportunities there.

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

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

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

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

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

Mr. DOLE. So just let us see—11, 12, 1. Maybe we can complete action on this bill by 2 p.m.
Ms. MIKULSKI. I think the prickly point here is what Senator BUMPERS chooses to do on the NASA-Russian reactor sale. I think that is a prickly pear.

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

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

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

OBJECTION TO PERMISSION FOR FINANCE COMMITTEE TO MEET

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

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

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

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

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

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

The PRESIDING OFFICER. Is there objection to that request?

Mr. DOLE. That does not include Finance.

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

(The text of the requests is printed in today's Record.)

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

Mr. LAUTENBERG addressed the Chair.

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

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

Mr. LAUTENBERG. Yes.

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

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

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

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

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

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

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

Mr. BOND. Mr. President, I object. Mr. WELLSTONE. Do I have the floor?

Mr. BOND. The Senator from New Jersey.

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

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

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

The Senator from New Jersey.

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

Mr. WELLSTONE. May I have 30 seconds?

Mr. BOND. Mr. President, I object.

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

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

The Senate continued with the consideration of the bill.

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

I ask unanimous consent that the Senator from New Jersey be recognized to introduce an amendment on the EPA funding, that there be 1 hour divided in the usual manner and in the usual form, that at the conclusion of that 1 hour the amendment be set aside, and that the Senator from Wisconsin, Senator FEINGOLD, be recognized to introduce an amendment on insurance redlining, that there be 45 minutes divided in the usual form and
under the usual procedures, and at the end of that debate that a vote occur on or in relation to the Lautenberg amendment, be under the usual procedures, and at the

September 27, 1995

The bill clerk read as follows:
The Senator from New Jersey [Mr. LAUTENBERG], for himself, Ms. MIKULSKI, Mr. DASCHLE, Mr. BAUCUS, Mr. KERRY, Mr. BIDEN, Mrs. MURRAY, Mr. SARABANES, Mr. PELL, and Mr. KENNEDY, proposes an amendment numbered 2788.

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

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

The amendment is as follows:

On page 141, line 4, strike beginning with "$1,003,400,000" through page 152, line 8, and insert the following: "$1,435,000,000 to remain available until expended, consisting of section 51(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101-506, and $250,000,000 as a pay-fiscal year 1996. Provided, That none of the funds made available under this heading shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996: Provided further, That $11,185,000,000 as available by the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(d), 111(c)(4), and 111(c)(4) of CERCLA and section 1180 of the Superfund Amendments and Reauthorization Act of 1986: Provided further, That none of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1996: Provided further, That none of the funds made available under this heading may be used by the Environmental Protection Agency to propose for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as amended (42 U.S.C. 9005), unless the Administrator receives a written request to propose for listing or to list a facility from the Governor of the State in which the facility is located, or appropriate tribal leader, or unless legislation to reauthorize CERCLA is enacted.

The PRESIDING OFFICER. The clerk will report.
with section 182 of the Clean Air Act (42 U.S.C. 7511a), but the Administrator may approve such a program if a State chooses to adopt the program as a means of complying with section 182 of the Act.

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

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

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

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

SEC. 303. None of the funds provided in this Act may be used within the Environmental Protection Agency to implement any final action of the Administrator or her delegate for signing and publishing for promulgation a rule concerning any new standard for arsenic, selenium, radium, ground water disconnection, or the contaminants in phase IVB in drinking water, unless the Safe Drinking Water Act of 1974 has been reenacted and signed.

SEC. 304. None of the funds provided in this Act may be used during fiscal year 1996 to sign, promulgate, implement or enforce the requirements of criteria pollutants under section 107 of the Clean Air Act (42 U.S.C. 7407) in a State not later than 45 days after the date of submission.

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

SEC. 306. Notwithstanding any other provision of law, Mr. President, I am an industrial discharger to the Kalamazoo Water Reclamation Plant, an advanced wastewater treatment plant with activated sludge pretreatment under section 307(b) of the Federal Water Pollution Control Act, as amended. If the following conditions are met: (1) the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for such industrial discharger and (2) the State, in whose territory the plant is located, approves such an exemption request based upon a determination that the Kalamazoo Water Reclamation Plant will provide treatment consistent with or better than treatment requirements set forth by the State, the EPA may enter into a joint financial contract between the City of Kalamazoo and the industrial user and an approved local pretreatment program to enable a joint monitoring program and local controls to prevent interference and pass through.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Council, Organization, and Priorities Act of 1976 (42 U.S.C. 7001 and 7001a), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $4,561,000: Provided, That the funds made available for the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality and Office of Environmental Policy Plan No. 1 of 1977, $2,186,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. Section 305(b) of House Concurrent Resolution 67 (104th Congress, 1st Session) is amended to read as follows:

"(b) RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.—(1) IN GENERAL.—The budget shall file with the Senate revised allocations pursuant to paragraph (2) to the Senate Appropriations Committees to reflect the reconciliation bill carrying out all such recommendations without any substantive revision.

"(2) COMMITTEE ON BUDGET.—For this section shall be provided by limiting any tax cut provided in the reconciliation bill to families with incomes less than $50,000.

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

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

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

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

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

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

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

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

I recognize that some critics of the Superfund say we should not provide money to the program unless some of its problems are fixed, and I agree we have to fix the problems. But while the program has had its problems in the past, which we are presently working to correct, people still want the cleanups to continue. While the controversy surrounding the program has focused on the issue of liability, there is no dispute about the need to clean up these sites, nor about the need for Federal funds to help do so.
Communities concerned about the health of their citizens need this money to move ahead with cleanups, while the responsible parties, those accused of doing the pollution, who created the pollution, litigate amongst themselves instead of paying for their obligation. Federal money also is needed if those responsible cannot be found or refuse payment.

In addition, while everyone agrees that hazardous waste sites should still need cleanup efforts where possible. Government oversight is necessary to assure that agreements are met and the public health is protected.

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

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

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

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

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

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

The second part of my amendment, Mr. President, will restore money to the States' revolving loan funds. The

Clean Water Act requires that cities and towns comply with minimum waste treatment standards. States report that they will need $126 billion to comply with these requirements.

This amount will provide the State revolving loan fund at last year's level by restoring $328 million.

Finally, my amendment would add just over $1 million to continue the work for the Council on Environmental Quality. For a small amount, CQE can coordinate the administration's environmental programs. This is important, especially with respect to the coordination of environmental impact statements.

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

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

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

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

Mr. President, I yield the floor.

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

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

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

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

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

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

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

Let me talk, though, about the substance. First, Superfund. While there may be disagreement on how we reform the program, there is virtually no disagreement that I know of that the program must be reformed. We have studied by the dozens outlining the problems with the Superfund Program.

There have been 90-day reviews and 30-day reviews to improve the program. There have been Rand studies, CBO studies, and the work of the National Commission on Superfund Reform.

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

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

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

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

In my first speech to Congress, President Clinton declared, "I would like to use the Superfund to clean up pollution for a change and not just pay lawyers."

I believe I was one of a large group of
Senators who stood and applauded that statement. I believe there is very strong agreement on both sides of the aisle that the President set the proper tone to mobilize public opinion, stop paying lawyers. There is little disagreement on either side that the program is not working, or not working as well as it should.

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

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

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

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

Now, the Senator's amendment also would double funding for the Council on Environmental Quality. I point out that there was a hearing by the subcommittee and the full committee of about 160 immediate public health threats could be significantly delayed, and we risk letting polluters get off the hook because we will not be able to reach and enforce settlements for cleanups.

I also have serious concerns about the reduction of $386 million below the President's request that this bill contains for water infrastructure Superfund revolving funds. This cut means that about 101 wastewater treatment projects will not proceed.

I also have serious concerns about the reduction of $386 million below the President's request that this bill contains for water infrastructure Superfund revolving funds. This cut means that about 101 wastewater treatment projects will not proceed.

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

The immediate loss of $587 million will result in a cumulative loss of $2.3 billion in funding over the next 20 years. In my home State of Maryland, this funding is a big deal.

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

EPA's most recent water quality inventory reports that 37 percent of the Nation's shellfish beds are restricted, limited, or closed.
I'm afraid that this funding level could cause water quality to continue to decline, which has no small concern for states like mine which depend heavily on rivers and coastal waters.

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

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

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

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

The bill also requires that the Safe Drinking Water Act be reauthorized by April 30, 1996.

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senate has 14 minutes remaining.

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

I first will explain very briefly why it is that I supported him even as I voted against the subcommittee bill. It is fairly simple. I think yeoman work was done. I think that the distinguished Senator from Missouri gave it a good effort but I still feel that we are not adequately protecting our communities against environmental pollution.

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

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

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

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

Mr. President, I have to respond by talking about a condition in, coincidentally, in Forest City and Glover, MO. A 1985 study among residents who lived near Superfund sites shows an increase in reports of respiratory problems and increased pulmonary function disorder.

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

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

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

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

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

The fact of the matter is, Mr. President, the Superfund—and I discussed this in my office with my very able staff yesterday—the title suggests that this thing that escapes understanding that the American people do not have about what it all means. Superfund ought to have a different name. It ought to be getting rid of threats to the health of people in the community. Superfund has some connotation that it is a major spending program by Government and that we all enjoy throwing money down the drainpipe.

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

Mr. President, I think we have to get the definitions very clear. Superfund
Mr. LAUTENBERG. Mr. President, I yield the floor. I understand my colleague from Delaware is on his way and wants to speak. I hope I can reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, I yield myself such time as I may require. I believe that we have a program that is going to Superfund sites this week and again in the Superfund department, it is going to have some attention, whether it is in the Senate or in the House.

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

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

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

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

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

The PRESIDING OFFICER. The Senator has 4½ minutes.
Why do they not just eliminate the Clean Air Act, eliminate the Clean Water Act, and drastically reduce the requirements? Why do you not just do that? Otherwise, the local municipalities, the cities, and the States are not going to be able to meet the requirements of these acts.

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

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

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

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

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

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

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

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

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

As a former county councilman I support this effort. Yet, the bill before us guts the Environmental Protection Agency's budget by a whopping $1 billion. Who is going to pick up the cost for these necessary protection efforts? State and local governments—an unfunded mandate. That is why this amendment is so necessary.

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

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

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

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

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

The bill as currently written also cuts by over $328 million assistance to local governments in meeting their Clean Water Act responsibilities. These funds are desperately needed by local communities to modernize facilities which treat wastewater pollution.

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

Years ago, I literally dredged raw sewage from the floor of the Delaware Bay to demonstrate just how polluted that waterway once was. Today it is much cleaner, and raw sewage is no longer as severe a problem.

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

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

The former Republican Governor of Delaware, Mr. Russ Peterson, a man whom I have the utmost respect and admiration for, formerly chaired this Council. It's mission is simple: To eliminate duplication and waste by coordinating the Government's use of environmental impact statements, in the process saving the taxpayers' money. Yet, a wise use of resources, the return is far greater than the investment and we ought to support it.

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

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

It is as simple as that.

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

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

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

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

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

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

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

I yield 5 minutes to the Senator from New Hampshire.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. BOND addressed the Chair.

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

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

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

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

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

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

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

The yeas and nays were ordered.

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

The PRESIDING OFFICER. Is there objection to the request?

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

The amendment, as modified, is as follows:

On page 141, line 4, strike beginning with "$1,003,400,000" through page 152, line 9, and insert the following: "$4,135,000,000 to remain available until expended, consisting of "$1,185,000,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1990 (SARA), as amended by Public Law 101–508, and $250,000,000 as a payment from general fund transfers to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101–508. Provided, That funds appropriated under this heading may be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996: Provided further, That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed $461,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(d), 111(k)(4), and 111(k)(4) of CERCLA and section 118(c)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act.

Provided further, That none of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(d), 111(k)(4), and 111(k)(4) of CERCLA and section 118(c)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act.

Provided further, That none of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(d), 111(k)(4), and 111(k)(4) of CERCLA and section 118(c)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act.
list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended (42 U.S.C. 9605), unless the Administrator receives a written request to propose for listing or to list a facility from the Indian tribe, in which case the Administrator shall prepare an individual or appropriate tribal leader, or unless legislation to reauthorize CERCLA is enacted.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out leaking underground storage tank cleanup activities pursuant to the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities: Provided, That no more than $8,000,000 shall be available for administrative expenses: Provided further, That no more than $45,827,000, to remain available until expended: Provided, That no more than $1,828,000,000 shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency’s responsibilities under the Oil Pollution Act of 1990, $50,000,000, to remain available until expended: Provided, That no more than $15,000,000 for grants to the Department of the Army for port water infrastructure financing: Provided further, That the funds made available under this heading in Public Law 103-327 and in Public Law 104-149 for capitalization grants for State revolving funds to support water infrastructure financing, $255,000,000 shall be available for capitalization grants for State revolving funds under title VI of the Federal Water Pollution Control Act, as amended, if no drinking water State revolving fund legislation is enacted by December 31, 1995.

ADMINISTRATIVE PROVISIONS

SEC. 301. MORATORIUM ON CERTAIN EMISSIONS TESTING REQUIREMENTS.

(a) MORATORIUM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the “Administrator”) shall not require adoption or implementation by State or local authorities of any maintenance program as a means of compliance with section 182 of the Clean Air Act (42 U.S.C. 7471a), but the Administrator may approve such a program if the State proposes to adopt the program as a means of compliance.

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

(b) PLAN APPROVAL.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the “Administrator”) shall not disapprove a State implementation plan revision under section 182 of the Clean Air Act (42 U.S.C. 7471a), if the Administrator determines that such implementation plan revision is consistent with the Clean Air Act and meets the requirements under this Act.

(2) CREDIT.—If a State provides data for a proposed inspection and maintenance system for which credits are appropriate under section 182 of the Clean Air Act (42 U.S.C. 7471a), the Administrator shall allow the full amount of credit for the system that is appropriate without regard to any regulation providing for a 50-percent discount for alternative test-and-repair inspection and maintenance programs.

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

SEC. 302. None of the funds made available in this Act may be used by the Environmental Protection Agency to impose or enforce any requirement that a State implement trip reduction measures to reduce vehicular emissions. Section 304 of the Clean Air Act (42 U.S.C. 7511a) shall apply with respect to any such requirement during the period beginning on the date of the enactment of this Act and ending September 30, 1996.

SEC. 303. None of the funds provided in this Act may be used by the Environmental Protection Agency for any final action by the Administrator or her delegate for signing and publishing for promulgation a rule concerning any new standard for arsenic (for its carcinogenic effects), sulfates, radon, ground water disinfection, or the contaminants in phase IV B in drinking water, unless the Safe Drinking Water Act of 1996 has been reauthorized.

SEC. 304. None of the funds provided in this Act may be used during fiscal year 1996 to sign, promulgate, implement or enforce the requirement proposed as “Regulation of Fuels and Fuel Additives: Individual Foreign Energy Source Price Controls (Proposed Rulemaking on ‘Montebello Gasolined’”) at volume 59 of the Federal Register at pages 22800 through 22814.

SEC. 305. None of the funds appropriated to the Environmental Protection Agency for fiscal year 1995 may be used to implement section 404(c) of the Federal Water Pollution Control Act, as amended, unless the Environmental Protection Agency to implement section 404(c) with respect to an individual permit shall remain in effect after the expiration of enactment of this Act.

SEC. 306. Notwithstanding any other provision of law, for this fiscal year and hereafter, an industrial discharger to the Kalamazoo Water Reclamation Plant, an advanced wastewater treatment plant with activated carbon, may be exempted from categorical requirements under section 303(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met: (1) the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for such industrial discharger and (2) the State or the Administrator, as applicable, approves such exemption request pursuant to 40 C.F.R. Part 123. The Kalamazoo Water Reclamation Plant will provide treatment consistent with or better than requirements established under sections 302 and 303(b) of the Federal Water Pollution Control Act, as amended, if such requirements are met.

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

SEC. 308. None of the funds appropriated under this Act may be used to implement the requirements of section 186(b)(2), section 167(b) or section 211(n) of the Clean Air Act (42 U.S.C. 7471b(2), 7417(b) or 7411(n)) with respect to any moderate nonattainment area in which the average daily winter temperature is 50 degrees Fahrenheit. The preceding sentence shall not be interpreted to preclude assistance from the Environmental Protection Agency to the State of Alaska to assist in attaining the national primary monoxide standard in such areas and to resolve remaining issues regarding the use of oxygenated fuels in such areas.

SEC. 309. ENERGY EFFICIENCY AND ENERGY SUPPLY PROGRAMS.

(a) PRIORITY FOR SMALL BUSINESSES.—During fiscal year 1996 the Administrator of the Small Business Administration shall make all possible efforts to encourage that priority in providing assistance in its Energy Efficiency and Energy Supply programs to organisations that are recognized as small businesses by the Small Business Act (15 U.S.C. 632(a)).

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

(c) FUNDING.—For fiscal year 1996, up to $100 million of the funds appropriated to the Environmental Protection Agency may be used by the Administrator to support global participatory action plans for the climate change action plan programs including the green programs."

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6001 and 6071), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for office rentals and representation expenses, and rental of conference rooms in the District of Columbia, $4,981,000: Provided, That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

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

ADMINISTRATIVE PROVISIONS

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

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

(1) CERTIFICATION.—(A) In the Senate, upon the submission to the Senate Committee on Finance of the Senate recommendations pursuant to section 202(a) of this resolution, the Senate Committee on Finance shall submit its recommendations pursuant to paragraph (2) to the Senate Committee on the Budget. After receiving the recommendations, the Committee on the Budget shall add such recommendations to the recommendations submitted pursuant to subsection (a) and report a reconciliation bill carrying out all such recommendations without any substantive revision.

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

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

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

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

AMENDMENT NO. 2789 TO THE EXCEPTED COMMITTEE AMENDMENT ON PAGE 51, LINE 3, THROUGH PAGE 58, LINE 20

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

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

Mr. Feingold. I think the Chair.

Mr. President, I ask unanimous consent that the pending committee amendment be temporarily set aside and be in order to take up the committee amendment beginning on page 51, line 9.

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

Mr. Feingold. Mr. President, I send an amendment to the desk on behalf of myself and Senators Moseley-Braun, Mikulski, Simon, Kennedy, Bradley, and Wellstone.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk reads as follows:

The Senator from Wisconsin (Mr. Feingold), for himself, Ms. Moseley-Braun, Ms. Mikulski, Mr. Simon, Mr. Kennedy, Mr. Bradley, and Mr. Wellstone, proposes an amendment numbered 2789 to the excepted committee amendment on page 51, line 3, through page 58, line 20.

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

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

The amendment is as follows:

On page 52, strike lines 12 through 17.

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

The PRESIDING OFFICER. The Senator is correct.

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

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

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

Believe it or not, this provision actually evolved to provide property insurance to those redlined neighborhoods. These redlined neighborhoods typically were low income and minority communities, and it required the underwriting of the financial services that were necessary to purchase a home or a business or an automobile.

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

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

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

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

Mr. President, the key question, of course, is does redlining actually exist as a practice? Countless new reports and studies indicate that there is a prevalent and growing level of discriminatory underwriting in the insurance industry. According to a 1980 report of the Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin advisory committees to the U.S. Commission on Civil Rights and the recent study on home insurance in 14 cities released by the community advocacy group ACORN have pointed out that insurance redlining practices are, in fact, widespread in America. These reports highlight the fallacies of the contention that a lack of insurance is a function of the income level. Many of these communities is due to economics, or that it is simply due to statistically based risk assessment.

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

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

My own interest in this matter is longstanding, but it especially grew...
out of a widely reported redlining abuse in the city of Milwaukee, WI, where residents were denied mortgage loans and insurance. This pattern of discrimination in Milwaukee led seven of our Milwaukee residents to join with the NAACP to file suit against the American Family Insurance Co. An unprecedented and historic out-of-court settlement was reached in this case between the parties where the insurance company actually agreed, rather than go forward with the litigation, to spend $14.5 million compensating these and other Milwaukee homeowners who had been discriminated against, as well as some of the funds for special housing programs in the city of Milwaukee.

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

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

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

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

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

Let me repeat that. For those who might think HUD's involvement in combating property insurance discrimination is simply an initiative of the Clinton administration, that is categorically wrong. The regulations were the result of a law that passed Congress with strong bipartisan support and was signed into law by President Ronald Reagan. And then the regulations were promulgated under the administration of President George Bush. It is not the case that HUD's role in enforcing the Fair Housing Act as it applies to property insurance is somehow just a new effort to expand the Federal Government's regulatory powers over a particular industry.

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

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

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

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

The editorial said:

However receptive the Republican-controlled Congress is to business rebuilding of legislation, and however large public antipathy to poverty and affirmative action programs seems, we feel the overwhelming majority of Americans will not say that. It is true that including those other civil acts do not say that... while the industry may not be looking to avoid redlining or civil-rights oversight, insurers certainly appear to be using a legislative end-run to keep HUD from trying to recoup legitimate insurance redlining and civil-rights wrongs.

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

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

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. FEINGOLD. Mr. President, I find it remarkable that the trade publication of the very industry in question has observed this not as anything more than a backdoor attempt to stop HUD from combating legitimate and real redlining abuses and discriminatory practices. I am not out here on the floor today to throw a blanket indictment on the insurance industry. I know many individuals in my home State who work in the industry, and it is my firm belief the vast majority of those people are decent, hard-working Americans who would join with me and the Senator from Maryland and the Senator from Illinois and others in condemning this sort of bigotry and discrimination. Unfortunately, it is evidence that these sort of abuses do occur. And the Federal Government has to do all it can do to enforce the Fair Housing Act as is required under current law.

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

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

EXHIBIT 1

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

INSURER ATTACK ON HUD COULD BACKFIRE

As bald expressions of lobbying muscle go, the insurance industry’s recent success in derailing the Department of Housing and Urban Development’s insurance pure
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...strings in the House was certainly impressive.

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

A broad coalition of insurers and their associations—led by the National Association of Mutual Insurance Companies, the National Association of Insurance and Financial Services, Inc., the American Insurance League, and the State Farm and Allstate—pushed for language in this year's House version of the HUD appropriations bill which precludes the associations-led by the National Association...
September 27, 1995

But HUD took this action without expressed legislative authority from Congress. Unless the Supreme Court should interpret the HUD regulation as giving itself legislative authority, then there is no national authority for applying the Fair Housing Act to property insurance.

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Maryland.

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

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

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

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

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

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

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

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

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

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

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

What I would bring up is when we talk about duplication, about the fact that States and local governments have one set of laws and the Federal Government should not duplicate—when I was in the Baltimore City Council, I passed the first legislation in the city government to prevent discrimination on the basis of disability. Then some 12 years later, we passed a Federal law. Nobody in the Baltimore City Council thought that was needed because you did this 12 years ago.” Well, we needed it there, and we need it now. When we look at the fact that it is the Federal Government that is promoting home ownership, the Federal Government should be making sure the people who benefit from VA and FHA can get the property insurance to protect their property.

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

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


HSG. BARBARA MIKULSKI.

U.S. Senate, Washington, DC.

Dear Senator MIKULSKI:

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

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

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

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

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

The House language goes far beyond exempting the insurance industry from HUD enforcement. In its entirety, it eliminates all HUD efforts to ensure that homeowners insurance is provided to every American on an equal basis. By defunding FHIP, the U.S. Congress also would be abandoning its efforts to enforce the Fair Housing Act. While every State has property insurance laws that prohibit unfair discrimination, no State law provides the protection to insurance consumers equivalent to the protection of the Federal Fair Housing Act.

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

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

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

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

Mr. President, I yield the floor.

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

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

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

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

If HUD is barred from investigating claims of property insurance redlining, Americans will be denied the protection of a basic civil rights law. I do not think that insurance companies should
The reasoning behind the 1988 amendments is simple. The ability to obtain property insurance is a precondition to buying a home. Without property insurance, a lender will not provide a mortgage. Without a mortgage, most Americans would not be able to afford a home. The 1988 fair housing amendments were intended to insure that all Americans can apply equally for property insurance—without discrimination.

The Department of Housing and Urban Development, using the 1988 fair housing amendments, is successfully working to end this fundamental violation of civil rights. We cannot now take a step backward and deny millions of Americans the chance to own their own home by making it more difficult for them to obtain property insurance.

One effect of this provision would be to take enforcement of the laws against "redlining" out of Federal hands and effectively leave such enforcement to the vagaries of State law. While some States have statutes prohibiting insurance redlining, others do not. In the provision of property insurance, these laws do not go as far as the Fair Housing Act in preventing discrimination. For example, as of 1983, only 26 States had specific prohibitions on the offensive practice of insurance redlining.

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

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

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

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

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

The investigation uncovered the fact that discrimination against African-American and Latino neighborhoods occurred more than 50 percent of the time. Astoundingly, in Chicago, Latino testers ran into problems in more than 69 percent of their attempts to obtain insurance, while in Toledo, African-Americans experienced discrimination by State Farm 85 percent of the time. While white testers encountered no problems obtaining insurance quotations and favorable rates, African-American and Latino testers encountered the following problems:

- Failure by insurance agents to return repeated phone calls;
- Failing to provide quote information;
- Giving preconditions for providing quotes—inspection of property, credit rating checks;
- Failure to provide replacement-cost coverage to homes of blacks and Latinos;

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

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

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.
I encourage support for the amendment of Senator FEINGOLD.

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

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

Mr. SIMON. My colleagues are members of the Senate in strong support of the Feingold amendment.

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

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

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

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

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

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

And therefore I would respond: Well, that is not exactly what I meant. Of course they would spell out their worry about interracial marriages, and I would say: How many of you in here married the boy or girl next door? I never, ever had anyone raise their hand. Then I said: If you really are concerned about racially mixed marriages, then have people move next door; then you will solve what you see as a problem.

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

I plead with my colleagues not to take this issue to become one of division among us, but rather to bring us together and allow for the protections of the Feingold, against discrimination, to continue.
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Aslie to stand up for civil rights on this issue. We should not take a step backward.

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

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

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

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

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

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

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

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

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

I will now yield 7 minutes to the junior Senator from Illinois, Ms. MOSELEY-BRAUN. I thank Senator FEINGOLD.

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

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

I thank the junior Senator from Illinois for her great leadership on this issue. I share her view. I will be stunned if this body, that has risen to the occasion on many instances, actually goes forward and takes this extremely serious and harsh action with regard to the civil rights laws of our country.

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

None of the funds provided in this act will be used during fiscal year 1995 to sign, promulgate, implement, or enforce any requirement or regulation relating to the application of the Fair Housing Act to the business of property insurance.

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

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

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

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

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

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

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

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None of the funds provided in this act will be used during fiscal year 1995 to sign, promulgate, implement, or enforce any requirement or regulation relating to the application of the Fair Housing Act to the business of property insurance.

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

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

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Title VIII litigation and remedies (although in July District Family Insurance Title VIII in federal court were superior to those tiffs may decide to utilize the federal courts: this letter is to discuss aspects of my in
... which we could expect to obtain in state NAACP American Family Mutual Insurance court. There was more precedent in terms of decision and why similarly situated plain...ing. This included the possibility of ad
...ng Act provisions are consistent with the insurance law, finding that it was not clear proving insurance discrimination. Accordingly, the McCarran-Ferguson Act was not found to
...ings which is outright inconsistent with insurance law, finding that it was not clear proving insurance discrimination. Accordingly, the McCarran-Ferguson Act was not found to
...s which is outright inconsistent with insurance law, finding that it was not clear proving insurance discrimination. Accordingly, the McCarran-Ferguson Act was not found to...
Mr. BOND. I move to reconsider the vote.

Mr. MIKULSKI. I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. CHAFEE addressed the Chair. The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 219 TO COMMITTEE AMENDMENT ON PAGE 143, LINE 17 THROUGH PAGE 151, LINE 17.

Mr. CHAFEE. Mr. President, I have an amendment that has been agreed to by the managers. I ask consent that the pending committee amendments be set aside in order to consider this amendment on page 143, line 17.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I have an amendment that has been agreed to by the managers. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 150, strike lines 12 through 24, and insert the following: "for this fiscal year and hereafter, an industrial discharger that is a pharmaceutical manufacturing facility and discharged to the Kalamazoo Water Reclamation Plant (an advanced wastewater treatment plant with activated carbon) prior to the date of enactment of this Act may be exempted from categorical pretreatment standards under section 307(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met: (1) the owner or operator of the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption, (2) the State or Administrator, as applicable, approves such exemption request based upon a determination that the Kalamazoo Water Reclamation Plant will provide treatment and pollution removal consistent with or better than treatment and pollution removal requirements set forth by the Environmental Protection Agency, the State determines that the total removal of each pollutant released into the environment will not be lesser than the total removal of such pollutants that would occur in the absence of the exemption, and (3) compliance with paragraph (2) is addressed by the provisions and conditions of a permit issued to the Kalamazoo Water Reclamation Plant under section 402 of such Act."

Mr. CHAFEE. Mr. President, this deals with a pharmaceutical plant in Kalamazoo, MI, and the pretreatment requirements for that plant. We are amending the underlying language that is in print.

This amendment has been agreed to by those involved, such as the distinguished junior Senator from Michigan and the senior Senator from Michigan, as well as the managers. Mr. President, let me set the stage for this amendment by saying a few words about the pretreatment program under the Clean Water Act, our most successful and cost-effective pollution control program.

The subject we are discussing is sewage treatment. Prior to enactment of the Clean Water Act, one of our Nation’s most serious water pollution problems was the discharge of untreated sewage—domestic waste collected from homes, workplaces and other institutions—collected by sewers and quite often discharged without treatment into lakes, rivers and streams.

Untreated sewage creates a host of problems. It presents health hazards to those who would use the water for recreation or fishing. The nutrients in the sewage promote the growth of algae that robs the water of oxygen needed for the fish and other organisms living in the water. And the loading of sediments and toxic chemicals can kill birds and other wildlife depending on the aquatic environment for food and habitat.

So, in 1972 we committed the Nation to solving this problem by building a series of municipal sewage treatment plants. We have invested more than $120 billion—more than $65 billion of that in Federal dollars—to build, 18,000 sewage treatment plants across the country. They remove the sludge from the water. They clarify the water before it is discharged. They kill the pathogenic organisms in the sewage that would otherwise spread disease. And they dramatically reduce the nutrient loadings.

It has been a big success. For instance, you hear that Lake Erie was brought back from the dead or that the Potomac River is once again a place for recreation. That is the result of the Clean Water Act and these sewage treatment plants.

One essential part of this effort under the Clean Water Act is called the pretreatment program. Sewage treatment plants receive more than domestic waste for our homes and workplaces. They also receive billions of gallons of industrial wastewater.

Tens of thousands of manufacturing plants and commercial businesses dump the waste from their processes into the sewer. These industrial discharges contain hundreds of different kinds of pollutants—industrial solvents, toxic metals, acids, caustic agents, oil and grease, and so on. The wastewater before the treatment plant is more concentrated than the wastewater before the sewer and sent to the sewage treatment plant. Substantial reductions in the toxic pollution of our rivers and lakes have been achieved by the cities that operate pretreatment programs.

Let me break down the argument for the pretreatment program into four points.

First, the pretreatment program protects sewage treatment plants from damage by these industrial chemicals. The toxics in industrial waste can interfere with the chemical and biological processes used by the centralized sewage treatment plant.

Second, because sewage treatment plants are not designed to treat many of these industrial wastes—the plant merely passes the waste along to the environment—pretreatment is required before the discharge. Treatment before the discharge is much more efficient because it occurs before the industrial waste from one plant is mixed with all the other material that goes into the sewer.

If the industrial plant you have a very concentrated waste stream. Applying control equipment to that stream can remove substantially all of the toxic agents. But put that waste into the sewer untreated and mix it with millions of gallons of wastewaters from homes and workplaces and it is much more difficult to remove the toxic constituents.

It stands to reason that a treatment method applied to a small, concentrated waste stream will be more effective and less costly than attempting to remove the same amount of material diluted in a large quantity of wastewater.

Third, the pretreatment program simplifies the task we face under the Clean Water Program. It would be virtually impossible to set pollution standards for every single chemical that is put into the sewer treatment plant. To know what impact a particular chemical has on a particular waterbody through to the water or to the land where the sludge from the plant is disposed...
is a question that may take years of study to answer—for that one chemical and one lake or stream. To know how hundreds of different industrial chemicals affect the aquatic environments receiving pollution from the 15,000 different sewage treatment plants is a challenge way beyond the best science we have today.

We get around this impossible task by asking that those who discharge their industrial wastes to our rivers and lakes—under the pretreatment program that discharge to our rivers and lakes—use the best available pollution control technology before the waste leaves their plant.

And fourth, the pretreatment program establishes a uniform level of controls across the whole Nation. It is no secret that the States and cities of our country are in daily competition to attract and hold jobs. One factor in locating a new business is the regulatory climate that applies in a State or city. It is cheaper to do business where the regulations are not so strict.

Prior to the Clean Water Act, many States and cities had difficulty establishing effective pollution control programs because of their fear that business would move elsewhere. A State putting on tight controls to cleanup a lake or river faced the prospect that its employers would flee across the State line to keep production costs down. That fear was in part removed when the Clean Water Act established a uniform level of treatment required of all plants in each Industry all across the Nation. Standards issued by EPA under the pretreatment program that apply to all the plants in an Industry all across the country relieve some of the pressure on States that want to have good programs of their own.

So, that is the background for this amendment. The pretreatment program is a very sensible part of a very successful national effort to reduce the adverse effects of sewage discharged to our lakes, rivers and estuaries. I think the Clean Water Act has been our most successful environmental law and it has succeeded because of the technology that has been put on industrial discharges through programs like the pretreatment program.

Mr. President, there is a rider in this bill that would exempt some industrial dischargers in the city of Kalamazoo from the requirements of the pretreatment program in the Clean Water Act. The Kalamazoo sewage treatment plant is designed to achieve advanced treatment and to handle some of the wastes that are sent to it by industrial facilities. Because of this advanced capacity, it may be that some industry waste streams in Kalamazoo can be handled at the sewage treatment plant without the need for pretreatment at the industrial facility. The purpose of the rider is to reduce compliance costs by waiving redundant treatment requirements.

I am concerned, however, on two points which I have addressed in the amendment that is now the pending business. My amendment would not eliminate the exemption. But it would tighten it up in these two ways.

First, it would only allow exemptions in Kalamazoo for pharmaceutical plants already located there. If the Senate adopted my amendment we would be providing an exemption for all of the industrial facilities in Kalamazoo.

Second, the amendment would require EPA to determine that treatment by the Kalamazoo sewage plant is truly effective as the national standard. The exemption would be conditioned on a finding that the total loading of all pollutants to the environment through the air, surface water, ground water and to agricultural and residential lands would not be greater under the exemption than it would be if the pharmaceutical plant complied with the national standard.

Within the framework of determining compliance, the State of Michigan should assume that the Kalamazoo plant is operating at discharge levels consistent with the technology requirements and other requirements of the law including water quality based limitations incorporated into the permit. Any removals achieved beyond this level are available to offset the reductions that would otherwise have been achieved by the pharmaceutical plant.

If the argument made for this rider is correct—that the Kalamazoo treatment plant protects the environment with respect to the wastes from industrial sources as well as any national regulation could—well then, the pharmaceutical plant could get its exemption. If that showing cannot be made, then the pretreatment program that will apply to all of the rest of the pharmaceutical industry, would apply in this case, too.

Mr. President, I urge the adoption of this amendment.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the distinguished chairman of the Environment and Public Works Committee and the two Senators from Michigan for working to make sure that this amendment does precisely what it was intended to.

I believe the refinements in the amendment have been worked out to the satisfaction of all parties. We think the objective is a good objective. We are prepared to accept the measure on this side.

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

Mr. BOND. Mr. Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I add my thanks to the chairman of the committee, the Senator from Rhode Island, who has worked very hard with us to try to find language that will allow this project to go forward, to try to save the taxpayers of Kalamazoo, MI, from having to build an almost identical water treatment facility to the one that already exists to deal with problems at the existing facility. We appreciate that.

We will continue to move forward and continue to work with the Senator from Rhode Island to make sure this project successfully stays on track.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2790) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2791

(Purpose: To make an amendment relating to housing assistance to residents of colonias)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk.

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

The amendment is as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mrs. Hutchison, and Mr. DOMENICI, proposes an amendment numbered 2791.

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

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

The amendment is as follows:

On page 40, line 17, insert before the period the following: "Provided further, That section 916 of the Cranston-Gonzalez National Affordable Housing Act shall apply with respect to fiscal year 1996, notwithstanding section 916(b) of that Act."

Mr. BINGAMAN. Mr. President, I rise today to propose an amendment with my colleagues Senator Hutchison and Senator DOMENICI. This amendment would extend for 1 year the authority of the Secretary to require a set aside of up to 10 percent of a United States-Mexico border State's community development block grant allocation, as under section 916 of the Cranston-Gonzalez National Affordable Housing Act of 1990, for colonias. The colonias proposal was in effect in every year following the passage of the Cranston-Gonzalez Act in the 101st Congress,
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allow the original authorization lapsed in 1994. It is not a change in the status quo, and has no budget impact. Although section 916 of Cranston-Gonzalez requires HUD to make 10 percent of CDBG funds available for colonias, in cases like New Mexico and California, where the full 10 percent has not been utilized each year, HUD has allowed States to reallocate the funds within the State. The point is that the funding is there.

For my colleagues not familiar with colonias, these are distressed, rural, and predominantly unincorporated communities located within 150 miles of the United States-Mexico border. Texas has documented well over 1,100 colonias, while my State of New Mexico has over 30. They are often created when developers sell unimproved lots, and using sales contracts, retain title until the debt on the property is fully paid. They often do not have adequate water and sewage access.

These conditions create a serious public health, safety, and environment risk to the border regions. Perhaps more importantly, they represent third-world conditions in the United States. I believe, and the Secretary of HUD agrees, that we must make the eradication of such conditions within the United States a national priority.

It is my hope that my colleagues will accept this amendment, addressing the problems of the colonias has been a national priority, and I believe that it should remain one.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I know that this amendment is supported by Senators on this side, the Senator from New Mexico and the junior Senator from Texas. We are making inquiry to determine whether they wish to speak on this amendment.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I wish to add my statement in support of Senator BINGAMAN’s amendment of which I am a cosponsor. I do appreciate this 10 percent set-aside for the colonias. Colonias are places that we did not know existed in America. You would not believe it. I have walked in a colonia. They are places that people live that do not have good water, and they do not have sanitary facilities or sewage treatment. They are terrible.

What we are doing with this amendment is to say that it is a priority for our country to clear those places up so that every American has the ability to live in sanitary, basically clean conditions. I support the amendment. I appreciate Senator Bond taking this amendment for us to make sure that we serve the people in need.

The issue of designating a portion of border States’ CDBG money for housing is one of giving proper recognition and emphasis to the development needs of severely distressed, rural and mostly unincorporated settlements located along the United States-Mexico border. Colonias are located within 150 miles of the Mexican border, in the States of Arizona, California, New Mexico, and Texas. Texas has the longest border with Mexico of any state.

In 1993, Texas reported the existence of 1,193 colonias with an estimated population of 219,263 people. In 1994, New Mexico reported 34 colonias, with a population of 28,000 residents.

Senator BINGAMAN and I believe it important to formally recognize the scale of this challenge.

For fiscal year 1995, VA, HUD appropriations report language specified 10 percent of the State’s share of CDBG money for housing in colonias. The conference report did not specify, “colonias,” but instead, folded that commitment into $64 million for a number of new initiatives.

That money came under a sunset provision. It requires new action to continue the formal commitment from us at the Federal level.

This does not involve any new or additional funds.

It is merely a statement of urgent priority that these funds be available for housing in the colonias upon application.

This money only comes from the border States’ shares. It does not impinge on any other States or their resources.

Mr. President, I urge we reaffirm our commitment to the people of the colonias that they are truly a part of American society and America’s priorities.

I urge my colleagues to support the BINGAMAN amendment. Mr. BOND. Mr. President, I suggest we proceed to a vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2791) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

VISIT TO THE SENATE BY MEMBERS OF THE EUROPEAN PARLIAMENT

Mr. DOLE. Mr. President, I am honored to have the opportunity to welcome, on behalf of the entire Senate, a distinguished delegation from the European Parliament here for the 43d European Parliament and U.S. Congress interparliamentary meeting.

Led by Mr. Alan Donnelly from the United Kingdom and Ms. Karla Pelja of the Netherlands, the 18-member delegation is here to meet with Members of Congress and other American officials to discuss matters of mutual concern.

No doubt about it, the European Parliament plays a pivotal role in shaping the new Europe of the 21st century. There are many challenges ahead—assisting the new democracies as they build free-market economies and defining relations with Russia, among them. Continued contact and good relations between the European Parliament and the U.S. Congress are essential in developing better economic ties with Europe and in reinforcing our common goals.

I ask my colleagues to join me in welcoming our distinguished guests from the European Parliament.

[Applause.]

Mr. President, I ask unanimous consent that the list of the delegation be printed in the RECORD.

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

DELEGATION OF THE EUROPEAN PARLIAMENT

MEMBERS OF THE DELEGATION OF THE EUROPEAN PARLIAMENT

Mr. Alan Donnelly, Chairman, Party of the European Socialists, United Kingdom.

Ms. Karla Pelja, Vice Chairman, European People’s Party, Netherlands.

Mr. Javier Areitio Toledo, European People’s Party, Spain.

Ms. Mary Banotti, European People’s Party, Ireland.

Mr. Jean-Pierre Cot, Party of European Socialists, France.

Mr. Gerfried Gaig, European People’s Party, Austria.

Ms. Ilona Grenita, Party of European Socialists, Austria.

Ms. Inga-Britt Johannson, Party of European Socialists, Sweden.

Mr. Mark Killias, Union for Europe Group, Ireland.

Ms. Irini Lambraki, Party of European Socialists, Greece.

Mr. mark Malerba, Union for Europe Group, Italy.

Ms. Bernie Malone, Party of European Socialists, Ireland.

Mr. Gerhard Schmit, Party of European Socialists, Germany.

Mr. Jesus Verdugo Aldeia, Party of European Socialists, Spain.

To be determined, European People’s Party.

SECRETARIAT, INTERPARLIAMENTARY DELEGATIONS

Dr. Manfred Michel, Director-General for External Relations.

EUROPEAN COMMISSION DELEGATION

Mr. Jim Currie, Charge d’Affaires, European Commission.

Mr. Bob Whiteman, Head of Congressional Affairs, EC Delegation.
Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess so that we may personally greet Members of the European Parliament.

There being no objection, the Senate at 1:30 p.m., recessed until 1:44 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SANTORUM).

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

The Senate continued with the consideration of the bill.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the pending committee amendments be set aside.

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

AMENDMENT NO. 2792

(Purpose: To make funds available to support continuation of the Superfund Brownfields Initiative)

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration. The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] for himself and Mr. LIEBERMAN, proposes an amendment numbered 2792.

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

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

The amendment is as follows:

On page 142, line 20, after the period, insert the following: "Provided, that the Assistant Administrator shall continue funding the Brownfields Economic Redevelopment Initiative from available funds at a level necessary to complete the award of 50 cumulative Brownfields Pilot Plans awarded for award by the end of FY96 and carry out other elements of the Brownfields Action Agenda in order to facilitate economic redevelopment at Brownfields sites."

Mr. CHAFEE. Mr. President, today I offer this amendment on behalf of myself and Senator LIEBERMAN to preserve a very small but important part of the Superfund Program, EPA's brownfields economic redevelopment initiative. We all know what brownfields are—they are the abandoned plant that might be contaminated, or might not be. No one knows exactly what the problems at these sites are, so people are afraid to invest in them or redevelop them, people are afraid of liability. So rather using old industrial sites, new development often leaves the city and tears up open space, greenfields. In the meantime, these old sites remain a blight and a big hole in local tax bases.

EPA's brownfields economic redevelopment initiative—its brownfields pro-

gram—is a Superfund success story. The brownfields initiative is a cost-effective means of ameliorating some of these unintended consequences of Superfund, particularly in economically depressed urban areas. Real risk reduction is achieved when brownfields sites are cleaned up, and it is private investment money that does most of the work. The small amount of money EPA allocates to brownfields is highly leveraged.

This effort includes 50 planned pilot projects across the Nation to demonstrate that we can reuse existing contaminated sites for economic development instead of undeveloped clean sites. Each of these pilot projects are awarded up to $200,000 over 2 years. These funds are used to help with the up-front investigations and evaluation that must take place before deciding on how best to clean a site.

To date, EPA has awarded about 18 out of 50 planned grants. I think it's vitally important that EPA's brownfields effort continue to rebuild community, and the purpose of my amendment is to make sure that this happens.

What is the consequence if we fail to encourage the private sector to take on brownfields sites? Often, the sites remain abandoned or orphan—many are—they may migrate onto the NPL or State lists for publicly funded clean-up. The Superfund bill Senator SMITH is working to bring forward in the next few weeks will contain provisions to make brownfields redevelopment easier.

This is a good way to spend some of the limited Superfund dollars available this year. We get real risk reduction by examining and evaluating these sites. We are learning valuable lessons at each of the pilots on how to create public and private partnerships between the Federal Government, State and local government, and the private sector to get abandoned urban eyesores back on the tax rolls, producing jobs in cities like Providence. I urge my colleagues to support this amendment to preserve the best things EPA has done on Superfund in the past several years.

I commend Senator BOND, a member of the Environment and Public Works Committee as well as chairman of the Committee on Small Business and the Appropriations Subcommittee with jurisdiction over Superfund, for his interest in Superfund and his commitment to helping us move forward with Superfund reform this year.

Mr. President, I ask unanimous consent that the junior Senator from Pennsylvania [Mr. SANTORUM] be added as a cosponsor.

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

Mr. BOND. Mr. President, I am delighted that the Senator from Rhode Island has offered this amendment. I am very glad he called it to our attention. We have, in St. Louis, MO, a significant impact from the brownfields question. I think this is one of EPA's better initiatives. It may make one suspect to look at the breadth of support of this.

But David Osborne, author of "Reinventing Government," said:

This is an important initiative. The barriers to cleaning Superfund sites have stopped redevelopment in its tracks time and time again. This initiative will begin to solve this problem. It will bring businesses back to the city, create jobs and increase the urban tax base.

Gregg Easterbrook, author of "A Moment on the Earth," said:

EPA's Brownfields Initiative represents ecological realism at its finest, balancing the needs of nature and commerce. This path-breaking initiative shows that environmental protection can undergo genuine regulatory reform, becoming simpler and more cost-effective, without sacrifice of its underlying mission.

Philip Howard, author of "The Death of Common Sense," said:

EPA's Brownfields Initiative represents an important change in direction. It will help the environment and the economy at the same time by dealing with the problem of contaminated properties in a commonsense way.

I think this is a win-win proposition for everybody. We are delighted to accept the amendment on this side.

Ms. MIKULSKI. I wish to congratulate the Senator from Rhode Island who came forth with this amendment. Not only do we not object to the amendment, we enthusiastically support it.

Mr. CHAFEE. Mr. President, I wanted to thank the distinguished Senator from Maryland and also the manager of the bill, Senator BOND, a member of the Environment and Public Works Committee. Both have been very helpful to us as we worked our way through this amendment. I particularly am grateful to all staff who has also been very cooperative.

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

The amendment (No. 2792) was agreed to.

Mr. BOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2793

(Purpose: To provide funding for the Service Members Occupational Conversion and Training Program)

Mr. THURMOND. Mr. President, I seek unanimous consent to take up this amendment to the desk and ask for immediate consideration.

The PRESIDING OFFICER. The pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 2793.
Mr. THURMOND. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 3, line 19, insert "$1,345,300,000" and insert "$1,352,180,000.

On page 3, line 24 and add "as amended for readjustment benefits. The amounts appropriated for readjustment benefits, $6,880,000 shall be available for funding the Service Members Occupational Conversion and Training program as authorized by sections 4481-4497 of Public Law 102-484, as amended.

On page 10, line 18, strike "$8,000,000" and insert "$752,000,000.

Mr. THURMOND. Mr. President, this amendment will provide funding for the Service Members Occupational Conversion and Training Act, known as SMOCOTA. SMOCOTA is the common name for it.

It will provide job training for unemployed veterans, veterans whose occupational specialty in the military is not transferable to the civilian work force, or veterans rated 30 percent disabled or higher. The amendment provides funding to continue the program for 1 year. It is paid for by transferring less than 1 percent of VA's general operating fund account, $8 million. In other words, the general operating expense fund contains $880 million; this amendment transfers only $3 million, less than 1 percent.

Mr. President, the SMOCOTA program was created by the fiscal year 1993 Defense Authorization Act as a pilot program to provide training wage subsidies to employers who hire recently separated unemployed service members for new careers in the private sector. The 1993 Defense Appropriations Act appropriated $75 million for SMOCOTA. Those funds have been largely obligated, and any remaining balance will not be available for obligation after September 30, 1995. This amendment will provide a minimum level of funding to carry out the program through its period of authorization, September 30, 1995. Mr. President, although there were some initial bureaucratic delays in getting the program implemented, the program has been very successful. Over 8,300 employers have certified training programs, including local and national corporate chains. Those employers have received nearly 15,000 notices of intent to employ veterans. Over 50,000 veterans have been certified for the program. Approximately 19,700 veterans have been placed in job training, for a period of 12-18 months, at an average cost per veteran of approximately $4,000.

The Departments of Defense, Labor, and Veterans Affairs have worked hard to establish this program. It would be a mistake to set this program aside this time. To not extend this program would send a message to the veterans of our Nation, caught in the military downsizing, that we do not care about their futures. It would tell employers that the Federal Government cannot be trusted in partnership agreements. I do not believe these are messages the U.S. Senate wishes to send.

Mr. President, without this amendment, SMOCOTA funding will terminate at the end of the current fiscal year. My amendment will cure the conflict between the authorization period and the availability of appropriations for this program.

Mr. President, there has been some debate over the proper funding source for this program. This results partly because the original funding for this program was from Defense appropriations. However, let me emphasize that this is not a program directly related to our funding military readiness or modernization. It is a program for veterans. The authorization recognized this program would require a partnership between the Defense Department, the Department of Labor, and the Department of Veterans Affairs. Passing funding responsibility from one agency to another will not aid our veterans who rely on readjustment benefits.

Mr. President, the SMOCOTA program has strong support in the business community and the veterans community. I encourage my colleagues to join in supporting this amendment.

Mr. President, as I understand it, both sides have agreed to accept this amendment.

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

The amendment (No. 2793) was agreed to.

Mr. THURMOND. I move to recon­sider the vote.

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

The motion to lay on the table was agreed to.

Mr. THURMOND. I wish to thank the manager of the bill on behalf of the veterans of this country.

AMENDMENT NO. 2794

(Purpose: To direct the Administrator of the Environmental Protection Agency not to act under section 6 of the Toxic Substances Control Act to prohibit the manufacturing, processing, or distributing of certain fishing sinkers or lures prior to giving notice to Congress)

Ms. MIKULSKI. Mr. President, I offer the amendment be dispensed with.

Mr. HARKIN. I send the amendment to the desk.

Ms. MIKULSKI. Mr. President, this legislation deals with lead sinkers. It has been worked out on both sides. Senator HARKIN wished to have this amendment adopted. It has been cleared. I believe, by both sides, and I move its adoption.

Mr. BOND. Mr. President, since my State of Missouri is not only a leading manufacturer of fishing lures and therefore very much interested in it—Missouri happens to host a large number of people who enjoy fishing—it is therefore with great pleasure on behalf of this side that we are willing to accept the Harkin amendment.

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

The amendment (No. 2794) was agreed to.

Mr. BOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2796

(Purpose: To provide HUD with the authority to renew expiring section 8 project-based contracts through a budget-based analysis. This will provide HUD with the tools to begin to address the high cost of section 8 project-based assistance while Congress begins to fully address options in lieu of the renewal of section 8 project-based assistance. This amendment will help provide HUD with tools to help Those states who have been worked out on both sides, and I move its adoption.

Mr. BOND. Mr. President, I send an amendment to the desk, and I ask the pending amendment be set aside.

The PRESIDING OFFICER. The clerk will report. The assistant legislative clerk read as follows:

The Senate from Missouri [Mr. BOND] for himself, Mr. D'AMATO, Mr. BENNETT, and Mr. MACK, proposes an amendment numbered 2796.

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

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

The amendment is as follows:

On page 105, beginning on line 10, strike "SEC. 214." and all that follows through line 4 on page 107:
SEC. 214. SECTION 8 CONTRACT RENEWAL.

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall, instead of each contract for project-based assistance under section 8 of the United States Housing Act of 1937 that expires during fiscal year 1996 in accordance with this subsection:

(2) CONTRACT TERM.—Each contract described in subsection (a) may be renewed for a term not to exceed 2 years.

(3) RENTS AND OTHER CONTRACT TERMS.—As excepted in subsections (d) and (e), the Secretary shall renew each contract described in subsection (a) (finishing any contract relating to a multifamily project whose mortgage is insured or assumed under the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation),

(4) LOAN MANAGEMENT SET-ASIDE CONTRACTS.—The Secretary shall offer to renew each loan management set-aside contract for a rent equal to the budget-based rent for the unit, as determined by the Secretary, for a period not to exceed 1 year.

(g) TENANT-BASED ASSISTANCE OPTION.—Notwithstanding any other provision of law, the Secretary may, with the consent of the owner of a project that is subject to a contract described in subsection (a) and with notice to and in consultation with the tenants, agree to provide tenant-based rental assistance, subject to advance appropriations, the Secretary may offer an owner incentives to convert to tenant-based rental assistance under subsection (a). Subject to advance appropriations, the Secretary may offer an owner incentives to convert to tenant-based rental assistance.

(d) DEMONSTRATION PROGRAM.—If a contract described in subsection (a) is eligible for the demonstration program under section 213, the Secretary may make the contract subject to the requirements of section 213.

(3) BUDGET-BASED RENT.—For purposes of this section, the term “budget-based rent”, with respect to a multifamily housing project, means the rent that is established by the Secretary, based on the actual and budgeted costs of opening the project, at a level that will provide income sufficient, with respect to the property and to the Federal Government so that we may continue to work on the problem of resolving the question about the expenditure on project-based certificates which are far above market rate.

This is a fix that I think is acceptable on both sides. I hope my colleagues will accept it.

Ms. MIKULSKY. Mr. President, I wish to rise in support of the amendment offered by the Senator from Missouri. I absolutely concur with his remarks.

In our hearings in the subcommittee, we found that the issues related to market rate are quite severe. They need to be addressed. They need to be addressed with some promptness and urgency. Otherwise, we could be facing the debacle not unlike some of the issues we faced in the S&L crisis.

Senator BOND of Missouri is really an expert on this issue. I believe we should follow his lead on this amendment. I support it. I am willing to accept it.

Mr. KERREY. Mr. President, I would like to ask the distinguished chairman for assistance in dealing with an issue that is very important to myself, Senator DASCHLE and others, and particularly to the areas of Nebraska. As you are aware, there is currently a large differential in rents between rural and urban areas in our country. I am concerned that too large a variance would have a significant adverse effect on rural elderly populations. We must enable developers to continue to provide our rural areas with this valuable service.

This is a problem not just in Nebraska but also in neighboring States that have large rural populations. I understand the need for the budgetary constraints that have been placed upon your committee. However, unrealistically low fair market rents will have a devastating impact on the numerous rural beneficiaries of assisted housing.

As the fair market rent levels decline, the negative effects of excess rent differentials between urban and nearby rural areas become more significant. I respectfully ask the chairman to do what he can to rectify this unfortunate situation in the conference.

Mr. DASCHLE. Mr. President, I share the concerns expressed by Senator KERREY. Obviously there will be some real variances between smaller, rural communities and our larger, metropolitan areas. Nonetheless, we need to continue to provide a realistic incentive for developers to build projects in areas that are experiencing a shortage of affordable housing. I would also urge the committee to review the current mechanism.

Mr. HARKIN. Mr. President, I appreciate the leadership that Senator KERREY has taken on this issue. One of the reasons that the current situation regarding fair market rents in small towns is so unfair is the history of how housing has been funded over the years. The rent limitations that were used at the time were about the situation in the conference.

This amendment tells the Secretary to use a budget-based analysis to take account of the costs of operating the Department and the debt service, to renew the contracts for a year on a basis of the budget-based rents, based on the property and to the Federal Government so that we may continue to work on the problem of resolving the question about the expenditure on project-based certificates which are far above market rate.

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outside metropolitan areas in a fair and even handed manner.

Mr. BOND. Mr. President, I appreciate the Senator's comments. I certainly understand the severity of this problem. Missouri, as well as Nebraska, South Dakota, and Iowa is home to a largely rural population. I, too, am concerned for the future of this program. I will work with Senator Mikulski and members of the conference to address this issue. We include in this bill provisions which will make available budget-based rent renewal levels for project-based contracts which will remove the artificial impediment of the current "fair market" calculation. I hope this will help address this serious concern.

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

The amendment (No. 2795) was agreed to.

Mr. BOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

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

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

MACT

Mr. COCHRAN. Mr. President, I rise for the purpose of engaging in a short colloquy with the distinguished Senator from Missouri, the chairman of the VA/HUD Appropriations Subcommittee. Will the Senator assist me in clarifying an issue in the bill under consideration today?

Mr. BOND. I would be pleased to assist my colleague, the senior Senator from Mississippi and senior member of the Appropriations Committee.

Mr. COCHRAN. I thank the Senator from Missouri. The issue I wish to clarify is the Appropriations Committee's intent regarding the Environmental Protection Agency's refinery maximum achievable control technology (MACT) rule. This rulemaking is of deep concern to me, as I am sure it is to the Senator from Missouri.

In promulgating the refinery MACT rule, EPA has ignored the principles of sound science, used outdated data to establish emissions controls, developed extremely questionable estimates of the benefits to be gained from these emissions controls, and failed to take into account the impact of these regulations on the smaller refineries around the nation, including those in my home State of Mississippi.

Does the Senator from Missouri share my concerns?

Mr. BOND. Mr. President, I do. In fact, the concerns of the Senator from Mississippi reflect the concerns of the Appropriations Committee. In the committee's report on this bill, we expressed our disapproval with the way in which EPA proceeded in promulgating the refinery MACT rule. To quote from the committee report: "The committee strongly encourages EPA to reevaluate the refinery MACT and other MACT standards which are not based on sound science."

Mr. COCHRAN. I thank the Chairman. One further point. Would the Chairman agree that there is significant sentiment on the Appropriations Committee and in the Senate to talk further, and perhaps take stronger, action on this issue next year if EPA does not engage in a serious reevaluation of the refinery MACT rule during fiscal year 1996?

Mr. BOND. That is indeed the sentiment of many members of the committee. I have heard from many of my colleagues, both on the Appropriations Committee and the authorizing committees, the Senate Energy and Natural Resources Committee and the Senate Budget Committee, that if EPA does not heed the directive contained in the committee report on this bill, the leadership of the committee will be prepared to take additional action in the future.

Mr. COCHRAN. I thank the Chairman. I appreciate this willingness to address the refinery MACT issue in the committee report.

Mr. BURNS. Mr. President, I rise today to engage in a colloquy with chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee. I want to discuss the need for regulatory reform at the Environmental Protection Agency.

As the chairman knows, I have been extremely concerned with the refinery regulation. MACT is the acronym for the term maximum achievable control technology. I would like to thank him for adding report language which reflects the committee's concerns with this rule. I strongly encourage EPA to reevaluate this rule because it is not based on sound science.

In 1980, industry did not have the extensive controls and technologies that are now in use. In fact, in 1980, the requirements from the 1977 Clean Air Act Amendments had not yet kicked in. Obviously, in the last 15 years, refineries have made significant improvements in reducing emissions. EPA has simply ignored all of these improvements and based a rule on 15-year-old data in order to inflate its benefits.

This rule will cost refiners and fuel consumers in this country at least $100 million each year. This puts refineries in Montana and throughout the Nation at economic risk. And what about the jobs the refineries provide the local communities? Well, they are at risk, too. Almost $20 million of this will be spent to meet the paperwork and monitoring requirements of the rule which do nothing to improve public health or the environment.

Mr. President, I would like to make one final point. All of the information is based on EPA's own data and analysis. None of this information is based on any kind of industry study. The information can be found in the final rule published in the Federal Register on August 18, 1995. Refiners in Montana have simply asked that this rule be based on sound science, including accurate and current data. They have not asked for any rollback of environmental regulations. Since the data are the basis for the entire rulemaking, it seems to me that EPA must go back to the beginning and redo the rule from scratch.

I look forward to working with the chairman in conference regarding the refinery MACT rule, and I thank him.

Mr. BOND. The Senator from Montana has valid concerns. Other members of the subcommittee have also questioned the basis for this rule. I will work with him and other members in the conference committee regarding the regulation. This rule will serve as an important precedent for subsequent MACT regulations for other industries.

Mr. BURNS. Mr. President, I appreciate the chairman's comments and support.

BREUSD AND LEAVENWORTH VA FACILITIES

Mr. MACK. Mr. President, it strikes me that the VA has not given a great deal of thought to defining its mission for the next century. In its fiscal year 1996 budget submission, the VA requested funding for two new hospitals. However, it is clear that our veterans would be better served if the VA, like the rest of the Nation's health care providers, began focusing on outpatient and ambulatory care. I note with interest that the committee has not funded any hospital construction in the past. I believe that is a result of the committee's concern about VA's lack of strategic planning as well as budgetary constraints.

Mr. BOND. Mr. President, my colleague is correct. Today, the VA is unable to provide a strategic vision of VA health care for the next century that squares with facility investment decisions. The VA's fiscal year 1996 request continues to emphasize costly and inefficient health care delivery systems that are out of step with the overall national trends in health care. Given the fact that private-sector health care providers have moved in the direction of outpatient care, coupled with plummeting Federal budgets and the demographic trends related to veterans, it would not be prudent to build additional hospitals. Similarly, other investment decisions such as building new ambulatory and long-term care facilities cannot be made rationally without an overall plan that reconciles fact with history and demography. I am also concerned about the...
budgetary requirements of building new facilities. Not only is construction costly, but operating costs will add additional pressures on a declining budget.

Mr. MACK. Mr. President, east-central Florida is a critically underserved area with a growing population of retired, limited-income veterans. Florida has the highest percentage of veterans 65 years and older in the Nation. They currently represent 30 percent of the State's veterans population and, contrary to GAO's recent report, the numbers are increasing daily. Certainly, Florida veterans, Senator Graham, and I acknowledge the budget constraints before this Congress and the need for a balanced budget. For this reason, we have modified our present request to reflect fiscal reality while still meeting long identified medical service needs. Recognizing that neither the House nor the Senate intended to fund a comprehensive medical facility at this time, we are requesting that the VA be able to use the previously appropriated fiscal year 1995 funds for the design and construction of an outpatient medical facility and long-term nursing care facility which will provide immediate relief to Florida veterans.

Mr. GRAHAM. Mr. President, I stand alongside my colleague, Mr. Mack, in calling this Congress to take action in providing long promised and much needed medical services to Florida veterans. While Congress squabbled over the location of the facility, our veterans continued to wait. Finally, with the issue of location resolved, the President's fiscal year 1996 budget request included this facility, and veterans thought they saw the light at the end of the tunnel. We were extremely disappointed to say the least when that request was ignored by the House VA/HUD Subcommittee.

Mr. MACK. Mr. President, rather than a hospital, I propose repositioning a nursing home facility into an outpatient clinic which will help complete the southeast regional and statewide network of veteran health care providers while addressing the need to provide long-term care service to veterans in east-central Florida.

Mr. GRAHAM. Mr. President, I concur with my colleague from Florida regarding downgrading the request for funding a comprehensive hospital to an outpatient clinic and long-term nursing care facility. This proposal is to construct a nursing home care facility and outpatient clinic on the site contributed for the East Central Florida Medical Center to provide specialized care which is not currently available.

A 120-bed nursing home care unit will have, in addition to regular nursing home care, the capacity to provide specialized care for Alzheimer's patients—and ventilator-dependent care. The ambulatory care clinic will be available to serve all veterans in the area. Approximately 40,000 patient visits will be accommodated. The total cost would be $35 million. We have existing funds of $17.2 million which was appropriated in fiscal year 1995 for the design and planning of the VA medical facility. We would like to use those funds toward the design and construction of the alternative proposal. In the near future, we would request that Congress provide the balance of $17.8 million to complete the project. This proposal is more than a Band-aid to the problem and is surely a more reasonable request for our veterans to make of this Congress.

Mr. DOLE. Mr. President, I agree that outpatient, ambulatory care should be the focus of future construction by the VA. In my home State of Kansas, I have been working closely with the staff of the Dwight D. Eisenhower VAMC in Leavenworth to improve outpatient care for our veterans with the addition of a new ambulatory care clinic. Currently, primary care treatment processes at the Leavenworth VAMC are unnecessarily fragmented and severely deficient in the space required for their functions. This clinic is a must if the Leavenworth VAMC is to retain its College of American Pathologists accreditation.

Last year, the Congress provided funds to begin planning and design of this facility. It is my expectation that the VA will include this project in next year's budget. However, if they do not, it is my understanding that the committee will give this project every consideration. I would ask my friend, the Chairman, is that correct?

Mr. BOND. Mr. President, the major-ity leader is correct. The committee is well aware of the need for the Brevard County and Leavenworth facilities. We understand that the Department of Veterans Affairs will be in a position to begin construction of the Brevard facility during fiscal year 1995 and the Leavenworth facility in fiscal year 1997. Like my colleagues, I expect the Department to consider including these projects in its fiscal year 1997 budget submission. However, if they do not, we will carefully consider both projects.

TOXIC SUBSTANCES REGISTRY

Mr. GLENN. I would like to commend my colleague from Missouri and the Chairman of the VA-HUD Subcommittee for the significant role they played in the Agency for Toxic Substances and Disease Registry and the House proposed a $37 million cut from fiscal year 1995 for the Agency for Toxic Substances and Disease Registry and the House proposed a $37 million cut from fiscal year 1995. The House report on H.R. 26504 specifically calls for continued ATSDR funding for this study on consumption of contaminated fish and the harmful human health effects. Continuing this incomplete study will allow us to develop strategies of prevention from consumption of contaminated fish. Understanding the consumption trends of Great Lakes fish is only helpful if we can draw conclusions from that information. I am hopeful that we can develop strategies to prevent harmful human health effects from this significant exposure pathway. Will the Chairman of the Appropriations Subcommittee on VA, HUD, and Independent Agencies be willing to work with us in the House to ensure adequate funding to complete this important, far-sighted research?

Mr. BOND. I appreciate the concerns expressed by Senator Brown from Ohio and Wisconsin about this ATSDR study and I have a better understanding of the significance of continued funding for the research on chemically contaminated fish. I will give close consideration in Conference to securing adequate funding for the ATSDR study on the human health effects of contaminated fish consumption.

SAVANNAH SEVERING

Mr. COVERT. Mr. President. I would like to bring to the Chairman's attention a critically needed project in
Savannah, GA. Savannah, has been plagued with repetitive and devastating flooding over the last 15 years. The population affected is primarily low-income, distressed African American families. These families have repeatedly been forced to leave their homes and businesses with great economic consequences.

The Federal, State and local governments have had to, on several occasions, commit significant resources to address the emergency needs of these areas. Consequently, the City of Savannah, in collaboration with the private and nonprofit sectors, has created a highly innovative plan to provide permanent solutions to the core flood areas that will significantly reduce long-term Government expenditures.

The overall plan involves over $100 million in carefully constructed engineering solutions. The City has already committed and raised $32 million of this total. They have also devised a series of flood and drainage improvements that will save the Federal Government money over the long-term and represent a true abatement commitment.

Mr. President, I seek the Chairman's support for Federal participation in this unique partnership, albeit on a limited basis. If the conference committee should decide to provide funding for EPA sewer treatment grants, I would appreciate his careful consideration of the Savannah project. The City of Savannah requests $600,000 for critical engineering studies for pumping, engineering, and canal widening work in these flood-prone areas and $10 million for crucial collector system improvements at the primary pumping station.

I would remind the Chairman that the city has already raised $32 million toward the overall cost and plan components. Therefore these EPA funds would be matched with proven commitments.

Mr. BOND. Thank you, Mr. Chairman, for his comments and request. I am aware of the serious flooding and wastewater sewer problems confronted by the city of Savannah. Like the Senator from Georgia, I have firsthand knowledge of the devastation that such repetitive flooding can have on families, homes and small businesses. I am impressed by the level of resources already committed by the City of Savannah to resolve this problem in a more efficient, cost-effective manner. The Senator from Georgia and the City of Savannah are to be commended for his new private-public partnership concept.

Accordingly, it would be my intention that this project receive priority consideration in conference for funding through the fiscal year 1996 allocations made under this bill for water infrastructure needs.

CIESIN FUNDING

Mr. LEVIN. I would like to engage the distinguished manager of the bill in a brief colloquy regarding concerns that have already been raised by the junior Senator from Michigan. This matter regards the fiscal 1996 funding for the establishment of the Consortium for International Earth Science Information Network (CIESIN).

I am grateful that the chairmen has provided some assurances that CIESIN will not be prohibited from competitively bidding on NASA contracts in the future, despite the committee's concurrence with the House recommendation regarding specific funding for CIESIN. I would appreciate the chairman's assistance in clarifying this statement just a little further. It is my understanding that the House report language, while not funding CIESIN specifically, does not in any way limit the opportunity for CIESIN and NASA to continue to operate under the terms of the existing contract, including option years.

Mr. BOND. The Senator from Michigan is correct. While we do not identify specific 1996 funds for CIESIN within this bill, nothing interferes with the rights and options that either party has under the existing contract.

Mr. LEVIN. I thank the Senator from Missouri for that clarification and appreciate his willingness to address our concerns. If the manager of the bill will yield further, the committee's report suggests that NASA should seek greater commercial, international, and Government participation in the EOSDIS program, with the goal of reducing costs. And, the committee has highlighted the Goddard Space Flight Center in Maryland and the Earth Resources Observation System Data Center in Sioux Falls, SD, as core elements of a revamped EOSDIS.

Given that CIESIN has already developed international partners, is broadly supported by university researchers, and has innovative software, including this year's Smithsonian award for innovative software development, would the chairman concur that CIESIN should be afforded appropriate recognition by NASA in the agency's development of its fiscal 1997 appropriation request, especially since the committee's report already urges NASA to integrate CIESIN activities within its EOS plan for fiscal year 1997?

Mr. BOND. That matter will, of course, be up to NASA and the administration. But, given that CIESIN is already meeting standards that this committee has set for other components of EOSDIS, we would expect that CIESIN would be given full and fair consideration in the development of NASA's fiscal 1997 budget request.

Mr. LEVIN. I thank the chairman for assisting me in clarifying the committee's intentions. I also want to acknowledge and thank the distinguished ranking member for her assistance in funding CIESIN in past years.
may try to fund the program anyway, using unmarked funds from the annual contributions for assisted housing accounts, or other offices, to be managed, as most government contracts are. Support Services Program under the Community Development Grants.

In other words, I am concerned about the Department playing shell games, and that money does, in fact, have to be used to consolidate the site, but does not include the costs to operate these aircraft from their consolidated location.

Ms. MIKULSKI. I ask Senator Feinstein if any other sites have been evaluated for this aircraft consolidation?

Mrs. FEINSTEIN. I do not believe so. The only consolidation plans I have seen move aircraft to Dryden. While I certainly do not oppose Dryden as the consolidated site, I think that steps should be taken to ensure that this consolidation will truly save the taxpayers money.

Mr. BOND. Would the Senator from California agree that the analyses NASA submitted their cost justifications for this consolidation to the subcommittee before they proceed with consolidation?

Mrs. FEINSTEIN. Yes, that would be an excellent course of action. Perhaps NASA's justifications should include the costs of and cost savings resulting from this consolidation and the operation of this aircraft. From their consolidated location for the next 5 years.

Ms. MIKULSKI. Perhaps we should also request NASA provide the subcommittee with a cost-based justification of the movement of these aircraft before NASA moves forward.

Mr. BOND. I think both of those suggestions are acceptable and would be happy to work with Senators MIKULSKI and FEINSTEIN to develop this language in the report of the conference with the House.

NASA's implementation of the zero-base review and its aeronautics programs

Mr. GLENN. Mr. President, when Dan Goldin became NASA Administrator early in 1992, the agency's annual budget was about $17.5 billion and headed to about $22 billion by the end of the decade. Now, however, the annual budget is declining from $14.5 billion and will likely be below $15 billion by the end of the decade. In terms of FTE's NASA's workforce has been cut too—from about 24,000 in January 1993 to less than 21,000 today, and headed to about 17,500 by the year 2000.

In order to manage these drastic cuts, over the last 9 or 10 months Mr. Goldin has conducted a so-called zero-base review. The purpose of this often painful process was to solicit ideas and develop a plan on how the agency could function more efficiently. The review was conducted assuming that all existing missions will continue, but functions and missions would be streamlined or downsized. Mr. Goldin has made clear that any further budget cuts will result in elimination of core missions.

Now Mr. President, let me be clear that I think Dan Goldin has done an outstanding job in a very difficult situation. There are very few people I know who have the vision, energy, and knowledge of the NASA Administrator. He has been criticized for making the tough decisions, but I think we should also extend some appreciation for the ways he has made the tough decisions. Many of the recommendations resulting from the zero-base review are now beginning to be implemented, and I believe it is imperative that Congress carefully monitors the changes taking place at NASA so that we may be sure that we are getting the most from the taxpayers' dollars. Change for change's sake alone is not always the best policy.

One recommendation of the zero-base review has been brought to my attention, and that of my colleagues, in particular the distinguished Senator from California, Senator FEINSTEIN. This proposal regards consolidating flight operations management of all aircraft, except those in support of the space shuttle, at Dryden Flight Research Center. The review concluded that after an initial investment of $23 million, about $9 million could be saved annually if this recommendation is implemented.

Currently NASA owns 65 research aircraft that support a wide range of NASA programs. Eighteen of these aircraft are scheduled to be retired by the end of fiscal year 1996 as a result of the programs they support being completed. The proposed consolidation would result in an additional 11 aircraft being retired, leaving just 36 aircraft in NASA's inventory. The proposal would also result in a reduction of 80 contractor and Federal FTE's, from 400 to 320.

Mr. President, it seems to me that the first "A" in "NASA" is at risk. As a result of budget cuts, it appears that we are nearly halving a vital component in our Nation's aeronautics research base.

These cuts hit particularly hard at a NASA facility which has made substantial, significant contributions over the past 50 years to our Nation's aeronautics industry. I am speaking about NASA's Lewis Research Center in Brookpark, OH. Currently seven research aircraft are based out of Lewis, including a newly refurbished DC-9 which is a centerpiece of Lewis' microgravity research program. It is my understanding that at least 5 of the 7 aircraft stationed at Lewis may be transferred to Dryden under the proposed consolidation.

NASA understand that it may be possible to achieve some savings through consolidation of flight operations. However, if this action adversely impacts the ability of NASA scientists and engineers to perform their mission—and to do their research—then I think we are being penny wise and pound foolish. It is my understanding that the managers of this legislation have agreed with the Senator from California, that a closer look needs to be taken at this aspect of the zero-base review before it is finally implemented. I believe that such a review is appropriate and I look forward to studying its results, as well as other ongoing studies and audits of components of the zero-base review.
appropriately oversee a new research program proposed by the Environmental Protection Agency.

This program is known as the Science To Achieve Results or STAR Program. I want to be sure that the Agency clearly demonstrates to the Congress how and at what level this program will be funded and which active research programs will be affected by this redirection of funds.

Mr. President, I recognize the need to provide the Agency with adequate flexibility to direct scarce research dollars to those problems posing the greatest risk to public health and the environment. This program, however, it not aimed at responding to environmental problems. The STAR Program is aimed at making grants to universities to do basic science research at the expense of ongoing EPA-sponsored research.

I am convinced that the result of implementing STAR will be that ongoing research for the Agency's regulatory programs will be terminated. Private sector contracts will be interrupted, and research currently conducted by the academic community will be terminated.

It is my understanding that EPA originally proposed to fund the STAR Program at approximately $100 million. As the committee does not provide any additional funds to finance this program, the committee gives EPA the flexibility to reprogram funds, without congressional approval, from other research accounts. I am concerned that to fund the STAR Program the Agency will move funds from laboratories it currently operates to its headquarters to dole out to a few selected universities.

Mr. President, it appears that EPA is clearly attempting to move itself into a new area of research that is already being conducted at the National Institutes of Health and the National Science Foundation. This duplication of basic science research will result in severe shortfalls in the applied science programs.

I want to be sure that my colleagues understand that it is applied science research that is critical to providing information to support the Agency's regulatory program. As a member of the Environment Committee, I am concerned that EPA's regulatory programs suffer from a lack of sound science principles. Further degrading this research effort will only result in wasted dollars and regulations that are not based on sound scientific evidence.

Mr. President, if the aim of the STAR Program is to expand Federal support for university-based research, I submit that this aim is already being accomplished by the Federal laboratories under cooperative agreements. The STAR Program will simply take research dollars from some universities to do less.

My greatest concern with EPA's proposal is that the Agency has failed to justify the need for such a significant redirection of resources and is attempting to fund a program without full disclosure to the Congress.

The Agency has failed to demonstrate the tradeoffs that will occur from implementing the STAR Program and failed to disclose the negative impacts that will be imposed on ongoing research.

In my view, the Agency should at the very least fully document these impacts and disclose to the Congress how this program will be funded and at what level.

My amendment does not prevent the Agency from using funds for this program. My amendment simply asks the Agency to report to the Congress on the details of this program and receive congressional approval before they move forward with the STAR Program.

I thank the chairman and the ranking member for recognizing the merits of this amendment and supporting its adoption.

IMPOSITION OF CHEMICAL USE DATA AND THE COMBUSTION STRATEGY-MACT

Mr. LOTT. Mr. President, I rise today to engage in a colloquy with my colleague from Missouri, Senator Kit Bond, the distinguished chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittees. I want to discuss two topics. The first deals with EPA's expanded reporting requirements for hazardous chemicals. The second is to clarify the Senate's position on EPA's lack of statutory authority to pursue a combustion strategy.

For the first issue I am referring to EPA's plan to expand the toxic release inventory [TRI] under the Emergency Planning and Community Right-to-Know Act [EPCRA]. EPA is now working on regulations to require the reporting of data on toxic chemical use, and to extend TRI reporting requirements to additional facilities. At a time when Congress is trying to provide responsible relief from unnecessary reporting, these actions would significantly increase administrative burdens costing hundreds of millions of dollars without commensurate benefits to enhance either human health or the environment.

Moreover, the addition of chemical use data would not further EPCRA's goal of reducing chemical releases. Chemical use bears no direct relationship to emissions, waste generation, health risks or environmental hazards. Risk is a function of hazard and exposure. Chemical use will not indicate expedience. Furthermore, EPA's plans to expand regulatory requirements under the Toxic Substances Control Act to gather chemical use data is equally inappropriate.

For all of these reasons, I believe that this program requires reexamination and redirection—not expansion along the lines that EPA intends.

Clearly, there is an immediate need to first compare the reduction in risks by recent substantial reductions in emissions, before simply adding new informational requirements or facilities. Risks now need to be evaluated on a benefit-to-cost or a risk-to-risk basis.

One of EPA's guiding principles in its strategic plan is pollution prevention. With the Pollution Prevention Act [PPA] of 1990 Congress established a national policy to focus EPA's actions on the reduction of wastes and releases into the environment. According to the act, pollution should be prevented or reduced at the source whenever feasible. While pollution that cannot be prevented or recycled should be treated safely, whenever possible, and safe disposal should be employed only as a last resort.

While EPA prefers reduction of wastes and emissions at the source, EPA has reinterpreted the statutory definition of pollution prevention to place an inordinate and sometimes exclusive emphasis on additional facilities. At the source. This mandates reductions in material or chemical use without consideration of emissions and risks posed by the substance. EPA's approach is based on two false assumptions. One, that use indicates risk, and two, that all chemical use is harmful and should be eliminated. This approach has prompted me to examine the direction this administration is taking EPA with its new TRI reporting requirements.

It is contrary to the basic objective of the manufacturing process, which is to harness reactive and toxic materials for useful and beneficial purposes. While product reformulation and substitution of less toxic substances do have a vital place in pollution prevention, the key to efficiently reducing pollution is to allow industry the flexibility to use as many tools as possible to achieve emissions reductions. Congress wisely established the pollution prevention hierarchy to allow for this flexibility. It must remain.

I believe that a timeout needs to be called on these recent changes to the TRI Program. The usefulness of chemical use data as well as expanding the list of facilities required to report data needs to be assessed through public dialogue and objective analysis before it is required.

In fact, I believe EPA's new TRI reporting approach would exceed its statutory authority. When Congress enacted EPCRA, it specifically considered the issue of whether or not EPA should have the authority to collect use information, as distinct from chemical releases information. Congress decided that EPA should not have this authority.

A majority of the Senate, as reflected through a recommendation that TRI needs to be reexamined and redacted—not expanded along the lines EPA is considering.
While I am not going to offer an amendment today to address this matter, I think the Conference Committee should accept a legislative provision that can be passed while the Committee examines the direction in which EPA is taking the TRI Program. I look forward to your continued leadership and support of this effort.

In June, the concerns of the Senator from Mississippi are valid and very timely. During the debate on S.353, the Senate voted to retain provisions to reform the toxic release inventory's listing and delisting criteria along the lines sketched out by the Senator. The central feature of those reforms is a greater focus on the risk posed by these chemicals. As the Senator correctly notes, risk is a function of hazard and exposure. For this reason, I too am very troubled by EPA's proposal to require reporting of the mere use of materials. It is inconsistent with a risk-based approach, and I believe there is no statutory authority for expanding the TRI to include use reporting.

I also share the Senator's concerns with the expansion of the TRI to additional types of facilities. Just last year, the EPA nearly doubled the number of chemicals subject to TRI reporting. The current reporting cycle will be the first cycle to incorporate this expansion. No further expansion should be considered until the scope of the current expansion is fully apparent and it is clear the EPA has the resources to manage the increased amount of data. I believe we should work with the House to craft mutually acceptable language redirecting EPA's efforts toward higher priority activities in fiscal year 1996, and to encourage EPA to work with Congress in the interim to develop risk-based legislative reforms to TRI.

Mr. LOTT. I appreciate the chairman's comments on TRI reform. Now, I would like to explain the issue regarding the confining of a MACT floor. Although the current provision does not directly reference combustion or any other particular MACT standard, it does deal with an issue of concern to industrial on-site incinerators and boilers and industrial furnace operators. It is my understanding that the Report language does not prohibit EPA from pursuing its combustion strategy, but only requires certain legal and procedural safeguards be followed. In short, the report language seems to support the conclusion that EPA cannot use appropriated moneys on:

First, the use of permit conditions without required site-specific finding; second, the setting of a MACT standard under any authority other than the Clean Air Act; and third, the setting of an MACT standard without making the required finding that the certain authorities are already achieving the standard.

Mr. BOND. The Senator is correct. The committee report makes particular reference to the MACT standard for refineries, as an illustrative example of the overall problem. The committee based its conclusion on input it received, including input on proposals and final MACT standards under consideration, including the proposed MACT standard for on-site incinerators and boilers and industrial furnace operators. Therefore, it is my belief that the provision is applicable to all MACT proposals that may be inconsistent with past precedent, the proper administrative process or the text of the Clean Air Act.

One of the most important requirements of the Clean Air Act is the proper establishment of the so-called MACT floor. The act states that the MACT floor is "the average emission limitation achieved in practice by the best performing 12 percent of existing sources" -- that qualify for the given category or subcategory. The EPA must establish that the limitations on emissions that constitute the MACT floor are achieved, in practice, by 12 percent of the qualifying facilities. In addition, we are also concerned that in determining the MACT floor for a given source category, EPA may divide the source category into smaller parts and separately for each part or pollutant. The results of this impermissible approach is that typically no single major source in a source category can meet the MACT standard without installing additional controls. Congress clearly contemplated that if MACT is set at the MACT floor, the top 12 percent of major sources in a source category should not need to install additional controls to meet MACT. Of course, EPA may then go beyond the MACT floor by determining that the additional emissions limitations are justified in light of their cost, non-air quality and non-health impacts and energy requirements. The report language is not intended in any way to stop the MACT program, but to limit the program to those efforts previously authorized by Congress.

Mr. LOTT. I sense a disturbing trend at EPA. First, EPA is conditioning Resource Conservation and Recovery Act (RCRA) permits on requirements that have not been subject to full administrative process. Second, EPA is in the process of choosing the most severe result from separate statutes to create a hybrid. Congress did not intend EPA to mix and match its authority under the Clean Air Act and RCRA. Thus, ignor-
Mr. BOND. Mr. President, the Senator is correct. The rule does contain two options.

Mr. LEAHY. Mr. President, I understand the concerns raised by my colleagues about this rule. The point has been made that the EPA should not create a major disincentive for switching to energy efficient lamps by requiring burdensome treatment of the lamps. On the other hand, 42 States have consumption warnings for eating the food from clean streams and lakes in our towns. Mercury containing lamps are the largest single contributor of mercury to the municipal waste stream, and our policies should take that fact into consideration. Our country has a mercury pollution problem that warrants our attention, and I share the chairman's concern about addressing the problem in a way that makes sense in cost-benefit analysis context.

I also understand the chairman's concern about expediting the final rule. However, I want to point out that we are considering this bill only 3 days from the end of the fiscal year. Final passage of the conference report may not occur until late next month. The deadline included in the report language may allow for only a month for EPA to decide, with holidays. I just want to emphasize that this is a very tight timeline, and it does not provide the recycling industry enough time to adjust if necessary. I would like to work with other Senators to ensure that there is an adequate adjustment period.

Mr. BOND. Mr. President, I want to get the rule out soon, but I will work with other Senators to ensure that there is time for a reasonable transition.

Mr. LEAHY. Mr. President, I want to thank the chairman for discussing this issue on the floor. Mercury pollution is a growing problem in most areas where almost everyone agrees, such as the need to end incineration of mercury-containing lamps.

SUPERFUND NPL PROVISION

Mr. GORTON. Madam President, would the chairman of the VA-HUD Subcommittee yield for a question?

Mr. BOND. The Senator would be happy to yield.

Mr. GORTON. I thank the Senator. The Senator has included the fiscal year 1996 VA-HUD bill a provision that prohibits the addition of any new sites to the Superfund National Priorities List, with one exception. The language enables the "governor of a state, or appropriate tribal leader" to veto the EPA Administrator's request that a site be placed on the NPL. With one reservation, I support the provision in the VA-HUD bill because this Senator would support the Senate and reaffirm, and the prohibition provides an important time out from adding new sites to the NPL. My reservation is this: I am concerned that the phrase "appropriate tribal leader" expands the authority of tribes, beyond that which they are granted under current law, to veto a site recommended by the EPA Administrator for listing on the NPL.

The fiscal year 1996 VA-HUD bill included a provision similar to that included in the bill before the Senate, with one exception. The bill currently before the Senate gives the authority to both the Governor of a State, an appropriate tribal leader to veto the EPA Administrator's request that a site be added to the NPL. Was it the intent of the subcommittee chairman to expand the authority of Indian tribes under the Superfund law with this provision?

Mr. BOND. The Senator is correct, it was not the intent of the subcommittee to expand the authority of Indian tribes in this provision.

Mr. GORTON. Would the Senator yield for another question on the same issue?

Mr. BOND. The Senator would be happy to yield.

Mr. GORTON. As the Senator from Missouri knows, the chairman of the Senate Environment and Public Works Subcommittee on Superfund is working hard to put together a Superfund reauthorization bill, and bring it to the Senate floor this year. There are an entire range of issues associated with the fact that Indian tribes are not currently treated as persons under the Superfund law, and are not liable for cleanup of waste that a tribe may have contributed to a site. I have discussed this issue with Senator SMITH and he told me that these issues will be looked at as he develops legislation to reauthorize the law. Consequently, I would ask that the Senator drop out the "or appropriate tribal leader" provision during conference with the House over the fiscal year 1996 VA-HUD bill.

Mr. BOND. As the Senator from Missouri knows, the chairman of the Senate Environment and Public Works Subcommittee on Superfund is working hard to put together a Superfund reauthorization bill, and bring it to the Senate floor this year. There are an entire range of issues associated with the fact that Indian tribes are not currently treated as persons under the Superfund law, and are not liable for cleanup of waste that a tribe may have contributed to a site. I have discussed this issue with Senator SMITH and he told me that these issues will be looked at as he develops legislation to reauthorize the law. Consequently, I would ask that the Senator drop out the "or appropriate tribal leader" provision during conference with the House over the fiscal year 1996 VA-HUD bill.

AMENDMENT NO. 2781

Mr. KOHL. Mr. President, yesterday the Senate voted not to restore funding for the AmeriCorps Program and with great reluctance, I opposed the amendment offered by the distinguished Senator from Maryland. I did so not because the Corporation for National and Community Service is a bad investment. In fact, I am a strong supporter of the AmeriCorps Program and believe community service can make a big difference in our society. Unfortunately, the amendment restored AmeriCorps funding at the expense of other important Federal programs.

Mr. President, I have seen first hand the positive results of the AmeriCorps Program. It has shown great promise in addressing today's urban and rural problems by uniting communities. Program participants in Wisconsin have worked hard to fight hunger, provide child care, combat illiteracy, and build low-income housing.

By dedicating service to their communities, participants receive a small stipend and assistance to further their education. Corps participants are also encouraged to use the skills and resources they are carrying out their activities, which adds to the effectiveness of the Federal investment.

I am distressed that the Senate has decided not to fund the national service program and strongly believe the AmeriCorps Program merits continuation. But the amendment relied on alternative funding sources that I could not accept, including raising FHA's loan limits.

Mr. President, it is no secret that in the past I have opposed efforts to raise the FHA's loan limits. My position on this issue is clear and I will not take this time to recite all of the reasons that I oppose raising the loan limits. I will, however, say that raising the loan limits will not help the low and moderate income home buyer. In fact, the home buyer who should be the prime beneficiaries of FHA's efforts. For the record, I also note that I would have gladly worked with the authors of the amendment to find other more appropriate offsets, if only I had received sufficient advance notice of the amendment.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

The CDFI fund is a key priority for President Clinton. He and Vice President Gore campaigned in 1992 to create a new partnership with the private sector to revitalize economically distressed communities. The President and Vice President spoke passionately about their vision for supporting local community development banks.

After the election of 1992, both Republicans and Democrats in the last Congress turned the President's vision into ground-breaking legislation that created the CDFI fund. The legislation passed the Senate unanimously and was approved by a 410 to 12 vote in the House.

Unfortunately, the CDFI fund is now a hostage of partisan politics. Under this appropriations bill, the CDFI fund is terminated. Before even giving this program a chance to succeed, this bill kills it. That is a real shame.

The fund is a small but very innovative program. For a modest $50 million budget, the fund has the potential to make a significant impact in distressed communities.

The fund's investments would create new jobs, promote small business, restore neighborhoods, and generate tax revenues in communities desperate for community development.

How would the CDFI fund succeed in areas where more traditional financing has failed?

September 27, 1995

CONGRESSIONAL RECORD—SENATE

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The fund would create a permanent, self-sustaining network of financial institutions that are dedicated to serving distressed communities. These financial institutions include a fast-growing industry of community development financial institutions (CDFI's). CDFI's play an important role in providing capital to distressed communities and get them a loan. That is not the way you do it. There is money to be made here, for any bank willing to take entrepreneurs like Ms. Jackson seriously, but large financial institutions without roots in the community are unlikely to see those opportunities.

In the Senate, Senator LEAHY, in expressing my strong support for the CDFI fund.

Community Development Financial Institutions are essential to serving communities that often find it difficult to cultivate financial support. CDFI's prove that private sector, locally controlled financial institutions can combine rigorous fiscal management with a commitment to improving communities by offering capital access along with related training and technical services when other institutions may not. CDFI's provide capital to distressed communities, as well as increase the number of joint venture loans between Federal, State, and private entities.

Mr. President, Cascadia Revolving Fund, of Seattle, is a prime example of how CDFI's can complement traditional financial institutions. Cascadia is a nonprofit community development loan fund which makes loans and provides technical assistance to low-income, minority- and women-owned businesses in addition to businesses operating economically distressed areas. Over the past 10 years, Cascadia has lent over $3 million, and 90 percent of the businesses they have assisted are still in business today.

The Community Development Banking Act of 1994, which created the CDFI fund, received broad bipartisan support in both the House and Senate. The legislation passed the Senate unanimously, and was approved by a 410 to 12 vote in the House.

Mr. President, it would be a shame to terminate this program designed to revitalize economically distressed communities before even giving it a chance to succeed. If the Senate has the opportunity to revisit this bill during the appropriations process, I urge my colleagues to restore funding to the community development financial institutions fund.

Mr. BRADLEY. Mr. President, things are finally beginning to turn around in urban America. We have finally taken some small, tentative steps to give children a safe and nurturing environment. We have repaired them, to help individuals find and get jobs, to help poor people develop assets for the future, and to restore strong financial institutions that help communities to save their own money, invest, borrow, and grow.

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

Most of us take basic financial institutions for granted. We have savings and checking accounts, our bank lends us money, we can withdraw money in minutes. We don't think about the credit union, day care center, and other programs, depositing $20, $50, and $100 at a time. I did not see any banks in the vicinity of La Casa. If it were not for the credit union, many of the community's residents would have no place to deposit their money, secure small loans, or take advantage of other services we often take for granted.

This fund does not, and should not, seek to create organizations that will be perpetually dependent on Government for support. Instead, it seeks to reach in at a point of leverage in capital-starved communities and get them started. It does not set development goals for communities but helps them help themselves to succeed.

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

The evidence contradicts this cynical view. In Paterson, N.J., last year, I visited one of the most poverty-stricken areas I have ever seen before. It was a community that had seen better days, and there's no question that she was deposing $100. Surprised. I asked her how much she generally saved, and she said, 'You want money for what?' She said, 'You don't walk in here and ask me for an application for a loan. That is not the way you do it.' I said, 'Well, if you will tell me what to do, then I will come back, and I will do it right the next time.' She was laughing so hard and making fun of me so bad I never went back.

There are islands of hope for people who want to save and invest in troubled communities. Last year I visited La Casa de Don Pedro, which operates a credit union in a very poor section of Newark, New Jersey. We support community organization that just happens to have a credit union. While I was there, a stream of members poured into the small building which houses the credit union, day care centers, and other programs, depositing $20, $50, and $100 at a time. I did not see any banks in the vicinity of La Casa. If it were not for the credit union, many of the community's residents would have no place to deposit their money, secure small loans, or take advantage of other services we often take for granted.
they saved $3,000 that year, for health emergencies, for college, or to give their children a chance at a better life. Their experience tells me that saving for the future is a fundamental value of our country, not limited to the middle class, and that if we all had access to the institutions that make capitalism work, we could all be a part of vital, self-sufficient communities.

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

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

Mr. SIMON. Mr. President, I want to express my strong support for the community development financial institutions (CDFI) fund. Created by legislation enacted in 1993, the CDFI fund, in a new partnership with the private sector, would revitalize economically distressed communities. The fund would create a permanent network of financial institutions that are dedicated to serving these communities.

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

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

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

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

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

EPA PROVISIONS

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

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

Ironically, for 19 of the last 25 years Republicans were in charge of the EPA. It was Richard Nixon who signed into law the National Environmental Policy Act and declared protection of the environment to be a national priority.

And today the Republican majority is turning its back on its own promise.

Twenty-five years ago environmental organizations let their voices be heard and the message was loud and clear. We must find that voice again. We must unite in our efforts and let the message resound across this Nation and through the halls of Congress—that we will turn back the clock on environmental protection.

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

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

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

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

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

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

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

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

This bill cuts the EPA budget by $1.7 billion—23 percent below the level originally appropriated to the EPA for 1996. In addition, it includes 11 legislative riders that eliminate critical environmental protections provided in such statutes as the Safe Drinking Water Act and the Clean Air Act.

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

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

But of all the agencies, the agency that has the most direct impact on American lives is the EPA. I find it ironic that it is the EPA budget that takes the largest reduction of any agency's budget in this bill—23 percent cut from funding levels originally appropriated for the current fiscal year.

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

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

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

While the President has proposed a balanced budget that would preserve the environment and protect the health and safety of American families, the bill before us cuts those protections dramatically, while placing severe limits on existing protections.
Let me take a moment to highlight the key cuts that would have an enormous negative impact on millions of citizens across the country.

First, this bill cuts desperately needed assistance to State and local governments for important water infrastructure programs through the State revolving fund [SRF]. This bill cuts almost $500 million to provide assistance to local communities to offset the enormous costs of sewage treatment facilities in order to provide cleaner local water—cleaner water in nearby rivers and adjoining shorelines. Of that, the $20 million which would be targeted to Massachusetts alone would assist over 300 communities across my State.

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

From tourism to fisheries, industries depend on the quality of water—and history shows that industry did not care about the quality of water when it had the chance—when there was no EPA to challenge them.

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

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

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

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

A second area of concern are funding cuts for the cleanup of the toxic waste sites. The Hazardous Waste Cleanup Program funding is targeted for a 36 percent reduction—$500 million. A reduction on this scale would slow cleanup and would stall cleanup efforts in communities that have patiently waited for Federal intervention.

In Massachusetts alone, there are four new communities slated to begin cleanup efforts in 1996—New Bedford, Dartmouth, Palmer, and Tyngsborough. All of these communities would be adversely impacted by these unprecedented cutbacks. And what do we tell the people who live there? “Don’t worry. The problem will take care of itself once we get Government off our backs.”

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

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

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

Despite Mrs. Anderson’s concerns and protests, the wells remained in use until 1978 when a State environmental inspection triggered by an unrelated incident detected unusually high levels of toxins.

Eventually, other leukemia victims came forward and it turned out that between 1966 and 1986 there were 28 cases of leukemia among Woburn children with victims concentrated in a section of Woburn served by two wells. Investigations revealed that there were lagoons of arsenic, chromium, and lead discovered on a tract of land that once housed a number of chemical plants, or from a nearby abandoned tannery that had left behind a huge mound of wood and rotten horsehides that gave off a smell that commuters used to call the Woburn odor.

I say to my colleagues, before we rush headlong into getting Government out of the business of protecting people like Jimmy Anderson I think we should reflect for a moment on the consequences of turning back the clock to a time when there were no real regulations and industry did, indeed, have Government off of its back.

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

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

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

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

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

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

Cutting back enforcement will only encourage polluters to continue breaking the law. In Massachusetts during 1994, EPA and State inspectors visited 1,091 facilities to ensure public health and safety standards. Of those visits, 20 percent were violations and Federal enforcement actions were taken to protect the public.

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

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

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

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

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

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

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

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

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

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

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

By playing by the rules, Weyerhaeuser will have lost.

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

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

This bill guts EPA and virtually lets the free marketeers decide what is right, and puts its faith in the per­

cision to not fund any major construe­tion projects jeopardizes the ability of the Reno VA hospital to provide that quality inpatient care to its veterans.

The Reno VA hospital's $288 million major construction project to build an inpatient bed wing is an au­thorized project. The project's con­struction plans will be completed in November. The project will be ready by November 1996. The authorizing committee with juris­diction.

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

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

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

This hospital critically needs the new inpatient hospital wing to ensure the center does not lose the JCAHO accreditation. To date, no Veteran Affairs medical facility has lost its accreditation. However, JCAHO has recently been under industry criticism for not being as stringent as it should be to en­sure the quality of its accreditation standards. When a facility like the Reno hospital would not meet accredi­tation standards. This is an old build­ing, is unsanitized. Its electrical system is at capacity. Its steam radiator heating system is beyond economical repair. Only so much can be done within the limits of such a building. Is it wise to put millions into an old building, that will not in the end meet accreditation and life safety code requirements? I think not.

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

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

The minor construction account limits to fund projects to no more than $3 million per project. It is estimated to require $13.9 million to renovate the current inpatient bed wing; obviously over the $3 million project limit. Even if a $13.9 million expenditure could be made from the minor construction fund, the hospital would still not meet accredi­tation standards. It is ironic that a construc­tion project which has been signifi­cantly scaled back, and would solve the Reno hospital accreditation problems cannot go forward.

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

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

NATIONAL SCIENCE FOUNDATION

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

Mr. INOUYE. I thank the chairman for yielding.

As the chairman knows, starting in fiscal year 1989, the Veterans Affairs and Housing and Urban Development, and Independent Agencies Subcommittee yield for a question.

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

Mr. INOUYE. I thank the chairman for yielding.

As the chairman knows, starting in fiscal year 1989, the Veterans Affairs and Housing and Urban Development, and Independent Agencies Subcommittee urged the creation of a new Directorate for Social, Behavioral and Economic Sciences at the National Science Foundation. This was led by our colleague Senator BARBARA MIKULSKI.

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

This year, for fiscal year 1986, the subcommittee has had to make some hard choices among programs to live within their 60% allocations. The chairman has been fair and even-handed in his efforts to craft a bill within the spending total available to him.

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

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

It is my intention and my expectation that the National Science Foundation would continue the current practice of not reallocating the directorate's allocation levels for that directorate and for the programs represented by the Human Capital Initiative, within the overall funding recommendations of the committee in its report. As the chairman, we generally accord the recommendations of the Foundation considerable deference given the technical nature of many of these allocation decisions, and it is my intention to continue this practice.

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

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

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

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

REMAINS EXCEPTED COMMITTEE AMENDMENTS

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

The PRESIDENT pro tempore. Is there objection?

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

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

Mr. MCCAIN. I have no objection.

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

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

The PRESIDENT pro tempore. Without objection, the remaining committee amendments are agreed to.

AMENDMENTS NO. 276 TO 2808 EN BLOC

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

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

Next, an amendment by Senator Feinstein relating to energy savings at Federal facilities.

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

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

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

Next, an amendment by Senator Feinstein to reserve funds being used for the filing or maintaining of frivolous legal action, and achieving or preventing action by a Government official, entity, or court of competent jurisdiction.

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

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

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

Next, an amendment by Senators MOTHEN AND D'AMATO to transfer a significant amount of enforcement authority for renovation of central terminal in Buffalo, NY, making available for central terminal and other public facilities.

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

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

Mr. MCCAIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

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

I think these are all very appropriate. I appreciate the degree of cooperation shown.

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

The legislative clerk read as follows:

The Senator from Missouri (Mr. Bond) for himself and others, proposes amendments numbered 2796 through and including 2809.

Mr. Bond. Madam President, I ask unanimous consent that reading of the amendments be dispensed with. The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments en bloc are as follows:

AMENDMENT NO. 2796

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

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

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

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

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

I was one of the members of the bipartisan coalition that crafted the Fair Housing Act amendments in 1988. That bill was a comprehensive, carefully considered set of improvements to the Act. One of the central components of the 1988 bill was a division of responsibilities for fair housing enforcement between the Department of Justice and the Department of Housing and Urban Development. In fact, the enforcement scheme was the product of lengthy discussions with the real estate industry itself.

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

HUD is the only agency which can efficiently and effectively combat housing discrimination and provide administrative hearings to reduce the need for litigation. In fact, one in five cases is ever referred by HUD to the Department of Justice. In 1995, almost half of all complaints filed with HUD were resolved through conciliation.

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

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

If H.R. 2099 were to pass without the changes in the managers' amendment, the effect would be devastating. As of September 30, 1995, HUD's swift administrative investigation and resolution
Make no mistake about it—the repeal of HUD's authority would severely harm fair housing enforcement. HUD receives 16,000 complaints each year alleging housing discrimination. HUD's 14 regional enforcement centers take action on every bona fide complaint, by investigating, conciliating, and otherwise overseeing the disposition of each complaint. HUD resolves most of its cases through the conciliation process.

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

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

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

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

The VA-HUD Subcommittee report states that "the Justice Department with its own significant responsibilities to address all forms of discrimination represents a good place to consolidate and to provide consistency for the Federal Government to combat discrimination reasonably well." The Justice Department itself has said that it would not be such an appropriate place.
neighbors might care. HUD's Fair Housing Office negotiated a settlement and the man received $2,500.

Discrimination in granting mortgages and homeowners insurance continues to be a serious problem. Since 1988, banks have been required to report the race of their loan applicants. From that information we find that, according to the Federal Reserve, in 1994 minority of all incomes were rejected for mortgage loans at more than twice the rate of whites.

A study by the National Community Reinvestment Coalition in 1994 found that moderate-income and minority individuals were being consistently underserved by 52 large mortgage lenders. According to a study by the National Association of Insurance Commissioners, which examined the availability and price of homeowners insurance in 25 cities in 13 States, average premiums are higher, and availability more limited in minority areas, even when loss costs are taken into account. According to a study by the Missouri Insurance Commissioner, among the 20 largest Missouri homeowner insurance companies, 5 have minority market shares of less than one-twentieth their share of the white markets.

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

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

HUD's ability to enforce the Fair Housing Act was strengthened in 1988 when they were given the ability to investigate, conciliate, and bring suit in cases where discrimination was occurring. HUD was not allowed to play an official role in combating any of the housing discrimination it witnessed. HUD investigates all complaints. If HUD finds that there is a basis for a complaint and no conciliation can be reached, the parties have the option of having a hearing before an administrative law judge or a Federal trial. If anyone or HUD chooses a Federal trial that is the venue.

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

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

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

In 1994, HUD was able to resolve over 40 percent of the discrimination cases with conciliation—never side ever had to go to court. HUD resolves over five cases through the conciliation process for every one it refers for litigation.

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

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

If there is a pattern or practice of housing discrimination, the Attorney General can bring civil action in a Federal district court. Any case before HUD that goes before Federal court is handled by the Department of Justice already. The traditional role and expertise of DOJ has been to litigate cases, not to perform administrative enforcement. HUD operates a system of administrative adjudication of complaints using administrative law judges.

The Department of Justice does not have the people or the field office structure to handle the caseload or investi‌gative individual complaints. The Civil Rights Division of the Department of Justice is not an investigative agency. The investigative arm of the Department of Housing and Urban Development is the FHA. This transfer is premature and ill-conceived. There have been no hearings, no reports issued, and no analysis recommending that the Fair Housing Act enforcement authority be transferred from HUD to the Department of Justice.

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

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

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

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

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

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

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

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

In contrast to HUD's mandate to investigate individual complaints and to settle disputes administratively, DOJ has independent authority under the Fair Housing Act to enforce through litigation violations of the act where it finds a pattern and practice of discrimination. DOJ does not have the infrastructure to handle individual fair housing complaints. For example, it does not have an investigative agency with a field office structure to investigate individual complaints.
Mr. President, transferring enforcement authority from HUD to DOJ would require DOJ to recreate a structure that already exists at HUD. While I oppose such a transfer, I nevertheless support the idea that the resources from Illinois in requiring that such a transfer cannot occur unless the resources and manpower are provided to ensure continued administrative enforcement of the Fair Housing Act.

AMENDMENT NO. 250

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

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

AMENDMENT NO. 298

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

At the appropriate place, insert the following:

SEC. 8. ENERGY SAVINGS AT FEDERAL FACILITIES.

(a) REDUCTION IN FACILITIES ENERGY COSTS.

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

(A) take all actions necessary to achieve during fiscal year 1996 a 3 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency; and

(B) enter into a sufficient number of energy savings performance contracts with private sector energy service companies under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8258 et seq.) to achieve during fiscal year 1996 at least a 5 percent reduction, from fiscal year 1995 levels, in the energy use of the facilities used by the agency.

(2) GOAL.—The activities described in paragraph (1) shall be a key component of agency efforts to achieve the goal of reducing energy costs in a 20 percent reduction, from fiscal year 1995 levels, in the energy use of the facilities used by the agency, as required by section 548 of the National Energy Conservation Policy Act (42 U.S.C. 8258).

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

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

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

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

AMENDMENT NO. 2799

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

On page 153, line 17, strike "$186,000,000", and insert "$184,900,000".

On page 153, line 21, strike "$4,400,000", and insert "$4,675,000".

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

AMENDMENT NO. 2800

(Purpose: To make technical corrections and modifications to the Committee amendment to H.R. 2999)

On page 22, line 5, insert the following: "Sine 111. During fiscal year 1996, not to exceed $5,700,000 may be transferred from 'Medical care' to 'Medical administration and miscellaneous operating expenses'. No transfer may occur until 30 days after the Secretary of Veterans Affairs provides written notice to the House and Senate Committees on Appropriations.

On page 27, line 23, insert a comma after "subparagraphs".

On page 29, line 13, strike "$624,000,000", and insert "$626,000,000".

On page 29, line 21, strike "$369,000,000", and insert "$370,000,000".

On page 29, line 28, insert "plan of actions" and insert in lieu thereof "plans of action".

On page 29, line 21, strike "be closed" and insert in lieu thereof "close".
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On page 29, lines 23 and 24, strike out "$24,000,000 appropriated in the preceding proviso" and insert, in lieu thereof "foregoing $24,000,000."

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

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

On page 30, line 26, strike out "purposes" and insert in lieu thereof "purposes."

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

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

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

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

On page 40, strike out line 8 and insert "a grant made available under the preceding proviso to the Housing Assistance Council of the National American Indian Housing Council for a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974." On page 40, line 20, strike out "public and Indian housing agencies" and insert in lieu thereof "public housing agencies (including Indian housing authorities), non-profit corporations, and other appropriate entities."

On page 40, line 22, strike out "and" and insert "the."

On page 40, line 24, insert after "143f)" the following: ". . . and insert in lieu thereof the following: "(B) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT—Section 522(b)(B) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704 et seq.) is amended by striking 'any preferences for such assistance under section 8(d)(1)(A) or inserting 'written system of preferences for selection established pursuant to section 8(d)(1)(A)' ."

On page 40, line 34, strike out through line 5 on page 46, and insert in lieu thereof "paragraphs." On page 47, strike out the matter after "Section 542(c)(4)" and insert in lieu thereof "paragraphs." On page 47, strike out the matter after "Section 542(c)(4)" and insert in lieu thereof "paragraphs." On page 47, strike out "purposes" and insert in lieu thereof "purposes."

On page 48, line 12, strike out "and" and insert "and.

On page 48, line 21, strike out "the Secretary" and insert "Secretary."

On page 48, line 24, strike out "Secretary" and insert "Secretary."

On page 49, line 5, after "Provided" insert "further."

On page 51, line 6, after "shall include" insert "congregate services for the elderly and disabled, service coordinators, and."

On page 51, line 24, strike out "originally" and insert "originally."

On page 45, strike out the matter after "That" on line 26, through line 6 on page 46, and insert in lieu thereof: "the Secretary may use any negative subsidy amounts from the sale of such assigned mortgage notes during fiscal year 1996 for the disposition of properties or notes under this heading."

On page 46, strike out the matter after "That" on line 26, through line 6 on page 46, and insert in lieu thereof: "the Secretary may use any negative subsidy amounts from the sale of such assigned mortgage notes during fiscal year 1996 for the disposition of properties or notes under this heading (including the credit subsidy for the guarantee of loans or the reduction of positive credit subsidy amounts that would otherwise be required for the sale of such properties or notes), and for any other purpose under this heading."

On page 66, line 1, after "Section 1002" insert "(d)."

On page 69, lines 5 and 6, strike out "Notwithstanding the previous sentence" and insert in lieu thereof "the Secretary may use any negative subsidy amounts from the sale of such assigned mortgage notes during fiscal year 1996 in addition to amounts otherwise provided, for the disposition of properties or notes under this heading (including the credit subsidy for the guarantee of loans or the reduction of positive credit subsidy amounts that would otherwise be required for the sale of such properties or notes), and for any other purpose under this heading.

On page 69, line 8, strike out "subject to" and insert in lieu thereof "eligible for.

On page 70, line 13, strike out "and and insert in lieu thereof "any."

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

On page 71, strike out lines 11 through 18.

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

On page 72, line 7, strike out "are" and insert "is."
Mr. KYL. Mr. President, I rise to co-sponsor an amendment to H.R. 2099, the VA-HUD-Independent Agencies Appropriations bill. I am pleased to co-sponsor this amendment which will prohibit the Department of Housing and Urban Development [HUD] from enforcing a complaint of discrimination on the basis of a housing provider's occupancy standard, enforcement of which goes well beyond the standards described in the March 20, 1991 memorandum of the general counsel of HUD to all Regional Counsel.

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

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

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

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

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

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

AMENDMENT NO. 2094

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

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

**SEC. 105A. CBGC ELIGIBLE ACTIVITIES.**

Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 3505(b)(1)) is amended to read—

1. by striking "reconstruction," after "removal." and;
2. by inserting "acquisition for rehabilitation, and rehabilitation" and inserting "acquisition for reconstruction or rehabilitation, and reconstruction or rehabilitation;" after "and;" and;
3. by striking paragraph (19); and
4. by striking paragraph (24), by striking "and" at the end.

AMENDMENT NO. 2095

(Purpose: To impose a moratorium during fiscal year 1996 of any special purpose grants for the STAR program)

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

**SECTION 3—EPA RESEARCH AND DEVELOPMENT ACTIVITIES AND STAFFING.**

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

1. the use of the funds would not reduce any funding available to the laboratories of the Science to Achieve Results (STAR) program agreements, grants, or support contracts;
2. the Appropriations Committees of the Senate and House of Representatives grant prior approval to transfers of funds to support STAR activities shall be considered a reprogramming of funds. Further, said approval shall be contingent upon submission of a report to the Committees as specified in Section (g)(2) below.
3. the extent to which funds provided under section 106 (Community Development Block Grants), section 107 (Special Purpose Grants), and Section 129 (Economic Development Grants) of the Housing and Community Development Act of 1974, have been directly used to facilitate the closing of an industrial or commercial plant or the substantial reduction in the operations of a plant and result in the relocation or expansion of a plant from one state to another;
4. the extent to which the availability of such funds has been a substantial factor in the decision to relocate a plant from one state to another;
5. an analysis of the extent to which provisions in other laws prohibiting the use of federal funds to facilitate the closing of an industrial or commercial plant or the substantial reduction in the operations of such plant and the relocation or expansion of a plant have been effective; and
6. recommendations as to how federal programs can be designed to prevent the use of federal funds to directly facilitate the transfer of jobs from one state to another.

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

Our concern was generated by an announcement made in 1994 by a Briggs & Stratton that a Milwaukee plant would be closed, and 2,000 workers would be permanently displaced. The actual economic impact upon this community is even greater since it is estimated that 1,24 related jobs will be lost for every 1 of the 2,000 Briggs jobs affected. The devastating news was compounded by the subsequent discovery that many of these jobs were being transferred to plants, which were being expanded in two other States, and that Federal community development block grant, CDBG, funds were being used to facilitate the expansion of these jobs from one State to another.

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

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

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

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

Mr. BOND addressed the Chair. The PRESIDING OFFICER. The Senator from Missouri.

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

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

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

There are several items in the bill that are quite positive, and I thank the chairman and the ranking member for their willingness to work in a bipartisan fashion to help perfect this amendment.

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

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

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

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

The amendments (Nos. 2796 through 2898) on bloc were agreed to.

Ms. MIKULSKI. I move to lay on the motion of Mr. BOND to the table the amendment.

The motion to lay on the table was agreed to.

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

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

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

The amendments (Nos. 2796 through 2898) on bloc were agreed to.

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

Ms. MIKULSKI. I move to lay that motion of Mr. BOND to the table.
LIHPRHA has some structural problems. We cannot afford a hiatus in housing preservation and resident achievement. We have not rushed into a more aggressive approach toward the struggling families. Both housing authorities cut back on their programs and displaced people from their homes. We all recognize that LIHPRHA has some structural problems that need correcting, and the bill has made an important contribution in pushing forward preservation program reforms. It is unfortunate that the LIHPRHA capital grant reforms in this bill are delayed a year for technical reasons related to budget scoring. However, since they are, it is important that we continue to process and preserve the projects under the old program. The resources should stand idly waiting for the new program to be perfected, enacted, and implemented.

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

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

Madam President, I would like to call into question the concept of authorizing provisions in this bill. Some of these provisions have not gone through the hearing process nor have members had the opportunity to consult concerning them with all of the affected experts on program operations. I am particularly concerned that the numerous discrete, piecemeal provisions—while often helpful—will undermine or contradict efforts to manage inventories and provide an exhaustive examination of the HUD statutes. As a member of the authorizing committee, I am hopeful that we will review all of these provisions in more detail.

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

I realize that HUD is taking a disproportionate share of the budget cuts because some of its programs have been cut. The resource levels in this bill are simply not adequate to the task of preserving the affordable housing gains that has aged to the point of obsolescence. The administration has proposed to voucher out the public and assisted inventory. This approach may make sense in those instances where the housing has been subjected to the task of preserving the affordable housing gains that has aged to the point of obsolescence. We need not rush into a comprehensive proposal that will result in forcing many properties into default. The administration has proposed to voucher out the public and assisted inventory. This approach may make sense in those instances where the housing has been subjected to the task of preserving the affordable housing gains that has aged to the point of obsolescence.

Fundamentally, this appropriations bill does not and could not come close to meeting the housing needs of this country. More than 5 million very low income Americans face severe housing needs. They suffer from homelessness, they pay rents that take more than 50 percent of their household income, or they live in squalor. However, I have serious concerns about vouchers as a substitute for well-managed, well-located housing. I have concerns that vouchers do not work for everyone in every market. Vouchers are not accepted by many landlords. The available evidence suggests that if we move to vouchers, many housing assistance recipients will be displaced from a place that they currently call home.

Over the last 15 years of troubled housing policy, though, both Republican and Democratic administrations have been committed to making progress toward meeting these needs, albeit with different levels of energy and commitment. The resource levels in this bill have been proportionate to the task of preserving the affordable housing gains from the past, reforming HUD's programs, compensating for previous underfunding of capital needs, and making progress against our Nation's large outstanding needs for affordable housing.

The effects of the budget on this bill and thence on these vital Government services are extremely troubling. Our Nation has seen several emergencies over now and even more in the future—for shortchanging these pressing needs.

The Brooke amendment limits the rent paid by a poor family to 30 percent of income. The bill does make some changes in the public housing rent-setting process that we will have to monitor closely. I support the provision in this bill providing public housing authorities with the flexibility to set ceiling rents and adopt policies that deduct earned income in calculating the adjusted income against which the 30 percent standard is applied. These changes should help enable working families to remain in public housing developments and improve the mix of the public housing communities. I am less enthusiastic about a provision in the bill that requires all residents to pay a minimum rent of $25 per month, particularly in the context of other cutbacks in programs of assistance to poor families. There are three particularly egregious authorizing provisions in this bill that highlight the need for a more orderly process of hearings and deliberation. These are the provisions transferring HUD's Office of Fair Housing to the Department of Justice, the transfer of the Office of Federal Housing Enterprise Oversight to Treasury, and a prohibition against enforcing the fair housing laws against property insurers who discriminate. I oppose the inclusion of all three provisions in this bill. I realize that HUD is taking a disproportionate share of the budget cuts because some of its programs have been cut. The resource levels in this bill are simply not adequate to the task of preserving the affordable housing gains that has aged to the point of obsolescence. The administration has proposed to voucher out the public and assisted inventory. This approach may make sense in those instances where the housing has been subjected to the task of preserving the affordable housing gains that has aged to the point of obsolescence. We need not rush into a comprehensive proposal that will result in forcing many properties into default. The administration has proposed to voucher out the public and assisted inventory. This approach may make sense in those instances where the housing has been subjected to the task of preserving the affordable housing gains that has aged to the point of obsolescence.
Some of us—the most unfortunate—will pay more dearly than others, but their plight will affect us all.

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

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

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

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

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

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

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

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

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

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

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

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

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

Mr. BOND. Madam President, I ask for a recorded vote, the yeas and nays. The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

The legislative clerk called the roll.

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

[Rollcall Vote No. 470 Leg.]

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

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

The motion to lay on the table was agreed to.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

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

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

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

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

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

But I believe balanced budgets and fiscal responsibility do not actually happen in huge waves and big doses of cuts. I think they come with hard work. Every chairman who has had to produce an appropriations bill this year on the domestic side has had to take less than they had the year before, and that means very simply that, through hard work and, hopefully, some wisdom, priorities had to be discussed and priorities had to be decided upon.

It is no longer the day of being able to say to every Senator that asks for things that we have taken care of you. In fact, I believe we are at the point, and there will be more years to come when we have to say to most that we cannot give you what you want.
Senator BOND had a tough job. Few Americans understand that this bill has veterans in it, has public housing in it, and at the same time has many other funding interests. Senator BOXER had a tough job. Who would think that one appropriation bill would cover that spectrum? He has had to balance, with less of a budget than last year, these same great demands and responsibilities that we face.

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

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

Mrs. BOXER addressed the Chair. The PRESIDING OFFICER, the Senator from California, is recognized.

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

ENVIRONMENTAL PROTECTION

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

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

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

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

The bill will reduce the ability of the EPA to respond to threats to the environment and public health when they cannot respond quickly. Every rider in this bill means more water pollution, more smog in our cities and countryside, more food poisoning, more toxic waste problems.

Cuts will severely undercut the number of Federal and State environmental inspections, thereby increasing the risk to the public health and environment from unchecked violators. In fiscal year 1994, more than 2,600 facilities were inspected in California and 447 enforcement actions were taken by Federal or State environmental agencies. Cuts will mean that state monitoring and inspection programs will either have to be either severely curtailed, paid for by the state or possibly eliminated.

Cuts will hurt EPA/Industry compliance initiatives which are underway in 12 States, such as the Gillette Corporation Environmental Leadership Program, a project of the Gillette Corporation of Santa Monica, CA, and the Agriculture Compliance Assistance Services Center, which was developed in conjunction with the Agriculture Extension Service to provide "one stop shopping" for information to assist farms in complying with environmental regulations. Support for this Center—and initiatives like it underway in other industries—will be severely undercut by these cuts in the EPA budget.

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

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

EPA is under court order to issue these standards, which are now more than 10 years late. The riders in this bill are an unnecessary interference with the ongoing process and will only serve to delay it further.

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

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

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

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

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

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

Thus, in the area of environmental protection, this budget threatens to provide even a merely adequate amount of funding for the programs and policies that protect the public health and safety.

Housing and Urban Development programs

The cuts made by this bill in the programs of the Department of Housing and Urban Development will have a tremendous impact on communities and neighborhoods across the country. HUD was hit particularly hard in this spending measure. Under the Senate bill, HUD would receive 19 percent less funding than what was requested by the administration and over 20 percent less than what was approved in last year's bill.

This will mean significant cuts in funding to serve our Nation's homeless. The Senate bill contains $360 million less than what was in the President's request for homeless assistance—the last safety net for homeless individuals and families. This translates into $19 million less than last year for California to address its homeless problem at
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a time when overall budget cuts may force more people into homelessness.

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

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

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

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

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

VETERANS HEALTH

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

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

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

NATIONAL SERVICE (AMERICORPS)

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

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

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

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

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

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

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

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

TRAVIS VA HOSPITAL

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

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

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

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

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

The decision not to fund the Travis-VA medical center breaks faith with California's veterans, and violates promises made by the past two Presidential administrations. Because of the foregoing reasons, I have voted against the VA/HUD/Independent Agencies appropriations bill, and I will urge the President to exercise his veto power against it, in the hope that the ensuing negotiations will produce a better bill.

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

Secretary Secretary of Housing and Urban Development, Mr. Colodny, from New Mexico says, times are tough, and the numbers we have to deal with are lower, of course. Well, I ask, why is it that we are giving the military $7 billion more than they asked for, $7 billion more than the generals and admirals asked for—and, therefore, we have to cut the heart out of our kids, our people who need housing and, for God's sake, our veterans.

By the way, about 20 to 30 percent of our homeless are veterans.

So, I hope the American people have watched this debate, Madam President.

This is what we have been talking about. I voted to balance the budget in 1995, but I did not to do it this way, to hurt our kids, to cut out National Youth Service, and to threaten up to 22,000 units of affordable housing may be lost in California unless we can fix it.
their rents and may be thrown out on the streets.

The veterans hospital at Travis, in the middle of my State, where there was an official groundbreaking because we need a veterans hospital badly, it is zeroed out in this bill. And for what? To pay for a tax cut to those people making over $550,000 a year, who get to give the Pentagon what is more than the Pentagon asks for. I just feel very sad today. I acknowledge the hard work of the committee. Believe me, they were given a number that was very difficult to reach, and I have sympathy with that situation. I serve on the Budget Committee, and Chairman DOMENICI spoke eloquently about the problems we are facing. But I know we did not have to go about it this way.

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

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

I yield the floor.

Mr. DORGAN addressed the Chair.

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

Mr. DORGAN. Madam President, I voted against the last appropriations bill on the floor of the Senate. I was interested in the remarks offered by the Senator from California. I said earlier this week that the three appropriations bills that we would be confronted with this week represented probably the worst possible choices one could make. This process to date hashabits choices. There are some who forever want people to believe that there is one side of the aisle in Congress that represents big spenders and a biding interest in spending more and more on everything while the other side of the aisle represents a bunch of frugal skinflints who really do not want to spend, the ones who are putting the brakes on and are trying to bring down the deficit.

What a bunch of hogwash, a total bunch of nonsense. The question is not whether we spend money; the question is how we spend the money. Never is it better illustrated than in what we have seen in the last week or so. We have conference committee on the defense bill reporting out in the last day or two, saying they want $34 billion more than the President or the Secretary of Defense ask. This process to date hashabits country, with B-2 bombers and star wars alone—just those two issues; $3 to $4 billion more to buy B-2 bombers and star wars. But they have said, by the way, that B-2 Bombers and Star Wars are not important than the benefits for incapacitated veterans?

I am telling you, there is something wrong with those choices. It is not a matter of saying spend, spend, spend. It is not a question of being ignorant and free think of something that never was and never can be. If we do not understand that our future is not in building star wars, but our future is in building starts wars, but our future is in building defense for our children, investing in education, investing for the future, if we do not understand that, I am telling you that these choices we make today, as viewed by historians 100 years from now, will cause them to scratch their heads and say, "What on Earth were they thinking about? What on Earth could their hand grandchildren think of something that kids are not very important?"

I yield to the Senator.

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

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

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

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

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

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

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

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

Why do we have that equation? Well, it is simple. The $270 billion proposed cut in the baseline proposed Medicare is the same proposed in order to allow room for a $24 billion tax cut.

More important than that, it finally is a matter of choice. It is a choice of saying the star wars program is more important than Head Start. Buying B-2 Bombers that the Secretary of Defense says we do not need is more important than giving kids a job for the summer or a tax cut. 50 percent of the $270 billion in defense is already cut, which is $135 billion in the country. Fifty percent of the benefits of the $245 billion tax cut, at a time when we are up to our neck in debt, goes to families whose incomes are very high, but this is not the right choice.
Now, I recognize and freely admit that for someone to stand up in the Senate and say, look, I serve in the U.S. Senate and I want to exhibit great courage today and my courage propels me to suggest we should have a tax cut. Well, what a wildly popular thing. It is like putting a raft in whitewater and rushing downstream. Wildly popular concept, having a tax cut.

My view is that the same people who are calling for a tax cut are the ones who were saying we ought to balance the budget. I say we should balance the budget. But why are they talking about Medicare cuts now? So they can talk about a tax cut at the same time. That is the linchpin of all this.

I do not think it adds up. My sense is, yes, I would like everybody to pay lower taxes. I would like there to be zero taxes. Of course, we have to have police, we have to have roads, we have to have public education. There are a number of things we do in the public sector that are enormously important. Many were in this piece of legislation I just voted against because I thought it took money away from the good choices and gave them to the poorer choices. It seems to me we must be serious about a lot of things if we want to reduce the Federal deficit. Therefore, if we are serious—and I am—do not talk about tax cuts until that job is done. Then talk about tax cuts.

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

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

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

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

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

The plain fact is we are dealing with legislation coming to the floor where choices have already been made, and the choice that has been laid before us on these appropriations bills is to take the largest cut to Medicare since the Medicare program began. Pay 100,000 disadvantaged youth summer jobs, and 170,000 incapacitated veterans on fewer benefits.

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

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

This defense bill has $7 billion in extra spending. I talked about the trucks that were not asked for, jet planes nobody needs. There are orphans in this irresponsibility. They wanted to buy $60 million worth of blimps. They wanted to buy 100,000 youth summer jobs, and 170,000 incapacitated veterans on fewer benefits.

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

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

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

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

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

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

That costs a lot of money. It is the result of remarkable, wonderful, breathtaking technology. But it is also very expensive. In some ways, that is a sign of success, is it not? Thirty years ago, people that have been disabled—had a stroke or in a wheelchair, or unable to see. The alternative? Remarkable, breathtaking achievements in health care and a Medicare Program that works. Expenditures. Does it need adjustments? Of course. Should we make them? Yes. But should we take from the Medicare Program substantial moneys so we can give a tax cut to some of the most affluent in the country? The answer, in my judgment, is no. That is not a choice that makes sense. That is not a choice that will strengthen this country or advance our interests.

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

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

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

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

I yield the floor.

MORNING BUSINESS

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

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

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

The clerk will call the roll.

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

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

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

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

TAX FARMING

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

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

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

Congressional Republicans are poised to pass legislation requiring the Internal Revenue Service to turn over some debt collection to commercial interests, thereby giving private citizens the opportunity to pursue delinquent taxpayer information for the first time. . . . The Republican initiative, which includes a provision in the House proposal on the rights of American taxpayers in their dealings with private bill collectors, would undermine the confidentiality of every American taxpayer is protected. Contracting out the tax collection process in a manner that would be in contradiction of that duty, and would no doubt put the privacy of all American taxpayers in jeopardy.

Senator D’AMATO and myself continue to urge our colleagues to vote against any provision allowing private bill collectors to collect the debts of the American taxpayer.

For over 200 years, when the Federal Government has imposed a tax, it has also assumed the responsibility and the blame for collecting that tax. In fact, we have an obligation to ensure that the privacy and confidentiality of every American taxpayer is protected. Contracting out the tax collection process in a manner that would be in contradiction of that duty, and would no doubt put the privacy of all American taxpayers in jeopardy.

Senator D’AMATO and myself continue to urge our colleagues to vote against any provision allowing private bill collectors to collect the debts of the American taxpayer.

We are writing to express our concern regarding the possibility of inclusion of the House provision in the final bill and respectfully request your continued assistance to eliminate any provision allowing private bill collectors to collect the debts of the American taxpayer.

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CONGRESSIONAL RECORD—SENATE

DEAR SENATOR SHELDY AND SENATOR KERRY: Thank you for a copy of your amendment to the Treasury, Postal Service, and General Government Appropriations bill which struck an appropriation of $13 million for a proposal to utilize private counsel law firms and debt collection agencies in the collection activities of the Internal Revenue Service.

A similar provision has been included in the final version of the House Treasury, Postal Service, and General Government Appropriations bill, which I hope you will know, will be a matter to be considered by House and Senate conferees at conference.

We are writing to express our concern regarding the possibility of inclusion of the House provision in the final bill and respectfully request your assistance to eliminate any provision allowing private bill collectors to collect the debts of the Americans taxpayer.

For over 200 years, when the Federal Government has imposed a tax, it has also assumed the responsibility, and the blame, for collecting them. In fact, we have an obligation to ensure that the privacy and confidentiality of every American taxpayer is protected. Contracting out the tax collection responsibilities of government would be in contradiction of that duty and would most certainly put the privacy of all Americans taxpayers in jeopardy.

While we are very concerned about the impact of the House provision on the rights of American taxpayers in their dealings with these private bill collectors, the Commissioner of the Internal Revenue Service has also raised serious questions about the provision.

We therefore urge you to be persistent in your efforts to keep such a provision out of the final conference report.

If we may assist you in any way, please do not hesitate to call on us or our staff.

Sincerely,

DAVID PRYOR.

Mr. PRyor. Mr. President, I ask unanimous consent that the article which I made reference to a few moments ago dated Tuesday, September 26, in the New York Times written by Mr. Robert D. Hershey, Jr., be printed in the RECORD.

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

G.O.P. WANTS I.R.S. TO USE OUTSIDERS;
BILL COLLECTORS WOULD HAVE ACCESS TO TAXPAYER DATA

(By Robert D. Hershey, Jr.)

WASHINGTON, DC, Sept. 25—Congressional Republicans are poised to pass legislation requiring the Internal Revenue Service to loan over some debt collection to commercial interests, thereby giving certain private citizens access to confidential taxpayer information.

The agency's appropriations bill, now stalled in a Senate-House conference over an unrelated issue, would provide $13 million for first time to hire private collection agencies.

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DAVID PRYOR.
The Republican initiative, which would be limited initially to a pilot program, has raised alarms throughout the agency. I have grave reservations about starting down the path of using private contractors to contact taxpayers regarding their delinquent tax debts, according to Donald C. Alexander, the commissioner of the I.R.S., said in a letter to the Senate Appropriations Committee.

In addition to privacy concerns, Ms. Richardson contends that the use of private collection agencies would undermine public confidence in the fairness of Federal tax administration.

Moreover, some states, notably Pennsylvania, use private companies routinely to collect current, as opposed to delinquent, taxes. The Associated Press, finding, says, the addressers of delinquent taxpayers, spending about $5 million a year for such services, which does not lead to direct contact with taxpayers by outsiders.

Frank Keith, an I.R.S. spokesman, said today that the agency had not yet developed any plans for collection practices including what region might initially be involved.

Those objecting to the idea was Donald C. Alexander, a Washington lawyer who served as I.R.S. commissioner from 1973 to 1977.

"Contracting out anything dealing with enforcement is absolutely absurd," he said, contending that it was improper for people "with a stake in the outcome" to collect the Government's taxes, whether on commission or under a contract they would presumably have an incentive to extend.

Others argue that the use of private collection agencies to collect taxes would lend themselves to performance by private contractors to contractors to contact taxpayers regarding their delinquent tax debts without, said Mr. Pryor, that the lack of due process for delinquent taxpayers as is envisioned in H.R. 2020.

Mr. Keith estimated that about half the $150 billion of receivables on the books at the end of the fiscal year 1994 was collectible; the rest has probably been lost because of bankruptcy, death or other reasons.

The attack on its budget has already prompted the I.R.S. to decide on a two-month delay in its Taxpayer Compliance Measurement Program under which it had planned, beginning next week, to select about 183,000 tax returns for intensive audits in a period effort to gauge sources of cheating and to develop countermeasures. Accurate audit effort is essential since routine auditing has slipped well below 1 percent of individual returns.

If the agency fails to get a bigger budget than the $7.35 billion now scheduled, the I.R.S. will have to cut its 112,000-member staff by the equivalent of 7,000 employees; many of this would be by attrition and shorter hours for seasonal workers, Ms. Richardson said in an interview.

"No sound business person would spend money to make money," she added, charging the Republican budget-cutters with pound-foolish penny-pinching. "I think you ought to look differently at the side of the house that raises money."

Privatizing the collection of delinquent debts was first proposed in early 1993 by the newly named Clinton Administration but the idea went nowhere in a Congress then dominated by the President's fellow Demo­crats. Some states have used private companies to help collect taxes, according to the Federation of Tax Administrators. At least three states—Minnesota, Nevada and South Carolina—hired private companies to collect money in person. And at least 10 other states hire private agencies to make telephone calls to delinquent taxpayers.

Moreover, some states, notably Pennsylvania, use private companies routinely to col­lect current, as opposed to delinquent, taxes. The Associated Press, finding, says, the addressers of delinquent tax­payers, spending about $5 million a year for such services, which does not lead to direct contact with taxpayers by outsiders.

Frank Keith, an I.R.S. spokesman, said today that the agency had not yet developed any plans for collection practices including what region might initially be involved.

Among those objecting to the idea was Donald C. Alexander, a Washington lawyer who served as I.R.S. commissioner from 1973 to 1977.

"Contracting out anything dealing with enforcement is absolutely absurd," he said, contending that it was improper for people "with a stake in the outcome" to collect the Government's taxes, whether on commission or under a contract they would presumably have an incentive to extend.

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

Passage of the legislation is being held up because of an impasse over an amendment from Representative Jim Lightfoot of Iowa, a Republican, to severely limit lobbying ef­forts of nonprofit, and therefore tax-exempt, organizations.

The provision in the conference bill that would extend debt-collection authorization to private law firms as well as collection companies is backed by Senator Richard C. Shelby, an Alabama Republican. An aide said the Senator believed that many resources were needed to collect outstanding debt and that privacy concerns "are overblown by the I.R.S."

Mr. Keith estimated that about half the $150 billion of receivables on the books at the end of the fiscal year 1994 was collectible; the rest has probably been lost because of bankruptcy, death or other reasons.

Mr. Pryor, Mr. President, I ask unanimous consent that a letter sent to me dated August 4 written by Margaret Milner Richardson, the Commiss­ioner of the Internal Revenue Service, expressing her strong opposition and the inability of the agency to even considering this practice be printed in the RECORD.

There being no objection, the mate­rial was ordered to be printed in the RECORD.

DEPARTMENT OF THE TREASURY,

INTERNAL REVENUE SERVICE


Hon. David Pryor,

U.S. Senate, Washington, DC.

Dear Senator Pryor: I am writing to ex­press my concern regarding statutory lan­guage in the Internal Revenue Service Appropriations Committee Bill (H.R. 2020) for Treasury, Postal Service and General Government that would mandate the Internal Revenue Service (IRS) to spend $10 million "to initiate a program to utilize private counsel law firms and debt collection activities . . . ." I have grave res­ervations about starting down the path of using private contractors to contact tax­payers regarding their delinquent tax debts without, said Mr. Pryor, that the lack of due process for delinquent taxpayers as is envisioned in H.R. 2020.

Mr. Pryor, Mr. President, I have no further items to submit. I have no fur­ther statement to make. Therefore, I yield the floor.

I thank the President for recognizing me.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Sen­ator from North Dakota.
Mr. DORGAN. Mr. President, inasmuch as this, the last day of open business, I would like to say a few words about the subject of international trade.

I, along with several of my colleagues, had lunch with Eamonn Fingleton, the author of a new book called Blind Side, which describes in very interesting and provocative terms our trade strategy, our trade relationships with Japan and others.

It reminded me again of what is happening this year with respect to trade. Our fiscal policy deficit, the budget deficit this year will be somewhere around $160 billion, we are told. Our merchandise trade deficit, however, will be close to $200 billion, a new record, the highest in the history of this country.

When you talk about international trade, inevitably you begin to yawn. There is rarely thoughtful discussion about trade policy in this Chamber, or in the other body: rarely any thoughtful notion that I can discern in Washington, DC, about what our long-term national economic strategy ought to be.

The minute you start talking about the fact that our current trade strategy is injuring this country; you get turned off. You are tagged as some sort of a protectionist, xenophobic stooge. There are two camps here in trade. Either you are a free trader, you have a world view, you think in global terms, or you are some sort of protectionist isolation xenophobic. Those are the two descriptions.

Let us evaluate that just a bit. What does a trade deficit mean? Why could people care about it? I have a theory about the sour mood about politics in this country these days. I have a theory that people are sour in this country because few in this Chamber, nor Democrats nor Republicans, are addressing the central core of the issue that is at stake.

Sixty percent of the American families will understand they make less money now in real terms—as adjusted for inflation—than they did 20 years ago.

Why would that be the case? Why, if everything is going so well in this country, are more than half of the American families suffering from a loss of income even though they work longer hours than 20 years ago?

At least part of it, in my judgment, is the construct of International trade. Since the Second World War we had a foreign policy and a trade policy that were married. The Second World War left Europe and Japan in tatters. Warren Harding did that. We pitched in a significant way and helped rebuild it. Japan was
decimated, and we helped to rebuild Japan, too.

In the first 25 years of the post-World War II period we could not only help them rebuild but we could largely construct a trade policy in which we said, "We are doing this. Why don't you do the same?" It is not a problem." We were so strong and we were so big that we could compete with one hand tied behind our back. We were the biggest. We won, and nobody could out-trade us and our market would out-produce us. We won hands down.

All during that 25-year period after the Second World War incomes were on the rise in this country. Our economy expanded and improved. And so did opportunity and incomes for the American family.

Then what happened? Europe became a competitor. The European countries became tough and shrewd competitors. Japan grew up to be a tough economic competitor. And we still had the same old trade policy, a foreign policy masquerading as a trade policy. We still allow the circumstances to exist where we would rather see you do it than do it, but it does not matter that your market is closed to us.

That is a fine relationship. We do not want to offend them so we just keep doing what we are doing. Meanwhile, corporations, many of which no longer say the Pledge of Allegiance and no longer sing the national anthem, but have become international conglomerates responsible only to the stockholders, have decided they would like, under the construct of this trade policy, to decide what is good for them.

What is good for them? Well, what is good for them is to produce where it is cheap. Take your product and find a way to produce it in Malaysia, Indonesia, China, Bangladesh, Sri Lanka, and then bring it back to the United States to an established marketplace where people have money to spend and sell it in New York, Los Angeles, San Francisco, Fargo, and Denver.

The problem with that is you disconnect. You move jobs away from America, offshore, overseas, so corporations can maximize profits, then ship the product back into our country. Then what you have is a wholesale loss of jobs in America and eventually a loss of income in this country.

Manufacturing jobs are on the decrease in this country. Oh, the last couple years we have seen a small increase. After having lost millions and millions of manufacturing jobs, we have seen several hundred thousand additional jobs over the last few years. That is fine. But it does not replace the manufacturing base we have consistently lost.

We have the folks who keep score down at the Federal Reserve Board and elsewhere in the Government. We have the economists who are in the engine room or the boiler room of this ship of state and they read the little meters and gauges and dials, and they keep score by saying every month: Gee, America is really doing well. We are consuming this much; we are consuming that much; we are buying this much.

And then what is complicated is the indices of progress in this country are how much did we spend; how much did we consume.

These economists and others who sit down there—I have said before that they could sit in a concrete bunker. They need not ever see the Sun. They could sit in a concrete bunker and read these little numbers of theirs and give us all this nonsense about how healthy we are because of what we spend. It is not what we consume, it is what we produce that represents the economic base of progress in this country.

It is interesting; the economic model, the basis for what economists tell us. For instance, when Hurricane Andrew hit Florida and decimated that State, guess what? Their model, of course, does not measure damage. So they said that Hurricane Andrew contributed a positive $65 billion to the gross domestic product of America because all they count is the repairmen who came in and rebuilt the houses, not the damage that destroyed them.

Take another example: A car accident outside this building this afternoon. Somebody runs into another car. Economists call that economic growth because somebody is going to get to fix the fender.

We do not need that: sort of nonsense to tell us what is going on in the country. They can talk about consumption until they are blue, these economists.

The fact is our country has lost economic strength because jobs have moved offshore, overseas.

What has happened with the balance of trade as a result of all this going on? Let us take a look at it regionally.

First, let us look at Japan. We have a $65 billion trade deficit with Japan. That means things are produced in Japan and sold here. Jobs that used to be here are now in Japan. It means income from the American consumer goes to Japan in the form of profits.

Is that healthy for our country? Of course not. Should we have this kind of trade deficit with Japan? Of course, we should not. Then why do we have it? Because we do not have the will to say to the Japanese: Look, if you want to ship your goods to America, God bless you; we want our consumers to have the widest range of choices from all goods produced in this world, but we expect something from you in return. You must have your markets wide open to American producers and American workers as well. And if you do not, then you will not find open markets here. We need reciprocal policies that say to other countries: straighten up. If you want to access the American

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marketplace, then your marketplace must be open to America. We insist, literally demand fair trade. We demand it. But we have not had the will or the strength or the interest to even begin talking in these terms with Japan.

For $30 a pound to buy T-bone in Tokyo, T-bone steak. The Japanese want a lot of it. They would like to buy a lot of it. Why is it so expensive? Because they do not have enough beef produced in Japan. So will they buy sufficient quantities of American beef? They are buying more now because we have a beef agreement with Japan. And all those folks who negotiated it almost jumped right out of their cowboy boots with the success. They almost thought they should demand a medal because of the successful agreement with Japan.

Guess what? When the agreement is finally phased in over the years, there will remain a 50-percent tariff on all American beef going into Japan. And we consider that a success because our expectations are so low with respect to what Japan will allow into their marketplace.

We ought not consider those things success. We ought to demand of countries like Japan that have such an enormous trade surplus with us that their market must be open to us or we will take action. We ought not accept this one-way trade anymore.

What about China? China now has a $30 billion trade surplus with us, or we a $30 billion deficit with them. We are a sponge for Chinese shoes and shirts and trinkets and goods. They move all their goods to America and we are a cash cow for the Chinese, who need hard currency.

Now, China needs to buy some airplanes. Guess what? Does China go to the American plane companies, Boeing, for example, and say: By the way, we need to buy some planes from you. No, they do not do that. They go to Boeing and they say: We are interested in some airplanes, on the condition, of course, that you manufacture those airplanes in China.

This country ought to say to China: We think you ought to buy airplanes. We do not understand how this works. You want America to be a sponge for all you produce. Then when you need something that we have, you buy it here. That is responsibility. And that is what we expect from you, China.

China needs grain. They need more wheat. They are off price shopping in Venezuela and Canada when they are running a $30 billion trade surplus with us.

It is time for this country to have a little nerve and demand of other countries reciprocal trade policies that are fair.

Now NAFTA. We had people who had apoplectic seizures over this NAFTA debate in the Senate in recent years. We had economists that were out waving their arms on the steps of the Senate talking about $270,000 new jobs if we would just construct a new trade agreement with Mexico—$270,000 new jobs. What is the record?

The record is that the year before the free trade agreement with Mexico was negotiated we had a $2 billion surplus with the country of Mexico. We had a $2 billion trade surplus the year before the Mexican free trade agreement. This year it will be a $16 billion deficit. I would like to round up all of those disciplines of this trade agreement somewhere up near the Capitol and have them explain one by one what has happened.

What has happened? We know what has happened. All the jobs are moving south, two or three plants every single day being approved. They are moving to maquiladoras plants over on the Mexican side because that is where you can get cheap labor; you can still pollute; and you can produce and ship back to America. It is not the kind of goods that we were talking about when NAFTA was debated.

You take a look at what is causing our trade deficit with Mexico. It is automobiles, automobile parts, electronics; it is high technology goods, good jobs. And that is the problem. If you do not want to get technical with NAFTA, just travel across the United States-Mexican border and you will find you cannot get a raw potato across the Mexican border. Lord only knows why. You just cannot. Mexico will not allow one American raw potato across the border. But guess what? Even as U.S. raw potatoes are stopped going south, just watch tons of Mexican french fried potatoes going north. I would like to get the folks who negotiated that agreement in this building and ask them why.

The devil is always in the details, whether it is potatoes or airplanes or automobiles or beef or anything else. The central issue in this country is: Will you not decide for a change that that as a condition of trade, if you expect to enter the American marketplace, you will open your markets to American goods. American workers, and American producers? If you do not, then this country is going to reconstruct its trade model.

We as a country do not have to compete against others, it ought to be fair. They cannot compete and should not compete if they are competing with 2 or 3 billion people that are willing to earn 20 cents or 60 cents an hour and work in unsafe conditions and work 16 hours a day. We have got to start caring about keeping jobs in this country.

We as a country do not have to compete against others; it ought to be fair. They cannot compete and should not compete if they are competing with 2 or 3 billion people that are willing to earn 20 cents or 60 cents an hour and work in unsafe conditions and work 16 hours a day. We have got to start caring about keeping jobs in this country.

There are dozens of ways to do that. We have a perverse little tax incentive in our Tax Code that I have been trying to get changed for years which rewards companies who take their jobs elsewhere, close their plant in America, move it overseas to a tax haven, make the same product, and then ship it back to Nashville, TN. And we say, "Guess what? We are going to reward you for shutting down your plant. You get a tax incentive and you get to defer
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income tax on the profits you make in that plant until repatriation. Just close your American plant, move overseas, hire foreigners rather than Americans, and we say, 'Hosanna, hallelujah. You get a tax break.'

I mean, if you cannot fix that little thing and take the first step on the road to saying that creating jobs is important in this country; then, by taking that step saying that the production base is important to this country's future, there is not a chance, in my judgment, to respond to the real concerns of Americans.

The real concern of American families I think is the opportunity for themselves and their children to have a good job with decent income and a future of hope and opportunity. It is time—long past the time, in my judgment—where Republicans and Democrats should decide together that we need a new strategy.

We need a new Bretton Woods conference where the set of designs on international finance and international trade relationships that does not represent foreign policy. A strategy that represents some semblance of national interest in our country, not to the exclusion of everything else, but at least to stand up and say what happens in our country to our jobs and our productive sector matters.

I said last week that, you know, next year we are going to have an Olympics. And it is going be on American soil this time. You know what will happen? We will put all these young athletes, trim and wonderful athletes, in these red, white and blue uniforms. The country will yell like crazy in support of our athletes. I will be among them.

I love the Olympics. I want our team to do well. But is it not interesting that the economic health of this country, a future of prosperity, is at stake? And that to me tells me that the source of long-term economic health in this country is our production. If you lose a manufacturing base, if you lose your productive sector, if you lose your ability to produce real things, you will not long be a world economic power. You will not dominate in world commerce. And that is why it is not too late for this country to decide it is time for a new national economic strategy, not one of protectionism.

Although if you want to use the word "protection" in a pejorative way, I am not so interested in the typical debate. However, if you want to use the word "protection" to mean protecting the economic interests of this country, count me in, because that is one of the reasons I am here. But we have to define some new economic strategy that tries to preserve our manufacturing base and tries to decide that our marketplace and our manufacturing base are important national assets. Assets that represent the opportunity for expansion and hope for the American family.

The course we are on, the path that led to the largest trade deficits in history, a wholesale loss of American jobs overseas, is a destructive course, one that is wrong for our country. And I think it is part of the undercurrent of the talk out there in the country, and with families knowing this is not working. This is a model that might make international corporations wealthy but people who do not have jobs are poor.

It means a future of less opportunity for them. That is what I think is at work in this country. I know it is not quite as simple as all of that, but that, I think, plays a major role.

You know something? All the things we do in this Chamber, over all of these months, all ignore that central fact. There has not been, in my judgment, one day of thoughtful, interesting debate about the central economic tenant that gives our country an opportunity, that gives our country an opportunity to win once again.

Mr. President, there are some who will say that I am truly a broken record, and that is fine with me because I want to continue to repeat month after month what I think is one of the most serious problems we face in this country. And, along with recommendations, I want to be sure that we finally debate and we finally come to grips with the need for a new economic national strategy that moves our country, our strategy that gives our country an opportunity to win once again.

Mr. President, having spoken for the full 10 minutes in morning business, I now yield back the entire balance of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

TRIBUTE TO HOWARD SCHROEDER

Mr. BIDEN. Mr. President, Howard Schroeder first encountered southern Delaware during his Army service in World War II. His job was to protect the coast, which he did by applying his military training and malaria to help eliminate mosquitos in the bay, and by applying his artist's eye and talent to help record the landscape of the area.

Some of those first Schroeder landscapes remain on display today at Lewes, Delaware public library and middle school, testaments to a love affair that lasted a lifetime.

Even beyond a lifetime—when he died at his Lewes home on Friday, September 8, at the age of 84, Howard's family announced that, in accordance with his wishes, his ashes would be scattered over the sand dunes and in the water at nearby Cape Henlopen State Park.

The people of my State take great comfort in knowing that Howard Schroeder is still guarding our coast, not only in the resting place he chose but in the legacy of his love for the beaches, the small towns, the fishing boats, the marshes, the old buildings, the people—everything that is the beauty and heart of Delaware's coastline.

It is a recorded legacy of work, literally thousands of sketches and paintings that, as one Delaware reporter wrote, "virtually define our mental image" of parts of our State. Howard said that he was always "looking for the unspoiled," and he was able to find it, and to share it, not because he knew where to look but because he knew how to look.

It is a living legacy of teaching, because Howard Schroeder was always inspired to inspire others. He taught at the St. Andrew's School, at the Rehoboth Art League, which he had served as president, and in workshops that he founded in towns through Kent and Sussex Counties. He started the Artists' Sketch Group to help local artists bring out the best in each other, and he was a founding member of the Sussex County Arts Council.

He was, as his friend and fellow artist Jack Lewis wrote, "a champion for the
arts,” and his drive to teach wherever there was someone willing to learn has left a permanent and deep imprint on the artistic community in and well beyond Delaware.

Howard Schroeder’s personal legacy is felt in family and friends. His wife, Marian, was his partner in every way, including the years she and Howard sold his work at their Rehoboth Beach art supply and gift store. Together, they raised six children, at a time when it was, as Jack Lewis said, “unheard of” to make a family living on an artist’s earnings. Marian and Howard succeeded in doing the unheard of.

Their son John, a Delaware State legislator, published a biography of his father, and remembers Howard as working until late at night in his studio but always making time for his children. Daughter Carole memorialized her father in a poem, in which she wrote:

“You showed me the beauty of life
Through your music and your art
Through history and words of prose
But mostly by living.”

Howard shared his life’s lessons also with sons Stephen, Howard, and Robert and daughter Gall, with their families, and with countless fortunate friends and admirers.

Mr. President, Howard Schroeder worked all over the world, he was profiled on national television, he was raised in the Bronx and in northern New Jersey. But he chose Delaware, and we remember him, gratefully, as a Delaware State treasure, a treasure that we were proud to share in his lifetime and that I am proud to share, and to honor, in the Senate today.

Howard Schroeder was a neighbor with a special gift to see, and to teach us to see, the unspoiled in our own backyard. By his vision and his talent, and by the sincerity of his love, he led us to the best in ourselves, which may well be the greatest accomplishment and contribution of all.

ON THE NEW $100 BILL

Mr. LEAHY. Mr. President, today, the Treasury Department is unveiling a newly designed 1996 series $100 bill that incorporates many state-of-the-art anticounterfeiting features. I commend Secretary Rubin and the Treasury Department. Today’s unveiling at the Treasury Department starts the process of reassuring the public, both here and abroad, of the abiding strength and integrity of our currency. That process will continue through next year when the new $100 bills in the 1996 series are circulated for the first time.

This country faces a serious challenge from new technologies that enable counterfeiters to turn out excellent reproductions. Unfortunately, U.S. currency has been among the most susceptible to counterfeiting in the world.

Although updated in 1990 with a deterrent security strip, our bills have not had the watermarks or sophisticated dying and engraving techniques that other countries use to defeat counterfeiters.

In the past two Congresses, I have introduced, with Senator JOHN KERRY, legislation to address the growing problem of hi-tech counterfeiting. I am delighted that the Treasury has adopted many of the features we have been recommending.

According to the Secret Service, which has from its inception been combatting counterfeiting, the counterfeiting of U.S. currency has increased dramatically in recent years. Over the last 5 years, the Secret Service seized an average of $38 million annually within the United States. But in the first 4 months of 1995, alone, the Service seized more than $90 million in counterfeit U.S. currency. Likewise, seizure of counterfeit U.S. currency overseas has increased fourfold to $120.7 million in 1993 and $137.7 million in 1994.

I know from personal experience the impact that counterfeiting has had on acceptance of our currency abroad. Over the summer, I took a trip with my family to Ireland. I carried with me a few $100 bills just in case some places did not accept travelers’ checks. To my surprise, I found more places that refused to accept my $100 bills. Let there be no doubt, counterfeiters undermine confidence in our currency.

Senator KERRY and I first introduced our legislation in May 1994, to stop counterfeiters from using fake American currency as a free meal ticket. Our bill would have required the Secretary of the Treasury to design a new $100 bill that incorporates some of the counterfeit-resistant features, such as watermarks, multicolored dyes, and sophisticated engraving techniques.

We additionally asked then-Treasury Secretary Bentsen announced plans for modernizing U.S. currency with new deterrence features. The results of that modernization effort are reflected in the newly-designed 1996 series $100 bill.

I examined one of these new bills earlier this week. To defeat hi-tech counterfeiting technology, this bill has a watermark, and color-shifting ink, new microprinting that requires a magnifying glass to see, and concentric, fine-line moire patterns that are difficult to copy.

I congratulate Secretary Rubin and the Treasury Department for putting this country in a better position to combat counterfeiting and protect our currency. I commend the National Academy of Sciences and the Secret Service for their efforts in connection with this project and thank the talented artists, printers, and technicians who are bringing these changes to fruition.

I also want to highlight a related development: the establishment of the Securities Technology Institute, a research facility with the Johns Hopkins Applied Physics Laboratory, to assess emerging technology and evaluate features and additional protections for currency and other security documents.

This is the most significant redesign of our currency in the last 70 years, since the “Big Bill” was replaced by the $100 “William” in 1929. We have come a long way from the time when people could only tell a good Continental Congress note by the misspelling of Philadelphia. On the new $100 bill, the portrait of Benjamin Franklin, the father of paper currency in this country, and the familiar sight of Independence Hall remain. But they are now joined by a number of improved security features.

I am delighted that this day has come and look forward to working with Secretary Rubin to serve our mutual goals of deterring currency counterfeiting and increasing confidence in our currency and our economy in the world.

REMINDES OF HOME

Mr. PRESSLER. Mr. President, I rise today to pay tribute to the people of my beloved home State of South Dakota. The daily grind of life inside the beltway leaves me searching constantly for reminders of the sights, the sounds, and the citizens of the State I love. I always enjoy those moments when South Dakotans from back home visit my Washington, DC, office. I also look forward to the times when I can return to the people and the places I hold dear.

As my colleagues know well, without the constant input I receive from the folks back home, I could not do my jobs effectively here in Congress. I am very fortunate that my fellow South Dakotans keep me in frequent touch with the issues of concern to them. I also enjoy the many letters from, and conversations with, South Dakotans regarding the diverse beauty of our home—the rolling fields of grain, the endless prairie, the majestic Black Hills, the sunsets against a backdrop of pink, orange, and purple hues, and the wide Missouri River.

These daily visits and the calls and letters from South Dakotans mean a great deal to me. I cherish my home. I cherish the people of my State. Every day, through them, I feel a renewed pride in being South Dakota’s U.S. Senator. Every day, through them, I am proud to be a South Dakotan.

Mr. President, recently an article by Robert Pore appeared in the Huron, SD, Plaindealer newspaper, describing many of the issues that are pertinent to the people of South Dakota. I would
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like to share these concerns and ask
unanimous consent that this article be
published in the Record.

There being no objection, the article
was ordered to be printed in the
Record, as follows:

THE MALL REMINDS PRESSLER OF SOUTH DAKOTA

(By Robert Pore)

WASHINGTON. — Every morning Sen. Larry
Pressler starts his day with a jog along The
Mall, a piece of land that was once a
theme park.

The shrines, monuments and museums
alongside The Mall from the Capitol to the
Lincoln Memorial seem a million miles away
from the plains of South Dakota.

But with a little imagination, as Pressler
runs by the grass and trees that line The
Mall, he imagines his home state and the
people he represents who give meaning to his
job.

"It makes me feel like I'm in South Da-
kota," Pressler said during an Interview
Wednesday in his office in the Russell Build-
ing. "It gives me a little time alone."

But Pressler never totally gets away. Pressler
seeks another form of strength to cope with the
rigors and demands of life in the nation's cap-
itol.

"I belong to a weekly Senate prayer group
that gets together to collect our thoughts and
exchange ideas on the problems and promises
of the next day," he said.

Pressler lives a couple of blocks from his
Senate office, which is located across the
street from the Capitol. He said work some-
times seems to be never ending, especially as
he has taken on the pressure of heading the
Senate Commerce Committee.

But his new job will get him home every
night, he can to have dinner with his wife.

"It gives me a little time away from the
Capitol," Pressler said.

Because Pressler holds a position of power
as a committee chairman and he is from a
rural state, he understands that the insults
and jokes about him are part of the political
game. But at times they are personal and
they hurt.

Recent newspaper ads indicating Pressler
needs to change his opinion on Medicare
because it hurts people with Alzheimer's dis-
ease went too far, he has said.

"As a doctor, it's not a disease of the dis-
ease, so I know first hand the tragedy of an illness in
a family," he said.

Pressler has been in Washington longer than
20 years in both the House and Senate. Press-
ler always looks forward to going home.

"We have an acreage back in Hot Springs
where we have been going on a vacation home," he
said. "We are pricing logs right now, which
are pretty expensive. We also have a farm
near Humboldt.

When he's not meeting with his constitu-
ents or spending time with his family and
friends in South Dakota, Pressler also likes
to ride his Harley-Davidson motorcycle or
his old Model D John Deere tractor, espe-
cially in small-town parades.

On his Senate office desk, Pressler has a
model of his John Deere tractor as a little
reminder of home.

"I get a little fun from that," he said with a
smile.

What also brings a smile to Pressler's face
is when he meets with South Dakotans who
have made their way to Washington, either
to visit him or to discuss their concerns about
an important issue.

"It means a lot to me," he said. "They are
hundreds or even thousands of miles from my job, but when they talk to me, my staff or another senator, their pres-
ence helps our cause."
There are many people in the administration who deserve mention. While I cannot name them all, I do want to recognize Wendy Sherman, the Assistant Secretary for Legislative Affairs at the State Department. Wendy has been a tireless advocate for the Secretary, and for the American people. Her deputy, Will Davis, was an indispensable link between me and my staff, and the State Department. Will’s good natured manner and willingness to search for the answer to any question we had was greatly appreciated.

At the Agency for International Development, Jill Buckley, Assistant Administrator for Legislative and Public Development, was an indispensable ally. I want to single out Bob Lester, whose extraordinary knowledge of the Foreign Assistance Act prevented us from making any egregious drafting errors. Without Bob, I hate to think what kind of laws we would have had.

At the Treasury Department, Robert Baker and Victor Rojas did their best to convince a skeptical Congress of the importance of maintaining U.S. leadership in the international financial institutions. At the Defense Security Assistance Agency, Michael Friend and Vanessa Murray were always ready to help.

Mr. President, I am sure that I have left out people I should not have. For that I apologize. Let me simply conclude by saying that I have greatly appreciated the help of all these dedicated people in getting the foreign operations bill through the Senate. I often wish that critics of the Federal Government would come to Washington and see what people like those I have mentioned do every day. They would see that they are exceptionally intelligent, committed people who work extremely long hours at a fraction of the pay many of them could earn in the private sector. They deserve our respect, and our thanks.

The Passing of Christopher Vaughn

Ms. MOSELEY-BRAUN. Mr. President, I would like to take a moment to remember Christopher Vaughn. A good man died on Sunday and he will be missed by his friends, family, and loved ones. Christopher Vaughn was a joyful, fun loving, and giving person. Every time I had the chance to be around him I felt lucky. I enjoyed our conversations and remember the laughter and smiles that always accompanied those occasions.

Christopher Vaughn was an incredible talent. He was a scholar in Renaissance history, and he had a natural flair for the world of entertainment. It is a great thing for a person to use a natural ability to its fullest, and that is what he did.

Chris began his career writing scholarly papers in Spain and then turned his literary talent to the entertainment industry when he joined the Hollywood Reporter in 1987. It is clear why he was such a success. He was smart, witty, and eloquent. His promotion to managing editor of special issues was a surprise to no one. I am sure. Working at Nickelodeon as the director of talent relations, he brought great talent to the network.

His work at Dolores Robinson Entertainment certainly paved the way. He and Delores were the team who adopted me in the early days of my effort to be elected to the U.S. Senate. Of course, it was Chris who attended to the details. He understood that history is written from the details, and that each person can make a difference in the way that challenges are resolved. Perhaps it was his appreciation for history that made him such an advocate for my election, but I like to think it was more his vision for the future which so inspired him.

While his résumé is impressive, it is the goodness of the man I will remember. His name was not in the headlines every day, but he touched the lives of everyone he met. He was a man who did much to leave this world a better place. The entertainment world will miss him, his family will miss him, and together with all of his other friends, I will miss him.

The Bad Debt Boxscore

Mr. HELMS. Mr. President, on the memorable evening in 1972 when I was first elected to the Senate, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

It has proved enormously beneficial to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the nearly 23 years I have been in the Senate.

Most of them have been concerned about the enormousity of the Federal debt that Congress has run up for the coming generations to pay.

The young people and I almost always discuss the fact that under the U.S. Constitution we are expected to spend a dime of Federal money that has not been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 22, 1992. I wanted to make a matter of daily record of the precise size of the Federal debt which as of yesterday, Tuesday, September 26, stood at $4,863,250,764,121.84 for every man, woman, and child in America on a per capita basis.

Mr. BURNS. I suggest the absence of a quorum.
It is likely that indicates that is about what Americans think care ought to be withdrawing from the U.S. economy for the Federal Government. There may be some that would argue we ought to do more, not very many; and maybe some would argue we should do less. Probably, it means we will spend about 19 percent.

If that is the constant, Mr. President, it is very alarming to see the growth of entitlements in net interest because as it grows it decreases the amount of money available to defend our country, to keep our cities safe, educate our children, to build our roads, our sewers, our water system, space exploration—all these sorts of things.

This year's budget, 67 percent of our budget goes to entitlements and net interest, and in the year 2002 at the end of the 7-year budget resolution that we are operating under, it will be 75 percent—an 8-point increase in a span of 7 years. To get there, if you make adjustments of $135 billion or $140 billion increase in entitlements, if you do it in a single year.

As I said, Mr. President, that trend rapidly accelerates when the baby boomers retire some 6 years later. The entitlement commission tried to say to Americans, “Let's make changes in our programs sooner rather than later.” The sooner we do them the bigger the future impact and the more time we can give beneficiaries or recipients, in the case of Medicare, with time to plan.

They can begin to adjust their own thinking about planning. If you have to adjust the eligibility age, which we recommended over a period of time; or if you have to phase in some change in premium payments, or whatever. Give people time to plan. It is more likely they can adapt.

There are tough recommendations, Mr. President. Contained inside of the recommendations was another presumption which is that we want to preserve and protect Medicare, with time to plan.

They can begin to adjust their own thinking about planning. If you have to adjust the eligibility age, which we recommended over a period of time; or if you have to phase in some change in premium payments, or whatever. Give people time to plan. It is more likely they can adapt.

I point that out, Mr. President, because it basically means Republicans and Democrats have agreed that there are a role for Government to help Americans who cannot purchase, who cannot afford to purchase health insurance. We have agreed on that.

In this case a rather expensive Government role—$176 billion for Medicare and $80 billion for the Medicaid program.

The proposal that the Progressive Policy Institute put forward this morning, and I am here this afternoon to talk about it, it is interesting to see the view Medicare as a source of money to fund deficit reduction although I believe we have to look because of the cost of the program to Medicare for deficit reduction.

It says, instead, that we need to transform the Medicare program from what is essentially a very maternalistic program into an instrument for empowering citizens to solve common problems. A rather simple but very important change in the policy.

Medicare today is run by the Federal Government, does not take much advantage of what’s going on in the market, does not take much advantage of competitive forces. It is much more of a maternalistic— we will figure out what is good for you and tell you how the program is operated.

Their proposal, which I like very much, very much, says we should move in the direction of empowering Americans to make more of their own decisions about the problem of acquiring health care and making health care decisions.

Second, those of us who have spent a great deal of time with entitlements and who have long ago reached the conclusion that Medicare is a good program that deserves our support. We know health care entitlements are very archaic. They no longer fit inside the context of what we see going on in the private sector. They are governed by arbitrary political and budget goals. They are managed by command and control regulation. And, very often, they tend to reproduce inefficiencies in other sectors of the health care system.

Third, and very important, if you buy into this idea the Republicans and Democrats now agree, since I believe most if not all Republicans now say we should preserve and protect Medicare—that is what I am hearing; at least, that is what I am hearing from Senator Gore—that that is the case, underneath that is a presumption that we have Americans out there who cannot afford to buy.

What we ought to be trying to do is foster the program so those who cannot not afford have the means to make the purchase and those who can are required to make the purchase on their own. It seems to me Medicare and Medicaid, as they are currently constituted, are an obstacle, I emphasize this. They have become an obstacle to getting to the point where every single American, just because he or she is an American, knows with certainty that they are covered and they are going to be required to pay according to their capacity to pay. But they do not doubt, whether they are 65 or 25 or 55; they ought not doubt.

We spend $600 billion a year, direct and indirect—that direct with tax expenditures or indirectly with tax subsidies—on health care at the Federal level every single year. That is plenty to get everybody covered.

One of the most powerful is that programs are designed, they are a structural barrier, a fiscal barrier, and need I say, it ought to be obvious from the current debate, a political barrier to getting ourselves to the point where all Americans know with certainty they are covered, know with certainty they have a responsibility to pay, have the information upon which they can make decisions about quality, about price.

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as I said, a political, a structural, as well as a fiscal barrier to getting us where I think most of us want to go, which is very American knows with certainty that they are covered, knows that then you go to marketplaces in the states, knows clearly what those responsibilities are, and knows not to ask for more than what is, in fact, reasonable.

There are flaws in the Republican proposal. I will mention them briefly. I do not want to dwell too long on them here because I am really not trying this afternoon to attack the Republican proposal. More, I am trying to see if it is possible to reach some consensus with Republicans who indeed want to reform this system; to make sure, when we take action that might be politically difficult, that we have an exciting and constructive improvement in the system.

I believe the proposal ignores the baby-boom generation. I have mentioned it before. This solution takes us out to 2002, maybe 2005. We have not seen anything yet when the demographics of the baby-boom generation become apparent to us. We are, I think, going to be very sorry we did not take action sooner rather than later. It, in many ways, continues the status quo. It says provide people with more choice in the private sector, but not in the kind of vigorous competitive environment that we need if we expect to see the forces of the marketplace work the kind of, really, miracles that we have seen in the private sector. In other words, it tends to privatize but does not provide a competitive environment.

The proposal that we presented this morning, over the next 5 years does four things that are very important. It does get everything done over the next 5 years, but it does four things that are terrifying important.

No. 1, if privatize for Medicare beneficiaries. We say the Federal Government ought to do a much more limited number of things than they are doing today. It ought to make certain we have a market. It ought to make certain we use it instead of purchasing power to get cost savings from the private sector. There are a lot of things that Medicare can do, but it ought not try to micromanage the health care environment.

So that is Medicare. We ought to privatize it and move it in the direction of becoming a privatized insurance for Medicare beneficiaries. In the area of Medicare, we need not only to cap the individual amount for acute care, but we also need to deregulate the States so they can continue to use the market at the State level, to continue to use the private sector to produce the kind of cost savings that the private sector has produced in the last 2, 3, 4 years.

So capping the Medicaid entitlement, the individual entitlement is critical. But deregulating the States for that acute care is equally critical so they can begin to fashion programs.

I believe it will be a mistake to block Medicaid at this point. Perhaps 8, 7, 6, 5 years from now, we have really seen this thing move more aggressively in the private sector. We have a bit of a problem because of the Federal-State relationship. I think it would be far—too far—and for us to cap the entitlement and deregulate so the States could use the market much more as a consequence.

Long-term care is much more of a problem. As a society is looking at it, it know, the long-term piece, although it is a much smaller number of people covered, is a very large part of the total Medicaid spending—the long-term piece. We are also, in my judgment, going to have to have some capitation of payment. But we are going to have to encourage States to develop private sector solutions. We simply cannot provide, through the Government, all the long-term care requirements. But I think we have basically take the Medicaid Program, as we were proposing to do with Medicare, move it as quickly as possible toward a private sector solution.

The third thing that we are saying is, “make health care subsidies fair.” The most important thing we do there is to cap the income tax deduction. Some will say, “You are increasing taxes on my health insurance.” Our proposal caps it at a high enough level where the market that nobody is going to be able to say that they are paying taxes on normal health care. They are going to be paying taxes on that beyond what the market judges to be in the median range.

It is very uncomfortable for upper-income people to have to consider that one of the things that is going on if they are in the 40 percent tax bracket, let us say, at some level of Medicare health insurance policy of $7,000 or $8,000 a year, they are receiving a $2,800 to $3,200 subsidy as a result of receiving that deduction, and very often receiving that subsidy from people who do not have health insurance.

So this says, let us make it fair. Let us keep the deduction in place so you can encourage the individuals to purchase and encourage the employers to provide it, but let us cap it out so those subsidies end up being not only fair but consistent with our desire to make sure that we provide subsidies to people who need them but do not provide subsidies to people who do not.

The fourth thing we are attempting to do—there are a whole series of things that need to be done, including the creation of a health care network and additional information provided to consumers—where we are trying to create a universal health care marketplace. So the decisions and choices that are made by individuals about price and the decisions and choices made by individuals about quality will determine the nature of our delivery system, the nature of our payment system. Again, for emphasis, we want the negotiation for price to occur out there in the market.

We do not want the negotiations for price to occur here in Washington, DC. That kind of top-down, paternalistic system of thinking is not going to succeed. Increased regulation or unsuccessful efforts to control costs.

So the proposal in its early stages is relatively simple. It is not easy, but it is based upon a vision of a universal marketplace for all Americans where everybody knows they are covered, where everybody knows what their responsibilities are, and where everybody knows the costs attached to their demand.

There are seven things I would like to emphasize inside trying to create this buyers’ market for Medicare and Medicaid. Again, the idea is removing from a paternalistic federalized system into a system where everybody knows that they are covered but their decisions are shaping both the delivery and paid system. So we have a competitive products that companies offer for sale.

First, we use market mechanisms to determine proper levels of supply and demand. Let the market make that decision. If we try to make that decision here in a political environment, it is very difficult for us to say no and very difficult for the majority of us, when appeal is made, to say no. It is not altogether likely that we are going to be honest and say to somebody, if we say yes, “By the way, here is the cost, and we would like to have you pay for it.” We typically try to spread the cost over somebody else’s income.

Second, we should protect the value of the subsidy while avoiding an unlimited subsidy. It is a very important thing for us to do. We need to protect the value of the subsidy so that it more with inflation. The kind of system is one that is continuing with a system that says the subsidy is unlimited. The sky is the limit, and whatever you need you will pay for it. If you contribute to tax revenue you have made, regardless of what your income is, and regardless of your wealth status.

Third, we need to maintain the collective purchasing power of Medicare and Medicaid. That is extremely important. The Government can help drive down the cost if they use that purchasing power in a constructive fashion. Of course, we use that purchasing power in a constructive fashion. If we are talking about not eliminating HCFA but moving HCFA in a direction where it does a different set of things than it is currently being asked by our laws to do.

Fourth, we must enable beneficiaries—250 million to 260 million—to
Mr. President, again, I applaud what I see as essentially a Republican conversion that Medicare is a good program, that we ought to preserve and save it. I think that is an awfully good piece of news. The underlying principle that should enable us to make decisions, not just for the short term where in truth not much effort is needed to save Medicare in the short term over the next 7 to 10 years—not that much change is required—but to take advantage of the marketplace and to solve the problem that is created when the baby boomers retire. A good deal more than what I have seen thus far in the Republican proposal needs to be done.

I am hoping that this statement—and others that I will make on this issue of Medicare and Medicaid, if not this year in the budget deliberations, throughout the next year as we begin to do next year's budget deliberations—I am hoping that we can, in fact, build some bipartisan coalition around the need to control the rapidly rising cost of entitlements that is squeezing out our ability to make long-term investments, and the increasing insecurity that all Americans feel as a consequence, I think, of very inefficiently run Federal programs.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS

Mr. SPECTER. Mr. President, we have been in a quorum call trying to work out an arrangement on the bill on Labor, Health and Human Services and Education, of which I am the manager for the majority as chairman of the appropriations subcommittee in the absence of any action on the bill up to the moment—we are optimistic we will have agreement on a procedure to move ahead—I thought it would be useful to take this time to make what would be our next steps, and that statement on the bill so that people will be aware of what this bill means.

The Labor, Health and Human Services and Education bill, which will shortly be before the Senate, totals $52.3 billion in discretionary budget authority, including $65 million in funds from the Violent Crime Reduction Trust Fund. Mandatory spending totals $290.9 billion, an increase of $17.7 billion over the 1995 levels, but those are mandatory expenditures over which we have no control, entitlements. These totals are within the subcommittee's 602(b) allocation for both budget authority and outlays, according to the Congressional Budget Office. The allocation falls over $7 billion below the original appropriated funds for fiscal 1995, and $4.8 billion below the postrescission levels.

That means we have an enormous cut this year, but this is on a trend line to have a balanced budget by the year 2002 so that we do not burden future generations with excessive spending in the present.

In structuring this bill, we have tried to deal with this budget with a scalpel instead of a meat ax and very carefully approaching the allocations for the most important items, and I think we have succeeded in doing that.

This year has been an extremely difficult one for the subcommittee, and very many difficult decisions had to be made in order to stay within that allocation.

Senator HARKIN and I have taken a careful look at all of the programs within the bill and have sought to make some modifications in some of the proposals made by the House, particularly in education, workplace safety, and also funding for programs to protect women against violence.

I take this opportunity to thank my distinguished colleague, Senator HARKIN, for his help and cooperation in bringing this bill forward to this point. Senator HARKIN and I have worked together on this subcommittee. Last year, in the 103d Congress, he was the chairman; this year it is better to be chairman, and Senator HARKIN has been a very cooperative ranking member.

The important programs funded within this subcommittee's jurisdiction provide monies to improve the public health, strengthen biomedical research, assure a quality education for America's children, and job training activities to keep America's work force competitive within world markets. The funds are not large, but they are the best that can be done under the circumstances.

The House budget was less than ours. We had almost $1.6 billion additional funding, and we have put all of that money into education.

That is a subject, Mr. President, that I feel very strongly about from my days growing up where education was very heavily stressed in the Specter household really because my parents had so little of it.

My father, as an immigrant from Russia, coming to this country as a young man of 18, had no formal education at all. My mother came with her family when she was 5 years old from a small town on the Russian-Polish border and she went to only the eighth grade. Her father, my grandfather, died in the mid-forties, and she had to leave school in the eighth grade to help support the family. My mother, my two sisters and I,
having had excellent educational opportunities, have been able to share in the American dream.

In the long run, education is the answer. If you take a look at virtually all of the problems that beset our society, problems of welfare, problems of teenage pregnancy, problems of disintegration of the family, problems of inter-city education would be the long-range answer.

Twenty-eight years ago, when I was an official in the city of Philadelphia, working as district attorney and a candidate that year for mayor, there was an impressive book written, "Cities in a Race with Time," and not a whole lot has changed because we really have not dug into the educational system in America.

One of the proposals in this bill which we have funded in the Senate but was not funded in the House has been the Goals 2000 program, initiated under a Republican President, President Bush, carried forward under a Democratic President, President Clinton.

There are two States which have not taken funding under Goals 2000, the State of Virginia and the State of New Hampshire, and one State, Montana, will not take funding next year.

It is my view, Mr. President, that Goals 2000 constitutes a very important step forward. They are voluntary goals. They are not mandatory. States may adopt other goals as they see fit. There are some standards, Terrel Bell in 1983, was Secretary of Education when a book came forward talking about the crisis in the American educational system, and still we have failed to deal adequately with that issue.

We held hearings in the Labor, HHS and Education Appropriations Subcommittee, on September 12, looking for a way to eliminate some of the Federal strings to satisfy all of the States, and we may have found changes to pursue in an authorization bill.

Also, there is a possibility that funds might be designated only to local districts subject to veto power by the State which has sovereignty. But it is my hope that States will use Goals 2000 to set these standards to strengthen education in America.

On biomedical research, Mr. President, we have for the National Institutes of Health nearly $11.6 billion, an increase of some $300 million over the fiscal year 1995 appropriations. These funds will boost the biomedical research appropriates to maintain and strengthen the tremendous strides which have been made in unlocking medical mysteries which lead to new treatments and cures. Gene therapy offers great promise for the future. In the 15 years that I have been in the Senate, all those years on the appropriations subcommittee dealing with health and human services, where cuts have been proposed by Presidents, both Democrat and Republican, we have increased funding for medical research, which I think is very important.

Two years ago, there was a medical problem and was the beneficiary of the MRI developed in 1985, after I had come to the Senate, a life-saving procedure to detect an intracranial lesion. So I have professional, political, and personal experiences to attest to the importance of health research funding.

On Alzheimer's disease, Mr. President, this last year the United States spent over $90 billion to care for Alzheimer's patients. This devastating disease robs its victims of their minds while depriving families of the well-being and security they deserve.

We have been working to focus more attention and more money into the causes and cures of Alzheimer's. To address this problem, the bill contains increased funding for research into finding the cause and cures for Alzheimer's disease. The bill also includes nearly $5 million for a community program to help families caring for Alzheimer's patients at home. The statistics are enormously impressive, Mr. President, that if we could delay the onset of Alzheimer's disease, we could save billions of dollars.

On women's health, in 1995, 132,000 women will be diagnosed as having breast cancer and some 46,000 women will die from the disease. The investment in education and treatment advances led to the announcement last year that the breast cancer death rates in American women declined by 4.7 percent between 1989 and 1992, the largest such short-term decline since 1950.

And while this was encouraging news, it only highlighted the fact that the Federal Government investment is beginning to pay off. While it was difficult in a tight budget year to raise funding levels, the subcommittee placed a very high priority on women's health issues. The bill before the Senate contains an increase of $25 million for breast and cervical cancer screening, increases to expand research on the breast cancer gene, to permit the development of a diagnostic test to identify women who are at risk, and speed research to develop effective methods of prevention, early detection and treatment.

Funding for the Office of Women's Health has also been doubled to continue the national action plan on breast cancer, and to develop and establish a clearinghouse to provide health care professionals with a broad range of women's health-related information. This increase has been recommended for the Office of Women's Health, because of the very effective work that the office has been doing.

On Healthy Start, Mr. President, children born of low birthweight is the leading cause of infant mortality. Infants who have been exposed to drugs, alcohol or tobacco in utero are more likely to be born prematurely and of low birthweight. We have in our society, Mr. President, thousands of children born each year no bigger than the size of my hand, weighing a pound, some even as little as 12 ounces. They are human tragedies at birth carrying scars for a lifetime. They are enormously expensive, costing more than $2000 million until they are released from the hospital.

Years ago, Dr. Koop outlined the way to deal with this issue by prenatal visits. The Healthy Start program was initiated, and has been carried forward, to target resources for prenatal care to high incidence communities; it is funded as well as we could under this bill with increases as I have noted.

On AIDS, the bill contains $2.6 billion for research, education, prevention and services to eliminate the scourge of AIDS, including $579 million for emergency aid to the 42 cities hardest hit by this disease.

When it comes to the subject of violence against women, it is one of the epidemic problems in our society. The Department of Justice reports that each year women are the victims of more than 4.5 million violent crimes, including an estimated 500,000 rapes or other sexual assaults.

But crime statistics do not tell the whole story. I have visited many shelters, Mr. President, in Harrisburg and Pittsburgh and have seen firsthand the physical and emotional suffering so many women are enduring. In a sad, ironic way the women I saw were the lucky ones because they survived violent attacks.

The Labor-HHS-Education bill contains $86 million for programs authorized by the Violent Crime Reduction Act. The bill before the Senate contains the full amount authorized for these programs, including $50 million for battered-women shelters, $55 million for rape prevention programs, $7 million for runaway youth, and $4.9 million for community demonstration programs, the operation of the hotline and education programs for youth. These funds have been appropriated, Mr. President, after very, very careful analysis as to where the subcommittee and the full committee felt the money could best be spent.

On the school-to-work program, the committee recommends $255 million with the Department of Labor and Education, which is maintenance of the level provided in 1995. We would like to have had more money, but that was the best we could do considering the other cuts.

On nutrition programs for the elderly, for the congregate and home-delivered meals program, the bill provides almost $475 million. Within this amount is $110.3 million for the home-delivered meals program, an increase
of $16.2 million over the 1995 appropriation because there are such long waiting lists, so many seniors who really depend upon this for basic subsistence. On education, we have allocated the full amount of the increase that our subcommittee received, some $1.6 billion. The bill does not contain all of the funds we would like to have provided, but it is a maximum effort on this important subject.

As to job training, Mr. President, we know all too well that high unemployment means a waste of valuable human resources, inevitably depresses consumer spending, and weakens our economy. The bill before us today includes $3.4 billion for job training programs. While we know all too well that high unemployment means a waste of valuable human resources, inevitably depresses consumer spending, and weakens our economy, the bill before us today includes $3.4 billion for job training programs. While we know that deeper cuts are justified.

LIHEAP is a program which is very important, Mr. President, to much of America. It provides low-income heating and fuel assistance. Eighty percent of those who receive LIHEAP assistance earn less than $7,000 a year. It is a program which was zeroed out by the House, and we have reinstated it in this bill. We have effectively included a total of $1 billion here, $100 million of which is carryover funds, as we understand the current state of affairs, although it is hard to get an exact figure, and an additional $900 million.

As the Congress consolidates and streamlines programs, Federal administrators will no longer be able to do waste. In this bill, with the exception of the Social Security Administration, we have cut program management an average of 8 percent. Many view administrators could do even better, and others suggest that deeper cuts are justified. It is our judgment that any further reductions would be counterproductive.

In closing, Mr. President, I want to thank the extraordinary staffs who have worked on this program. On the Senate side, Bettilou Taylor and Craig Higgins have been extraordinary and professional in taking inordinately complicated printouts and working through a careful analysis of the priorities.

We received requests from many of our colleagues. And to the maximum extent, we have accommodated those requests. We have received many requests from people around the country. We have accommodated as many requests for personal meetings as we could, both with the Senators and with their staffs. And we think this is a very significant bill.

There are people on both sides who have objected to provisions of the bill. When a motion to proceed is offered, it is my hope that we will proceed to take up this bill and that the President is aware that there has been the threat of a veto from the executive branch, and I invite the President or any of his officials to suggest improvements, if bel they can do better.

There is a commitment in America to a balanced budget and, that is something we have to do. We have structured our program to have that balanced budget within 7 years by the year 2002. The President talks about a balanced budget within 9 years. I suggest that our targeting is the preferable target.

To the extent people have suggestions on better allocations, we are prepared to listen, but this is our best judgment. We urge the Senate to proceed with this bill.

Mr. DOLE addressed the Chair. The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, we have been trying to figure out some way to move this bill out of the Senate. As the Senator from Pennsylvania has been explaining, it is a very important bill. We understand the President is going to veto it. We have been trying to determine how can we get it to the President quickly.

Of course, one way to do it is to pass it without any amendments, have him veto it, and then have the fight on all these different amendments at a later time. Unfortunately, we do not seem to have an agreement on that procedure. But the two leaders have agreed to a request, and I hope it will be signed off on by the Senator from Pennsylvania, Senator SPECTER, the chairman of the subcommittee, and Senator HARKIN from Iowa, the ranking member on the subcommittee. I will procure that request.

Let me first explain to all Senators that we have a problem here because we could not come together. There would have been a filibuster on a motion to proceed. In order to have a motion to proceed, it takes 60 affirmative votes to shut off debate so you can go to the bill. That also requires that you set up getting a cloture motion signed. Then it must be filed and there must be one intervening day of the Senate's adjournment before it is set for consideration and there of completing our work on the appropriations bills prior to the end of the fiscal year. It seems to me the agreement I will ask for in a minute seems to achieve this 60-vote test without having to file cloture motions to comply with all other provisions of rule XXII.

I will now make the request.
our flight sometime probably late October. In the meantime, it will be wrapped in the continuing resolution.

MEASURE READ FOR FIRST TIME—H.R. 927

Mr. DOLE. Mr. President, I inquire of the chair if H.R. 927 has arrived from the House of Representatives.

The PRESIDENT. It has arrived.

Mr. DOLE. Therefore, I ask for its first reading.

The PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes.

Mr. DOLE. I now ask for its second reading.

The PRESIDENT. Is there objection?

Mr. SPECTER. Mr. President, as a pro forma matter, I voice an objection at this time since there is no other Senator on the floor to raise that objection. I do so pro forma to protect the record, not because I would not like personally to see us proceed.

The PRESIDENT. Objection is heard.

Mr. DOLE. I thank my colleague from Pennsylvania. Senator DASCHLE would have objected and appreciates you doing that for him.

Mr. DOLE. As I understand, the bill remains at the desk?

The PRESIDENT. The bill will be read a second time on the next legislative day.

Mr. SPECTER addressed the Chair.

The PRESIDENT. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished majority leader for working out this procedure. I have been here almost 15 years. This is the first time, I think, that only Senator DOLE and I have been on the floor at the same time. I hope everyone in Russell, KS, who has C-SPAN 2 is watching this proceeding. This is a full Russell, KS, delegation now on the Senate business. I do hope if Russell High School has not yet initiated a course in Senate procedure, they do so very, very promptly. Perhaps Senator DOLE and I can nominate Mrs. Alice Mills, the sole remaining teacher who taught both of us, to be emeritus instructor of that course.

Mr. DOLE. I thank the Senator from Pennsylvania. I do hope people in our hometown are watching. It is a small place, but a lot of good people there. They are friends of both of ours. They are having great difficulties sorting out all this 1996 Presidential politics in Russell, KS.

Mr. SPECTER. That is the most encouraging thing I have heard today, Mr. President.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(Most of the nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:30 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 927. An act to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes.

H.R. 2399. An act to amend the Truth in Lending Act to clarify the intent of such Act and to reduce burdensome regulatory requirements on creditors.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 927. An act to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 22, 1995 he had presented to the President of the United States, the following enrolled bills:

S. 464. An act to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts, and for other purposes.

S. 532. An act to clarify the rules governing venue, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY:

S. 1277. A bill to provide equitable relief for the genetic drug industry, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN (for himself and Mr. PRYOR):

S. 1277. A bill to provide equitable relief for the genetic drug industry, and for other purposes; to the Committee on the Judiciary.

By Mr. BURNS:

S. 1278. A bill to establish an education satellite loan guarantee program for communications among education, Federal, State, and local institutions and agencies and instructional and educational resource providers, to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for himself, Mr. HATCH, Mr. ABRAHAM, Mr. Kyl, Mr. REID, Mr. Spectrer, Mrs. Hutchison, Mr. Thurmond, Mr. Santorum, Mr. Bond, Mr. D'Amato, and Mr. Gramm):

S. 1278. A bill to establish an education satellite loan guarantee program for communications among education, Federal, State, and local institutions and agencies and instructional and educational resource providers, to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 1276. A bill to permit agricultural producers to enter into market transition contracts and receive loans, to require a pilot revenue insurance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

The Farm Income Transition Act of 1995

Mr. GRASSLEY. Mr. President, today the Senate Agriculture Committee began marking up the commodity title to the 1995 farm bill. Although I am no longer a member of that committee, the farm bill has as much impact on my State as any other piece of legislation considered before this body. For that reason, Mr. President, I have used my position on other committees to indirectly influence farm policy. I have also formed the Farm Policy Coalition, that is co-chaired by Senator DORGAN and consists of 52 Members of the Senate. In order to more directly influence the debate.

Today, however, the Agriculture Committee was not able to agree on a farm bill to take to reconciliation. And there are rumors that the Budget Committee may have to act to make the necessary cuts in farm spending. As a member of the Budget Committee, I publicly stated that the Agriculture Committee, and not the Budget Committee, is the best place to write the farm bill.

But now with the Agriculture Committee deadlocked, I feel it necessary to send a clear signal, as a Budget Committee member and a Senator interested in the future of agriculture, on how I believe we should proceed on the 1995 farm bill; taking into consideration what is in the best interests of my State and American agriculture as a whole.
Therefore, Mr. President, I rise today to introduce the Farm Income Transition Act of 1995. This bill is similar to one introduced by the distinguished chairman of the House Agriculture Committee, PAT ROYAL, known as the Freedom to Farm Act.

My bill represents a transition to a new era of farm programs; an era that will be characterized by limited Government intrusion in the market and the unleashing of the productivity of American agriculture. Yet the Federal Government will still play a role in providing a safety-net for the family farmer.

Mr. President, this bill is a dramatic departure from the farm programs of the past. We all know that our current farm programs were established during the Great Depression of the 1930's.

The intent of the program then, as it is now, was to stabilize farm income while ensuring a dependable, abundant, and inexpensive food supply. This is accomplished mainly by making direct payments to farmers when commodity prices are low, and implementing production controls to limit the supply of commodities.

To a large extent, the programs of the past have been successful. The American consumer spends less than 10 percent of their disposable income on food; the lowest of any Nation in the world.

Despite its success, the farm program has had many critics. Some criticize the program for its high degree of Government intervention. Others argue that the benefits go primarily to large, corporate farms. Many farmers, themselves, have grown tired of the endless amount of paperwork and red tape associated with the program.

Through all the criticism, however, the farm program has remained virtually unchanged for the last 50 years. But times have changed. And these changes mean that a new direction be taken on farm programs.

The crisis of the 1930's was rampant unemployment and poverty. Drastic action was needed to support the income of ordinary Americans.

The crisis of the 1990's is rampant Government spending and intervention into the lives of ordinary Americans. The voters told us in no uncertain terms last November that they wanted the Government out of their lives and the budget deficit brought under control.

Mr. President, the Senate approved a budget resolution this spring that will bring the Federal budget into balance in the year 2002. This resolution contains a sense-of-the-Senate calling for a cut in spending on agriculture commodity programs of about $9.6 billion over the next 7 years.

I voted against the budget, on the budget, I voiced my strong opposition to further cuts in agriculture spending. I will not repeat all of the arguments I made at that time, but it is clear to me that agriculture has contributed disproportionately to deficit reduction in the past.

I also argued during the budget debate that agriculture, more than any other sector of this economy, has much to gain by achieving a balanced budget. Agriculture is a capital-intensive business, its success dependent on low-interest rates. Only by getting our fiscal house in order can we ensure a sustained period of low-interest rates and the continued success of the family farmer.

So although Federal spending on agriculture will be reduced, because this reduction is within the context of a balanced budget, agriculture will benefit greatly in the long run.

But, Mr. President, it is vital that as Federal spending on agriculture is reduced, the regulations and restrictions on individual farmers are reduced accordingly. Because if farmers are getting less from the Government, they must have the tools to earn more income from the marketplace.

This bill meets both of these goals: It reduces spending to meet the requirements of the budget resolution and it dramatically reduces the regulatory burden placed on farmers.

Mr. President, I will take a moment to describe how this bill accomplishes these goals. First, it mirrors the Freedom to Farm Act by providing farmers with a 7-year contract consisting of annual payments. In return, the farmer must maintain compliance with current conservation requirements. The total payments over the 7-year period are capped at $43 billion, which meets the requirements of the budget resolution.

Furthermore, the regulatory burden on farmers is significantly diminished. For many years, the planting decisions of American farmers have been dictated, in part, by the U.S. Congress and the Department of Agriculture. This limits a farmer's ability to maximize his profit from the marketplace. These decisions must be removed from the hands of bureaucrats and put back into the hands of the farmers.

My bill from the Government, the budget, will give the farmer a solid and dependable safety net.

The program will allow a farmer to pay a premium to protect himself from a significant decline in revenue, whether it is caused by crop loss or low prices. Thus unlike crop insurance, the farmer is protected from both natural disasters and from situations when too much grain on the market causes extremely low prices.

This revenue insurance program truly represents a revolutionary new farm program.

Mr. President, the future of American agriculture is not in Government payments and subsidies. The future of American agriculture rests on the ability of farmers to remain competitive in a world marketplace.

The role of government consists of opening access to new markets for agricultural products, providing research for the development of better crops and new uses for existing commodities, and providing a safety net for the family farm structure.

Mr. President, I am convinced that not only will American agriculture reach unprecedented levels of productivity and profitability in the future, but there will continue to be a vital role for the family farmer.

The independent, family farmer is still the backbone of the agricultural economy in my State of Iowa. These farmers tell me that they can compete with the large farms, if they only have a level playing field and equal access to markets and information.

Government should do everything in its power to provide this level playing field. I believe that the bill I have introduced today helps put all farmers on an equal footing as agriculture approaches the 21st century.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1276
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
Congressional Record—Senate
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SECTION 1. SHORT TITLE.
This Act may be cited as the "Farm Income Transition Act of 1995.

SECTION 2. CERTAINTY, AND FLEXIBILITY FOR AGRICULURAL PROGRAMS.
The Agricultural Act of 1949 (7 U.S.C. 1411 et seq.) is amended—

SEC. 106. OFFICE OF PROGRAM PARTICIPATION.
(a) In general.—The Secretary shall establish a program to assist persons who are prevented from planting to the commodity because of drought, flood, or other natural disaster, or other condition beyond the control of the producer, by a market transition contract for the 1996 crop of winter wheat.

(b) May be used to support.—Producers on a farm who plant a 1996 crop of winter wheat in 1995 may elect to enter into a market transition contract, or obtain loans and payments for the 1996 crop of winter wheat, under the same terms and conditions as were in effect for the 1995 crop of winter wheat.

(3) Double cropping.—The term ‘double cropping’ means a farming practice, as defined by the Secretary, that has been carried out on a farm during at least 3 of the 5 crop years immediately preceding the crop year for which the crop acreage base for the farm is established.

(4) Market transition payment.—The term ‘market transition payment’ means a payment made pursuant to a contract entered into under section 201 with producers on a farm who—

(A) satisfy the eligibility requirements of section 201(c); and

(B) in exchange for annual payments, are in compliance with the conservation compliance plan for the farm prepared in accordance with section 1212 of the Food Security Act of 1985 (7 U.S.C. 3812) and wetland protection section requirements applicable to the farm under subtitle C of title XII of the Act (18 U.S.C. 3821 et seq.).

The term ‘nonrecourse commodity loan’ means a nonrecourse loan paid to producers on a farm under the terms provided in section 202.

(5) Person.—The term ‘person’ means an individual, partnership, or other entity, as defined by the Secretary.

(6) Producer.—The term ‘producer’ means 1 or more individual persons who agree, in exchange for annual payments, to produce a crop on a farm in compliance with the conservation compliance plan for the farm established under section 1212 of the Food Security Act of 1985 (7 U.S.C. 3812) and the wetland protection requirements applicable to the farm under subtitle C of title XII of the Act (16 U.S.C. 3821 et seq.).

(2) ENTRY INTO CONTRACTS.—(A) Deadline.—Except as provided in subparagraphs (B) and (C), producers on a farm shall elect whether to enter into a market transition contract not later than April 15, 1996.

(B) Conservation Reserve Lands.—(1) In general.—In the case of a conservation reserve contract applicable to cropland on a farm that expires after April 15, 1996, producers on the farm shall have the option of including the cropland on the farm that has considered planting history (as determined by the Secretary) in a market transition contract of the producers. To be eligible, the cropland must include 1 or more crop acreage bases attributable to the cropland (as determined by the Secretary).

(2) Whole farm enrolled in conservation reserve.—Producers on a farm who have enrolled the entire cropland on the farm, as determined by the Secretary, into the conservation reserve shall have the option, on expiration of the conservation reserve contract, to enter into a market transition contract.

(3) Amount.—Market transition payments under this section shall be made at the rate and amount applicable to the market transition payment level for that year.

WINTER WHEAT.—(1) In general.—Producers on a farm who plant a 1996 crop of winter wheat in 1995 may elect to enter into a market transition contract, or obtain loans and payments for the 1996 crop of winter wheat, under the same terms and conditions as were in effect for the 1995 crop of winter wheat.

(2) Timing of payments.—The Secretary shall, if the Secretary determines practicable, pay producers on a farm who plant a 1996 crop of winter wheat and elect to enter into a market transition contract for the crop—

(A) an advance payment not later than June 1, 1996; and

(B) a final payment not later than September 30, 1996.

MARKET CROPS.—Producers on a farm who plant a 1996 crop of winter wheat shall elect whether to enter into a market transition contract, or obtain loans and payments for the 1996 crop of winter wheat, under the same terms and conditions as were in effect for the 1995 crop of winter wheat.

(3) Duration of contract.—Except for the crop of 1996, a market transition contract shall apply to the 1995 crop of a covered commodity and terminate on December 31, 2002.

(4) Eligibility for market transition payments.—

(A) in general.—To be eligible for market transition payments, producers on a farm must—

(i) own, rent, or crop share land that has a crop acreage base that is attributable to the farm, as determined by the Secretary; and

(ii) comply with the conservation compliance plan for the farm established under section 1212 of the Food Security Act of 1985 (7 U.S.C. 3812) and the wetland protection requirements applicable to the farm under subtitle C of title XII of the Act (16 U.S.C. 3821 et seq.).

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"(4) AMOUNT OF MARKET TRANSITION PAYMENTS.—

"(1) DEFINITION OF PAYMENTS.—In this subsection (except as otherwise specifically provided in this section), the term 'market transition payment' means an advance payment to producers on a farm for a covered commodity for the crop year 1996 that was planted on the farm during the year 1996, as determined by the Secretary.

"(2) 1996-2002 CROPS.—The annual market transition payment for each of the 1996 through 2002 crops shall be equal to the product of—

"(A) the annual funding available for the crop under section 101(b); and

"(B) the annual market transition payment for each of the previous years for the crop.

"(3) 1990-1994 CROPS.—The annual market transition payment for the crop year 1990 through 1994 shall be equal to—

"(A) the amount of payments made to producers on a farm determined under paragraph (2)(A) divided by the total amount of payments made to producers on a farm not later than March 15 of the same year, at the average price was highest for the year in which the market transition contract was entered into; and

"(B) the annual market transition payment for the crop for the previous year, as determined by the Secretary.

"(4) VIOLATION OF CONTRACT.—If the Secretary determines that a violation of this section, or any rule or regulation prescribed by the Secretary under this subsection; and

"(5) DEFENSE OF PAYMENT.—The Secretary shall determine the total amount of payments made to producers on a farm for each of the 1996 through 2001 crops, and for the 1990 through 1994 crops.

"(6) VIOLATION OF CONTRACT.—If the Secretary determines that a violation of this section, or any rule or regulation prescribed by the Secretary under this subsection; and

"(7) DEFENSE OF PAYMENT.—The Secretary shall determine the total amount of payments made to producers on a farm for each of the 1996 through 2001 crops, and for the 1990 through 1994 crops.
"TITLE III—ADMINISTRATION

SEC. 301. REVENUE INSURANCE.

(a) PILOT PROGRAM.—Not later than December 31, 1996, the Secretary shall carry out a pilot program in a limited number of States or groups of States, as determined by the Secretary, under which a producer of an agricultural commodity can elect to receive revenue insurance that will ensure that the producer receives an indemnity if the producer suffers a loss of revenue, as determined by the Secretary.

(b) NATIONAL PROGRAM.—Not later than December 31, 2000, the Secretary shall offer revenue insurance to agricultural producers at 1 or more levels of coverage that is an alternative to catastrophic coverage that is an alternative to catastrophic conditions of the program conducted under section 1232 of title I of the Commodity Credit Corporation Act.

(1) LOANS AND PAYMENTS.—Notwithstanding the failure of producers on a farm to comply fully with the terms and conditions of the program conducted under titles I through III, the Secretary may, notwithstanding the failure, make the loans and payments, in such amounts as the Secretary determines are equitable in relation to the terms and conditions of the program in determining whether equitable relief is warranted under this paragraph.

(2) DEADLINES AND PROGRAM REQUIREMENTS.—The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 990h(b)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet the other requirements does not affect adversely the operation of the program.

(b) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the programs authorized by title I through this title through the Commodity Credit Corporation.

(c) ASSIGNMENT OF PAYMENTS.—Section 8(c) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 990h(c)) shall apply to payments or loans made under title I through this title.

(d) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of payments made under title I through this title among the producers on a farm in a fair and equitable basis.

(e) TENANTS AND SHAREHOLDERS.—In carrying out this Act, the Secretary shall provide adequate safeguards to protect the interests of tenants and shareholders.

SEC. 302. ADMINISTRATION.

(a) EQUITABLE RELIEF.—

(1) LOANS AND PAYMENTS.—Notwithstanding the failure of producers on a farm to comply fully with the terms and conditions of the program conducted under titles I through III, the Secretary may, notwithstanding the failure, make the loans and payments, in such amounts as the Secretary determines are equitable in relation to the terms and conditions of the program in determining whether equitable relief is warranted under this paragraph.

(2) DEADLINES AND PROGRAM REQUIREMENTS.—The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 990h(b)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet the other requirements does not affect adversely the operation of the program.

(b) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the programs authorized by title I through this title through the Commodity Credit Corporation.

(c) ASSIGNMENT OF PAYMENTS.—Section 8(c) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 990h(c)) shall apply to payments or loans made under title I through this title.

(d) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of payments made under title I through this title among the producers on a farm in a fair and equitable basis.

(e) TENANTS AND SHAREHOLDERS.—In carrying out this Act, the Secretary shall provide adequate safeguards to protect the interests of tenants and shareholders.

SEC. 303. CONFORMING AMENDMENTS.

Title X of the Food Security Act of 1985 is amended by striking sections 1001, 1001A, 1001B, and 1001C (7 U.S.C. 1908 et seq.).

SEC. 4. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection and as otherwise specifically provided in this Act, this Act and the amendments made by this Act shall apply beginning on the earlier of—

(A) the 1996 crop of an agricultural commodity; or

(B) December 1, 1995.

(2) MARKET TRANSITION CONTRACT.—Title II of the Agricultural Act of 1949 (as amended by section 2(4)(a)) shall apply as of the beginning of signup for market transition payments under section 1232 of the Act.

(b) PRIOR CROPS.—

(1) IN GENERAL.—Except as otherwise specifically provided and notwithstanding any other provision of law, the amendments made by this Act shall not affect the authority of the Secretary of Agriculture to carry out a price support or production adjustment program for any of the 1991 through 1995 crops of an agricultural commodity established under a provision of law in effect immediately before the effective date specified in subsection (a).

(2) LIABILITY.—A provision of this Act or an amendment made by this Act shall not affect the liability of any person under any provision of law as in effect before the application of the provision in accordance with subsection (a).

By Mr. BURNS:

S. 1278. A bill to establish an education satellite loan guarantee program from communications among educators, Federal, State, and local institutions and agencies and instructional and educational resource providers; to the Committee on Commerce, Science, and Transportation.

THE EDUCATIONAL SATELLITE LOAN GUARANTEE PROGRAM ACT.

Mr. BURNS. Mr. President, today I introduced a bill to establish an education satellite loan guarantee program from communications among educators, Federal, State, and local institutions and agencies and instructional and educational resource providers.

The crisis facing the educators is a crisis in the distance education field that is not subject to preemptive use by Federal Government for purposes of national security. The bill would authorize the Secretary of Interior to carry out a loan guarantee program under which a non-profit, public corporation could borrow funds to buy or sell satellite technology that exist today.

More than 90 American college provide education and instruction to K-12 school districts, colleges, libraries, and students in other distant education centers, nationwide and internationally.

In my own State of Montana and throughout the country from Washington State through Texas to Maine, teachers and students are receiving word that they will not have access to instruction heretofore received in science, math, language, and other special subjects.

The crisis facing America is a crisis in the distance education field that exist today.

For an interim solution to the crisis, Congresswoman CONSTANCE MORELLA, Congressman GEORGE E. BROWN, JR., and I have asked NASA to dedicate unused satellite capacity to the education sector as the prime users for a period up to 3 years. However, we must begin to create an adequate satellite system dedicated to education to meet the educational needs and demands of America's students, teachers, and workers for the future.

The bill introduced today will facilitate the acquisition by an appropriate nonprofit, public corporation of a communications satellite system dedicated to the transmission of instructions, education, and training programming that is not subject to preemptive use by Federal Government for purposes of national security. The bill would authorize the Secretary of Interior to carry out a loan guarantee program under which a non-profit, public corporation could borrow funds to buy or sell satellite technology that exist today.
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lease satellites dedicated to instructional programming. A dedicated educational satellite will allow us to address two barriers faced by those involved in distance learning via satellite. First, it will insure instructional programming will be able to obtain affordable satellite transmission time without risk of preemption by commercial users. Second, it will allow educators using the program, to pool resources into one satellite off which they can receive at least 24 channels of instructional programming—every hour of the school year.

There is no doubt in my mind that distance learning is a growth area and that there is a role for the Federal Government in facilitating that growth. The Office of Technology Assessment’s 1989 report, “Linking for Learning: A New Course for Education” documents the recent growth of distance learning, calling the growth in the K-12 sector dramatic. OTA anticipates this growth to continue. The National Governors’ Association in its 1987 report found that while fewer than 10 States were promoting distance learning in 1987, 1 year later two-thirds of the States reported involvement. The NGA passed a resolution in 1988, and revised it in 1991, expressing their support for a dedicated education and public purpose satellite-based telecommunications network. Following their 1989 education summit in Charlottesville, VA where former Governor Wallace Wilkinson of Kentucky and other Governors raised with President Bush the proposal for this dedicated system, the EDSAT Institute was formed to analyze the proposal. In 1991, they issued a report entitled “Analysis of a Proposal for an Education Satellite,” and they found as did the OTA report, that individual States and consortiums of States are investing heavily in distance learning. A compelling reason the education sector is a significant market.

The organization, the National Education Telecommunications Organization (NETO), was formed after the EDSAT Institute held seven regional meetings during the summer of 1991. Through these meetings, they recognized the need to aggregate the education market for distance learning and concluded that an educational programming users organization was needed. NETO has a distinguished board of educators, public policy officials, State education agencies, and telecommunications experts who are committed to the goal of developing an integrated telecommunications system dedicated to education. The first step is what we are facilitating through Federal loan guarantees.

If this legislation passes, the Federal Government will be setting a national policy in support of a telecommunications infrastructure for distance learning. A policy that will cost the government relatively little compared to the benefits our Nation will receive through improved education and educational access. The risk to the Federal Government is relatively minor. The risk the Government is assuming is the risk that the distance learning market will dissipate. I think the findings of the National Governors’ Association, the OTA, and the EDSAT Institute prove highly unlikely. But I also believe that with distance learning, as with transportation and other infrastructure-dependent markets, once an infrastructure is in place the market will expand beyond our current expectations.

A dedicated satellite system will bring educational programming to a wider audience and will be guaranteed reliable satellite time at an affordable rate. A rate that will be equal no matter how much time they buy. Programmers include public schools, colleges, universities, State agencies, private sector corporations and consortiums, such as the star schools consortiums, and independents. The users will benefit because their investment in equipment to receive instructional programming may be reduced because of the technological advantages of focusing on one point in the sky. Users include primary and secondary students, college, and university students, professionals interested in continuing education, community members, and government bodies. The benefits far outweigh the costs in my mind.

A dedicated educational satellite will allow our kids to benefit from equal access to quality education. This is really just the first step. Both NETO and I believe that a telecommunications infrastructure for use by the educational sector should not be technology specific. I plan to continue pushing for passage of S. 1200 to make a national broadband fiber-optic network a reality. NETO’s vision is for an integrated, nationwide telecommunications system, a transparent highway that encompasses land and space, over which educational and instructional resources can be delivered. They envision bringing together the land-based systems that are already in place, not replacing them. This is an inclusive effort, not an exclusive one. I hope that my colleagues will join my colleagues in making this a reality.

Technology has transformed every sector of our lives. It can transform education as well. It will not replace teachers; it will empower them with better teaching tools. It will inspire our young people to actively engage in their education. It will expose them to the world around them and broaden their horizons. Our Nation’s children deserve no less.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

In the absence of objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE. It is the purpose of this Act to facilitate the acquisition of a dedicated communications satellite system on which instruction, education, and training programming can be collocated and free from preemption.

SEC. 2. EDUCATIONAL SATELLITE LOAN GUARANTEE PROGRAM.

(a) Program Authorized.—

(1) General.—The Secretary of Commerce may carry out a program to guarantee any lender against loss of principal or interest on a loan described in subsection (b) made by such lender to a nonprofit, public corporation that—

(A) is recognized for expertise in governing and operating educational and instructional telecommunications in schools, colleges, libraries, State agencies, workplaces, and other distant education centers;

(B) is in existence as of January 1, 1992;

(C) the charter of which is designed for affiliation with Federal, State, and local educational and instructional institutions and organizations, and for the development of an integrated telecommunications satellite system and other telecommunications facilities dedicated to educational instruction, education, and training programming;

(D) has a governing board that includes members representing elementary and secondary education, community and State colleges, universities, elected officials, and the private sector; and

(E) has as its sole purpose the acquisition and operation of an integrated communications satellite system and other telecommunications facilities dedicated to educational instruction, education, and training programming.

(2) Interim Acquisition of Transponder Capacity.—As an interim measure to acquire a communications satellite system dedicated to instruction, education, and training programming, a corporation that meets the requirements of paragraph (1) may acquire unused satellite transponder capacity owned or leased by a department or agency of the Federal Government or unused satellite transponder capacity owned or leased by a non-Federal broadcast organization for use by schools, colleges, community colleges, universities, State agencies, libraries, and other distant education centers at a competitive, low costs, subject only to preemption for national security purposes.

(3) Encouragement of Interconnectivity.—A corporation that meets the requirements of paragraph (1) shall encourage the interconnectivity of elementary and secondary schools, colleges, and community colleges, universities, State agencies, libraries, and other distant education centers with the facilities and services of State, local, and interstate common carriers and other telecommunications facilities and services of satellite, cable, and other
The term “national security preemption” means preemption by the Federal Government for national security purposes.

Mr. Dole (for himself, Mr. Hatch, Mr. Abraham, Mr. Kyl, Mr. Specter, Mr. Santorum, Mr. Bond, Mr. D'Amato, and Mr. Gramm): S. 1279. A bill to provide for appropriate policies for prison civil rights litigation costs, to discourage frivolous and abusive prison lawsuits, and for other purposes; for the Committee on the Judiciary.

SPECIAL RULE.-Any loan guarantee under this section shall be guaranteed with an additional 20 percent of the funds in his trust account would be garnished, until the full amount of the court fees and costs are paid-off. When average law-abiding citizens file a lawsuit, they recognize that there could be an economic downside to going to court. Convicted criminals should not get preferential treatment: If a law-abiding citizen has to pay the fees that normally accompany the filing of a lawsuit; In other words, there is no economic disincentive to going to court.

The Prison Litigation Reform Act would change this by establishing a garnishment procedure: If a prisoner is unable to fully pay court fees and other costs at the time of filing a lawsuit, 20 percent of the funds in his trust account would be garnished, until the full amount of the court fees and costs are paid-off.

Let me be more specific. According to the Arizona Attorney General Grant Woods, a staggering 45 percent of the civil rights filings before Federal courts last year were filed by State prisoners. That means that 20,000 prisoners in Arizona filed almost as many cases as Arizona's 3.5 million law-abiding citizens. And most of these prisoner lawsuits were filed from behind bars, to avoid court costs. No filing fees. This is outrageous and it must stop.

Many prisoners filing lawsuits today in Federal court claim indigent status. As indigents, prisoners are generally not required to pay the fees that normally accompany the filing of a lawsuit; In other words, there is no economic disincentive to going to court.

The Prison Litigation Reform Act would change this by establishing a garnishment procedure: If a prisoner is unable to fully pay court fees and other costs at the time of filing a lawsuit, 20 percent of the funds in his trust account would be garnished, until the full amount of the court fees and costs are paid-off. When average law-abiding citizens file a lawsuit, they recognize that there could be an economic downside to going to court. Convicted criminals should not get preferential treatment: If a law-abiding citizen has to pay the fees that normally accompany the filing of a lawsuit; In other words, there is no economic disincentive to going to court.

In addition, when prisoners know that they will have to pay these costs—perhaps not at the time of filing, but eventually—they will be less inclined to file a lawsuit in the first place.

Another provision of the Prison Litigation Reform Act would require judicial screening, before docketing, of any civil complaint filed by a prisoner seeking relief from the Government. This provision would allow a Federal judge to immediately dismiss a complaint if either of two conditions is met: First, the complaint does not state a claim upon which relief may be granted, the defendant is immune from suit.

OTHER REFORMS

The Prison Litigation Reform Act would also allow Federal courts to revoke any good-time credits accumulated by a prisoner who files a frivolous
suit. It requires State prisoners to exhaust all administrative remedies before filing a lawsuit in Federal court. And it prohibits prisoners from suing the Government for mental or emotional injury, absent a prior showing of physical injury.

If enacted, all of these provisions would go a long way to take the frivolity out of frivolous inmate litigation.

STOP TURNING OUT PRISONERS

The second major section of the Prison Litigation Reform Act establishes some tough new guidelines for Federal courts when it comes to penal guidelines to prison conditions. These guidelines will work to restrain liberal Federal judges who see violations on constitutional rights in every prisoner complaint and will not use these complaints to micromanage State and local prison systems.

Perhaps the most pernicious form of judicial micromanagement is the so-called Federal court "cap." In 1993, for example, the State of Florida put 20,000 prisoners on early release because of a prison cap order issued by a Federal judge who thought the Florida system was overcrowded and thereby inflicted cruel and unusual punishment on the State's prisoners.

And, then, there's the case of Philadelphia, where a court-ordered prison cap has put thousands of violent criminals back on the city's streets, often with disastrous consequences. As Pro. John DiGenova and Pro. Peter S. Shapiro have written, Judge Norma Shapkover of the Philadelphia's U.S. District Court has single-handedly decriminalized property and drug crimes in the City of Brotherly Love. ** Judge Shapiro has done what the city's organized crime bosses never could; namely, turn the town into a major drug smuggling port.

By establishing tough new conditions that a Federal court must meet before issuing a prison cap order, this bill will help slam-shut the revolving prison door.

CONCLUSION

Finally, Mr. President, I want to express my special thanks to Arizona Attorney General Grant Woods and to the National Association of Attorneys General. Their input these past several months has been invaluable as we have attempted to draft a better, more effective piece of legislation.

Mr. President, I ask unanimous consent that the full text of the Prison Litigation Reform Act, as well as a letter from the National Association of Attorneys General and a section-by-section summary, be reprinted in the Record.

The question being no objection, the material was ordered to be printed in the Record, as follows:

S. 1279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prison Litigation Reform Act of 1995."
“(B) Nothing in this section shall preclude any party claiming that a private settlement agreement, entered into before the appointment of a special master under this subsection, the court shall review the findings of fact.

“(C) May be removed at any time, but shall not be relieved of the appointment upon the removal of the special master.

“(D) Definitions.—As used in this section—

“(1) The term ‘court’ means any relief entered by a State court, to the extent that the services of the special master extend beyond the jurisdiction of the court.

“(2) ‘Civil action’ has the same meaning as that term is defined in section 1341 of title 28 of the United States Code.

“(3) ‘Civil action’ means all relief other than compensatory monetary damages; and

“(4) ‘Civil action’ means an agreement entered into among the parties that is not subject to judicial enforcement, other than restitution under section 3 or 5 of this Act.

“(5) ‘Civil action’ under section 3 or 5 of this Act.

“(6) ‘Civil action’ includes all relief in any form that may be granted or approved by the court, and includes consent decrees but does not include private settlement agreements.

“(b) Application of Amendment.—In the event that a claim is, on its face, frivolous or malicious, the court may dismiss any action brought with respect to prison conditions under section 1983 of the Revised Statutes of the United States of 1993, or any other law, by a prisoner confined in any jail, prison, or other correctional facility if the court is satisfied that the action fails to state a claim upon which relief can be granted or is frivolous or malicious.

“(2) In the event that a claim is, on its face, frivolous or malicious, the court may dismiss the underlying claim without first requiring the exhaustion of administrative remedies.

“(4) Attorney’s Fees.—(1) In any action brought by a prisoner who is confined in any jail, prison, or other correctional facility, in which the attorney’s fees are authorized under section 2 of the Revised Statutes of the United States of 1993, such fees shall not be awarded, except to the extent that—

“(a) The term ‘prospective relief’ means all relief other than compensatory monetary damages; and

“(b) ‘Civil action’ means an agreement entered into among the parties that is not subject to judicial enforcement, other than restitution under section 3 or 5 of this Act.

“(c) The Attorney General shall personally sign any complaint filed pursuant to this section.

“(d) Certification Requirements.—Section 4 of the Act (42 U.S.C. 1997b) is amended—

“(1) In subsection (b)—

“(A) by striking ‘his’ each place it appears and inserting ‘the Attorney General’; and

“(B) by striking ‘his’ and inserting ‘the Attorney General’; and

“(2) by amending subsection (b) to read as follows:

“The Attorney General shall personally sign any certification made pursuant to this section.”.

“SEC. 7. SUITS BY PRISONERS.—Section 7 of the Act (42 U.S.C. 1997e) is amended to read as follows:

“(a) Applicability of Administrative Remedies.—No action shall be brought with respect to prison conditions under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other law, by a prisoner confined in any jail, prison, or other correctional facility if the court is satisfied that the action fails to state a claim upon which relief can be granted or is frivolous or malicious.

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CONGRESSIONAL RECORD—SENATE

September 27, 1995

a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, in addition to filing the affidavit filed under paragraph (1), shall submit

section in the same manner as is provided for filing fees under subsection (a)(2).

(C) In no event shall the costs collected exceed the amount of the costs ordered by the court.

(c) SUCCESSIVE CLAIMS.—Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(f) Judgment " ;

SEC. 7. EARNED RELEASE CREDIT OR GOOD TIME CREDIT RECOVERY.

(a) IN GENERAL.—Chapter 123 of title 28, United States Code, is amended by inserting after the item relating to section 1915 the following new item:

"(b) by striking "his action" and inserting "the action"; and

"(2) by striking "he is satisfied" and inserting "the Attorney General is satisfied".

SEC. 4. PROCEEDINGS IN FORMA PAUPERIS.

(a) FILING FEES.—Section 1915 of title 28, United States Code, is amended—

(1) in subsection (a)(2), by striking " any " and inserting " the "; and

(2) by striking "the " and inserting "the Attorney General".

(b) FEES.—Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(e) by adding immediately after paragraph (1), the following new paragraph:

"(1) If the judgment against a prisoner includes the payment of costs under this subsection, the prisoner shall be required to pay the full amount of the costs ordered.

"(2) The prisoner shall be required to make payments for costs under this subsection in the same manner as is provided for filing fees under subsection (a)(2).

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"(1) by striking "("b")" and inserting "("b")"; and

(2) by adding at the end the following:

"(2) No person convicted of a felony who is incarcerated while awaiting sentencing or while serving a sentence may bring a civil action against the United States or an agency, officer, or employee of the Government for mental or emotional injury suffered while in custody without a prior showing of physical injury.

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SEC. 7. EARNED RELEASE CREDIT OR GOOD TIME CREDIT RECOVERY.
order the revocation of such earned good time credit under section 3624(b) of title 18, United States Code, that has not yet vested, if, on its own motion or the motion of any party, the court finds that:

(1) the claim was filed for a malicious purpose;

(2) the claim was filed solely to harass the party against which it was filed; or

(3) the claimant testifies falsely or otherwise knowingly presents false evidence or information to the Bureau.

(b) TECHNICAL AMENDMENT.—The analysis for chapter 123 of title 28, United States Code, is amended by inserting after the item relating to section 1931 the following:


(c) AMENDMENT OF SECTION 3656 OF TITLE 18.—Section 3656 of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the first sentence;

(B) in the second sentence—

(i) by striking "A prisoner" and inserting "Subject to paragraph (2), a prisoner";

(ii) by striking "for a crime of violence"; and

(C) in the third sentence, by striking "if the court finds that it is not necessary to correct the violation of the federal right; and"

(2) by amending paragraph (2) to read as follows:

"(2) by striking the fourth sentence and inserting the following: 'In awarding credit under this section, the Bureau shall consider

(a) the special master's findings of fact in the remedial

(b) the evidence that crowding has been determined, and is the least intrusive means of correcting the violation of the federal right; and

(c) the evidence that it is the least intrusive means of correcting the violation of the federal right, and that the relief

(d) National Association of Attorneys General.

(e) Reforms proposed by the National Association of Attorneys General included in the Congressional Record-Senate, September 27, 1995.
Hon. Bob DOLE,  
Senate Majority Leader, U.S. Senate, Washington,  
DC.

Dear Senator DOLE: We write on behalf of the Inmate Litigation Task Force of the National Association of Attorneys General to express our strong support for the Prison Litigation Reform Act, which we understand you intend to offer as an amendment to an appropriation bill. An entirely separate issue is whether Federal court orders are limited to remedying actual violations of prisoners' rights, not letting prisoners out of jail. It is past time to slam the revolving door on the prison gate and to put the key safely out of reach of oversea Federal courts.

As of January 1984, 24 corrections agencies reported having court-mandated population caps. Nearly every day we hear of vicious crimes committed by individuals who should have been locked up. Not all of these tragedies are the result of court-ordered population caps, of course, but such caps are a part of the problem. While prison conditions that actually violate the Constitution should not be allowed to persist, I believe that the courts have gone too far in micromanaging our Nation's prisons.

Our legislation also addresses the flood of frivolous lawsuits brought by inmates. In 1994, over 39,000 lawsuits were filed by inmates in Federal courts, a staggering 15 percent increase over the number filed the previous year. The vast majority of these suits are completely without merit. Indeed, roughly 94.7 percent are dismissed before the pretrial phase, and only about 5.1 percent are allowed to reach trial. In my State of Utah, 297 inmate suits were filed in Federal courts during 1994, which accounted for 22 percent of all Federal civil cases filed in Utah last year. I should emphasize that these numbers do not include habeas corpus petitions or other cases challenging the inmate's conviction or sentence. The crushing burden of these frivolous suits makes it difficult for courts to conduct meaningful trials.

In one frivolous case in Utah, an inmate sued demanding that he be issued Reebok or L.A. Gear brand shoes in violation of prison rules. Federal prison lawsuits have often been filed in lieu of a more hospitable place to spend an afternoon than a prison cell. Prison inmates as spending their free time in the weight room or the television lounge. The most crowded place in today's prisons may be the law library. Federal prison lawsuits have risen from 2,000 in 1970 to 39,000 in 1994. In the words of the Third Circuit Court of Appeals, suing has become, because recreational activity for long-term residents of our prisons.

Today's system seems to encourage prisoners to file with impunity. After all, it's free. And a courtroom is certainly a more hospitable place to spend an afternoon than a prison cell. Prisoners' attorneys regularly file lawsuits in response to almost any perceived slight or inconvenience—being served chunky instead of creamy peanut butter, for instance, or being denied the use of a Gameboy video game—a case which prompted a lawsuit in my home State of Arizona.

These prisoners are victimizing society twice—first when they commit the crime that put them in prison, and second when they waste our hard-earned tax dollars while cases based on serious processing and defending against frivolous lawsuits. But Grant successfully championed a reform bill, which went into effect last year, and the number of prison lawsuits has cut in half. The time has come to slam the revolving door on the prison gate and to put the key safely out of reach of Federal courts.

Mr. President, this legislation enjoys broad, bipartisan support from State attorneys general across the Nation. We believe with them that it is time to wrest control of our prisons from the inmates who have been allowed to turn the prison into a law library. Federal court orders are limited to remedying actual violations of prisoners' rights, not letting prisoners out of jail. It is past time to slam the revolving door on the prison gate and to put the key safely out of reach of Federal courts.

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In one frivolous case in Utah, an inmate sued demanding that he be issued Reebok or L.A. Gear brand shoes in violation of prison rules. Federal prison lawsuits have often been filed in lieu of a more hospitable place to spend an afternoon than a prison cell. Prison inmates as spending their free time in the weight room or the television lounge. The most crowded place in today's prisons may be the law library. Federal prison lawsuits have risen from 2,000 in 1970 to 39,000 in 1994. In the words of the Third Circuit Court of Appeals, suing has become, because recreational activity for long-term residents of our prisons.

Today's system seems to encourage prisoners to file with impunity. After all, it's free. And a courtroom is certainly a more hospitable place to spend an afternoon than a prison cell. Prisoners' attorneys regularly file lawsuits in response to almost any perceived slight or inconvenience—being served chunky instead of creamy peanut butter, for instance, or being denied the use of a Gameboy video game—a case which prompted a lawsuit in my home State of Arizona.

These prisoners are victimizing society twice—first when they commit the crime that put them in prison, and second when they waste our hard-earned tax dollars while cases based on serious processing and defending against frivolous lawsuits. But Grant successfully championed a reform bill, which went into effect last year, and the number of prison lawsuits has cut in half. The time has come to slam the revolving door on the prison gate and to put the key safely out of reach of Federal courts.

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now used to settle legitimate claims in a timely manner.

But the States alone cannot solve this problem. The vast majority of frivolous suits are brought in Federal courts under Federal laws—which is why I introduced the Prison Litigation Reform Act of 1995 last May with Senators Dole and Hatch. We are incorporating that legislation into the Commerce, Justice and State Amendment.

Federal prisoners are churning out lawsuits with no regard to this cost to the taxpayers or their legal merit. We can no longer ignore this abuse of our court system and taxpayers' funds. With the support of attorneys general around the country, I am confident that we will see real reform on this issue.

Mr. ABRAHAM. Mr. President, the legislation we are introducing today will play a critical role in restoring public confidence in Government's ability to protect the public safety. Moreover, it will accomplish this important purpose not by spending more taxpayer money but by saving it.

I would like to focus my remarks on the provisions addressing the proper scope of court-ordered remedies in prison conditions cases. In many jurisdictions, including my own State of Michigan, judicial orders entered under Federal law have effectively turned control of the prison system away from elected officials accountable to the taxpayer, and over to the courts. The courts, in turn, raise the costs of running prisons far beyond what is necessary. In the process, they also undermine the legitimacy and punitive and deterrent effect of prison sentences.

Let me tell you a little bit about how this works.

Under a series of judicial decrees resulting from Justice Department suits against the Michigan Department of Corrections and Federal courts now monitor our State prisons to determine:

First, how warm the food is; second, how bright the lights are; third, whether prisoners may exercise out of their cell; fourth, whether windows are inspected and up to code; fifth, whether prisoners' hair is cut only by licensed barbers; and sixth, whether air and water temperatures are comfortable.

This would be bad enough if a court had ever found that Michigan's prison system was at some point in violation of the Constitution, or if conditions there had been inhumane. But that is not the case.

To the contrary, nearly all of Michigan's facilities are fully accredited by the American Corrections Association. We have what may be the most extensive training program in the Nation for corrections officers. Our rate of prison violence is among the lowest of any State. And we spend an average of $4,000 a year per prisoner for health care, including nearly $1,700 for mental health services.

Instead, the judicial intervention is the result of a consent decree that Michigan entered into in 1983—13 years ago—that was supposed to end a lawsuit filed at the same time. Instead, the decree has been a source of continuous litigation and intervention by the court into the minutia of prison operations.

Fears I think this is all wrong. People deserve to keep their tax dollars or have them spent on projects they approve. They deserve better than to have their money spent, on keeping prisoners in conditions some Federal judge feels are desirable, although not required by any provision of the Constitution or any law. And they certainly don't need it spent on defending against endless prisoner lawsuits.

Meanwhile, criminals, while they must be accorded their constitutional rights, deserve to be punished. Obviously, they should not be tortured or treated cruelly. At the same time, they should not have all the rights and privileges the rest of us enjoy. Rather, their lives should, on the whole, be describable by the old concept known as "hard time."

By interfering with the fulfillment of this punitive function, the courts are effectively seriously undermining the entire criminal justice system. The legislation we are introducing today will return sanity and State control to our prison systems.

Our bill forbids courts from entering orders for prospective relief (such as regulating food temperatures) unless the order is necessary to correct violations of individual plaintiffs' Federal rights. It also requires that the relief be narrowly drawn and be the least intrusive means of protecting the Federal rights. And it directs courts to give substantial weight to any adverse impact on public safety or the operation of the criminal justice system caused by the relief.

It also provides that any party can seek to have a court decree ended after two years, or the court will order it ended unless there is still a constitutional violation that needs to be corrected.

As a result, no longer will prison administration be turned over to Federal judges for the indefinite future for the slightest reason. Instead, the States will be able to run prisons as they see fit unless there is a constitutional violation, in which case a narrowly tailored order for correction the violation may be entered.

This is a balanced bill that allows the courts to step in where they are needed, but puts an end to unnecessary judicial intervention and micromanagement. I thank all my colleagues for their interest in this matter and hope we will be able to get something enacted soon.
September 27, 1995

At the request of Mr. HATCH, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 1052, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical trial expenses for certain drugs for rare diseases or conditions and to provide for carryovers and carrybacks of unused credits.

At the request of Ms. SNOWE, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1200, a bill to establish and implement a program to make grants to the States for wastewater infrastructure needs of Alaska Native villages.

At the request of Mr. FEINGOLD, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1219, a bill to reform the financing of Federal elections, and for other purposes.

AMENDMENT NO. 2794

At the request of Mr. KERRY his name was added as a cosponsor of amendment No. 2784 proposed to H.R. 2099, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes.

AMENDMENT NO. 2785

At the request of Mr. ROCKEFELLER the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of amendment No. 2785 proposed to H.R. 2099, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes.

AMENDMENT NO. 2768

At the request of Mr. BAUCUS the names of the Senator from Washington [Mrs. MURRAY] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of amendment No. 2768 proposed to H.R. 2099, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes.

THE VA-HUD APPROPRIATIONS ACT FOR FISCAL YEAR 1996

LAUTENBERG (AND ROBB) AMENDMENT NO. 2788

Mr. LAUTENBERG (for himself and Mr. ROBB) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes.

AMENDMENTS SUBMITTED

OIL SPILL RESPONSE (INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out leak underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities not to exceed $15,827,000, to remain available until expended: Provided, That no more than $3,000,000 shall be available for administrative expenses: Provided further, That $600,000 shall be transferred to the Office of Inspector General to remain available until September 30, 1996.

PROGRAM AND INFRASTRUCTURE ASSISTANCE

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $2,668,000,000 : Provided, That not more than $1,028,000,000 shall be for making capitalization grants for State revolving funds to support water infrastructure financing: Provided further, That none of the funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA; Provided further, That not more than $11,700,000 of the funds appropriated under this heading shall be transferred to the Office of Inspector General appropriate for audit and enforcement: Provided further, That not more than $11,700,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in section 111(c)(4) of CERCLA and section 112(g)(1) of the Superfund Amendments and Reauthorization Act of 1986: Provided further, That none of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to conduct activities in excess of $54,000,000 of the funds appropriated under this heading: Provided further, That beginning in fiscal year 1996 and each fiscal year thereafter, if the Administrator receives a written request to list any additional facilities on the National Priorities List, these funds shall immediately be available for making capitalization grants under title VI of the Federal Water Pollution Control Act, as amended: Provided further, That from funds appropriated under this heading, the Administrator may make grants to Indian tribes and to States for flood prevention grants for State revolving funds to support water infrastructure financing, $225,000,000 shall be made available for capitalization grants for State revolving funds to support water infrastructure financing, but if no drinking water State revolving fund legislation is enacted by December 31, 1995, these funds shall be available for making capitalization grants under title VI of the Federal Water Pollution Control Act, as amended, if no drinking water State revolving fund legislation is enacted by December 31, 1996.

PROVISIONS OF LAW TAKEN INTO CONSIDERATION IN GRANTING GRANTS FOR COMMUNITY WATER SYSTEMS

SEC. 201. MORATORIUM ON CERTAIN EMISSIONS TESTING REQUIREMENTS.

(a) MORATORIUM.

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the 'Administrator') shall not require adoption or implementation by a State of Enhanced Vehicle Inspection and Maintenance Program as a means of compliance with section 182 of the Clean Air Act (42 U.S.C. 7572), the requirements of a State Enhanced Vehicle Inspection and Maintenance Program as a means of compliance with section 182 of the Clean Air Act (42 U.S.C. 7572), or the requirements of any other State Enhanced Vehicle Inspection and Maintenance Program as a means of compliance with any provision of law referred to in paragraph (1) of this subsection if the Administrator determines that the State is not in compliance with such requirements as of the date which is 1 year after the date on which the State submitted to the Administrator a compliance plan or submitted the State's plan to the Administrator for review. A State shall not be subject to a moratorium described in this paragraph if the Administrator finds that the State has a plan that is responsive to the plan requirements of any State Enhanced Vehicle Inspection and Maintenance Program as a means of compliance with any provision of law referred to in paragraph (1) of this subsection if the Administrator determines that the State is not in compliance with such requirements as of the date which is 1 year after the date of enactment of this Act.
to in this subsection as the "Administrator") shall not disapprove a State implementation plan revision under section 133 of the Clean Air Act (42 U.S.C. 7511a) on the basis of a finding that such revision provides for a substantial discount for alternative test-and-repair inspection and maintenance programs.

(3) CREDIT.—If a State provides data for a program of inspection and maintenance for which credits are appropriate under section 132 of the Clean Air Act (42 U.S.C. 7511a), the Administrator shall allow the credits for such inspection and maintenance program which the State determines to be an acceptable program for the system that is appropriate without regard to any regulation that implements that section by requiring central hub emission testing.

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

SEC. 302. None of the funds made available in this Act may be used by the Environmental Protection Agency to impose or enforce any requirement that a State implement trip reduction measures to reduce vehicular emissions. Air Act (42 U.S.C. 1996).

SEC. 303. None of the funds provided in this Act may be used during fiscal year 1996 to promulgate a rule concerning the safety of drinking water, unless the Administrator or her delegate has agreed that the Kalamazoo Water Reclamation Plant (an advanced wastewater treatment plant with activated carbon) prior to the date of enactment of this Act may be exempted from categorical pretreatment standards under section 307(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met: (1) the owner or operator of the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for such industrial discharger; (2) the State Administrator, as applicable, approves such exemption request based upon a determination that the Kalamazoo Water Reclamation Plant will provide treatment and pollution removal consistent with or better than treatment and pollution removal requirements set forth by the Environmental Protection Agency, the State determines that the total removal of each pollutant released into the environment will not be less than the total removal of such pollutants that would occur in the absence of the exemption, and (3) compliance with paragraph (2) is addressed by the provisions and conditions of a permit issued pursuant to the Kalamazoo Water Reclamation Plant under section 402 of such Act, and there exists an operative.

BINGAMAN (AND OTHERS) AMENDMENT NO. 2791

Mr. BINGAMAN (for himself, Mrs. HUTCHISON, and Mr. DOMENICI) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 40, line 17, insert before the period the following: "Provided further, That section 916 of the Cranston-Gonzalez National Affordable Housing Act shall apply with respect to fiscal year 1996, notwithstanding section 916(f) of that Act."

CHAFEE (AND OTHERS) AMENDMENT NO. 2792

Mr. CHAFEE (for himself, Mr. LIEBERMAN, and Mr. SANTORUM) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 142, line 20, after the period, insert the following: "Provided further, Thereafter, the Administrator shall continue funding the Brownfields Economic Redevelopment Initiative from available funds at least the following: (1) The Administrator shall continue the award to the Corporation for 50 qualified Brownfields Pilots planned for award by the end of FY96 and carry out other elements of the Brownfields Action Agenda in order to facilitate economic redevelopment at Brownfields sites."

FEINGOLD (AND OTHERS) AMENDMENT NO. 2789

Mr. FEINGOLD (for himself, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Mr. MILLER, Mr. NUNN, Mr. THURMOND, Mr. BURKETT, Mr. MUSKOVITCH, and Mr. SIMON) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 128, strike lines 12 through 17.
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On page 10, line 18, strike "$893,000,000" and insert "$72,000,000."

HARKIN AMENDMENT NO. 2794

Ms. MIKULSKI (for Mr. HARKIN) proposed an amendment to the bill H.R. 26557, supra, as follows:

At the appropriate place, insert the following:

SEC. 214. SECTION 8 CONTRACT RENEWAL.

(a) In general.—Notwithstanding any other provision of law, the Secretary shall renew a contract for project-based assistance under section 8 of the United States Housing Act of 1937 that expires during fiscal year 1996 in accordance with this subsection.

(b) Contract term.—Each contract described in subsection (a) may be renewed for a term not to exceed 2 years.

(c) Rents and other contract terms.—Except as provided in subsections (d) and (e), the Secretary shall offer to renew each contract described in subsection (a) including any contract relating to a multifamily project whose mortgage is insured or assisted under the new construction and substantial rehabilitation program under section 8 of the United States Housing Act of 1937.

(1) at a rent equal to the budget-based rent for the project;

(2) at the current rent, where the current rent does not exceed 120 percent of the fair market rent for the jurisdiction in which the project is located; or

(3) at the current rent, pending the implementation of guidelines for budget-based rents.

(d) Loan Management Set-Aside Contracts.—The Secretary shall offer to renew each loan management set-aside contract at a rent equal to the budget-based rent for the unit, as determined by the Secretary, for a period not to exceed 1 year.

(e) Tenant-Based Assistance Options.—Notwithstanding any other provision of law, the Secretary may, with the consent of the owner of a project that is subject to a contract described in subsection (a) and with notice to and in consultation with the tenants, agree to provide tenant-based rental assistance under section 8(b) or 8(c) in lieu of renewing a contract to provide project-based rental assistance. Subject to advance appropriations, the Secretary may offer an owner incentives to convert to tenant-based rental assistance.

(1) Demonstration Program.—If a contract described in subsection (a) is eligible for the demonstration program under section 213, the Secretary may make the contract subject to the requirements of section 213.

(2) Definitions.—(1) BUDGET-BASED RENT.—For purposes of this section, the term "budget-based rent" means the rent that is established by the Secretary, based on the actual and projected costs of operating the project, at a level that will provide income sufficient, with respect to the project, to support—

(A) the debt service of the project;

(B) the operating expenses of the project, including—

(i) contributions to actual reserves;

(ii) the costs of maintenance and necessary rehabilitation, as determined by the Secretary;

(iii) other costs permitted under section 8 of the United States Housing Act of 1937, as determined by the Secretary;

(C) an adequate allowance for potential and reasonable operating losses due to vacancies and failure to collect rents, as determined by the Secretary;

(D) an allowance for a rate of return on equity of up to 6 percent; and

(E) other expenses, as determined to be necessary by the Secretary.

(2) BASIC RENTAL CHARGE FOR SECTION 236.—The basic rental charge determined or approved by the Secretary for a project receiving interest-reduction payments under section 236 of the National Housing Act shall be deemed a "budget-based rent" within the meaning of this section.

(3) SECURITIZATION.—The term "Secretary" refers to the Secretary of Housing and Urban Development.

SIMON (AND MOSELEY-BRAUN) AMENDMENT NO. 2796

Mr. BOND (for Mr. SIMON for himself and Ms. MOSELEY-BRAUN) proposed an amendment to the bill H.R. 26557, supra, as follows:

On page 106, beginning on line 10, strike "SEC. 214," and all that follows through line 4 on page 107, and insert the following:

SEC. 214. SECTION 8 CONTRACT RENEWAL.

(a) In general.—Notwithstanding any other provision of law, the Secretary shall renew a contract for project-based assistance under section 8 of the United States Housing Act of 1937 that expires during fiscal year 1996 in accordance with this subsection.

(b) Contract term.—Each contract described in subsection (a) may be renewed for a term not to exceed 2 years.

(c) Rents and other contract terms.—Except as provided in subsections (d) and (e), the Secretary shall offer to renew each contract described in subsection (a) including any contract relating to a multifamily project whose mortgage is insured or assisted under the new construction and substantial rehabilitation program under section 8 of the United States Housing Act of 1937.

(1) at a rent equal to the budget-based rent for the project;

(2) at the current rent, where the current rent does not exceed 120 percent of the fair market rent for the jurisdiction in which the project is located; or

(3) at the current rent, pending the implementation of guidelines for budget-based rents.

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(A) the debt service of the project;

(B) the operating expenses of the project, including—

(i) contributions to actual reserves;

(ii) the costs of maintenance and necessary rehabilitation, as determined by the Secretary;

(iii) other costs permitted under section 8 of the United States Housing Act of 1937, as determined by the Secretary;

(C) an adequate allowance for potential and reasonable operating losses due to vacancies and failure to collect rents, as determined by the Secretary;

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(3) SECURITIZATION.—The term "Secretary" refers to the Secretary of Housing and Urban Development.

BINGAMAN AMENDMENT NO. 2798

Mr. BOND (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 26557, supra, as follows:

At the appropriate place, insert the following:

SEC. 8. ENERGY SAVINGS AT FEDERAL FACILITIES.

(a) Reduction in Facilities Energy Costs.—(1) In General.—The head of each agency for which funds are made available under this Act shall—

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

(ii) enter into a sufficient number of energy savings performance contracts with private sector energy service companies under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 637 et seq.) to achieve during fiscal year 1996 at least a 5 percent reduction, from fiscal year 1995 levels, in the energy use of the facilities used by the agency.

(2) Goal.—The activities described in paragraph (1) should be a key component of agency programs that will by the year 2000 result in a 20 percent reduction, from fiscal year 1985 levels, in the energy use of the facilities used by the agency, as required by section 543 of the National Energy Conservation Policy Act (42 U.S.C. 6233).

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

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

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

(c) Reports.—(1) By Agency Heads.—The head of each agency for which funds are made available under this Act shall include in each report of the agency to the Secretary of Energy under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 6233) a description of the results of the activities carried out under subsection (a) and recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) By Secretary of Energy.—The reports required under paragraph (1) shall be included in the annual report submitted to Congress by the Secretary of Energy under section 548(b) of the Act (42 U.S.C. 6239).
(3) CONTENTS.—With respect to the period since the date of the preceding report, a report under paragraph (1) and (2) shall—
(A) specify the total potential energy costs of the facilities used by the agency;
(B) identify the reductions achieved;
(C) specify the actions that resulted in the reductions;
(D) with respect to the procurement procedures of the agency, specify what actions have been taken to—
(1) implement the procurement authorities provided by subsections (a) and (c) of section 546 of the National Energy Conservation Policy Act (42 U.S.C. 8256); and
(2) incorporate directly, or by reference, the requirements of the regulations issued by the Secretary of Energy under title VIII of the Act (42 U.S.C. 8287 et seq.); and
(E) specify—
(i) the actions taken by the agency to achieve the goal specified in subsection (a)(2);
(ii) the procurement procedures and methods used by the agency under section 546(a)(2) of the Act (42 U.S.C. 8256a(a)(2)); and
(iii) the number of energy savings performance contracts entered into by the agency under title VIII of the Act (42 U.S.C. 8287 et seq.).

BOND AMENDMENT NO. 2799
Mr. BOND proposed an amendment to the bill H.R. 2099, supra, as follows:
On page 153, line 17, strike "$165,000,000", and insert "$168,900,000".
On page 153, line 21, strike "$4,600,000", and insert "$7,673,000".
On page 154, line 13, strike "$100,000,000", and insert "$141,173,000".

BOND AMENDMENT NO. 2800
Mr. BOND proposed an amendment to the bill H.R. 2099, supra, as follows:
On page 22, line 5, insert the following: "SEC. 111. During fiscal year 1996, not to exceed $3,700,000 may be transferred from Medical 'care' to 'Medical administration and miscellaneous operating expenses. No transfer may occur until 20 days after the Secretary of Veterans Affairs provides written notice to the House and Senate Committees on Appropriations."
On page 27, line 21, insert a comma after the word "analysis."
On page 28, line 1, strike "program and" and insert in lieu thereof "program."
On page 28, line 16, strike "or court orders."
On page 28, line 23, strike "and.
On page 29, line 13, strike "amount, and" and insert in lieu thereof "$254,000,000."
On page 29, line 17, strike "plan of actions and insert in lieu thereof "plans of action."
On page 29, line 21, strike "be closed and" and insert in lieu thereof "closed."
On page 29, line 22, strike "amount and" and insert in lieu thereof "$254,000,000."
On page 29, line 24, strike out "$254,000,000 appropriated in the preceding proviso" and insert in lieu thereof "foregoing $254,000,000."
On page 29, line 2, strike out "the discretion to give" and insert in lieu thereof "giving."
On page 30, line 12, strike "proviso" and insert in lieu thereof "provision."
On page 32, line 10, strike out "purpose and" and insert in lieu thereof "purposes."
On page 33, line 10, strike out "determine and" and insert in lieu thereof "determines."

On page 33, strike out lines 15 and 15, and insert in lieu thereof "funding made available pursuant to this paragraph and that has not been obligated by the agency and distribute such funds to one or more."
On page 33, line 23, strike out "agencies and" and insert in lieu thereof "agencies."
On page 40, strike out line 9 and insert "a grant made available under the preceding proviso to the Housing Assistance Council or the National Council of State Governmental Housing Councils, or a grant using funds under section 106(b)(2) of the Housing and Community Development Act of 1992."
On page 45, beginning on line 20, strike out "public and Indian housing agencies and insert in lieu thereof "public housing agencies (including Indian housing authorities), non-profit corporations, and other appropriate entities."
On page 40, line 22, strike out "and, the second time it appears and insert a comma.
On page 40, line 21, insert after "14370)" the following: "and other low-income families and individual."
On page 41, line 5, after "Provided insert further."
On page 41, line 6, after "shall include" insert "congregate services for the elderly and disabled, service coordinators, and."
On page 45, line 24, strike out "originally and insert in lieu thereof "originally."
On page 45, line 24, strike out "in lieu thereof "originally."
On page 45, line 24, strike out "the matter after "That" on line 26, through line 5 on page 46, and insert in lieu thereof "the Secretary may may use any negative subsidy amounts from the sale of such assigned mortgage notes during fiscal year 1996 for the disposition of properties or notes under this heading."
On page 47, strike out the matter after "That" on line 17, through "Development" on line 25, and insert in lieu thereof "the Secretary may use any negative subsidy amounts from the sale of such assigned mortgage notes during fiscal year 1996, in addition to amounts otherwise provided, for the disposition of properties or notes under this heading including the credit subsidy for the guarantee of loans or the reduction of positive credit subsidy amounts that would otherwise be required for the sale of such properties or notes, and for any other purpose under this heading."
On page 66, line 1, after "Section 1002" insert "(d)."
On page 66, lines 5 and 6, strike out "Notwithstanding the previous sentence and insert in lieu thereof "the Secretary shall not consider.""
On page 70, line 12, strike out "and" and insert in lieu thereof "any."
On page 71, line 3, strike out "(A) In General." and insert in lieu thereof "(A) In General."
On page 71, strike out lines 11 through 18. On page 72, line 6, after "comment, Insert "a."
On page 72, line 7, strike out "are" and insert "is."
On page 72, line 18, after "comment," insert "a."
On page 72, line 19, strike out "are" and insert "is."
On page 74, line 6, strike out "selection criteria" and insert in lieu thereof "system of preferences for selection."
On page 74, line 11, strike out "selection criteria" and insert in lieu thereof "system of preferences for selection."
On page 75, strike out the matter beginning on line 12 through line 19 on page 76, and insert in lieu thereof the following:
On page 75, strike out the matter beginning on line 12 through line 19 on page 76, and insert in lieu thereof the following:

C) HOUSING AND COMMUNITY DEVELOPMENT ACT.—Section 522 (b)(3) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 13805(b)(3)) is amended by striking "any preferences for such assistance under section 8(i)(1)(A)(i) and inserting "written system of preferences for selection established pursuant to section 8(i)(1)(A)(i)."

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

On page 77, lines 3 and 4, strike out "selection criteria and insert in lieu thereof "system of preferences for selection."
On page 81, line 1, strike out "of issuance and"
On page 87, line 13, after "evaluations of", insert "up to 15."
On page 92, line 17, strike out "(d)" and insert "(e)."
On page 90, line 2, strike out "Secretary, and insert "Secretary, and insert in lieu thereof "in connection with a program authorized under section 452(b) or (c) of the Housing and Community Development Act of 1992."
On page 95, strike out lines 11 and 12, and insert in lieu thereof "(42(c)(d) of such Act."
On page 95, strike out the matter beginning with "with "a."
on line 17 through "section"
on line 18, and insert in lieu thereof "an assistance contract under this section, other than a contract for tenant-based assistance."
On page 95, line 10, strike out "years" and insert "year."
On page 102, line 18, strike out "section 210(c)(4) hereof" and insert in lieu thereof "paragraph (4)."
On page 106, line 14, strike out "18 NC/SR) and insert in lieu thereof "the section 8 new construction or substantial rehabilitation program."
On page 106, line 15, strike out "subject to and insert in lieu thereof "eligible for."
On page 107, line 6, strike out "Sec. 217."

On page 107, line 6, strike out "Subsection."
On page 117, line 6, strike out "paragraphs and insert "subsections."
On page 118, line 11, strike out "paragraphs."
On page 118, strike out lines 19 through 21, and insert in lieu thereof the following:

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

On page 129, line 2, strike out "Subsection" and insert "Paragraph."
On page 130, strike out lines 18 through 22, and insert in lieu thereof the following:

(D) Paragraph (a) is amended—
FEINSTEIN AMENDMENT NO. 2804

Mr. BOND (for Mrs. FEINSTEIN) proposed an amendment to the bill, H.R. 2099, supra, as follows:

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

**SEC. 4. CONSTRUCTION OF WATER INFRASTRUCTURE FUNDING.**

After the period at the end of paragraph (1) of section 508(e) of the Water Resources and Development Act of 1990, as amended, insert the following:

" (f) Nothing in this section shall be construed to require any further allocations to program category 203 (for Mr. FEINSTEIN for the committee report)."

MOYNIHAN (AND D'AMATO) AMENDMENT NO. 2806

Mr. BOND (for Mr. MOYNIHAN, for himself, and Mr. D'AMATO) proposed an amendment to the bill H.R. 2099, supra, as follows:

On page 43, between lines 14 and 15, insert the following:

"(4) The amount made available for fiscal year 1995 for a special purpose grant for the renovation of the central terminal in Buffalo, New York, shall be made available for the central terminal and for other public facilities in Buffalo, New York."
DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

CRAIG AMENDMENT NO. 2809
( Ordered to lie on table.)
Mr. CRAIG submitted an amendment intended to be proposed by him to the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1996, and for other purposes; as follows:

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

SEC. 209. The funds appropriated in this Act may be obligated or expended by the Department of Labor for the purposes of enforcement and the issuance of fines under the Hazardous Occupation Order Number 12 of the Department of Labor for the purposes of enforcement and the issuance of fines under title VI of the Goals and Related Agencies Appropriations Act, 1996, shall become available on July 1, 1996, and for other purposes, as follows:

(a) Reserve the following:

$122,500,000, of which $30,000,000 shall be used to carry out the Educational Choice and Equity Act of 1995.

(b) Reserve the following:

$432,500,000, of which $400,000,000 shall be used to carry out the Educational Choice and Equity Act of 1995.

ABRAHAM AMENDMENT NO. 2810
( Ordered to lie on table.)
Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2127, supra; as follows:


On page 48, strike lines 18 through 20, and insert the following:

$432,500,000, of which $280,000,000 shall be available to carry out the Educational Choice and Equity Act of 1995.

On page 48, strike lines 18 through 20, and insert the following:

$432,500,000, of which $280,000,000 shall be available to the Secretary of Education for grants to States to enable such States to support charter school programs, and $152,500,000 shall be available to carry out the Educational Opportunity Act of 1994, shall become available on July 1.

Abraham Amendment No. 2810: In the provision authorizing the granting of funds, strike the colon and insert the following:

"and (2) include grants to eligible entities to enable such entities to participate in a demonstration project under this title by awarding a grant under paragraph (1) for fiscal year 1996 in amounts of $5,000,000 or less."

ABRAHAM AMENDMENT NO. 2811
( Ordered to lie on table.)
Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2127, supra; as follows:

On page 68, strike lines 19 through 22.

ABRAHAM AMENDMENT NO. 2812
( Ordered to lie on table.)
Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2127, supra; as follows:


On page 48, strike lines 18 through 20, and insert the following:

$432,500,000, of which $280,000,000 shall be available to carry out the Educational Choice and Equity Act of 1995.

Abraham Amendment No. 2812: In the provision authorizing the granting of funds, strike the colon and insert the following:

"and (2) include grants to eligible entities to enable such entities to participate in a demonstration project under this title by awarding a grant under paragraph (1) for fiscal year 1996 in amounts of $5,000,000 or less."
commuting distance of eligible children and present a reasonable commuting cost for such eligible children; and (c) a description of the procedures to be used for the issuance and redemption of education certificates under this title; and (d) a description of the procedures by which a choice school will make a pro rata refund of the education certificate under this title for any participating eligible child who is transferred to the school for any reason before completing 75 percent of the school attendance period for which the education certificate was issued.

(b) A description of the procedures to be used to provide the parental notification described in section _10;

(c) An assurance that the eligible entity will place all funds received under this title into a separate account, and that no other funds will be placed in such account;

(d) An assurance that the eligible entity will provide the Secretary periodic reports on the status of such funds;

(e) An assurance that the eligible entity will cooperate with the Comptroller General of the United States and the evaluating agency in carrying out the evaluations described in section _11; and

(f) An assurance that the eligible entity will maintain such records as the Secretary may require.

3. The Secretary may require that the procedures used to comply with reasonable requests from the Secretary for information and data that are relevant to evaluations under section _11 and the use of such information in the evaluations shall otherwise remain confidential, and that no other Federal tax laws or for determining eligibility for any other Federal Program.

4. The Secretary may require that the procedures used for the issuance and redemption of education certificates under this title shall be provided such services.

5. Notwithstanding any other provision of law, any local educational agency participating in a demonstration project under this title may count eligible children who, in the absence of such a demonstration project, would have received services from a school that is not a public school.

6. The Secretary shall be provided such services.

7. Nothing in this title shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

8. Nothing in this title shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).
Mr. DOLE. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a nomination hearing to receive testimony from Kathleen A. McGinty to be a member of the Council on Environmental Quality, Tuesday, September 27, at 9:30 a.m., Hearing Room (SD-406).

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Select Committee on Labor and Human Resources be authorized to meet for an executive session, during the session of the Senate on Wednesday, September 27, 1995, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate Select Committee on Intelligence be authorized to meet during the session of the Senate on September 27, 1995, at 2 p.m. to hold a hearing on intelligence matters.

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

ADDITIONAL STATEMENTS

PRISON, PROBATION ROLLS, SOARING

Mr. SIMON. Mr. President, as we move toward consideration of the Senate Commerce, Justice, State appropriations bill, which increases funding for State prison construction by $250 million and allocates not one penny for crime prevention programs, it is important to take time to examine our current policies and consider our direction.

The Justice Department recently released a survey of our Nation's prisons, jails, parole, and probation services. According to the report, a record 5.1 million Americans—2.7 percent of all adults—were behind bars, on probation or on parole in 1994. Last year the Justice Department reported that we...
passed the mark of having 1 million people in prison. That puts the United States in the dubious position of having the highest prison population rate in the industrialized world. As our prison population has soared, our crime rate has been unaffected. Before we allocate scarce resources on more prisons, it makes sense to consider our alternatives and consult with experts.

Last December, I sponsored a survey of wardens and inmates in eight States in an effort to inform this debate. Rather than an all-or-nothing distribution of funds, when asked how they would spend an extra $10 million to fight crime in their communities, wardens split the money evenly: 43 percent on prevention and 57 percent on punishment. Even the 1994 crime bill fell far short of this equation, spending 75 percent of its funding on punishment and a mere 25 percent for prevention programs. This appropriations bill would further the imbalance by denying funds to the crime bill’s prevention programs.

Mr. President, I ask that a Chicago Sun-Times article on the Justice Department survey be included in the Record for your contacts.

The article follows:

[From the Chicago Sun-Times, Aug. 28, 1995]

PRISON, PROBATION ROLLS SOARING; TOTAL HITS 5.1 MILLION, 2.7 PERCENT OF ALL ADULTS

BY ALAN C. MILLER

WASHINGTON—A record 5.1 million Americans—2.7 percent of the nation’s adult population—were behind bars, on probation or on parole last year, the Justice Department reported Sunday.

Since 1980, state and federal prison populations have increased by 213 percent, and probation rolls have jumped by 165 percent. The average annual rate of growth has been 7.6 percent; the figure for 1994 was 3.9 percent.

Nearly 3 million people were on probation as of last Dec. 31, a Bureau of Justice Statistics study found. Half of those on probation were found guilty of committing a felony; one in seven had been convicted of driving under the influence of alcohol.

Another 1.8 million people were on parole, or conditionally released under supervision, after serving a prison term. Parolees can be revoked and sent to a state prison for violating a set of rules or committing another offense. All but 5 percent had served time for felonies.

The Justice Department survey found that 82 percent of those on probation and parole had maintained regular contact with a supervising agency as required. Another 9 percent had failed to report or could not be located. The rest were not required to maintain regular contact.

Texas had the most people on probation and parole, 370,000—more than 3.8 percent of the state’s adults, California followed with 367,000.

There had about 163,000 people on probation and parole.

Twelve states and the federal probation system showed a decrease in the number of people on probation and parole. The biggest decrease was in South Dakota, down 6.3 percent, followed by California, down 5.8 percent.

Twelve states and the federal probation system showed a decrease in the number of people on probation and parole. The biggest decrease was in South Dakota, down 6.3 percent, followed by California, down 5.8 percent.

The figures show that a higher percentage of men and white people are on probation than are in the prison system. Women make up 21 percent of all probationers and only 6 percent of prisoners. Of those on probation and 50 percent of the prison population.

Half of those on probation have committed a violent crime; 80 percent have previous convictions.

Prisons are running at 20 percent over capacity, and thus more than 4 percent of those sentenced to prison terms are being held in local jails despite considerable prison construction, forcing the early release of some inmates, said Lawrence A. Greenfeld, a deputy director of the Bureau of Justice Statistics.

Criminal justice experts said the sharp increase reflects tougher sentencing on a range of crimes as well as a greater proportion of drug arrests involving longer prison terms.

At the same time, they said the consequent pressure to ease congestion in packed prisons and jails has led to expanded use of alternatives to incarceration or early release.

Alfred A. Blumstein, a criminologist at the Heinz-Roth Building Programs, Management at Carnegie Mellon University in Pittsburgh, Pa., said he believes the criminal justice system “may be overextending itself” that hundreds of dollars in such programs as drug treatment and prevention may be more effective in the long run than sending out harsher sentences.

“Just by locking away more people, we do avert crimes, but at a cost,” Blumstein said. “We have no good estimates of how much benefit we get for the cost of $25,000 per person per year in prison or jail.”

GREEN LIGHTS, MONTREAL PROTOCOL

• Mr. JEFFORDS. Mr. President, the amendment I offered yesterday will restore the EPA Administrator’s ability to fulfill our obligations under the Montreal Protocol. In addition, it will authorize the EPA Administrator to fund the successful Green programs, including the Green Lights Program and the STAR program.

I need not go into detail on the importance of the Montreal Protocol. Last year, the Congress appropriated $119 million for these important programs—$100 million for the Green programs and roughly $17 million for the Montreal Protocol multilateral fund. This amendment will allow the Administrator to spend up to $100 million on these programs, a 13-percent cut from last years levels.

Negotiated and signed by President Reagan and expanded and implemented by President Bush, the Montreal Protocol is working to reduce the production and use of ozone-depleting substances. President Reagan believed it was vital that we fulfill our commitments under this important treaty. President Bush took a leadership position and urged the rest of the world to agree to a complete phase out of a number of ozone-depleting substances. President Bush also concluded the negotiations, begun by President Reagan, to establish the multilateral fund.

Now, let me explain the fund, because this is what we are debating today. The multilateral fund was created in 1990 in order to assist developing countries in their efforts to phase out ozone depleting substances. Since the development of the fund, 100 developing countries have ratified the protocol and agreed to the protocol’s strict reduction requirements. They did this with the understanding that the United States would assist these developing countries in transferring the technology necessary to end this use of ozone-depleting substances. Most of this technology comes from the United States.

Failure to pay our share of the fund would force developing countries to end their protocol obligations. This would lead to increased use of ozone-depleting substances in developing countries and offset the tens of billions of dollars spent by the developed countries to phase them out.

Let me summarize:

No money to the fund.

Violation of our commitment to the treaty.

Greater use of CFC’s by developing countries.

Faster depletion rates of the ozone.

More negative health effects, such as skin cancer and cataracts.

We must maintain our commitment to protect the ozone layer.

My colleagues may argue that funds for the Montreal Protocol belong in the State Department budget, not the EPA budget. As a member of the Foreign Operations Appropriations Subcommittee, I am continuing to work to ensure that the protocol has adequately funded the State Department budget. However, I believe that funding for international programs is so limited, that offsetting the loss in this bill would be impossible.

Since 1981, almost one-third of the money for the fund has come from EPA. We made the decision, in 1990, to require EPA to assist the State Department. Let me read from section 617b of the Clean Air Act Amendments of 1990, which many of us here today voted for.

The Administrator, in consultation with the Secretary of State, shall support global participation in the Montreal protocol by providing technical and financial assistance to developing countries.

And at that time we authorized $30 million to be spent for the fund.

The phaseout of CFC’s is not just an international political issue, it is a technical, industrial, and environmental issue, on which EPA is expected globally. Further, through its experience in the United States of rid­ ing the country of ozone-depleting substances, EPA has a good understanding of the benefits of U.S. technologies, and has been able to promote those technologies in other countries.

This is no time to end this progress.

Let me spend a minute on the Green Lights Program. I remember President Bush searching for alternatives to the...
overregulation, command and control policies of the 1970s and 1980s. He longed to find a way to control pollution in a nonregulatory, free-market manner. His legacy to the environment is his success in developing just such a program.

The Green Lights Program, and Energy Star Programs, are a testament to the type of innovative programs we need. These programs are voluntary, reduce energy use, decrease our dependence on foreign energy, save business money, and stimulate markets for clean, alternative energy technologies and services.

Green Lights is simple. EPA provides technical assistance to help a company survey its facilities and upgrade its lighting. That's it. Since its inception, Green Lights has saved companies hundreds of millions of dollars and dramatically reduced air pollution emissions. All this without one regulation. This is the most successful public-private partnership running. Just ask companies in my own State, such as IBM, our largest utility—Green Mountain Power, Jay Peak Ski area, and others.

Ask the Mobile Corp., who points out in this article in Time magazine that with the help of EPA Green Lights they have reduced their lighting energy costs by 49 percent.

Eliminating this program now would be unwise. This program reduces the need for regulation. Without Green Lights we might need more regulation to accomplish what is now being done with a voluntary partnership.

I believe one of the reasons this program is slated for elimination is that it is considered corporate welfare. Let me tell you why it is not.

EPA does not give any grants or financial assistance to Green Lights partners. All funds are spent for information dissemination and communication.

The resulting investment by participants is more than 50 times the Federal investment.

Green Lights participants represent a wide range of entities, including 360 schools, 50 hospitals, numerous churches, local governments, small businesses, and nonprofit groups.

Overcoming market barriers is valuable to many, but beyond the reach of individual organizations. Many businesses cannot afford to keep on hand the technical expertise that EPA has assembled to help business succeed in reducing their energy costs in this manner.

Green Lights is a successful public-private partnership. It creates jobs and opportunities for sound energy use and savings, while at the same time preventing pollution. This is a model, non-regulatory program.

Mr. President, I urge my colleagues to seriously consider the consequences of ending these two vital programs. My amendment does not increase spending, nor does it cut from other areas of the bill. The amendment simply requests that the EPA Administrator be allowed to spend, within available funds, enough funds to keep these important programs up and running.

TRIBUTE TO ABRAHAM SACKS

- Mr. LEVIN. Mr. President, I rise today to pay tribute to a great citizen of the State of Michigan, Abraham Sacks. On October 7, 1995, 50 years to the month when 1st Lt. Abraham Sacks returned to the United States from Europe, civilian Abraham "Abe" Sacks will receive his World War II medals. Fifty years—for some people that is a lifetime; in many families that is two generations. For Abe Sacks, it has not even been something to think about.

Abe served 5 years in the U.S. Army from 1941 until his discharge in January 1946. And since then, he has not had the time to think about the medals he never received. Abe and his wife Bea have been too busy living their lives. They settled into their home in Huntington Woods, MI. They were blessed with two children, and have since watched their children grow and start families of their own. They have become involved in their community by volunteering at the local synagogue and for political campaigns. Although they have now retired, they have continued to volunteer at the synagogue and with SCORE. Has Abe had time to think about medals he earned but never received? That was not Abe's style and still is not.

Several months ago when Bea discovered some papers in Abe's Army chest showing that he never received his medals, she took it upon herself to correct this oversight. She contacted the powers that be, and on October 7, 1995, at a gathering of family, friends, and other veterans, 1st Lt. Abraham Sacks will receive the medals he earned fighting for his country in World War II. Abe will be the recipient of the European-African-Middle Eastern Medal with Silver Star, the African Campaign Medal, the American Defense Service Medal, the World War II Victory Medal, the Army of Occupation Medal with Germany, and the Good Conduct Medal. On behalf of a country that is grateful to the men and women of our military forces, I want to congratulate 1st Lt. and dear friend Abe Sacks. It is never too late to honor someone of his caliber, goodness, and integrity. I know Abe will display these medals with the same pride he exhibited when he served his country.

TRIBUTE TO THOMAS L. AZYRES ON HIS RETIREMENT FROM THE DEPARTMENT OF VETERANS AFFAIRS

- Mr. NUNN. Mr. President, I would like for the Senate to recognize the retirement of Thomas L. Ayres from the Department of Veterans Affairs after more than 41 years of service in providing health care to the armed service members and veterans of our Nation. On September 30, 1995, Mr. Ayres will retire from his position as the Director of the Department of Veterans Affairs Medical Center in Augusta, GA.

Tom Ayres began providing health care during his service with the United States Army from 1955 until 1959 at the 279th Station Hospital in Berlin. After his service in the Army, he started his career with the Veterans Administration by becoming a nursing assistant at the Veterans Administration Hospital in Marion, Indiana. From 1962 until 1969, Tom Ayres worked as a supervisory recreation specialist at the Veterans Administration Hospital in Bemidji, MN. From 1969 until 1972, he served as a voluntary services officer at Veterans Administration Hospitals in both Madison, WI and Gainesville, FL. In 1972, Tom Ayres became a medical administration assistant at the Veterans Hospital in Madison, WI.

Since 1972, Tom Ayres has earned appointments to positions of increased responsibility within the Department of Veterans Affairs. In 1976, he became a hospital administration specialist and soon thereafter was transferred to the Veterans Affairs Central office and served as the Associate Chief Medical Director for Operations.

Tom Ayres received an appointment to the position of Medical Director of the Department of Veterans Affairs Medical Center in Salisbury, NC in 1981. Nine years later, he became the Director of the two-division Veterans Administration Medical Center in Augusta, GA. He also served as the Associate Administrator for Veterans Affairs at the Medical College of Georgia and as a member of the Medical College of Georgia's Clinical Enterprise Executive Committee.

Throughout his long and distinguished career in providing health services for U.S. veterans throughout our great Nation, Tom Ayres has received numerous awards based on the exemplary performance of his duties. His awards include the National Daughters of American Veterans Commander Award, the Award for Valor from the Secretary of Veterans Affairs, three Superior Performance Awards, and five consecutive Executive Performance awards. In 1990, he received the Presidential Rank Award from the President of the United States. It is important to note that his compassion and sense of civic responsibility does not start and end with his job.
Tom Ayres is an active participant with the local United Way, Kiwanis Club, American Legion, Senior Executive Association, and the American College of Hospital Administrators. In addition, he serves on the administrative board of Trinity on the Hill Church and is a life member of the Disabled American Veterans and the Veterans of Foreign Wars.

Mr. President, I ask my colleagues to join me in thanking Thomas L. Ayres for his outstanding career spent in service to our Nation’s veterans. He is a model citizen in every sense of the term, We wish him, his wife Christa, and their children and grandchildren Godspeed and every success for the future.

OUT OF PRINT

Mr. SIMON. Mr. President, recently, Bob Samuelson had a column in the Washington Post on the scarcity of various government statistics in printed form.

Mr. Samuelson wrote that some of the reports published by the Census Bureau are going out of print. He cited the fact that the Census Bureau issued only 655 printed reports in 1994 as opposed to over 1,000 the Bureau printed in 1992.

His concern over the scarcity of printed statistics led him to contact the Census Bureau. Mr. Samuelson learned that the Census Bureau is still researching and compiling all of the same data and information it has in the past. Only now, rather than publishing its reports in printed form, the Census is circulating statistics on the Internet.

Lately there has been a great deal of attention surrounding the Internet and the information superhighway. I have to confess that my knowledge of the Internet is limited. Although, I do understand that a large and varied amount of information may be accessed using this medium.

I join Mr. Samuelson in his concern that those who do not have access to the Internet, or choose not to use the information superhighway, will not have the same access to the vital statistics published by the Census Bureau that they have had in the past.

While I do not dispute the benefits that accompany the Internet and other similar technological advances—especially in the field of education—I am concerned that we might overlook the usefulness and practicality of printed materials in the name of progress.

Having access to a wide range of information at our fingertips is definitively an advantage of the Internet. We must be mindful, however, that there is no substitute for the printed word.

Mr. President, I ask that Robert Samuelson’s column entitled “Out of Print” be printed in the RECORD at this point.
for more than anything else, Sparky is a baseball purist, a lover of the game and totally loyal to the institution we call baseball.

Detroit will miss Sparky Anderson, but we hope he will hang around the game long enough to break John McGraw’s record, and maybe even, someday, overtake the record of the great Connie Mack.

ORDERS FOR THURSDAY.
SEPTEMBER 28, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Thursday, September 28, 1995, that following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and then the majority leader be recognized as under the previous order.

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

PROGRAM

Mr. DOLE. Mr. President, I will just say for the information of all Senators, under the agreement that has just been obtained, I will make a motion to proceed to the Labor-HHS appropriations bill tomorrow morning. A rollcall vote will occur on the motion to proceed at 10 a.m., and, in accordance with the unanimous consent agreement, a second vote will occur at 11 a.m. on the motion if 60 votes are not obtained on the first vote.

If 60 votes are not obtained on the motion to proceed on the second vote, it is expected I will recess the Senate until later in the afternoon on Thursday to enable the Finance Committee to meet to complete reconciliation instructions.

The Senate is then expected to reconvene later to begin consideration of Commerce, State, Justice appropriations. Therefore, the Senate could be asked to be in session late into the evening on Thursday in order to complete the appropriations process prior to the end of the fiscal year.

I also will indicate that I think the House will take up the continuing resolution tomorrow. I talked with Speaker Gingrich this morning. He indicated earlier, at least I was informed, he had signed off on the continuing resolution, and they will take that up tomorrow, as I understand it, in the House. Then it will come to the Senate.

It is my hope we can dispose of that without amendment and perhaps by voice vote.

RECESS UNTIL 9 A.M. TOMORROW

Mr. DOLE. Mr. President, if there is no further business to come before the Senate, I ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:20 p.m., recessed until Thursday, September 28, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 27, 1995:

DEPARTMENT OF AGRICULTURE

MICHAEL V. DUNN OF IOWA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE EUGENE BRANSTOOL, RESIGNED.

COMMODITY CREDIT CORPORATION

MICHAEL V. DUNN OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE EUGENE BRANSTOOL, RESIGNED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 64.

To be brigadier general

COL. JOHN P. ABRAHAMS, JR., U.S. ARMY.
COL. JOSEPH W. ARMSTRONG, U.S. ARMY.
COL. BARRY B. BATES, JR., U.S. ARMY.
COL. WILLIAM G. BOYKIN, U.S. ARMY.
COL. CHARLES M. BURRIS, U.S. ARMY.
COL. PROPERTY E. P. CAMPBELL, U.S. ARMY.
COL. JOSEPH G. CAPP, JR., U.S. ARMY.
COL. GEORGE W. CAREY, U.S. ARMY.
COL. JOHN T. CASEY, U.S. ARMY.
COL. DEAN W. CASH, U.S. ARMY.
COL. DENNIS D. CAVANAGH, U.S. ARMY.
COL. ROBERT F. B. CONNELL, U.S. ARMY.
COL. LARRY J. DOUGHERTY, U.S. ARMY.
COL. JOHN C. DARSHON, U.S. ARMY.
COL. JAMES R. DONAHUE, U.S. ARMY.
COL. DAVID W. FOLSTY, U.S. ARMY.
COL. HARRY D. GATCHELL, U.S. ARMY.
COL. ROBERT A. HARDING, U.S. ARMY.
COL. ROBERT R. HARRISON, U.S. ARMY.
COL. DENNIS K. JACKSON, U.S. ARMY.
COL. ALAN D. JOHNSON, U.S. ARMY.
COL. ANTHONY R. JONES, U.S. ARMY.
COL. WILLIAM J. LENDON, U.S. ARMY.
COL. JAMES J. LOVELACE, U.S. ARMY.
COL. JEREMY W. MCCLELLAN, U.S. ARMY.
COL. DAVID D. MCKIBBIN, U.S. ARMY.
COL. CLAYTON E. MESSNER, U.S. ARMY.
COL. DANIEL L. MONTOUREZ, U.S. ARMY.
COL. WILLIAM L. MURPHY, U.S. ARMY.
COL. ROBERT W. NOONAN, U.S. ARMY.
COL. DENNIS L. PHILPOT, U.S. ARMY.
COL. RALPH L. PRALL, U.S. ARMY.
COL. GEORGE S. PARISH, JR., U.S. ARMY.
COL. BRYCE A. SIMPSON, U.S. ARMY.
COL. JOSEPH P. SIMMONS, U.S. ARMY.
COL. LEO G. SIMMONS, U.S. ARMY.
COL. ROBERT W. WAGNER, U.S. ARMY.
COL. ROBERT W. WAGNER, U.S. ARMY.
COL. DANIEL R. SANDS, U.S. ARMY.