we expect the P–8 Ministerial Meeting on Terrorism in Ottawa to produce a concrete action plan to implement these measures.

Other kinds of international crime also threaten the safety of our citizens and the fabric of our societies. And globalization brings new and frightening dimensions to crime. The threat of crime is a particular menace to young democracies. It weakens confidence in institutions, preys on the most vulnerable, and undermines free market reform.

Of course, every country must take its own measures to combat these threats. The Clinton Administration is now completing a review of our approach to transnational crime that will lead to a stronger, more coordinated attack on this problem.

To help other states deal with criminal threats, the United States and Hungary have created the International Law Enforcement Academy in Budapest to train police officers and law enforcement officials from Central Europe and the states of the former Soviet Union. We are providing similar help bilaterally and through the UN Drug Control Program to countries whose laws are challenged by drug cartels.

A particularly insidious form of crime and corruption is money laundering. All nations should implement recommendations by the OECD to attack money laundering. The nations of this hemisphere should also advance the anti-money laundering initiative introduced at last December's Summit of the Americas. Together, we must squeeze the dirty money out of our global financial system.

Through the UN's conventions on drugs and crime, the international community has set strong standards that we must now enforce. We call on UN member states who have not already joined the 1988 UN Drug Convention to do so. Those countries who have approved the convention should move quickly to implement its key provisions.

We are increasingly aware that damage to the environment and unsustainable population growth threaten the security of our nations and the well-being of our peoples. Their harmful effects are evident in famines, infant mortality rates, refugee crises, and ozone depletion. In places like Rwanda and Somalia, they contribute to civil wars and emergencies that can only be resolved by costly international intervention. We must carry out the commitments we made at last year's Cairo Conference, and the Rio Conference three years ago.

Never have our problems been more complex. It has never been more evident that these problems affect all nations, developed and developing, alike. Only by working together can we effectively deal with the new threats we all face.

That is why, on this 50th anniversary year, we must shape the UN's agenda as if we were creating the institution anew. Just as the UN's founders devised a new framework to deter aggression and armed conflict, the United Nations, in particular the Security Council, must now assign the same priority to combating the threat posed by proliferation, terrorism, international crime, narcotics, and environmental pollution. We should dedicate our efforts in the UN and elsewhere to turning our global consensus against these threats into concrete action. We must renew and reform the United Nations not for its sake, but for our own.

Thank you very much.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2782

Mr. BOND. Mr. President, I ask unanimous consent that my previous tabling motion be withdrawn.

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

Mr. BOND. Mr. President, I ask unanimous consent that the Senator from Maryland be recognized for 2 minutes.

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

The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I simply want to address the argument by my colleague that passing this amendment will not serve a purpose. The amendment will, in effect, enable HUD to implement a formula approach with respect to the homeless problems in the coming year. HUD could structure the formula approach so that State and local governments, the homeless assistance providers, the church groups, and the community groups could come in and anticipate their expected level of funding off a $1.1 billion figure. The Appropriations Committee itself has said they have to have more than $1 billion in order to make the formula approach work.

They are going to negotiate regulations. That will take a good part of the fiscal year. The end result of all of this is a greater commitment to dealing with the homeless.

I concede that we are taking money from the section 8 program. I think in the order of priorities, addressing the homeless ought to come ahead of that.

Then people say, well, the following fiscal year the amount needed for section 8 is going to double from $4 billion to $8 billion. If it is that order of magnitude you will need an entirely new solution. You will not solve it by this $360 million here that is being held in the reserve.

This money, though, could make an enormous difference with respect to addressing the homeless problem.

Therefore, I very strongly renew my support of the amendment.

Mr. BOND. I yield myself 2 minutes.

Let me just conclude this discussion by saying that under the system that has been suggested by my colleague from Maryland, which is an effort to solve the homeless problem, we are still in a budgetary quandary. We have not solved the budgetary problem.

The Budget Committee will score the outlays during the year in which they occur no matter when they have been allocated. If, when the budget authority has been granted, if we move the funds to fiscal year 1997, as the amendment by my friend from Maryland would do, we will have that many fewer dollars to spend, that many fewer dollars in outlays to spend during fiscal year 1997.

That is why I say that we have asked HUD to enter into negotiated rulemaking to try to get these funds out to deal with not only the funds we have appropriated in this bill but the funds, $297 million, made available in the rescission bill for the coming year, and utilize those funds to deal with the homeless problem.

That is why again I regretfully say that moving money from one pocket to another does not overcome the appropriations and budgetary problems, and does not move us any further towards the goal of serving the homeless and those who need section 8 public housing assistance.

Mr. President, is all time expired?

The PRESIDING OFFICER. All time has expired.

Mr. BOND. Mr. President, I ask unanimous consent that this amendment be set aside.

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

AMENDMENT NO. 2783

(Purpose: To require EPA to give priority to small businesses in its ''green programs'' and to require EPA to perform a study to determine the feasibility of making these programs self-sufficient)

Mr. JEFFORDS. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for himself and Mr. BINGAMAN, Mr. CHAFEE, Ms. SNOWE, Mr. DASCHLE, Mr. SIMON, Mr. BIDEN, Mr. LIEBERMAN, Mr. KOHL, Mr. KERRY, Mr. BUMPERS, and Mr. LEAHY, PROPOSES AN AMENDMENT NUMBERED 2783.

Mr. JEFFORDS. 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 151, line 11, insert:

SEC. . ENERGY EFFICIENCY AND ENERGY SUPPLY PROGRAMS.

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

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

the results of this study and EPA's plan for implementation.

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

Mr. JEFFORDS. Mr. President, I will not take very long, and I want to thank the managers of the bill for agreeing to an amendment to our original proposal, which makes good sense and which I think improves the amendment. I appreciate their cooperation.

I am offering this amendment on behalf of myself, Mr. BINGAMAN, Mr. CHAFEE, Ms. Snowe, Mr. DASCHLE, Mr. SIMON, Mr. BIDEN, Mr. LIEBERMAN, Mr. KOHL, Mr. KERRY, Mr. BUMPERS, and Mr. LEAHY.

What this amendment does is to 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 Green Lights and Energy Stars Building Programs.

The net effect, actually, of this amendment as far as present spending will actually decrease because it will raise by fee some revenues to assist in the second program that I mentioned.

I need not go into detail on the importance of the Montreal Protocol. Last year, the Congress appropriated $119 million for these important programs—$101 million for the green programs and roughly $17 million for the Montreal Protocol multilateral fund. This amendment will allow the Administrator to spend up to $100 million on these programs, actually a 13 percent decrease from last year's levels.

Again, it is authorization to spend. It is not a specific authority for those programs. That will be up to the administrator.

I will not go into detail on this. I do not want to take the time of our Members here for this.

I will summarize now the green programs. There is no money for the green programs. I remember President Bush searching for alternatives to overregulation, command and control policies of the 1970's and 1985's. He longed to find a way to control production in a nonregulatory free market manner.

His legacy through the environment is his success in developing just such a program which we are referring to this evening. The Green Lights Program and Energy Stars Program are a testament to the type of innovative programs we must implement if we wish to reduce the regulatory burden faced by industry today. The programs are volunteer, reduce energy use, save business money, and stimulate markets for clean alternative energy technologies and services. What more could you ask for?

Green Lights is simple. EPA provides technical assistance to help a company survey its facilities and upgrade its lighting. Since its inception, Green Lights has saved companies hundreds of millions of dollars and dramatically reduced air pollution emissions, all without one regulation.

I have to my left here a chart which shows—how often do you get to the cover of Time Magazine? This is an important public-private partnership. Just ask companies in my own State like IBM, our largest utility—Green Mountain Power, Jay Peak Ski Area, and many others, including small businesses.

Now I had several Members that wanted to speak but due to the gracious acceptance of this amendment by the managers, I will yield the floor.

Mr. BINGAMAN. Mr. President, I rise today to speak in favor of the Jeffords-Bingaman amendment to the VA-HUD appropriations bill, which would restore authority to the EPA Administrator to expend funds on their atmospheric pollution prevention programs, and on the Montreal Protocol Multilateral Fund.

This amendment requires no new money of any offsets to H.R. 2099. It merely allows the administrator to use appropriated funds from the $1.6 billion program and administration fund to continue what we believe is essential work going on at EPA. It does not affect the overall budget cuts prescribed in the bill.

The Green Lights Program represents one of the best ideas of the past 20 years in the field of environmental protection. As our framework of environmental laws has evolved since 1970, we have been shown the positives and negatives of command and control regulation. While strict standards have been successful in many ways at reducing pollution, they have also proven costly and unwieldy for complying companies in some situations.

The Green Programs at EPA have done an exceptional job at saving energy and reducing pollution in a voluntary, flexible manner which should be emulated and expanded rather than zeroed out. In 1994 alone, Green Lights and Energy Star prevented $69 million metric tons of carbon equivalent, including 5.1 billion pounds of carbon monoxide, 14.1 million pounds of sulfur dioxide, and 6 million pounds of nitrogen oxides.

While these pollution reductions are a positive step, the more impressive fact is that these improvements are making money for State and local governments, companies, nonprofits and other organizations in almost every case. The Green Lights and Energy Star Programs saved $92 million in utility bills in 1994 alone.

Corporate welfare is a term one hears of often these days, both in and outside of this body. I am strongly supportive of reducing unnecessary subsidies to private industry wherever possible. However, labeling the EPA programs as corporate welfare is just plain wrong. No direct subsidies are given to corporations or any other participants. In fact, no direct marketing is done on behalf of any specific manufacturer or contractor. EPA merely alerts energy users to the financial savings and public relations benefits of the programs and gives them a long list of businesses that can do the work. All sales and contracting is the responsibility of the companies involved.

I have heard many statements in this Chamber railing against the evils of environmental regulation. If the majority also eliminates cooperative, voluntary, non-regulatory approaches to environmental protection, what alternatives remain?

Also restored in this amendment is the authority of the Administrator to expend Federal dollars on the Montreal Protocol Multilateral Fund. Stratospheric ozone depletion from manmade chlorofluorocarbons [CFC's] is a real and pressing problem. Due to prompt action on the part of the Congress to phase out production of CFC's in the Clean Air Act, ozone depletion will likely peak in the year 2000, and restore itself gradually during the following 3 to 5 decades.

The United States is enduring significant transition cost to accomplish the phase-out and must be assured that our progress is not undercut by rampant CFC use in developing countries. Our participation in the Montreal Protocol is essential for those recovery projections to be realized.

I understand that the subcommittee chairman would like to see the Montreal Protocol funded by the Subcommittee on Foreign Operations. It does not make a difference to me if the Senators from Missouri and Kentucky want to work out an arrangement. However, our treaty obligations to the Montreal Protocol are vital, and whether our commitments to it are met should not be subject to a squabble over what subcommittee should provide the funds.

I urge my colleagues to support the amendment.

Mr. BOND. Mr. President, these programs are programs that I think are vitally in need of restructuring and reoriented and bringing in to the modern day.

No question that Green Lights may have done some good for some big companies. This is really a distinguished group of companies. You can see Martin Marietta, General Dynamics, Warner Lambert, Phillips Petroleum, Whirlpool, Xerox, U.S. West, TransAmerica, all these companies have saved millions of dollars through the Green Lights Program. Great.

What I think is that it is time to say enough corporate welfare. Start getting these people who are benefiting to pay for it. I have agreed with the sponsors of this amendment to accept their permissive language and to make some changes.

No. 1, we say that there ought to be a priority for small businesses. During fiscal year 1996, the Administrator of the EPA shall give priority to providing assistance in its energy efficiency

and energy supply programs to organizations that are recognized as small business concerns under section 3(A) of the Small Business Act.

Get out of the business of providing very scarce taxpayer resources to help very large companies save money on energy. They ought to be saving it. We have started the program. We have shown how they can save money. Let them pay for it.

No. 2, we will include a study. The Administrator must determine the feasibility of establishing fees to recover all reasonable costs incurred by EPA for assistance rendered businesses in the energy efficiency and energy supply program. The study should include making the program self-sustaining, the value of the assistance rendered to businesses, providing exemptions for small businesses, making the fees payable directly to a fund that would be available for use by EPA as needed for this program.

Nobody here is challenging the need for energy efficiency. It is vitally important from the environment standpoint, from a cost standpoint. It makes good sense. I do not believe that we ought to continue to have the Federal Government paying out this high-class corporate welfare.

This is a significant step toward weaning those large companies away from that endeavor.

Now, let me address the Montreal Protocol, and let me state to my colleagues that both of these are permissive. EPA is going to have to eat into its own budget to the extent it wants to use up to $100 million to support the climate change program in the Green Lights program or the Montreal Protocol facilitation funds. I hope they will be careful in utilizing those funds because we need those funds to be used on cleaning up the environment here in this country, not providing foreign aid to other countries under the Montreal Protocol and not using up dollars in helping the largest corporations save money by instituting energy-efficiency programs.

Let me tell you briefly about the Montreal Protocol funds. The fund received $116 million from the U.S. Government over the past few years. It is an international fund, managed through the State Department, to support developing countries in their efforts to phase out ozone-depleting chemicals. It is a worthwhile goal, but I do not see why the EPA, which is strapped for funds, is going to want to spend much of its money on that. I think, if we really want to provide foreign aid for other countries to improve their environment, we ought to be looking at the State Department.

I understand the Senator from Vermont had expressed concern about cuts in the foreign operations appropriations bill, the account which provides funding for the Montreal Protocol funds. That, I believe, is where it should be funded in the future. This subcommittee is not able to make up for shortfalls in other appropriations bills. We will allow the EPA, as a transition, to utilize those funds to the extent necessary. But I really believe the funds are better spent on environmental protection activities at home. We have provided the funds as available for these activities. We provided the Montreal Protocol funds some $116 million. I think the EPA can determine how to utilize its scarce resources and phase out the funding of these programs.

The companies that have benefited from the Green Lights programs, we congratulate them and urge the EPA to move on to self-funding.

With that, Mr. President——

Mr. CHAFEE. Mr. President, if I might, I would just like to make a couple of comments on this. It is my understanding the distinguished floor manager is prepared to accept this?

Mr. BOND. We are prepared to accept the amendment, and we appreciate the support of our colleagues for the program.

Mr. CHAFEE. I commend the distinguished chairman of the subcommittee of the Appropriations Committee for accepting this. Let me just say a couple of words, if I might, about the Montreal Protocol.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, every single Member of this Senate, and indeed members of the Republican Party, should be extremely proud of the Montreal Protocol. Why? Because it was signed under the administration of Ronald Reagan. This is what President Reagan said on April 5, 1988, about the Montreal Protocol:

> The Montreal Protocol is a model of cooperation. It is a product of the recognition and international consensus that ozone depletion is a global problem.

I am going to come back to that in a minute, because often it is said, only spend your money on domestic problems. But ozone depletion cannot be solved just by the United States alone. ''It is a global problem,'' as President Reagan said, ''both in terms of its causes and its effects. The Protocol is a result of an extraordinary process of scientific study, negotiations among representatives of the business and environmental communities, and international diplomacy. It is a monumental achievement,'' said Ronald Reagan, and he was absolutely right.

With respect to the Montreal Protocol Multilateral Fund, how does the money come about and who contributes? Let us just take what is happening right now. The United States is supposed to contribute $38 million a year to this international fund. Where does it come from? Because of funding shortfalls in previous years, the State Department requested $27 million and the EPA requested $24 million. That is a total of $51 million for fiscal year 1996. The amounts in excess of the $38 million cap were requested to make up for past years. In other words, the request is up some. The point I am making is it is split between the State Department and the EPA.

Who else contributes? There are 40 other nations that are contributing. The United States puts in a total of $38 million. Japan puts in $22 million, Germany $16 million, United Kingdom $9 million, Canada $5 million, and so forth.

I am advised that the contributions to the multilateral fund have been at a higher rate—85 percent of the assessed amounts are contributed. This is the highest of any known U.N. trust funds. So it is working.

I would just like to point out a quote from the July 14, 1994, journal of Science. That is the name of the journal. It published the findings of an international group of scientists who concluded that ''methyl chloroform, one of the chief threats to the Earth's protective ozone layer, has begun to diminish. Other researchers confirm the finding, first reported 2 years ago, that chlorofluorocarbons, CFC's, have almost stopped increasing in the atmosphere.''

You might say why have they not stopped completely? You have had this Montreal Protocol since 1987. The facts are, it takes a significant amount of time for the CFC's to go from the Earth up into the stratosphere where they do their damage. So, if we can stabilize—if our reports show they are stabilizing in the atmosphere, that means the efforts we have made to reduce the emissions are working and pretty soon the destruction of the ozone layer will go into a rapid decline from the activities that are taking place now. So, we can congratulate ourselves. Here is something that has worked.

I want to just say how happy I am that we have worked out this agreement this evening; that both the distinguished ranking member and distinguished manager of the bill, the senior Senator from Missouri, have accepted these proposals. I am particularly interested in the Montreal Protocol side of it, having been connected with it for some years.

Again, it is my view that the Republicans can pat themselves on the back for this measure, because it occurred under a Republican administration with a Republican President leading the way.

I thank the distinguished Senator from Vermont for his efforts in connection with this this evening. I am glad we have reached a compromise and that the amendment of the Senator from Vermont has been accepted.

Mr. President, I ask unanimous consent a letter to me from the Alliance for Responsible Atmospheric Policy dated September 19, 1995, be printed in the RECORD.

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

ALLIANCE FOR RESPONSIBLE
ATMOSPHERIC POLICY,
Arlington, VA, September 19, 1995.

Hon. JOHN CHAFEE,
U.S. Senate, 506 Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR CHAFEE: On behalf of the Alliance for Responsible Atmospheric Policy, I urge you to support the appropriation of funds to fulfill the U.S. commitment to the Multilateral Fund for the Implementation of the Montreal Protocol. The Multilateral Fund provides resources for developing countries to comply with the Protocol's requirements to phase out of the production of ozone-depleting compounds such as chlorofluorocarbons (CFCs). Appropriation of moneys to the Fund have been eliminated in the EPA budget and substantially reduced in the State Department's budget.

The Alliance is the internationally recognized U.S. industry coalition which is composed of producers of CFCs and their alternatives; and several hundred manufacturers and organizations whose products and services rely on CFCs and their alternatives. The Alliance was organized in 1980 and continues to assist government in the development of reasonable international and U.S. government policies regarding ozone protection. A list of Alliance members is attached.

Industry has worked diligently over recent years with policymakers to seek sensible international requirements for the phaseout of ozone-depleting compounds. We have done so because the best scientific information has led us to conclude that the concern for human induced alternation of the ozone layer is a serious ''global'' environmental concern. Unilateral requirements imposed on U.S. industry alone would be neither fair nor environmentally beneficial in solving the overall global problem of ozone depletion. Therefore, the Montreal Protocol, ratified by 149 countries, provides an unprecedented forum for all nations to work together to solve this global environmental problem.

The United Nations Environment Programme Science Assessment Report shows that one of the few remaining obstacles to recovery of the ozone layer is the growth of CFCs in developing countries. Developing countries must be urged to continue their transition to alternatives and phase out of CFCs as soon as feasible. The Mulitlateral Fund helps to ensure the success of the Montreal Protocol by providing needed assistance to these developing countries. Without funding for the implementation of CFC alternatives in developing countries, these countries will continue to use ozone-depleting CFCs because they are the best option available to them as their economies grow to meet their society's needs. Developing countries need assistance through the Fund in phasing out of CFCs and utilizing new technologies.

Industry is proud of its accomplishments in ozone protection, by its efforts to phase out of CFCs ahead of schedule, and in its investment of several billion dollars to identify and introduce ozone-protecting alternative technologies. Therefore, it is critically important that Congress provide as much oversight as necessary of federal agencies, such as EPA, to ensure that U.S. interests and alternative technologies are not disadvantaged or prejudiced in the Multilateral Fund's CFC phaseout projects. In addition, the Fund should not be used to implement any acceleration of the phaseout of hydrochlorofluorocarbons (HCFCs) beyond the 1992 Copenhagen Amendments to the Montreal Protocol.

The Multilateral Fund is an integral part of the effort to ensure that alternative technologies are adopted globally. The U.S. contribution to the Fund is only a relatively small but important symbol of the U.S. commitment to this effort. The U.S. agreed to the Fund assistance as part of its treaty obligation; and it should not renege on this obligation. Government and industry in the United States have shown both strong leadership in ozone protection and a commitment to the success of the Montreal Protocol. In order to fulfill this commitment and continue U.S. leadership, we urge you to support the funding of the Multilateral Fund.

Sincerely,

DAVID STIRPE,
Executive Director.

1994/1995 MEMBERSHIP LIST ALLIANCE FOR RESPONSIBLE ATMOSPHERIC POLICY

3M Company.
A. Cook Associates, Inc.
Abbott Laboratories.
Abco Refrigeration Supply Corp.
Acme—Miami.
American Electronics Association (AEA).
Air Comfort Corporation.
Air Conditioning Contractors of America.
Air Conditioning & Refrigeration Institute.
Air Conditioning Suppliers, Inc.
Air Products.
Alliance Pharmaceutical Corporation.
AlliedSignal.
American Auto. Manufacturers Assoc.
American Frozen Food Institute.
American Pacific Corporation.
American Refrigerant Reclaim Corporation.
American Thermaflo Corp.
American Trucking Associations.
Amtrol, Inc.
Anderson Bros. Refrigeration Service, Inc.
Apex Ventilations.
ARCA/MCA.
Arizona Public Service Co.
Arjay Equipment Corporation.
Arrow Air Conditioning Service Company.
Arthur D. Little, Inc.
Ashland Inc.
Astro-Valcour Inc.
Association of Home Appliance Manufacturers.
AT&T.
Ausimont USA.
Automotive Consulting Group, Inc.
Bard Manufacturing Co.
Beltway Heating & Air Conditioning Co. Inc.
Beverage-Air.
Big Bear Stores Co.
Blue M Electric.
Building Owners and Managers Association (BOMA).
Booth Refrigeration Services Conditioning.
Bristol Compressors.
c/o Moog Training Center.
Carrier Corporation.
Celotex.
Center for Applied Engineering.
Central Coating Company, Inc.
Cetylite Industries, Inc.
Chemical Packaging Corp.
Chemtronics, Inc.
Clayton Auto Air, Inc.
Commercial Refrigerator Manufacturers Association.
Copeland Corporation.
Day Supply Company.
Dow Chemical U.S.A.
E.I. Dupont De Nemours and Company.
E.V. Dunbar CO.
Eastman Kodak.
Ebco Manufacturing.
Electrolux/White Consolidated.
Elf Atochem North America, Inc.
Elliott-Williams Company, Inc.
Engineering & Refigeration, Inc.
Falcon Safety Products, Inc.
FES Inc.
Flex-O-Lators, Inc.
Foam Enterprises, Inc.
Foamseal, Inc.
Food Marketing Institute.
Foodservice & Packaging Institute.
Ford Motor Company.
Forma Scientific.
Fox Appliance Parts of Augusta.
Franke Filling, Inc.
Fras-Air Contracting.
Free-Flow Packaging Corp.
Freightliner Corporation.
Gardner, Carton & Douglas.
Gebauer Company.
General Electric Company.
General Motors.
Graineer.
Gulfcoast Auto Air.
H.C. Duke & Son, Inc.
Hale and Dorr.
Halocarbon Products Corporation.
Halsey Supply Co., Inc.
Harold Electric Co.
Henry Valve Company.
Highside Chemicals.
Hill Refrigeration Corp.
Howard/McCray Refrigerator Co., Inc.
Hughes Aircraft Company.
Hussmann Corporation.
ICI Americas Inc.
IG-LO, Inc.
Illinois Supply Company.
IMI Cornelius Company.
Institute of Heating & Air Conditioning Industries.
Institute of International Container Lessors.
Integrated Device Technology Inc.
International Assoc. of Refrigerated Warehouses.
International Cold Storage Co., Inc.
International Mobile Air Conditioning Assoc.
International Pharmaceutical Aerosol Coalition.
Interstate Truckload Carriers Conference.
Johnson Controls.
Joseph Simons Co.
Keyes Refrigeration, Inc.
King-Weyler Equipment Co., Inc.
Kline & Company Inc.
Kraft General Foods.
KYSOR WARREN.
LaRoche Chemicals.
Lennox Industries.
Liggett Group Inc.
Lintern Corporation.
Lorillard.
Lowe Temperature Solutions.
Luce, Schwab & Kase, Inc.
Malone and Hyde Inc.
Manitowoc Equipment Works.
Marine Air Systems.
MARVCO Inc.
Maytag Corporation.
McGee Industries, Inc.
Mechanical Service Contractors of America.
Merck & Co., Inc.
Metl-Span Corporation.
Miles Inc.
Mobile Air Conditioning Society.
Monsen Engineering Co.
Montgomery County Public Schools.
Moog Automotive Inc.
Moran, Inc.
Nat. Assoc. of Plumbing-Heating-Cooling Contractors.
National Assn. of Food Equipment Manufacturers.
National; Automobile Dealers Association.
National Refrigerants, Inc.
National Training Centers, Inc.
NC State Board of Refrigeration.
Neaton Auto Products Mfg., Inc.
New Mexico Engineering Res. Instit.-U of NM.
North Colorado Medical Center.
Northern Illinois Gas.

Northern Research & Engineering Corporation.
Northland Corporation.
Norton Company-Sealants Division.
O'Brien Associates.
Omar A. Muhtadi, Inc.
Omega Refrigerant Reclamation.
Orb Industries, Inc.
Patterson Frozen Foods, Inc.
Peirce-Phelps, Inc.
Pennzoil Company.
Perlick Corporation.
Polyisocyanurate Insulation Manufacturers Association (PIMA).
Polycold Systems International.
Premier Brands Ltd.
Ralph Wright Refrigeration.
Rawn Company, Inc.
Reeves Refrigeration & Heating Supply, Inc.
Refrigeration Engineering, Inc.
Refrigerant Management Services.
Refrigeration Service Engineers Society.
Refron.
Revco Scientific.
Rhode Island Refrigeration Supply Comp, Inc.
Ritchie Engineering Co., Inc.
Rite Off.
RJR Nabisco.
Robinair Division, SPX Corp.
RSI Co.
Rule Industries, Inc.
SCM Gidco Organics.
Scott Polar Corporation.
Service Supply of Victoria, Inc.
Servidyne Inc.
Sexton Can Company.
Sheeting, Metal Air-Conditioning Contractors National Association (SMACNA).
South Central Co., Inc.
Southern Refrigeration Corp.
Society of the Plastics Industry (SPI).
Sporian Valve Company.
Spray, Inc.
Stoeiting, Inc.
Sub-Zero Freezer Company, Inc.
Superior Valve Company.
TAFCO Refrigeration Inc.
Tech Spray, Inc.
Tecumseh Products Company.
Tennessee Eastman.
Tesco Distributors, Inc.
Thermal Engineering Company.
Thermo-King Corporation.
Thompson Publishing Group.
Thompson Supply Co.
Thorpe Supply.
Tolin Mechanical Systems Co.
Tomen America Inc.
Trane Company.
Tropicana Products Inc.
Tu Electric.
Tyler Refrigeration Corp.
Union Chemical Lab. ITRI.
United Refrigeration, Inc.
Unitor Ships Service, Inc.
University of Maryland at Baltimore.
University of Wisconsin-Madison.
Valvoline Oil Company.
Venable, Baetjer, and Howard.
Vulcan Chemicals Co.
W.A. Roosevelt Company.
W.M. Barr and Company.
Wawa, Inc.
Weinberg and Green.
White & Shauger, Inc.
Willam F. Nye, Inc.
Wynns Climate Control.
York Division, Borg-Warner Corp.
York International Corporation.
Zero Zone Refrigeration MFG.
Zexel USA.

Mr. DASCHLE. Mr. President, I strongly support the amendment offered by Senator JEFFORDS, which would make $100 million available for participation by the United States in the Montreal Protocol Facilitation Fund and the Climate Change Action Plan green programs. This funding is critical if we are to protect the ozone layer from further erosion and continue our progress in helping American industry become more energy-efficient.

The Montreal Protocol Facilitation Fund helps implement the international phaseout of CFC's—chemicals that deplete the ozone layer. In turn, it helps make the lives of every American safer and healthier, protecting us from radiation that causes skin cancer.

To date, the Fund has provided over $300 million for almost 900 activities in 80 developing countries around the world. These projects have resulted in the elimination of over 55,000 tons of ozone-depleting chemicals—representing roughly 25 percent of the developing nation's ozone-depleting chemical use.

Why does this effort merit the Senate's support? Let me suggest two reasons.

First, developing countries are rapidly industrializing, making choices about the technologies they will employ to improve their standard of living. The choices they make will affect the health of everyone who inhabits this planet, and Americans are no exception.

Developing countries can profit from the lessons of more developed countries and avoid the environmentally damaging mistakes that have already been made. Or, they can follow the path of least short-term resistance and make the current ozone depletion problem even worse. If developing nations chose to industrialize using ozone-destroying CFC's, then all countries could suffer, since the ozone hole will continue to grow.

Second, American businesses benefit from the global market for ozone-friendly equipment created by this international effort. To date, U.S. companies have sold millions of dollars' worth of equipment designed to prevent the release of ozone-destroying compounds as a result of the program. Clearly, further investment by the United States in this program is very much in our interest.

In addition to eliminating funding for the Montreal Protocol Facilitation Fund, the VA–HUD appropriations bill cuts $90 million from the Climate Change Action Plan green programs. The Jeffords amendment would restore most of this funding.

The cuts in this account primarily affect EPA's green programs. The Green Lights Program, for example, provides information, training, technical reports, and other assistance, but not direct financial assistance, to companies to encourage them to invest in highly energy-efficient lighting, heating, and cooling technologies designed to save energy.

In my view, these programs represent the type of public/private initiative we should be encouraging—a government and industry partnership that protects the environment and reduces our consumption of energy, thereby making domestic industries more competitive.

Green Lights is so popular that businesses throughout the country have signed up. Nearly 2,000 businesses and other institutions participate in the program today.

In my home State of South Dakota, Gateway 2000 and the State government both are participating in the Green Lights Program. It has been a great success, saving energy, reducing costs, and cutting pollution.

Mr. President, I commend Senator JEFFORDS for offering this amendment and urge my colleagues to vote to restore the funding for the Montreal Protocol Facilitation Fund and the Climate Change Action Plan green programs.

Mr. BIDEN. Mr. President, I rise to join with my colleague from Vermont, Senator JEFFORDS, in support of the Montreal Protocol Fund—an extraordinarily successful multilateral agreement to phase out the use of ozone-depleting chemicals.

Since the early 1970's, scientists from both academia and the business community have warned us that the use of chlorofluorocarbons—commonly known as CFC's—as refrigerants and solvents damages the Earth's stratospheric ozone shell.

This ozone shield absorbs some of the sun's harmful ultraviolet, or UV radiation. Increased amounts of this radiation will raise the risk of skin cancer and cataracts, impair the functioning of human immune systems, and could adversely impact the global food supply.

As a direct consequence of CFC use, scientists identified literally a hole in the ozone layer over Antarctica, in 1985.

An intensive investigation concluded that this hole, which increased each consecutive year from 1990 to 1994, and which is expected to enlarge again this year to over 3.9 million square miles—roughly the size of Europe, was caused by chlorine from dissolved CFC compounds.

The ensuing inquiry also detected falling concentrations of ozone over the North and South Temperate Zones—the former includes the United States incidentally.

In response to this growing threat, 47 of the world's developed and developing countries joined together in September 1987, and formed the Montreal Protocol.

This agreement bound the leading ozone-using countries to first freeze, and later phaseout, the use of these chemicals.

At present, over 120 countries have voluntarily signed onto the Protocol, making it the broadest and most successful international collaboration in world history.

Protocol member nations have accelerated the CFC phaseout schedule twice, and have agreed upon a complete

elimination of halons in 1994, and of CFC's by the end of this year.

Protocol member nations also recognized that the disproportionate reliance upon ozone-depleting substances by the developing world threatens to eliminate any progress.

Consequently, 30 developed nations formed the Montreal Protocol Fund in 1990, to provide technical assistance to developing nations, as they make the transition to less harmful technologies.

To date, roughly $350 million has been committed for 900 projects in more than 85 developing countries. When fully implemented, these projects are anticipated to cut the developing countries' use of ozone-depleting chemicals by almost one-third—55,000 tons.

A recent report produced under the auspices of the United Nations Environmental Program indicates we are making some headway—since 1989, the rate of growth of major ozone-depleting substances in the stratosphere has declined significantly.

Yet, further reducing CFC's remains critical. Earlier this year, the World Meteorological Organization reported that ozone levels were 10 to 15 percent below long-term averages, with a 35-percent depletion over Siberia. In fact, the past 3 months saw the most depletion ever.

Mr. President, the United States is responsible for a small portion of the Montreal Protocol Fund's resources. Yet, even though we have the most to gain, we are currently $28 million in arrears.

Shrinking away from our commitment, going back on our word as the committee has suggested by eliminating the account, will severely hamper developing countries' transition to non-CFC technologies.

Additionally, our industrial allies will likely refuse to adopt added measures to further reduce ozone-depleting chemicals which are not currently controlled.

Many American businesses, which are now world leaders in the manufacturing of non-CFC refrigerants and solvents, will also suffer.

Mr. President, regrettably, my home State of Delaware is one of the national leaders in terms of the incidence of cancer. Delaware ranks among the top 10 nationally in breast, lung, and bladder cancer.

We have put a lot of work into identifying the causes, but we don't yet know what in our environment, or what aspects of our behavior, are leading to these cancer cases.

For that reason alone, Mr. President—and perhaps it is a selfish reason and I make no apologies—I want to prevent the increase of cancer-causing UV radiation.

Delaware is a coastal State, and during the summer months hundreds of thousands of people flock to our shoreline to enjoy our beaches. I don't want these people or anyone in America, to unknowingly be exposed to harmful doses of UV radiation because this Nation walked away from its responsibility.

The Montreal Protocol is enormously successful, and we are making solid, substantial progress in decreasing the use of CFC's in the developing counties.

This success needs to be continued. I urge my colleagues—support this worthy program and send a signal to the world community that America remains a leader.

Mr. JEFFORDS. Mr. President, I ask unanimous consent to add as a cosponsor Senator COHEN, Senator LUGAR and Senator WELLSTONE.

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

Mr. JEFFORDS. Mr. President, I have no further requests to be heard from any of the Members I am aware of.

Mr. BOND. Mr. President, we are willing to accept the amendment on this side.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I believe there is no objection on the other side. I think we are therefore ready to go to a vote.

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

The amendment (No. 2783) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 2784

(Purpose: 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)

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

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Maryland will be set aside.

Mr. BOND. Mr. President, I believe that we have discussed previously the possibility of a time agreement on this amendment.

I understand the proponent of the amendment is willing to accept a 30-minute time agreement, equally divided in the usual form, provided there is no second-degree amendment. Is that the understanding?

Mr. ROCKEFELLER. The Senator is entirely correct.

Mr. BOND. May I ask which amendment he just sent forward?

Mr. ROCKEFELLER. I wanted to lead off with the amendment relating to the mentally disabled veterans.

Mr. BOND. And the second amendment?

Mr. ROCKEFELLER. Would have to do with veterans' health care.

Mr. BOND. Is the Senator agreeable to a 30-minute time agreement equally divided in the usual form for that amendment as well?

Mr. ROCKEFELLER. I am indeed.

Mr. BOND. Mr. President, I ask unanimous consent that on these two amendments the time be equally divided, 30 minutes in the normal form on both sides with no second-degree amendments.

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

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for himself, Ms. MIKULSKI, Mr. LEAHY, Mr. WELLSTONE, and Mr. DORGAN, proposes an amendment numbered 2784.

Mr. ROCKEFELLER. 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 16, beginning with line 20, strike all through page 17, line 5, and insert the following:

SEC. 107. Section 105(b) of House Concurrent Resolution 67 (104th Congress, 1st Session) is amended to read as follows:

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

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

''(B) The Chair of the Committee on the Budget shall file with the Senate revised allocations, aggregates, and discretionary spending limits under section 201(a)(1)(B) increasing budget authority by $170,000,000 and outlays by $150,000,000.

''(2) COMMITTEE ON FINANCE.—Funding for this section shall be provided by limiting any tax cut provided in the reconciliation bill to families with incomes less than $100,000.''.

Mr. ROCKEFELLER. Mr. President, my amendment is very simple. It would strike a provision of the appropriations bill which seeks to limit compensation benefits to certain veterans who are disabled by mental illness, and offset the savings that would result from the enactment by limiting any tax cut under the budget resolution to families earning less than $100,000.

Mr. President, the choice posed by my amendment is, again, simple and, I think, straightforward. Do we favor tax cuts for the wealthy or benefits for mentally disabled veterans? I trust the answer will be obvious.

The Appropriations Committee would reenact a 1990 provision which cut off VA compensation benefits to mentally incompetent veterans who have no spouse, children, nor dependent parents, when the veteran's savings reached $25,000. Payments were resumed when the savings fell to $10,000.

This provision expired at the end of 1992. Attempts to reenact this provision were rejected by the House and Senate Veterans Affairs' Committees in both 1993 and again this year, 1995, in our reconciliation efforts. It is bad policy, and, in any event, it does not belong in an appropriations measure.

Mr. President, some may argue that suspending compensation to mentally disabled veterans when their savings reach $25,000 prevents uncaring heirs from acquiring funds amassed through the receipt of VA compensation benefits. Indeed, that is usually the argument which is used against this. While it is undoubtedly true that this will happen in a few cases—that is, that individuals truly remote from the mentally incompetent veteran will receive moneys on the death of that veteran—it is equally true that it does not happen in the great majority of cases in which a mentally incompetent veteran dies without a spouse, child, or dependent parent. In fact, to the contrary, in many cases there are other family members—nondependent parents, brothers, sisters, uncles, aunts, or cousins—who have been involved with the veteran and the care of the veteran.

Also—this is important to note—there is absolutely no reason to suppose that the situation of funds going to so-called remote heirs occurs any more frequently with mentally incompetent veterans than with other seriously disabled veterans who have acquired significant savings based upon their receipt of compensation.

If there is indeed some interest in ensuring that savings derived from VA compensation not go to remote heirs, then the law should be changed to provide that the cutoff in compensation apply across the board to everyone. I do not believe that this is something the Government should do only for those who are mentally incompetent, disabled veterans.

If we are to undertake this policy—and I would not favor that—it must be done in a fair, across-the-board fashion. Otherwise, we single out mentally disabled veterans and in that classic sense discriminate against them when, of course, they are unable to do anything about this themselves.

Mr. President, on its face this provision discriminates against one small group of veterans: those who are mentally disabled. There is no sound policy reason for allowing a competent disabled veteran to save money that could possibly go to remote heirs upon the veteran's death, while limiting savings of a mentally incompetent, disabled veteran. There is a rather important matter of fairness involved here.

This provision would do terrible harm to families who sacrificed to provide care for their mentally incompetent son or daughter. In many cases, parents who act in fiduciary roles build savings so that when the parents are deceased, there will be enough money to care for the disabled veteran. Under the proposal, families could not accomplish this goal.

Another outcome of the 1990 provision was that many veterans and their guardians did very creative things to circumvent the law. For example, mentally incompetent veterans arranged marriages in order to avoid losing their compensation. Others made large purchases of unneeded property or cars to lower their savings or otherwise disburse their savings. Guardians in these cases often consented because it was better to expend those savings than to lose VA compensation altogether. We can expect more of the same if this proposal becomes law. By cutting off payments, the provision punishes the veteran whose guardian conscientiously administers the veteran's funds, while it rewards the guardian who allows the veteran to spend frivolously everything that he gets.

Mr. President, I note that all of the major veterans service organizations oppose this provision, some of them very strongly. They generally believe, as I do, that there is no justifiable reason for singling out these veterans for discrimination solely because they are mentally disabled.

Also, as I noted briefly earlier in my remarks, this provision is a clear example of authorizing legislation on an appropriations bill. That is not considered lightly around here. The Veterans Affairs' Committee considered this provision as part of meeting our reconciliation mandate under the leadership of Chairman SIMPSON, and we rejected it. That is the business of an authorizing committee. It should not be resurrected in the guise of an appropriations issue.

Mr. President, for all of these reasons, I urge my colleagues to join me in supporting this amendment to remove this onerous provision from the appropriations bill.

I yield the floor and thank the Chair.

Mr. BOND. Mr. President, I yield myself such time as I may require.

Mr. President, this is an effort again to deal with some very, very tight funding problems. We recommended, and the committee accepted, that the incompetent veterans provision included in the House stay in the Senate bill. It limits the provision, as we said earlier, in order to save $172 million in budget authority and $157 million in outlays.

As a result of this provision, the subcommittee was able to provide an increase for VA medical care. It does say that where a mentally incompetent veteran has neither dependent children, dependent spouse, nor dependent parents, when the value of the veteran's estate exceeds $25,000, until the estate is reduced to $10,000, there will be no payments. These are for veterans whose needs are being fully cared for by the Veterans Administration. This is a veteran who has no dependents. This is the ultimate estate builder plan. These are veterans who are in very difficult circumstances. The people who will benefit from the payments made by the VA are heirs, not dependent heirs.

Frankly, the offset provision which purports to deal with tax cuts is thin air. It is absolute vapor. It proposes some budget gimmickry, but, frankly, what this amendment does by raising spending by the amount of $172 million in budget authority and $157 million in outlays is to say to our children ''We've got you. We are going to put this estate builder program on your credit card.''

This is a violation of the budget that is proposed and been adopted by Congress. If this provision were to succeed, it would have the impact of busting the agreement to achieve a zero deficit by the year 2002.

Imagine how difficult it would be to tell your children or your grandchildren, ''I just decided that we don't need to stop spending on your credit card. We're going to provide an estate builder plan for incompetent veterans, people who served the country well but who are being fully cared for by the Veterans Administration so their nondependent heir, not their wife, not the dependent child, not the dependent parent, but some farther away heir will receive the bonus that has been built up by these payments.''

In September 1980, the Comptroller General, as written by the former chairman of the House Veterans' Affairs Committee, said, ''Congress intended distant relatives should not be enshrined to receive benefits of veterans or their immediate families. However, large estates consisting of VA benefits are evidently still enriching distant relatives who may have had very little to do with the veteran and were not affected by his service to the United States.''

The VA inspector general conducted an audit of the VA's fiduciary program and recommended legislation to limit compensation payments. The IG found numerous instances of substantial estates being inherited by distant relatives.

An incompetent veteran of World War I emigrated from Lithuania in 1907 and died in 1978, leaving an estate of $87,900, of which $77,800 came from VA benefits. The estate went to six nieces and nephews living in the Soviet Union.

There are many other examples like that. But the basic argument is we have a very tight budget, and it was our decision in recommending to the subcommittee, which the subcommittee recommended to the full committee, which the committee recommended to this floor, we could better spend the $172 million in ensuring that current veterans receive medical care that they need. This was a very important part of the increase that we were able to give in veterans medical affairs.

When the time comes, I will raise a Budget Act point of order to this measure.

I yield the floor.

Mr. President, how many minutes would the Senator from Wyoming like?

Mr. SIMPSON. Seven minutes.

Mr. BOND. I yield 7 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, again, one of these difficult issues that are filled with emotion. I have chaired the Veterans Affairs' Committee for several years. Senator Cranston chaired the committee, Senator MURKOWSKI, Senator ROCKEFELLER. It is a remarkable committee that does tremendous things for veterans, and I very much enjoy having Senator JAY ROCKEFELLER as the ranking member. We work closely together. His staff and my staff work closely together.

This is an honest difference of opinion, but again it is one of those that have a ring—a tug at the heart—and I have been through a lot of these through the years, because if you resist this, then it will go out on the wavelength that somehow you do not care about veterans; you are cold and mean spirited and heartless.

This one you want to pay close attention to. This is a serious issue that is not leaving any single veteran unattended.

We are talking here about an incompetent veteran. We are talking about a person that cannot manage their assets. They have a conservator or a guardian.

What we are providing here, it seems to me to make eminent common sense. We are going to suspend the VA disability compensation payments in the case of an incompetent veteran with no dependents whatsoever.

If you really want to get a look at what we are talking about, we are talking about a person perhaps in a nursing home or some other institution who is totally incapable of functioning, with not a single person that comes to see them on Christmas or New Years or Easter, not a single dependent ever shows up at the door.

We are talking about not including the value of a home in computing the size of the estate, and we are talking about the fact that if a person in that status accumulates over $25,000, we stop. And the purpose of stopping is so that a nondependent heir does not inherit something which is totally a windfall—because the veteran did not need it at all. The veteran's necessities as an incompetent are totally taken care of—food, shelter, clothing. This is for expenses that he or she did not need. That is why it accumulated in a bank account, and that is why it should not go to a nondependent relative who had no desire to care for or even see the person.

So if you want to get into the emotion of it—and we always usually do—then remember this is a pretty tragic situation. So we are saying, I think in a very magnanimous way, if it gets above $25,000, we are going stop it so it will not get up to $100,000 and go to somebody who does not care about the veteran. The veteran will be totally taken care of; every single need will be taken care of. I know that and you know that. And then here is the key.

If this drops below $10,000, you start the money coming again. Now, that is what we have here, to save $170 million. If it drops below $10,000, it starts again. If it gets above $25,000, it stops.

And what is the money for? The veteran. And he is not using it, so why let it go to $60,000, $70,000, or $80,000. And it only affects veterans who are not competent in any way to handle their money. These payments are made to provide for the living expenses of disabled veterans. They are not being used for that purpose. The money is not paying for clothes or food or shelter. It is a accumulating, and it will be ultimately passed on to nondependent heirs.

This provision does not affect the standard of living or the condition of living of any veteran because the veterans involved are not now spending the money. If the benefit money is being expended to support the veteran, then the money would not be building up in the bank, and the provision in the bill would not kick in. It is that clear.

The amendment is actually an assault on the budget resolution. The cost of this amendment would be offset by reducing the amount available to the Finance Committee to reduce the tax burden imposed on the American people and the American economy. We will hear over and over and over in these next days that Senators must either vote for a tax cut for the rich or vote for disabled and helpless veterans, one or the other.

That is a sad choice and quite an extraordinary rigging of the amendment. But we will see a lot of those in the days to come, many, many of those. I personally do not favor a tax cut for the rich or the poor. So at least I am on record on that because we are going to deal with the $5 trillion debt limit in the next few days. And we will deal with Medicare and Medicaid and let that go up 6.4 percent, and that will be called a savage cut from coast to coast.

We do not do veterans any favor if we use them as a point man. I was in the infantry. I do not know where others served, but it was not fun to be a point man to begin to do any kind of military activity. And certainly you cannot use veterans as point men to begin dismantling the national effort to try to bring the deficit under control and provide some relief to Americans aged between 18 and 45 who will have nothing in 30 years. And nobody talks about them and that period of time.

We always talk about 1 year. We have a Secretary of Veterans Affairs, a Cabinet Member, who will not go past 1 year in his dealings with telling the American veterans what is going to happen to them.

And so these are the troublesome things. We do veterans no favor at all if we use them as point men for including spending for a program without at the same time reducing spending in another program. We do veterans no favor if we enact legislation that really has the effect of enriching only their nondependent relatives after their death, people who have not cared a whit about them.

I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 7 minutes 43 seconds.

Mr. ROCKEFELLER. Mr. President, I yield 2 minutes to the esteemed Senator from Maryland, Senator MIKULSKI.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I thank the Senator for yielding.

I want to congratulate him on his advocacy for veterans. I thank him for coming here this evening to offer his amendment, the kind of cultured cooperation we have here in the U.S. Senate. And I particularly want to thank him for his advocacy for veterans health care.

I am proud to be a cosponsor of the Rockefeller amendment to strike the provision contained in the committee bill which would deny benefits to those veterans who have become mentally incapacitated.

The bill before us reinstates a provision of law that was expired in 1992.

The provision contained in this bill suspends benefits to veterans who are mentally incapacitated with no spouse or children when their estates reach $25,000. It would allow payments to be resumed when the value of the estate falls to $10,000.

Section 107 of the committee bill discriminates against a small group of veterans, those who have become incapacitated as a result of mental illness or disease.

There simply is no sound policy reason to single out these veterans and deny them their benefits.

The provision contained in the committee bill is an affront to veterans.

By including this provision, the committee is going after those veterans who have become completely incapable of defending themselves, taking their benefits, and then using their money to cover even deeper cuts in the VA medical care budget.

Aside from the fact that this provision discriminates against a small group of veterans, it also: denies parents who are caring for the disabled veteran the ability to accrue savings needed to care for their son when the parents dies; experience has shown that guardians and trust officers responsible for the care of these disabled veterans are unwilling to continue their responsibilities if benefits are interrupted; and the provision, when it was law

under the 1990 Budget Reconciliation Act, led to a variety of unintended consequences that were destructive and demeaning to veterans such as arranged marriages to avoid the law, and the purchase of unneeded property or cars in order to keep the estate value down.

Mr. President, we've seen enough to know that this is bad policy and bad law.

If we don't stand up for these veterans, who will?

I urge my colleagues to support the Rockefeller amendment.

I want to make one point perhaps that has not been discussed in the debate, which is about the parents of the mentally incompetent veteran.

You see, parents are very much concerned about their—primarily their son, sometimes their daughter—who is disabled and the need to keep some type of saving to care for their son or daughter when these parents die. Experience has shown that guardians and trust officers responsible for the care of these disabled veterans are unwilling to care for them if benefits are interrupted.

The other thing that happens is that in order to keep some kind of asset base, they kind of get into phony, manipulatory things. They will want to try to buy a car or a new property and so on. This is not the veteran. This is not the people who fought at Iwo Jima or Pork Chop Hill or the Mekong Delta. These are honorable men and women who do that. And I think that what we need to do is make sure that we do not have bad policy become not good law. And I really support the Senator's amendment. These are people who have come to a point in their life where they are unable to think for themselves and in many instances unable to care for themselves. We are asking that a safety net be provided. And when they join the U.S. military, it is not an asset test.

So I hope that the Senator's amendment prevails, and I hope his advocacy continues.

Mr. ROCKEFELLER. This Senator thanks the distinguished colleague from Maryland.

Mr. President, I will use my remaining time to say the following. In 1992, Senators HATFIELD and DOMENICI and Kasten wrote to the President of the United States, President Bush, about precisely this subject. And they said in a letter, which I ask unanimous consent be printed in the RECORD, the following:

> . . . based on ''irrational discrimination against the mentally disabled . . . the virtually exclusive, if unintended result is impermissible discrimination against mentally incompetent disabled veterans.''

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

U.S. SENATE,
Washington, DC, March 16, 1992.

DEAR MR. PRESIDENT: On February 3, 1992 the U.S. District Court for the Southern District of New York temporarily restored the right of mentally incompetent veterans to receive disability compensation. These benefits were being denied to this select group of veterans because of a provision in FY '90 OBRA.

We believe that the ruling of temporary injunction by Judge Shirley Wohl Kram should not be appealed. We agree with her statement that the current statute is based on ''irrational discrimination against the mentally disabled. . . . the virtually exclusive, if unintended result is impermissible discrimination against mentally incompetent disabled veterans.''

Mr. President, we ask that you recognize the harm caused by this discriminatory provision and urge you to withdraw your appeal of this temporary injunction.

Best regards,

ROBERT W. KASTEN, Jr.
MARK O. HATFIELD.
PETE V. DOMENICI.

Mr. ROCKEFELLER. Mr. President, people talk about people with remote heirs and people who may care for mentally disabled veterans as if they did not really care. They say, why would one care for a mentally incompetent veteran? Well, I am sorry, but there are people who do care. And there is nothing in the law which says that you have to care to 20 percent or 70 percent or 90 percent for this to be fair.

There is no justification for singling out mentally disabled people for discriminatory treatment. None. We have not said they are entitled to compensation only if they are poor. The law does not say that. We have not said they are entitled to compensation only if they have savings less than $25,000. And we have not said they are entitled to compensation only if they have no money from anywhere else, like so many Members of this body do who do not have to worry about things like this. These are people who have people who care about them. To assume they do not is not in line with thinking about family values.

We have said that they are entitled to compensation for their disability based on their disability. And that is what my amendment asks for.

Are we prepared to say now that for some reason the mentally disabled are somehow less entitled solely because they are mentally disabled? Is that what those who oppose this amendment would do? The Senator from West Virginia will not join such an effort.

I hope very much that my amendment will be accepted. I think it is right, fair, reasonable, just, and nondiscriminatory.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from West Virginia has yielded back his time.

Mr. ROCKEFELLER. I urge adoption of my amendment.

Mr. SIMPSON. How much time is remaining, Mr. President?

The PRESIDING OFFICER. There is 2 minutes 6 seconds left remaining of the time for the opponents of the amendment.

Mr. BOND. I yield the distinguished Senator from Wyoming 2 minutes.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I hope this debate does not come down to who cares more about disabled veterans or homeless people or the lesser in society. That is not what this amendment is about. That truly is a mind-boggling thing to think that there are some people in this Chamber who care less about other people in society. We all have the same level of care toward the lesser in society.

Since I have chaired this committee, we have doubled the veterans benefits. The veterans budget when I came to this Chamber 17 years ago was about $20 billion, and we are going to do something which puts it close to $40 billion. And the veterans population is declining. And if anyone can say that we do not take care of veterans, it is usually nonveterans or people who were never overseas or never involved with veterans who say that.

And I am not making a reflection on anyone. When I came to this Chamber, I heard the most stirring debate I ever heard about what we did not do for veterans by a person who had never been in the civil air patrol. I had to listen to one-half hour of unmitigated guff about what we were doing for veterans. Now, that is a tiresome argument, and I do not think it fits in any way of what we do for these fine people, now 26 million, now declining 2 percent per year, who have given much, and we have given them much. And we will continue to do so.

This is a very isolated incident. If we are talking about caregivers and the conflict of interest, is it a conflict of interest for a caregiver to put aside $100,000 if they know they are going to get it? Let us apply this to everybody, competent veterans and incompetent veterans. That will seem to cover it pretty well.

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. 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.

Pursuant to section 302(f) and 306 of the Congressional Budget Act, I raise a point of order against the amendment.

Mr. ROCKEFELLER. Mr. President, I move to waive the application of the Budget Act to the pending amendment.

Mr. BOND. I ask unanimous consent that the amendment and the motion to waive be set aside.

Mr. ROCKEFELLER. Objection is not heard.

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

AMENDMENT NO. 2785 TO COMMITTEE AMENDMENT ON PAGE 8, LINES 9 AND 10

(Purpose: 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)

Mr. ROCKEFELLER. Mr. President, the second amendment I propose is also very simple. It would provide funding for VA medical care at the level requested by the President—that is, $16.96 billion—and would offset the cost of this increase, approximately $511 million, by a reduction in the amount set aside in the budget resolution to cover the revenue loss from any tax cut.

The choice represented by the amendment is simple: Should VA health care be funded at a level which allows it to continue to meet health care needs and demands of those veterans who seek care from the Department of Veterans Affairs, or should medical care be cut so as to fund a tax cut?

The Senator from Wyoming indicated this comparison would be made on a number of occasions, and he is entirely correct. The values implicit in this argument, and how one comes down on this argument, are profound. Obviously, to me the answer is self-evident.

Mr. President, I want my colleagues to understand some of the ways that the level of funding included in the appropriations bill will affect the people who use the VA health care system.

The PRESIDING OFFICER. The Chair asks the Senator to withhold so that the clerk can report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for himself, Ms. MIKULSKI, Mr. LEAHY, and Mr. WELLSTONE, proposes an amendment numbered 2785.

Mr. ROCKEFELLER. 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 8, line 10, strike ''$16,450,000,000'' and insert ''$16,961,487,000''.

On page 22, between lines 4 and 5, insert the following:

SEC. 111. Section 105(b) of House Concurrent Resolution 67 (104th Congress, 1st Session) is amended to read as follows:

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

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

''(B) The Chair of the Committee on the Budget shall file with the Senate revised allocations, aggregates, and discretionary spending limits under section 201(a)(1)(B) increasing budget authority by $511,487,000 and outlays by $511,487,000.

''(2) COMMITTEE ON FINANCE.—Funding for this section shall be provided by limiting any tax cut provided in the reconciliation bill to families with incomes less than $100,000.''.

Mr. ROCKEFELLER. The Senator asks permission to continue.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ROCKEFELLER. Under the bill as reported, VA would be forced to operate at a level below current services. In human terms, 113,000 eligible veterans would be denied inpatient and outpatient care in 1996. In terms of VA's capacity to provide a full range of health care services nationwide, the equivalent of four VA hospitals would have to be shut down; 6,500 VA health care professionals would lose their jobs.

I spent most of the day in the Finance Committee, and people there say that a reduction in the increase in the amount of money put aside for health care is not a cut. They are, of course, entirely wrong. Health care is not like a loaf of bread. A loaf of bread is subject to normal inflation; it goes up a couple pennies a year, whatever. Health care is subject to entirely different influences. It is subject to technology. It is subject to the fact that veterans are aging.

The Senator from Wyoming made the point that there are fewer veterans, but he did not make the point that, in fact, demand for veterans' health care, even with fewer veterans, is increasing. Are we to deny them that? My amendment would seek to try to deny them less.

Mr. President, I ask my colleagues to focus on these repercussions in human terms. I fear too often we hear numbers and we become numb. We lose sight of the human element in what we are doing. If we do not appropriate funds for VA medical care at the level sought by the President, which is a modest level, in my estimation, and which only covers the cost of inflation—not medical inflation but inflation—real people, veterans who answered our country's call, will not receive the health care that they need, the health care that they deserve, the health care that they have been promised.

One can ridicule all one wants the commitment to our Nation's veterans, but it was made, and it is justified. This is not pulling on heart strings. This has to do with whether veterans get treatment for different kinds of conditions which might range all the way from prostate problems to Alzheimer's to other long-term care problems or immediate problems. They are real problems and real people.

I do not say that any person in this body cares for people less than any other person, but what they do about what is available to those people may differ substantially, and in what they do is the judgment about what they feel, in terms of their priorities.

Every VA medical center furnishes vital care to veterans in the geographic regions served. We know that. We stopped all new construction in the Veterans' Committee. We have stopped any major renovation of our current veterans hospitals, many of which were built 75 years ago. The Senator from Maryland mentioned a psychiatric hospital which is literally crumbling on its foundations, but are we doing anything to build that up, to restore it, to improve it? No. So we are not doing that. We are talking here about veterans health care as it exists, to be made available to veterans who need it.

We will deny service to my constituents who are veterans and to the constituents of others who are veterans. Some have disabilities from their service; others were able to complete their service without injuries but are now unable to afford the cost of health care. What do they do if they are unable to afford the cost of health care? We have 40 million, 50 million Americans who do not have health insurance. To deny veterans health care is wrongheaded. We must avoid it, and my amendment will help us to do so.

Mr. President, I find it very ironic that we are being asked to cut VA health care funding below current services, thereby turning veterans away from their health care, just as we conclude a great national celebration of the 50th anniversary of the end of the Second World War, an enormous emotional outpouring.

I remember staying up late one night a couple of weeks ago to watch President Clinton out in Hawaii. C–SPAN did something at 2 or 3 in the morning for an hour, or hour and a half. We have had people talk about it on the floor of the Senate, Senators discussing their service with each other. Powerful, powerful testimony. We have all agreed that these people saved the world.

One thing came through very loud and clear to me during those recent celebrations, and that is how the victory belonged to the GI's—not to me, I was 5 years old, but to the GI's—who fought the battles from Normandy to Iwo Jima. Oh, how we love to talk about that, and ought to and are inspired by it, made better by it.

Mr. President, these are the same GI's who are now veterans in their seventies seeking care from the VA. Not everybody is rich. They say a third of the Members of the Senate are millionaires. Well, we may be out of touch. A lot of those folks out there are not, and they are broke and they need VA, and that is what the VA is there for, to serve them. These same GI's could be turned away from the care they need if the cutback envisioned by the Appropriations Committee is enacted. That hardly seems like a fitting or worthy tribute after all the speeches that we have heard.

I also find it ironic that there are proposals to cut VA below current services at the very time that cutbacks

are being proposed in Medicare and Medicaid. Now, why do I say that? There is every reason to suspect that as individuals are pushed out of those programs because of the changes that are being contemplated, the veterans who have relied on either Medicare, which is being diminished by $270 billion, or Medicaid, which is being diminished by $182 billion, will have to turn to VA for needed health care. I find that ironic.

Mr. President, VA health care is at a crossroads, and many innovative and dynamic changes are happening within the system. We have a lot of improvements that we can make, and they are being done—not all, but some.

Some, as I have indicated, suggest that the number of veterans is declining, and that that, therefore, justifies cutbacks in VA health care. People even laugh at that. Well, it is true that the overall veteran population is coming down. It is now just over 26 million. A few years ago, it was close to 27 million. It is also true the demand for VA health care continues to increase. The question is whether we will meet it under the obligations that we have.

This is a phenomenon—this demand for more health care—that is easy to understand once one realizes that as the population continues to age, the demand for health care services actually is on the rise.

As our veterans age, we must make sure that the promises a grateful nation has made will not be undone as we rush to balance the budget.

I urge my colleagues to adopt this amendment.

The PRESIDING OFFICER. Who will yields time?

Mr. BOND. Mr. President, I yield myself such time as I may require.

Mr. President, it is not hard to see how this Congress has gotten into the habit in the past of spending more money than we take in, of running deficits of $200 billion or more, putting burdens on our economy and terrible burdens on the backs of our children and grandchildren. When we talk about cuts, as my friend from West Virginia has—about draconian cuts in Medicare, when under the budget resolution Medicare will rise per recipient faster than the rate of inflation in coming years, only in Washington, DC, is that a cut.

My colleague from West Virginia is complaining about the draconian cuts in veterans medical care. Our increase in medical care for the VA is the largest in this bill. It will be an increase of $285 million above fiscal year 1995—that at a time when every other aspect of this budget is being cut.

Now, we have a clear choice. We have a clear choice on these two amendments. Neither one of them are offset. There is language in the amendment which purports to change the congressional budget resolution that has been adopted months ago. We cannot do that. This is simply a budget buster. It feels good. If you do not care about the fiscal impact of your irresponsibility, then you can move to waive the Budget Act so that we can go on spending like money is going out of style, because it will go out of style and this second amendment is just another in the same direction.

We have tried to work with the Veterans Administration for the past several months on ways to trim VA's budget, so that the budget of VA will be used to serve the veterans. Unfortunately, the secretary has completely stonewalled and refused to cooperate with it. The secretary of the VA has done everything in his power to torpedo efforts of the Congress to reform the VA medical system, to bring it into the 21st century, to get rid of fraud, waste, and abuse, and to make sure that we use modern techniques to serve our veterans with the high quality of care that this country is capable of providing, but I fear in too many instances does not provide through the VA.

The secretary has sent computer e-mail messages to every one of VA's 220,000 employees decrying the congressional budget resolution and its devastating impact on veterans health care. He has sent messages out to each employee on their pay stubs saying: ''The administration's plan is much better for veterans and their families.''

He has made speeches across the country, talking about bed closures and patients being denied air care. He has impugned the motives of Congress and the congressional budget resolution.

I think it is very, very disappointing that the secretary has chosen to use his efforts on politics rather than on finding ways to serve the veterans better.

He has cited statistics that are overstated, as the GAO has found, or need to be put into context. For example, the secretary said that this measure will result in hundreds of beds being closed. But what the secretary has not acknowledged is that the VA has been, and plans to continue absent any budgetary constraints, to close hospital beds because of the demand for care on an outpatient basis—rather than hospitalization. Since 1989, VA has closed almost 20,000 hospital beds—and the budget has increased each of the years since 1989.

In a September 12 letter to the House Veterans, Affairs Committee Chairman STUMP, GAO found serious flaws in VA's analysis of the possible impacts of the House budget resolution. VA overstated the funds it would need to maintain its current level of services because, according to GAO, it based its projected funding needs on assumptions that there will be an increase in VA workload in fiscal year 1996, and that it will be maintained for the outyears; it limited savings from increases in the efficiency with which services will be delivered, and steadily increasing costs, workload and staffing due to facility activations.

Frankly, the Veterans Administration stands for the status quo. Despite medical practices changing dramatically across this country, despite the declining veteran population, despite mismanagement, the secretary does not want the VA to change.

Mr. President, I am tired of the rhetoric. It is not serving anyone—particularly not our Nation's veterans.

There are few experts on VA who believe that the current quality of management of VA hospitals is adequate. GAO, the Congressional Budget Office, the VA Inspector General, and the veteran service organizations have advocated major changes to the way VA operates.

They have pointed out scores of opportunities for management improvements, which would result in hundreds of millions of dollars of savings—which would improve, rather than hinder quality of patient care.

You can save by shifting from inpatient to outpatient care. The veterans, in their independent budget, recommend shifting inpatient care to an outpatient basis for savings of up to $2 billion. VA estimates it could save $761 million.

The inspector general testified that ''VA does not always receive the best price for pharmaceuticals, for which VA spent close to $1 billion in fiscal year 1994, and millions of dollars in annual cost savings are not realized.''

VA is overpaying in its fee-basis program for outpatient care. Again, the IG audits say the VA could save $25 million.

All of these reforms, like not spending too much on affiliations with medical schools, not providing surgical services at every VA facility, when it is far safer for the veterans to be served in areas where surgical services are performed on a regular basis—all of these are savings that could go to the bottom line of better care for veterans.

Let us be clear. This bill provides an increase for VA medical care. It is an increase. It is $16.45 billion to care for fewer than 3 million veterans—about $5,500 per veteran. The bill seeks only to reduce the rate of increase in VA medical spending by forcing the VA to adopt modern health care delivery methods, reduce bureaucracy and improve management. There is adequate money in this budget—without busting the budget, without destroying the congressional agreement to achieve a zero deficit in 2002—to provide the quality of care that our veterans are entitled to.

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

Mr. SIMPSON. Mr. President, how much time remains?

The PRESIDING OFFICER. Seven minutes twenty seconds are left on the opponents' side, and 6 minutes 12 seconds are left for the proponents.

Mr. ROCKEFELLER. Mr. President, I yield 3 minutes to the distinguished Senator from Maryland, Senator MIKULSKI.

Ms. MIKULSKI. I am proud to be a cosponsor of the Rockefeller amendment, which would restore funding to veterans medical care.

This amendment is about promises made, it's about keeping our commitments.

This amendment is for the GI Joe generation—the World War II generation—our fathers who fought on the battlefront overseas and our mothers who fought on the homefront here in our communities.

This amendment is for the men and women who fought in Korea in an undeclared war; the soldiers who served in Vietnam in an unpopular war; the veterans from the high-tech Gulf war; and, the new veterans from humanitarian missions in Somalia and Haiti.

I have always fought to get them the care they deserve—and they deserve the best.

Although this bill increases the funding level for veterans medical care by $235 million over last year, it is still $511 million below the President's request and $327 million below the House number.

When we compare this year's number to last year's it looks as if the vets are getting a deal. But that is not true. This increase does not keep up with the skyrocketing increase in the cost of health care delivery. The increase does not allow the VA to keep pace with the number of veterans needing treatment—particularly the long term care requirements for the aging veteran population.

It is inevitable that the quality of the health care we promised to our veterans will decrease.

IMPACT OF SENATE FY 1996 MARK

Medical care—Assuming an increase of only $285 million above the 1995 appropriation, the impact in 1996 would be the following.

A reduction of $511 million from VA's request:

A reduction of 6,500 FTE
113,000 fewer vets treated
46,000 less inpatients treated
1,000,000 less outpatient visits

Closing the equivalent of 4 medical centers with an average of 300 beds each.

Mr. President, I recognize the need to balance the budget. But it rubs against everything I believe in to do that on the backs of the GI Joe generation, especially while we pile money up in a slush fund so that we can dole out a tax break to people who are making 6 figure incomes.

So, I think it would be only fair to live up to the long-standing commitments we made with our veterans before we start making new commitments with the wealthiest of Americans.

I certainly hope this Senate will recognize the commitment our great nation has made to its veterans and stand by that commitment by supporting the Rockefeller-Mikulski amendment.

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

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

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

Our Nation's veterans are prepared to sacrifice for the good of this country as they have done so often in the past, but only if the sacrifices they are asked to make are: (1) equitable; (2) reasonable; and (3) 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.

Mr. President, before I conclude I would like to discuss each of the amendments. Amendment No. 2785 would restore to the medical care account $511 million cut from the President's budget for fiscal year 1996. While there may be some doubt as to the validity of VA projections of the precise impact of such a cut on veterans health care, there is little doubt that it would result in some combination of substantial reductions in the number of veterans treated both as outpatients and inpatients as the number of VA health care personnel shrink. According to the VA, this cut could have an impact that is equivalent to closing some sizable VA medical facilities.

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

Mr. President, as I pointed out at a Veterans Affairs Committee hearing a few months ago these cuts could not come at a worse time. We are now talking about cutting $270 billion over the next 7 years from Medicare and making deep cuts in Medicaid. This could lead to a much greater demand for VA services precisely at a time when VA health care capabilities are eroding. Would the VA be able to cope with an influx of elderly and indigent veterans eligible for health care, but currently covered by Medicare or Medicaid? There sometimes is much talk about a declining veterans' population, but much less about an aging veterans' population—one that disproportionately requires expensive and intensive care. What happens if this population grows even more as a result of Medicare and Medicaid cuts? Before veterans fall victim to the law of unintended consequences, I strongly urge my colleagues to give careful consideration to the cumulative impact on veterans' health care of such concurrent cuts in Federal health care funding.

Regarding amendment No. 2784, I was frankly appalled when I learned that both the House and Senate versions of H.R. 2099 include a provision that limits compensation benefits for mentally incompetent veterans without dependents but does not limit benefits for physically incapacitated veterans without dependents—or any other class of veterans for that matter. As I understand it, compensation for service-connected disabilities paid to mentally incompetent veterans without dependents would be terminated when the veteran's estate reached $25,000 and not reinstated until the veteran's estate fell to $10,000.

Such unequal treatment is outrageous and indefensible. How can we discriminate against veterans who became disabled while serving their country only because they are mentally ill. In eloquent and informative testimony before the Senate Veterans' Affairs Committee, Secretary of Veterans Affairs Jessie Brown, who I regard as an outstanding Cabinet officer and a singularly tenacious and effective advocate for veterans, pointed out that the only difference between veterans who have lost both arms and legs and those

who have a mental condition as a result of combat fatigue, is that the latter group can't 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 can't attend to their own affairs. And, I might add that to make matters worse, this provision amounts to means-tested compensation that applies to only one class of veterans—the mentally ill. I am aware that such a provision was enacted in OBRA 1990 and withstood court challenge, but the fact that it was held to be constitutional makes it no less abhorrent. Fortunately, Congress had the good sense to let this onerous provision expire in 1992.

Victimizing the most vulnerable of our veterans while providing tax cuts to our wealthiest citizens smacks of afflicting the afflicted while comforting the comfortable. I urge my colleagues from both sides of the aisle to support amendment No. 2784.

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

The veterans health care and compensation protected by these two amendments are by no means handouts, but entitlements earned by men and women who put their lives on the line to defend this great country. They are part and parcel of America's irrevocable contract with its veterans, a contract that long predates the Contract With America we've 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. BOND. Mr. President, I yield the Senator from Wyoming 4 minutes.

Mr. SIMPSON. Mr. President, again, I speak as chairman of the Veterans' Affairs Committee. There are two facts, alleged to be facts, that are not so.

It has been said in the debate some veterans will be turned away. That may be so, but the care for those nonservice connected is on a space-available basis anyway, and some veterans will not be cared for by the VA no matter what the funding level.

Please hear that. I hope that those who are debating it will hear it. Some veterans will not be cared for by the VA at any funding level you can put up, including the level proposed by my friend from West Virginia.

I commend Senator BOND. He is a fierce fighter for his causes. He had another one that has been erroneously presented. They said there would be no hospital refurbishment. That is wrong. Refurbishment can be funded by minor construction, which is increased by $37 million in this bill.

Let me review the bidding in my years here in the U.S. Senate with this remarkable series of charts. I have never done this, probably will never do it again. Here we are. Look here. When I came to the Senate in 1978 with my good colleague from Montana over there—I see him smiling—when I came here, there was the total VA budget of almost $20 billion. The total health care budget in 1978 was $5.1 billion and is $16.2 billion in 1995. Here is what it is today: Nearly double. The total VA budget is almost $40 billion now. It was $20 billion when I started here 17 years ago.

If you say it is all in paper or the vapors, here is the increase in VA staff by human beings. We are always talking about human beings here, so we want to talk about the human beings that are working for the VA. There are quite a number of them.

Physicians have gone up from 11,200 to 12,300; registered nurses from 26,000 to 37,000; and nonphysician providers FTE, a whole new category of those who serve veterans and who are paid for by the taxpayers were zero in 1975 and 3,079 in 1995. And we hear about veterans growing in number—they are not. We all know that. Here it is: There were 28.5 million veterans in 1978, and we are headed down to the year 2010 where there will be 20 million veterans. When we are finished with this budget exercise in 7 years, there will be 23 million veterans instead of the 26 million today.

If we cannot work through the cloud of vapors about what we do for veterans in this country, then look at this. Here is what we have done in 1978. Here is what we are doing now. Hospital admissions, down now. We are trying to do outpatient instead of inpatient. Look at the outpatient visits: 17.4 million in 1978, versus 25.9 million in 1995. It is tough enough to get things done around here using correct figures. It is impossible to get anything done when you use a combination of emotion, fear, guilt or whatever.

I am proud to be a veteran, very proud to be a veteran and a lifetime member of the VFW and a member of the American Legion and AMVETS, and we do our share. They know it. We know it.

There is not a person in this Chamber that can say in any conscientious way that we have not done yeoman work for our veterans. We will continue to do it for one reason. We will find out when we do this amendment. Mention the word ''veteran'' and hope to get everybody to the floor and vote for it regardless of its sense.

An amendment to increase funding for VA health care sure sounds attractive. Who can be against sick veterans?

We do have an obligation to care for those who are harmed as a result of their military service.

But remember that almost 90 percent of VA patients are being treated for non-service-connected conditions.

And, yes, we do have a policy to care for additional veterans to the extent that resources are available.

But, that does not mean that we have an obligation to make resources available without limit.

America's veterans served to preserve our Republic and to ensure a better future for their own children and grandchildren.

But, the Congress will throw away all that our veterans fought to preserve if we fail to stick to our plan to balance the budget.

The Rockefeller amendment is an assault on the budget resolution and the goal of a balanced budget.

It uses veterans as point men to break down the fire walls that constrain the natural desire of the Congress to spend money.

It will put Senators in the position of voting to fund a tax cut for the rich at the expense of sick veterans.

It does so by providing for $511 million increased spending for VA health care and offsetting the cost by limiting the benefits of a tax cut to families with incomes over $100,000.

Remember that VA health care actually INCREASES in this appropriation.

Remember that VA has never had to try to become more cost effective under the pressure of REAL cost constraints.

The Rockefeller amendment would have the effect of funding continued business as usual.

Mr. DORGAN. Mr. President, I strongly support and am pleased to cosponsor the amendment being offered by Senators ROCKEFELLER and MIKULSKI to add $511 million to the veterans health care component of this appropriations bill. This increase will bring funding in the bill to the level proposed by the President in his fiscal year 1996 budget request.

There is no more patriotic or generous group of Americans than our Nation's veterans. Not only do they care deeply about the national security of this country, they care about its economic health and social welfare as well. But we ought not ask of those who suffered physically or mentally from their military service to make additional sacrifices with regard to the future of their health care system.

Veterans have borne their fair share of budget cuts over the past decade. Their benefits and services over that period have been cut approximately $10 billion. Under the budget resolution passed earlier this year, they are slated to take additional cuts of $6.4 billion over the next 7 years. And in this bill, it's not just any cuts—it's cuts in their health care. Veterans have paid

enough; their accounts should be free and clear.

In establishing priorities in this era of shrinking resources, it is my firm belief that veterans must remain at the top of the national agenda. That has not happened in this bill. The veterans have been short-changed in this legislation, but we have a chance to correct hat mistake by passing the Rockefeller-Mikulski amendment. I don't know how in good conscience my colleagues can oppose it.

The $16.4 billion allocated for veterans health care in this bill is $327 million below the House-passed level, and more than half a million dollars below the President's request. That is unconscionable. Veterans, who put their lives on the line in service to their country, deserve better. The very least they deserve is a quality health care system on which they can rely.

The proposed appropriations level in this bill clearly undermines the VA's ability to fulfill its health care mission to those who have suffered injuries resulting from their military service. And it undermines Congress' longstanding commitment to care for the Nation's veterans. Mr. President, the pot of money available for VA health care in this bill is simply insufficient to maintain current services. That is just plain wrong, and I hope my colleagues will do the right thing today and vote for this amendment.

For those of you who believe that the proposed level of funding will not have an impact—that the VA will be able to absorb these cuts through efficiencies—let me tell you what the VA thinks. They estimate that the proposed funding level will result in 133,000 fewer veterans being treated in fiscal year 1996. They believe that they will be able to treat 46,000 fewer inpatient episodes of care and 1 million fewer outpatient visits. And they believe they will have to reduce employment levels by 6,500—the equivalent of closing four VA Medical Centers with an average of 300 beds each. While these estimates may not be 100 percent on target, I would guess they are pretty accurate. And no one can argue that the proposed reductions are not going to have a serious detrimental impact on the ability of the VA to provide high quality medical care to deserving veterans.

As a Member of the Senate Committee on Veterans' Affairs, I have to tell you that I don't believe our veterans are being treated fairly in this appropriations measure. They deserve better than they are getting in this bill. Therefore, I urge my colleagues to support the Rockefeller-Mikulski amendment to add $511 million for VA health care to this bill which will bring funding up to the level proposed by the President. It is the right thing to do.

Mr. ROCKEFELLER. Mr. President, how much time is remaining to the proponents?

The PRESIDING OFFICER (Mr. GRAMS). Two minutes and three seconds.

Mr. ROCKEFELLER. I ask unanimous consent to yield myself such time as I need.

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

Mr. ROCKEFELLER. I simply conclude this argument by saying the Finance Committee has been meeting all day. They are meeting as we talk. The Senator from Wyoming and I are on that. They are going to pass out—without my vote, but it will happen—the Committee will pass out $450 billion of cuts in Medicare and Medicaid.

I repeat that one can say that there are fewer veterans, but it is also statistically true that the demands by veterans for health care, as the demand for other American citizens for health care, is increasing. It is larger than it was in the previous year.

As a result of what we are doing in the Finance Committee and the cutbacks in Medicare and Medicaid, I envision a substantially increased number of veterans who will not be able to avail themselves, for example, of that assistance to the extent that they could before, and who will, therefore, need to turn to the Department of Veterans Affairs.

To further cut veterans' health care is wrong. Is that emotional? Yes, partly. But mostly it is a promise. It is a commitment. It is a commitment that was made by this Nation and it is a commitment made to no other group in this Nation.

Interestingly, veterans groups are not, as a rule, as caught up in amendments like this as I think they ought to be. I cannot help that. I know what the commitment is. I know what my responsibility is. I know what my 202,200 veterans in West Virginia require. I do not want to let them down.

I hope that the amendment will be looked upon carefully by my colleagues. I yield the floor.

Mr. BOND. Mr. President, I yield myself the remaining time on this side.

The amendment by the Senator from West Virginia purports to deal with cuts in veterans' medical care.

How many times do we have to say it? Veterans' medical care will go up over $200 million from last year and this year's bill. There are reforms needed in the Veterans Administration. I hope that by having brought some light to these, we may encourage the authorizing committee to look at ways in which we can work together to see the quality of that care is increased.

But the amendment by the Senator from West Virginia is very simply a budget buster. There is not an offset. It is a clear-cut attempt to break the agreement, to get us back on the path of spending $200 billion a year in deficits. It is not designed to improve medical care for the veterans. It is designed to break the budget agreement. It cannot at this time amend the budget agreement.

Mr. President, I strongly urge my colleagues not to support the waiver of the Budget Act point of order.

Mr. President, is all time used up on both sides?

The PRESIDING OFFICER. The Senator from Missouri has about a minute and 45 remaining, the Senator from West Virginia has 17 seconds remaining.

Mr. BOND. Will the Senator care to use his 17 seconds?

Mr. ROCKEFELLER. Mr. President, three veterans organizations do support this amendment by their letters. I ask unanimous-consent letters be printed in the RECORD from the Veterans of Foreign Wars, Paralyzed Veterans of America, and Disabled Veterans.

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

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, September 25, 1995.

Hon. JOHN D. ROCKEFELLER IV
U.S. Senate,
Washington, DC.

DEAR SENATOR ROCKEFELLER: It is my understanding that you intended to offer two amendments to H.R. 2099, the ''FISCAL YEAR 1996 VA, HUD, and INDEPENDENT AGENCIES APPROPRIATIONS'' bill. One amendment would restore VA medical funding to the level proposed in the Administration's request and the other would strike the provision terminating VA disability compensation to certain mentally incompetent veterans whose estates are greater than $25,000. The VFW strongly supports both amendments.

For years, the VFW has maintained that VA health care has been sorely under funded. The funding level contained in H.R. 2099 will not only contribute to delayed and denied care, but breaks a solemn promise to veterans that a grateful nation will care for those who have borne the battle.

The VFW also commends you for attempting to rectify a potential precedent setting provision that would deny disability compensation to what may be the most vulnerable of all veterans—those deemed incompetent. This is contrary to all sense of fairness.

Again, thank you for offering these two amendments on behalf of our nation's veterans.

Sincerely,

PAUL A. SPERA,
Commander-in-Chief.

PARALYZED VETERANS OF AMERICA,
Washington, DC, September 25, 1995.

Hon. JOHN D. ROCKEFELLER,
U.S. Senate,
Washington, DC.

DEAR SENATOR ROCKEFELLER: I am writing on behalf of the Paralyzed Veterans of America (PVA) to ask for your support for two amendments that Senator John D. (Jay) Rockefeller, IV, Ranking Member of the Senate Committee on Veterans' Affairs, plans to introduce during the floor debate on H.R. 2099, the VA, HUD, & Independent Agencies Fiscal Year 1996 appropriations bill. These two amendments would ameliorate some of the harshest provisions currently found in H.R. 2099.

The first amendment proposed by Senator Rockefeller would restore $511 million to VA Medical Care for Fiscal Year 1996. These monies are urgently needed by the VA in order to enable it to provide the bare minimum of care needed by veterans. PVA has long advocated the need for lasting and fundamental changes to the way the VA currently provides health care; in the absence of

real eligibility reform simply providing the VA with fewer dollars would only exacerbate and deepen the critical situation faced by the VA, and all veterans that rely upon the VA to provide them with the medical care they so desperately need, and earned.

Senator Rockefeller's second amendment would reverse a provision in H.R. 2099 that would realize cost savings by limiting compensation to certain mentally incompetent veterans. PVA is shocked that this appropriations bill would seek to realize savings from a class of veterans who are incapable of defending themselves. This is truly a case of taking money from the weak and giving it to the strong. Furthermore, we are alarmed by the precedent that this sets: this provision was not recommended by the Senate Committee on Veterans' Affairs, but was rather added by the Appropriations Committee. PVA firmly believes that policy decisions should be made by the respective authorizing committees. Therefore, PVA strongly seeks your support of this amendment, an amendment that would strip this noxious provision from H.R. 2099.

PVA looks forward to your favorable support of these two amendments that Senator Rockefeller proposes to offer, and your continued support of America's veterans.

Sincerely,

GORDON H. MANSFIELD,
Executive Director.

DISABLED AMERICAN VETERANS,
Washington, DC, September 25, 1995.

Hon. JOHN D. (JAY) ROCKEFELLER IV,
U.S. Senate,
Washington, DC.

DEAR SENATOR ROCKEFELLER: On behalf of the more than one million members of the Disabled American Veterans (DAV), I wish to express DAV's deep appreciation for your efforts to amend H.R. 2099, the Fiscal Year 1996 VA, HUD and Independent Agencies Appropriation bill. As we understand them, your amendments will increase funding for VA health care and remove a provision which would means test the service-connected disability compensation payments made to certain mentally incompetent veterans in order to fund VA health care.

We in the DAV find it perplexing that Congress would divert compensation payments from service-connected disabled veterans to increase VA funding for health care, particularly in view of the fact that the veterans' service organizations (VSOs) had presented Congress with a plan to save taxpayer dollars while at the same time increasing access to VA health care.

As you may know, the DAV filed a class action law suit against a similar provision targeting mentally incompetent service-connected disabled veterans which was contained in the Omnibus Budget Reconciliation Act of 1990. In granting DAV's request for a temporary injunction, U.S. District Judge Shirley Wohl Kram found that withholding compensation payments to certain incompetent veterans was based on ''irrational discrimination against the mentally disabled * * * the virtually exclusive, if unattended result, is impermissible discrimination against mentally incompetent disabled veterans.'' The DAV and the Department of Veterans Affairs (VA) ultimately settled this lawsuit resulting in the return of $100 million in compensation payments to these equally deserving service-connected disabled veterans.

Senator Rockefeller, we commend you for your efforts to ensure that Congress provides adequate funding for VA health care and for recognizing the basic unfairness of means testing the compensation paid to a most helpless category of service-connected disabled veterans—those whose service-connected disabilities render them mentally disabled.

Sincerely,

THOMAS A. MCMASTERS III,
National Commander.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. BOND. Mr. President, again I urge my colleagues not to support the Budget Act waiver. We have provided an increase. We are seeking to improve health care for the veterans. This measure simply is an attempt, on a very appealing case, to break the budget agreement. I trust that everybody in this country as well as in this body will understand what this means.

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. Pursuant to section 302(f) and 306 of the Congressional Budget Act, I raise a point of order against the amendment.

Mr. ROCKEFELLER. Mr. President, I move to waive the application of the Budget Act to the pending amendment.

Mr. BOND. Mr. President, I ask unanimous consent the amendment be set aside.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. BOND. Mr. President, I now ask unanimous consent the following amendments be the only remaining amendments in order to H.R. 2099, that they be offered in the first degree or second degree to an excepted committee amendment, and that those offered in the first degree be subject to relevant second-degree amendments: Baucus, EPA provision; Daschle, relevant; Bradley, budget process; Feingold, redlining; Feingold, CDBG; Simon-Moseley-Braun, strike transfer of HUD fair housing office to DOJ; Lautenberg, Superfund/CEQ increase; Chafee, Kalamazoo, MI; Bumpers, reactor sale; Harkin, EPA lead sinkers; Faircloth, occupancy standards; Faircloth, fair housing and free speech; Johnston, environmental technology; Feinstein, CDBG; Feinstein earthquake insurance; cleared managers amendments; and a Bingaman amendment dealing with colonias.

I further ask, following disposition of the listed amendments, the managers be recognized to offer their cleared amendments to be followed by adoption of any remaining committee amendments, third reading of H.R. 2099, as amended.

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

Mr. BOND. Now, Mr. President, in light of this agreement, the leader has authorized me to announce that there will be no further votes tonight. However, votes will be stacked to occur at approximately 9 a.m., Wednesday. Senators who have amendments are urged and begged to remain tonight to debate their amendments.

I now ask unanimous consent it be in order to proceed to the consideration of an amendment to be offered by the Senator from Montana, Senator BAUCUS, regarding EPA provisions, under time limit of 40 minutes equally divided in the usual form and that no second-degree amendments be in order to this amendment.

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

The Senator from Montana.

Mr. BAUCUS. Mr. President I ask unanimous consent Senator MIKULSKI, Senator LAUTENBERG, Senator BOXER and Senator REID be added as cosponsors to the amendment.

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

AMENDMENT NO. 2786

(Purpose: To provide that any provision that limits implementation or enforcement of any environmental law shall not apply if the Administrator of the Environmental Protection Agency determines that application of the prohibition or limitation would diminish the protection of human health or the environment otherwise provided by law)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] for himself, Ms. MIKULSKI, Mr. LAUTENBERG, Mrs. BOXER and Mr. REID, proposes an amendment numbered 2786.

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

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

The amendment is as follows:

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

SEC. 3—. APPLICATION OF LIMITATIONS ON IMPLEMENTATION OR ENFORCEMENT OF CERTAIN LAWS.

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.

Mr. BAUCUS. Mr. President, this amendment is simple. It provides that no environmental rider in the appropriations bill will take effect if the rider would weaken protection of public health or the environment. The amendment sends a strong message: We should not use appropriations bills for back door attacks on environmental protection or the quality of life in America.

To explain why we need this amendment let me put it in perspective. During this Congress there has been a lot of debate about environmental laws. Some of the debate has been pretty heated. But when you strip away the rhetoric, two points become clear. First, the American people want a clean environment. I do not think there is much dispute about that. We

want a clean environment because we want to protect the public health. We know that bad environment tends to degrade public health.

Because we want the high quality of life that comes with clean air and clean water and clean neighborhoods, we feel we need environmental protection laws. And because we feel a responsibility to hand America the beautiful down to our children, we also need environmental protection laws. To have a clean environment we need strong, fair environmental laws.

Second, we want environmental laws that are smart. Not only laws that are strong but that are smart, that make sense; laws that are less burdensome for landowners and for business, more capable of addressing the complex and subtle environmental problems we face today than are the laws America passed 25 years ago.

It is not easy to get such laws. If we want to do a good job, strike the right balance, we need to put in the time and the effort to get it right—roll up our sleeves, do the work, find the right balance between laws that on the one hand protect the environment and on the other hand are not too burdensome, do not require too much paperwork.

It takes work, a lot of hard work. And that is precisely what the House has failed to do. The House version of this bill contains 17 environmental riders designed to weaken environmental laws all across the country. These riders would jeopardize public health. They would jeopardize the quality of life for American families. In most cases, they respond to the demands of special interests rather than to the national interests of strong, efficient environmental protection. And they do the opposite of what the public wants. The riders would make our air and our water dirtier—not cleaner, dirtier. And the riders would make our air and water smellier, worsen threats to public health, and degrade the quality of life.

A few of them are relatively innocuous. For example, the House prevents EPA from implementing the centralized vehicle inspection maintenance program, a program which EPA has pretty much decided not to implement anyway. But most of the riders are anything but innocuous. For example, one would block—entirely block—implementation of the Great Lakes water quality initiative, stop it dead in its tracks. That would halt efforts to take a coordinated approach to pollution from dioxin, mercury, PCB's and other bioaccumulative pollutants in the Great Lakes. Another House rider would block new rules regulating toxic air emissions from hazardous waste incinerators or from oil refineries. That means more, not less but more, cancer-causing chemicals in the air. And, for Americans who live near refineries, it means further years of living in a place that just, simply, smells bad.

Another one—these are the House riders—would block EPA enforcement of the wetlands program under section 404 of the Clean Water Act. Though we all know that we need to reform the wetlands program. I do not think there is a Senator here who has not heard of the need to reform the wetlands program. In Montana, for example, my State, farmers are fed up with the confusion and paperwork over the 404 program.

But the House rider is not reform. It is a complete rollback. It stops the wetlands program dead in its tracks, period. Stops it. We lose thousands of acres of wetlands.

Another would prohibit the implementation of the Clean Water Act limitations on industrial and municipal stormwater runoff. Other riders would stop the implementation of rules for combined sewer overflows. And the list goes on and on.

In each case, Mr. President—this is an important point—there may be a legitimate underlying issue. There probably is a legitimate underlying issue in each case. Take combined sewer overflows, for example. What are combined sewer overflows? First of all, it is a pretty unpleasant situation. They are sewer systems that overflow during heavy rains, thereby pouring raw sewage directly into rivers and harbors and sometimes onto the shore. That is what combined sewer overflows are. There are a lot of them in our country.

Over 1,000 communities have combined sewer overflows. They are a very significant cause of pollution and can cause serious public health problems. It is a major problem in many cities in our country. However, they are difficult and they are expensive to control.

So the old command-and-control approach may not work best in dealing with the problem of combined sewer overflows.

A few years ago, cities and environmental groups negotiated a more flexible approach. That is, both sides, on opposite sides of the problem, got together and negotiated a solution. The Environment and Public Works Committee endorsed this approach in the clean water bill that it reported last year, and the full House did the same in the clean water bill that it reported earlier this year.

What does the House appropriations rider do about this? It is very simple. It prevents the EPA from doing anything to control these sewer overflows. It cannot even enforce the negotiated approach that everyone agreed to. Think of that. It cannot even enforce the negotiated approach that everyone agreed to. As a result, all across the country we will be doing less to reduce the overflow of raw sewage into public beaches.

Clearly, this is the wrong approach to reform. What is the right approach? The Environment and Public Works Committee is working to reauthorize several of the major environmental laws. We are taking fresh approaches. For example, the new version of the Safe Drinking Water Act will dramatically reduce the cost of rules and regulations without weakening the protection of our drinking water. We are doing that. We are reforming the Safe Drinking Water Act in a good, solid, and balanced way.

With some compromises by big business and insurers, we can also get a consensus reform of Superfund, a reform that cuts litigation costs for industry and speeds up cleanup of hazardous wastesites for local families.

Other efforts—some of them even more ambitious—are underway. For example, under the leadership of Senators MIKULSKI and BOND, Congress commissioned a study of EPA by the National Academy of Public Administration. What did that study say? It said essentially that EPA should develop a long-term mission. It said that EPA should delegate more authority to States. And it said we should replace our hodgepodge of environmental laws with an overarching, uniform environmental law.

If we can find consensus on turning these recommendations into law, EPA would be able to focus its efforts on the highest priority threats to public health and the quality of life rather than pursuing this hodgepodge of statutes which currently exists and which, I must say, these riders do not in the remote sense even begin to address. In fact, they go the opposite direction. We could make the environmental protection much more effective if we could adopt these recommendations. Businesses, farmers, and landowners would see paperwork dramatically cut back and compliance with laws made much more simple. The public would see the elimination of needless layers of bureaucracy.

The House riders do none of this. They will simply mean a less healthy, less pleasant life for Americans. It is that simple.

I am pleased to say that this Senate bill takes a much more moderate approach. It does not pursue the draconian riders to the same degree the House does. The Senate bill does contain some restrictions that, to my mind, do not belong. But there are fewer riders in the Senate bill, and several of those reflect previous Senate action and will not undermine environmental protection.

For this reason, it is important for the Senate to make a strong statement against loading this bill up with riders that will gut our environmental laws, degrade the air and water, threaten public health, and worsen the quality of life for hundreds of thousands of Montanans and millions of Americans.

My amendment makes just such a statement. It is very simple. Here is what it says.

. . . any prohibition or limitation in this Act on the implementation or enforcement, or any law administered by the Administrator of the Environmental Protection Agency, shall not apply if the Administrator

determines that the application of the prohibition or limitation would diminish protection of human health and the environment otherwise provided by law.

The amendment would act as kind of a circuit breaker. If the final version of the bill contains environmental riders, the amendment authorizes the EPA Administrator to review the implication of those riders.

If the Administrator finds that the rider threatens public health or the environment, she would invalidate the restriction. In that case, she would continue to apply current law.

As a result, the American people would know that their health, their air, and their rivers and streams are safe.

I ask the Senate to support this amendment, to support the thoughtful environmental reform and to stand up for the quality of life, the public health, and our responsibility to the next generation of Americans.

I reserve the remainder of my time.

Mr. BOND. Mr. President, before I begin, I need to ask unanimous consent to add to the list of amendments that we just adopted the following five amendments due to miscommunication on our side. These were left off.

They are, No. 1, Senator MCCAIN, VA medical care; No. 2, Senator WARNER, EPA contractors; No. 3, Senator SIMPSON, EPA Senior Employment Program; No. 4, Senator CHAFEE, EPA brown fields; No. 5, Senator THURMOND, VA programs.

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

Mr. BOND. I thank the Chair. I thank my colleagues on the other side. I very much appreciate that. I hope we can get all of these amendments together. I believe after we have several of these on which we will have votes—they are very important votes—I believe and hope that we can work out many of these so that they will not require rollcall votes.

Let me address this amendment. Mr. President, maybe I have been on the floor too long today. But this one really amazed me. I listened to a description of the riders, and I soon realized that the riders that my friend from Montana was referring to were riders in the House bill. And we have heard lots of discussion about those riders.

We are talking about the Senate version. The Senate does not have those measures in it. We are not proposing to put those measures in it.

But to remedy those measures, the power that my colleague from Montana would give to the administrator of EPA is totally awesome. The Administrator of EPA under his amendment would be able to have a super veto, would be able to make her own judgment as to whether she wanted to follow a law passed by the House and the Senate and signed by the President. That is truly breathtaking. I do not know when we have ever set up a super-veto power to give the regulator a power to veto what Congress does and the President signs.

I have been around here working on regulatory reform. We have been very careful on regulatory reform to suggest procedures that an agency must go through to make sure they use common sense, to make sure that they have the cost and the benefits considered. If they cannot determine those with exactitude, they need to let us know what they do know. We ask that they use good, sound science. But we were very careful in drafting our regulatory reform bill not to have a supermandate, not to allow the Congress or anyone challenging regulations to go back wholesale and open up a whole series of regulations and overturn regulations.

Here in front of us is a provision giving a supermandate to the Administrator of the Environmental Protection Agency to say, ''In my judgment, that particular statute might diminish the protection of human health or the environment. Therefore, it does not apply.''

I am absolutely overwhelmed at the breathtaking simplicity, straightforwardness and unconstitutionality of the provision. And I am not going to bother to go into any great length discussing the riders. I would just ask my colleagues when they come in tomorrow to take a look at it and see if we want to set the Administrator up somewhere above the Supreme Court.

I appreciate the kind things the Senator from Montana has said about what we tried to craft in this bill. We do want to work with them. Certainly we have been very careful to try to keep the EPA legislative provisions to what we think are reasonable. We look forward to working with them. But I urge my colleagues not to give the EPA, the Administrator, power to veto laws enacted by Congress and signed by the President.

I reserve the remainder of my time.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

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

The PRESIDING OFFICER. The Senator from Montana controls 8 minutes 40 seconds; the Senator from Missouri has 15 minutes 13 seconds.

Mr. LAUTENBERG. Mr. President, I rise in strong support of Mr. Baucus amendment and in strong opposition to the House riders that would substantially weaken environmental and health protections.

The riders approved by the other body are an example of special interest legislation at its worst.

Lobbyists for corporate polluters had a field day. They included a long list of anti-environmental provisions, with little opportunity for serious analysis, hearings or debate.

Unfortunately, these riders are part of a broad assault on our environment by corporate polluters and their Republican allies. These attacks are attempting to turn back the clock on critical environmental protections that have proven highly successful over the past 25 years.

Mr. President, since 1970, smog has decreased 70 percent. Acid rain has decreased 45 percent. Since 1973, the number of lakes and other water bodies that are swimmable and fishable has increased from 40 percent to 60 percent. Since 1988, toxic emissions have fallen by 42 percent.

In other words, we have been making tremendous progress. But unless we hold the line, that progress will unravel. And the end result will be disappearing wetlands, increasingly polluted air and water, and beaches strewn once again with waste.

There are so many problems with the riders in the House bill that I cannot list them all. But let me just review some of the more offensive provisions.

First, the House bill would punch a variety of special interest loopholes in the Clean Air Act. One rider would provide a special exemption for the oil industry, which no longer would have to comply with the Act's hazardous toxic air pollution standards.

Another rider would specifically lower the toxic air pollution standards for cement kilns. Not for any other type of incinerator, just cement kilns.

Then there is a provision that would exempt the oil and gas industry from risk management requirements. The result of that loophole would be to exclude 45,000 facilities from standards that are designed to protect workers from injuries and deaths resulting from accidental chemical releases.

That is a particularly offensive loophole to me because a recent explosion in a chemical factory in Lodi, NJ, could have been prevented if a risk management plan was in place.

Another rider would essentially make the Clean Air Act voluntary. This rider eliminates EPA's ability to impose sanctions, even if a State fails to submit a permit program or proves unable to implement its own permit program. This would rip the heart out of the Clean Air Act.

I am also concerned about a House rider that would badly weaken the so-called right to know law that sponsored.

The right to know law is arguably one of the most effective environmental laws on the books. It has no prescriptive requirements, yet it has led to more voluntary pollution prevention than any other step we have taken.

It imposes no regulatory controls, requires no permitting, sets no standards and requires no registration, labeling or reductions in emissions. It doesn't even require monitoring. All it requires are estimates of the amount of toxic chemicals the facilities release into our environment. This information is helpful for the city officials, for the fire and emergency personnel, and for those who live near the plants.

Despite its dearth of requirements, the Right to Know law has probably led to more voluntary pollution prevention

efforts and environmental clean up than any other environmental law.

The Right to Know law requires companies to list the amount of certain chemicals that leave their facilities through air, water, or shipment to land disposal facilities.

Mr. President, the impact of the Toxic Release Inventory is impressive. Emissions from facilities have decreased 42 percent nationwide since 1989; a reduction of two billion pounds. Let me repeat that—a 42 percent reduction since 1989.

Despite the success, the authors of the House riders try to limit the type of information EPA can collect under that law. That is just wrong. And we should reject it.

These House riders do not limit their target to gutting air pollution programs. One rider would give a green light for destruction of our wetlands. Another would stop EPA from regulating the most significant source of water pollution in our urban areas, storm water and combined sewer overflows.

Yes, the House bill includes provisions allowing the discharge of untreated sewage into the water of the United States as well as our coastal beaches.

Forget about clean drinking water, forget about cleaning up toxic waste sites, forget about lakes you can swim in and streams you can fish in.

Overall, the 17 House riders would gut the national effort to protect the environment. And that was their intent.

I urge my colleagues to support the amendment to allow EPA to ignore those riders which place in jeopardy the health and safety of our citizens.

Let us stand up for ordinary Americans and for the environment. And let us stand up to the lobbyists for corporate polluters. It is the right thing to do. I am convinced that if we do the right thing, the American people will support us.

Mr. BAUCUS. Mr. President, I will be very brief. We do not have much remaining time anyway.

The Senator from Missouri made two points. The first is, gee, why are we doing this? Because of the onerous, objectionable, heinous riders that he by implication agreed are objectionable, heinous, bad provisions in the House bill, not the Senate bill.

That point is irrelevant because what we are saying here is the Administrator would have the discretion to not follow a rider whether it is in the House bill or Senate bill, if it is enacted into law, because obviously when the conference is completed probably in the spirit of compromise the Senate is going to agree to a few of these objectionable, heinous dastardly riders. So we are just saying that in the event the conference, in a spirit of compromise with the Senate, agrees to a certain rider, this provision is available to give the Administrator the authority to protect the public health by not implementing it. So the basic point that the Senator from Missouri made, the first point, is irrelevant.

The second point I think is really misconstrued. He said, gee, there is a supermandate.

Mr. President, when we were dealing with the supermandate issue in regulatory reform, the question was whether an administrator of an agency could override law as a general principle, override law in drafting regulations as a general principle. That is very broad.

This is much different, totally different. We are dealing here with approximately 17 specifically crafted House riders and a few specifically crafted Senate riders. Most of them would meet the test, but a few of them very specifically crafted would not.

In addition, if the Administrator found that this rider would cause harm to the environment or public health, she then would simply have to just follow current law. She would say she would not follow the rider but she would follow current law. If someone did not like her decision, that is reviewable under the Administrative Procedures Act and ultimately reviewable in the Federal courts.

It seems to me that our main goal, the main objective is to be sure that we do not pass laws, particularly riders in this case, which have the effect of causing more harm to public health. So I urge my colleagues to do something pretty reasonable, that is, adopt this amendment because it will better protect human health and the environment.

Mr. President, I yield 2 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in strong support of the Baucus amendment, and I would like to thank the Senator for coming and offering the amendment this evening. It is enormously appreciated. We know he has had a difficult day in the Finance Committee. We also thank him for his leadership in the authorizing committee.

Like Senator BAUCUS, I wish to compliment the chairman of the subcommittee on the effort that he has made in the area of EPA reform. Yet, at the same time, we also support the Baucus amendment because we believe it will help weed out those riders that have the serious and negative impact on public health or the environment.

Yes, it does give the Administrator flexibility, and it also will allow those who know the science the authority to help make the decisions.

Most importantly, I believe this amendment will act as a safety valve if the House insists on any of its riders when we get to the conference. I believe the Senate bill now has a moderate, clear framework on how to deal with these riders, and I believe the Senate framework should be the prevailing one. This country has entrusted EPA with the health and well-being of its citizens, and this is one Senator who wants to make sure this trust continues.

I urge my colleagues to stand firm on protecting the environment and public health by supporting the Baucus amendment, then supporting the Bond framework as we move through this legislation and into conference.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, I yield myself such time as I may require.

I believe we are about finished with this amendment.

Mr. BAUCUS. I might say to the Senator I know of no other Senators who wish to speak.

Mr. BOND. All right. I know of no other Senators who wish to speak on this side.

I say once again, I very much appreciate the kind words of the Senator from Maryland and the Senator from Montana about our efforts to work on the riders. I assure them we will continue to work with them. We cannot control what the House will do. I do not think that even if we were to adopt this Baucus amendment, the House would accept it. I just believe, while I can appreciate the concern, it is unconstitutional, and I will urge my colleagues not to support it.

I want to speak briefly about the language in the committee report which calls for a report by the Environmental Protection Agency on the need for a second rule to establish emissions limits on small nonroad engines like lawnmowers and chainsaws. In response to questions by the Environmental Protection Agency as to the scope of the report, I want to ensure that it not become an undue burden on EPA, particularly in the event that the regulatory negotiation rule reaches consensus on the rule.

EPA has already issued one rule applicable to this industry pursuant to a schedule dictated by a consent degree, not the Clean Air Act. That schedule also applies to the second rule which is under development, through a negotiation process. The committee supports the continuation of efforts for a negotiated second rule that would achieve a cost effective consensus acceptable to the industry, EPA, and the other participants. If that consensus is reached later this year, we would expect the report to be merely a statement of the agreement, an explanation of the actions to carry out the agreement, and assurances that the rule as proposed will conform to the agreement in all detail.

If, however, the parties to the regulatory negotiation are unable to reach consensus, then the report should explain in reasonable detail the air quality need in ozone and carbon monoxide nonattainment areas for a second rule. The report should also explain what additional air quality benefits would be achieved, and in what time frame, by a nonconsensus second rule regulating these small engines beyond the requirements of the first rule.

Most importantly, we would expect that EPA would work with us and our staff over the next few months in fashioning a report, probably in letter form, that would not be a burden on the EPA staff, but would fully address the oversight needs of the committee. We do not wish to divert EPA from its efforts to reach the consensus or form implementing any consensus agreement.

Mr. President, I yield back the remaining time on my side on this issue.

Mr. BAUCUS addressed the Chair.

Mr. BOND. I believe that the Senator from——

Mr. BAUCUS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

Mr. BOND. I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator from Montana yield back his time?

Mr. BAUCUS. I do.

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

The yeas and nays were ordered.

Mr. BOND. Mr. President, I ask that that be laid aside.

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

Mr. BOND. Mr. President, I believe the Senator from Arizona is ready to present an amendment I believe will be found acceptable on both sides.

AMENDMENT NO. 2787

(Purpose: To require the Secretary of Veterans Affairs to develop a plan for the allocation of health care resources of the Department of Veterans Affairs)

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the chairman, the distinguished subcommittee chairman, and the ranking member, Senator MIKULSKI, of Maryland, for allowing me to bring this amendment forward and agreeing with it.

I will not take much time. The hour is late. The amendment is at the desk. And I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2787.

Mr. MCCAIN. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place insert:

SEC. —. PLAN FOR ALLOCATION OF HEALTH CARE RESOURCES BY DEPARTMENT OF VETERANS AFFAIRS.

(a) PLAN.—(1) The Secretary of Veterans Affairs shall develop a plan for the allocation of health care resources (including personnel and funds) of the Department of Veterans Affairs among the health care facilities of the Department so as to ensure that veterans having similar economic status, eligibility priority and, or, similar medical conditions who are eligible for medical care in such facilities have similar access to such care in such facilities regardless of the region of the United States in which such veterans reside.

(2) The Plan shall reflect, to the maximum extent possible, the Veterans Integrated Service Network, as well as the Resource Planning and Management System developed by the Department of Veterans Affairs to account for forecasts in expected workload and to ensure fairness to facilities that provide cost-efficient health care, and shall include procedures to identify reasons for variations in operating costs among similar facilities and ways to improve the allocation of resources so as to promote efficient use of resources and provision of quality health care.

(3) The Secretary shall prepare the plan in consultation with the Under Secretary of Health of the Department of Veterans Affairs.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall set forth—

(1) milestones for achieving the goal referred to in that subsection; and

(2) a means of evaluating the success of the Secretary in meeting the goals through the plan.

(c) SUBMITTAL TO CONGRESS.—The Secretary shall submit to Congress the plan developed under subsection (a) not later than 180 days after the date of the enactment of this Act.

(d) PLAN IMPLEMENTATION.—The Secretary shall implement the plan developed under subsection (a) within 60 days of submitting such plan to Congress under subsection (b), unless within such period the Secretary notifies the appropriate Committees of Congress that such plan will not be implemented along with an explanation of why such plan will not be implemented.

Mr. MCCAIN. Mr. President, this amendment is a simple one.

This amendment would require the Secretary of Veterans Affairs to develop and implement a plan to remedy serious and ongoing discrepancies in the allocation of funds to Veterans Health Care facilities across the country. The plan would require the Department to allocate funding to ensure that veterans have equal access to quality health care no matter what region they live in or which facility provides them services.

Mr. President, as we know, the pending appropriations bill would provide the Department of Veterans Affairs with approximately $17 billion to maintain and operate 173 hospitals, 376 outpatient clinics, 136 nursing homes, and 39 domiciliaries.

The other thing we know, Mr. President, is that the United States has become a very mobile nation. And there are significant demographic shifts that take place around the country. The Department of Veterans affairs has attempted in the past through a function known as RPM, which is the Resource Planning and Management system, to obtain better allocation of the funds, but they have not done a very good job in doing so.

Congress has a responsibility to ensure that these resources are distributed in a manner that will ensure our nation's veterans, whether they live in Maine or Arizona, have equal access to quality health care.

Unfortunately, the Department of Veterans Affairs has not traditionally allocated funding to provide equal access to or account for increasing workloads at its medical facilities.

Some months ago I asked the General Accounting Office to examine VA medical funding deficiencies. The GAO found that facility costs and their respective budgets vary widely, even after facilities of similar mission and size are grouped and adjustments are made to account for differences such as case mix, locality costs, salaries, training and research.

While, Veterans Hospital Administration officials have acknowledged budget allocation problems, GAO investigations found that the Department has failed to fully implement the new budgeting method known as the ''Resource Planning and Management System'' which the Department developed to remedy funding inequity.

Let me quote the GAO report:

Because VHA lacked resources to fund all facilities' expected needs, it chose to limit the resources given to facilities with growing workloads. On the other hand, for facilities with decreasing workloads, VHA chose not to reduce their funding in proportion to the expected decreases in workload. These decisions led to only small adjustments in the funding for the projected cost of increased workload, while facilities with decreasing workloads received more resources than they were projected to need.

The GAO goes on to say:

For example, VHA forecast that the Carl T. Hayden Medical Center needed an additional $2.3 million for fiscal year 1995 based on expected increases in workload. However, the Center actually received an additional $400,000 . . . By contrast, the San Juan facility had the greatest decline in workload within Carl T. Hayden's facility group. Its declining workload led to a projected $3 million decrease in budget needs, yet the facility's budget decreased only $500,000.

Mr. President, it's easy to see what's happening here. The Department of Veterans Affairs is reluctant to reallocate resources to meet shifting demand. Facilities which are accustomed to a certain level of funding refuse to do with less even though there case loads are shrinking. And, those with growing caseloads, like Carl T. Hayden, are simply expected to make do with what they have been getting.

This practice may serve the needs of bureaucrats, but it does not serve the veteran.

Mr. President, this problem hit very close to home. I've spent quite a bit of time at the Carl T. Hayden Medical Center. In the winter months and at many other times throughout the year, veterans wait in line for hours to conduct the most perfunctory administrative functions, much less to receive treatment. The facility is simply ununded.

Last year, the Veterans of Foreign Wars conducted a comprehensive study and found that the Carl T. Hayden Medical Center in Phoenix is ''grossly

underfunded,'' receiving twenty-five percent less funding than the average urban VA hospital.

In fiscal year 1994, the facility received $52 million less then the New York VA hospital, yet saw 15 percent more patients. This serious shortfall in funding is particularly serious for Phoenix which is one of only three areas in the country where the veteran population is on the rise, and which is inundated every winter with visitors who place even greater demand on the facility and its insufficient resources.

Passage of this amendment will ensure that we develop a plan to allocate resources in a manner that will assure equal access to service by veterans and which will take into account projected changes in the workload of each facility.

Mr. President, what this amendment does—and as I mentioned earlier it is a very simple one—it requires the Secretary of Veterans Affairs to develop a plan for the allocation of health care resources, including personnel and funds of the Department of Veterans Affairs, among the health care facilities of the Department so as to ensure that veterans having similar economic status, eligibility priority and/or similar medical conditions who are eligible for medical care in such facilities have similar access to such care in such facilities regardless of the region of the United States in which such veterans reside.

Mr. President, I will admit to a certain amount of parochialism in this amendment because I come from a State that is growing in population, especially as a retirement area, and there are insufficient funds. But by this amendment I do not mean to be imposing any penalties on any VA facility anywhere in our Nation. But I think we should appreciate the fact that we do have a mobile veterans population. In the summertime they may be visiting Minnesota, and in the wintertime they may be in Arizona, or they may be in Missouri or even in the summertime in the State of Maryland.

We want to make sure that there are facilities available on an equitable basis for all of our veterans. And I am sure that this will not result in a decrease in funding for much-needed facilities, but a better allocation of scarce resources.

I would like to thank and I do believe that the VHA will come up with a fair and equitable formula for the distribution of the all-too-scarce funds. We all know that as we face an aging veterans population, the needs become greater and greater. The medical challenges that we face have changed also significantly over the years. And I think we can, by adoption of this amendment, take a small step towards fulfilling our obligation and commitments that we made to the men and women who serve in our Nation's defense.

I thank my friends, and I will take no more time on the amendment. I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I commend my friend and colleague from Arizona on the very thoughtful amendment. I have had the opportunity to discuss this amendment with my ranking member. It moves the Veterans Administration in the direction which we feel it is vitally important for the VA to move.

We have already addressed here on this floor many of the problems in the way the VA operates. We think it could be far more efficient, far more effective in the service it provides to the veterans. And I believe that my distinguished colleague from Arizona has outlined a plan for implementation of improvements that will be very good operating procedure for the Veterans Administration.

I am ready to accept the amendment on this side, and I ask if there are any other speakers or if my ranking member——

Ms. MIKULSKI. I am going to accept the amendment as well.

Mr. BOND. I do not see any—does the Senator from Arizona wish to add to his remarks?

Mr. McCAIN. I ask unanimous consent that a GAO study, plus a letter from the Veterans of Foreign Wars of the United States be printed in the RECORD.

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

U.S. GENERAL ACCOUNTING OFFICE,
Washington, DC, September 12, 1995.

Hon. JOHN MCCAIN,
U.S. Senate,

DEAR SENATOR MCCAIN' At your request, we are currently reviewing the Veterans Health Administration's (VHA) process for allocating the medical care appropriation to its medical facilities across the nation—the Resource Planning and Management System (RPM).[1] Historically, VHA allocated resources by making incremental changes to each facility's prior year budget. After recognizing the need to better link resources to each facility's actual workload, VHA in 1985 implemented the Resource Allocation Methodology (RAM). VHA officials indicated that because the RAM allocations were generally based upon workload as defined by clinical diagnoses, facilities soon recognized that their allocations would be increased as the number of procedures performed increased. This open-ended expansion of workload led to budgeting problems and concerns about inappropriate care being provided.

RPM—first used to allocate fiscal year 1994 facility budgets—was intended to improve upon past allocation systems. VHA's stated goals for RPM are to (1) improve VA's resource allocation methodology, (2) move from retrospective to prospective workload management, and (3) reform medical care budgeting. Accordingly, RPM was designed to be patient-based, forward-looking, and policy-driven. It defines workload as patients served, rather than procedures performed—hence, VHA's characterization of RPM as ''capitation-based''—and it uses projections of future workload to determine what resources are needed. A VHA strategic plan was also intended to be the driving force behind RPM, giving it a set of goals, performance standards, and workload priorities.

You asked us to review VHA's allocation process, expressing a concern about the equity of the process in ensuring that facility funding meets the medical needs of a changing veteran population.[2] As part of our efforts to keep you informed about our ongoing review of RPM, we have regularly briefed your staff on our progress toward issuing a report later this year. As a result of our most recent briefing, you asked us to provide you with preliminary information on the way VHA is using RPM to better link resources to workload by examining the variations that RPM data show in facility operating costs to determine the reasons for those variations, and allocating resources among facilities so that veterans within the same priority categories have the same availability of care, to the extent practical, throughout the VA health care system.

In summary, RPM appears to be an improvement over VA's previous resource allocation systems. Specifically, it creates forecasts of expected workload and provides data, such as differences in operating costs, that VHA could use in better matching resources to anticipated workload. It also reduces the ability of facilities to ''game'' the system by providing or seeming to provide more or more costly procedures. However, our work to date suggests that VHA has made limited use of RPM in understanding the reasons for those differences and in changing allocations from what facilities received in the past. Furthermore, VHA has not used RPM to allocate resources in a way that considers differences in veterans' access to care throughout the system.

USE OF RPM TO EXPLORE WHY OPERATING COSTS VARY

Although the RPM data show significant differences in facility operating costs, VHA has not, as it originally planned, developed processes to allow a better understanding of potential reasons for those variations. Originally, VHA intended to assess reasons for variations in costs among facilities through a formal review and evaluation process, including structured site surveys of facilities with especially high and low operating costs. VHA had said that such a process would be useful to identify efficiencies that could be applied at other facilities and to identify potential quality problems caused by limited resources.[3] VHA hoped to further explore the impact of resources on quality by linking RPM cost data with quality indicators. Officials told us that without a better understanding of the reasons for the variations or a clear standard against which to measure the costs, they had little basis for determining which, if any, facilities were receiving too few or too many resources. We have had some difficulty finding out why VHA has not analyzed the variations as planned; the main reasons seem to be the generally lower priority attached to that effort and the uncertainty about who would conduct the analyses and how the analyses would be done. We hope to have more information about this matter in our detailed report.

Our initial assessment of RPM data shows that facility costs vary widely, even after facilities of similar mission and size are grouped and adjustments are made to account for differences such as case mix, locality costs, salaries, training, and research. For example, adjusted costs per standardized workload measure in one facility group ranged from $3,024 to $4,141 with the average cost being $3,635; facilities ranged from about 17 percent below average to about 14 percent above average in cost.

Nonetheless, VHA officials appear to have used RPM to change facilities' historical budgets only minimally during the two budget cycles in which RPM has been used. For

example, we estimate that the maximum loss to any facility's historical budget in fiscal year 1995 was only about 1 percent and that the average gain was also about 1 percent.

While the optimal amount of resources that should be shifted is unclear, the facilities most disadvantaged by not shifting more resources are those that (1) historically have received less funding for comparable workload and (2) have a faster growing number of patients. For example, because VHA lacked resources to fund all facilities' expected needs, it chose to limit the resources given to facilities with growing workloads. On the other hand, for facilities with decreasing workloads, VHA chose not to reduce their funding in proportion to the expected decreases in workload. These decisions led to only small adjustments in the funding for the projected cost of increased workload, while facilities with decreasing workloads received more resources than they were projected to need. For example, VHA forecasted that the Carl T. Hayden Medical Center needed an additional $2.3 million for fiscal year 1995 based on expected increases in workload. However, the center actually received an additional $400,000 as a result of workload adjustments arising from RPM.[4] By contrast, the San Juan facility had the greatest decline in workload within Carl T. Hayden's facility group. Its declining workload led to a projected $3 million decrease in budget needs, yet the facility's budget decreased only $500,000.

USE OF RPM TO REDUCE INCONSISTENCIES IN AVAILABILITY OF CARE

We reported in 1993[5] that veterans' access to outpatient care at VHA facilities varied widely—veterans within the same priority categories received outpatient care at some facilities but not at others.[6] Using a questionnaire to medical centers, we found then that of 158 centers queried, 118 reported they rationed outpatient care for nonservice-connected conditions in fiscal year 1991 and 40 reported no rationing. This rationing generally occurred in fiscal year 1991 because resources did not always match veterans' demands for care. Medical centers rationed care by limiting the categories of veterans served,[7] the medical services offered, and the conditions for which they could receive care.

When we reported on these differences in 1993, VA officials responded that RPM—under development at the time—would help overcome these differences. Specifically, officials indicated that to address wide variations in veterans' access to health care systemwide, VA was designing a new resource planning and management process with several objectives, including the elimination of gaps in service for veterans systemwide. In February 1994 correspondence to the Congress, the Secretary of Veterans Affairs reiterated that RPM would begin to alleviate some of the inconsistencies in veterans' access to care noted in our report.

In our current review, however, we are finding that overcoming these kinds of inconsistencies in availability of care has not been incorporated as a specific goal of RPM.

Perhaps because reducing inconsistency has not been established as an RPM goal, the system does not use data on the eligibility category of veterans served at a facility. RPM predicts costs and workload without regard to facility differences in the provision of discretionary care, that is, without regard to the priority category of the veterans being served.

Although the lack of relevant data prevents us from confirming whether the kind of rationing reported in our 1993 report persists, we see indications that inconsistencies still exist. For example, fiscal year 1995 data showed a difference in the extent to which facilities treated nonservice-connected higher income veterans:[8] at some facilities 13 percent of veterans treated fell into that category, while other facilities provided no care to such veterans.

We discussed the draft of this letter with VA's Deputy Undersecretary for Health and other VA officials who generally agreed with its contents. These officials noted, however, that resource allocation is an inherently complex and difficult process, that VA's implementation of RPM is still evolving, and that they expect to use the process to make substantially increased budget adjustment for facilities in the next fiscal year. They indicated that VHA faces many challenges that make implementation of the process difficult, including complex eligibility requirements, mandates to care for certain specialized populations of veterans, and the inability of facilities to change personnel levels quickly. They also cited several current initiatives that they expect to help in the implementation of the resource allocation process, including the restructuring the VA health system into Veterans Integrated Service Networks, the implementation of VA's Decision Support System, and the linking of planning, policy and performance measurement responsibilities within one organizational office.

We are sending copies of this correspondence to the Secretary of Veterans Affairs and other interested parties. The information contained in it was developed by Frank Pasquier, Assistant Director; Linda Bade; Katherine Iritani; Douglas Sanner; and Evan Stoll. Please contact me at (202) 512–7101 or Mr. Pasquier at (206) 287–4861 if you or your staff have any questions.

Sincerely yours,

CARLOTTA C. JOYNER,
Associate Director, Health Care Delivery and Quality Issues.

[1] For fiscal year 1996, the Department of Veterans Affairs (VA) is seeking an appropriation of about $17 billion to maintain and operate 173 hospitals, 376 outpatient clinics, 136 nursing homes, and 39 domiciliaries.

[2] You also raised a specific concern about funding at the Carl T. Hayden Medical Center in Phoenix, which we have explored as part of our work.

[3] The closest VHA has come to conducting such a review was through one of the six Technical Advisory Groups (TAGs) it formed for its RPM patient categories, such as primary care or chronic mental illness. The Chronic Mental Illness TAG has done some limited data analysis (that is, length of stay, discharge cost, and costs/day differences) to develop further explanatory data on facility cost variations in the care of chronic mental illness patients. The directive establishing the TAGs' purpose, role, operation, and management within RPM, including their role in studying cost, practice, and quality variations among facilities, had not been formalized at the time of our review.

[4] Carl T. Hayden and other medical centers also received funds outside the RPM process. Carl T. Hayden received approximately $124 million in fiscal year 1995, of which about $90 million came through the RPM allocation process. In fiscal year 1994, it received approximately $117 million, of which $78 million came through RPM. The percentage of Carl T. Hayden's budget received outside the process was comparable to (within about 3 percent of) the national average.

[5] VA Health Care: Variabilities in Outpatient Care Eligibility and Rationing Decisions (GAO/HRD–93–106, July 16, 1993).

[6] As we reported in VA Health Care: Issues Affecting Eligibility Reform (GAO/T–HEHS–95–213, July 19, 1995), VA uses a complex priority system—based on such factors as the presence and extent of any service-connected disability, the incomes of veterans with nonservice-connected disabilities, and the type and purpose of care needed—to determine which eligible veterans receive care within available resources. (An eligible veteran is any person who served on active duty in the uniformed services for the minimum amount of time specified by law and who was discharged, released, or retired under other than dishonorable conditions.)

[7] When medical centers rationed care by veteran category, they generally followed the priorities set by the Congress: they limited care first to higher income veterans, then to lower income veterans, and finally to veterans with a service-connected disability.

[8] ''higher income'' veteran is one whose income was above the means test threshold, which as of January 1995 was $20,469 for a single veteran, $24,565 for a veteran with one dependent, plus $1,368 for each additional dependent.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
April 7, 1994.

JOHN T. FARRAR, M.D.,
Acting Under Secretary for Health, Veterans Health Administration, Department of Veterans Affairs, Washington, DC.

DEAR DR. FARRAR: A member of my staff, Robert F. O'Toole, Senior Field Representative, conducted a survey of the Phoenix, Arizona, Department of Veterans Affairs Medical Center, on March 14–15, 1994. During his time at the medical center, he was able to talk with many patients, family members and staff. This enabled him to gather information concerning the quality of care being provided and the most pressing problems facing the facility.

While those receiving treatment in the clinics and wards felt that the quality was good, they almost all commented on the long waits in the clinics and the understaffing throughout the medical center. In discussing their problem with various staff members, it was noted that nurses were under extreme stress. More than one was observed by Mr. O'Toole in tears when completing their tour. The nursing staff on evening shifts must rush continually through their duties in an attempt to cover all their patients needs due to the shortage in staffing in both support and technical personnel.

In attempting to determine the reason for this problem, it became apparent that the station was grossly underfunded. Which means that the staff must either take unwanted shortcuts or continue to work beyond the point expected of staffs at the other medical centers. While it is well understood that the Veterans Health Administration is underfunded throughout the system, it is clear from the comparisons that this facility has not received a fair distribution of the available resources resulting in the deplorable situation now facing the health care team.

Another problem in Phoenix that must be addressed is the serious space deficiency, especially in the clinical areas. The ambulatory care area was designed to handle 60,000 annual visits. In fiscal year 1993, the station provided 218,000 annual visits, almost four times the design level. Many physicians are required to conduct exams and provide treatment from temporary cubicles set up inside the waiting rooms. This bandaid approach has added to the already overcrowding.

The other problem that we feel should be pointed out is that of the staffing ceiling assigned to the Carl T. Hayden Veterans Medical Center. Currently, the medical center has FTEE of 1530 which is over the target staffing level. Based on available reports, the medical center would need an additional 61 registered nurses just to reach the average Resource Program Management (RPM) within their group. This facility operates with the lowest employee level in their group when comparing facility work loads, and 158th overall. To reach the average productivity level of the Veterans Health Administration medical centers, they would need an additional 348 full-time employees. While it is realized that this station will never be permitted to enjoy that level of staffing, it is felt that they, at the least, should have been given some consideration for their staffing

problems during the latest White House ordered employee reductions.

To assist the medial center to meet their mandatory work load, and the great influx of winter residents, it is recommended that the $11.4 million which was reported to the Arizona congressional delegation to have been given Phoenix in addition to their FY 94 budget be provided. To enable the station to handle the ever increasing ambulatory work load, the Veterans Health Administration must approve the pending request for leased clinic space in northwest Phoenix and, the implementation plan for the use of the Williams Air Force Base hospital as a satellite outpatient clinic, along with the necessary funding to adequately operate the facility. In addition, VHA should approve and fund, at a minimum, the expansion of the medical centers clinical space onto the Indian School land which was acquired for that purpose.

Approval of the above recommendations would make it much easier for this medical center to meet the needs of the ever increasing veteran population in the Phoenix area. There is no indication that the increasing population trends will change prior to the year 2020. This hospital cannot be allowed to continue the downhill slide. The veterans of Arizona deserve a fair deal and the medical staff should be given the opportunity to provide top quality health care in a much less stressful setting.

I would appreciate receiving your comments on the Phoenix VA Medical Center at your earliest opportunity.

Sincerely,

FREDERICO JUARBE Jr.,
Director, National Veterans Service.

Mr. MCCAIN. I want to thank again the distinguished chairman and the ranking member.

I yield the floor.

Mr. BOND. Mr. President, again, I commend the Senator from Arizona. I believe we are ready to proceed to the amendment.

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

So the amendment (No. 2787) was agreed to.

Mr. BOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, now I ask unanimous consent that added to the list of relevant amendments be an amendment by Senator BAUCUS entitled ''Relevant.''

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

NATIONAL HIGH MAGNETIC FIELD LABORATORY

Mr. MACK. I would like to engage the chairman and ranking member of the VA/HUD Appropriations Subcommittee in a colloquy relative to the National High Magnetic Field Laboratory in Tallahassee. Senators GRAHAM, DOMENICI, and BINGAMAN will also join with me in this. Let me begin by commending the chairman for putting forth a bill that balances the needs for fiscal restraint with necessary investment. An excellent example of necessary and productive investment is the National Science Foundation's decision 5 years ago to establish the principal facility in Florida and a component facility at Los Alamos. The proposal to embark on this important basic research was a vision of Dr. Jack Crow, the lab's director. The NSF agreed with this vision and made the crucial decision and investment. It was a very wise decision, and I commend them for it.

Mr. BOND. The subcommittee has heard of many of the NHMFL's accomplishments in its short 3-year history. New magnet development, at the cutting edge of technology, has created the finest array of the world's most powerful magnets. It has allowed the United States to reclaim world leadership in magnet science and technology.

Mr. GRAHAM. This laboratory is truly a partnership between Florida State University, the University of Florida and the Los Alamos National Laboratory in New Mexico. It is clearly a Federal/state/industrial partnership that works well and produces tremendous breakthoughs. Furthermore, industrial involvement and support is paving the way for future progress.

Ms. MIKULSKI. Senator GRAHAM, the NSF's interest in partnerships and their decision to locate the facility in Florida were key ingredients for its success. This partnership between two universities, a fine national laboratory, the State of Florida, and several industries has led to outstanding science and new technologies as well. And I'm told the lab has a world-class collection of scientists and engineers that will continue to lead the world for years to come.

Mr. DOMENICI, Mr. Chairman, let me underscore the importance of this partnership which includes Los Alamos National Laboratory working closely with Florida State University and the University of Florida. At last year's dedication in Tallahassee, Erich Bloch said, ''Absent any one of the three partners, this important project would not have come to fruition.'' That is still true today. In these tight budget times, Los Alamos has committed precious resources to this endeavor because it is important to do so. And my friend Gov. Lawton Chiles of Florida has invested heavily and wisely with scarce State resources. I want to encourage the subcommittee to provide NSF the resources necessary to keep this laboratory world-class.

Mr. BINGAMAN. The research, the development, and the educational activities that come from this partnership between NSF and DOE, between universities and a national laboratory, and the facility that is state-of-the-art is truly a unique national resource that should make all who are involved proud of it. I commend the NSF for its efforts, and I commend this subcommittee for its diligence in providing the resources that will maintain world leadership.

Mr. BOND. I appreciate the comments. The subcommittee recognizes the importance of this partnership and the need to keep the United States at the forefront of this important scientific and technological area. We are confident NSF will continue to view this facility as one of its ''crown jewels,'' and support it appropriately. I thank the Senators for their views.

PERMITS PROGRAM

Mr. NICKLES. Title V of the 1990 Amendments to the Clean Air Act requires EPA to issue a rule establishing the minimum elements of a permit program for sources regulated under the act. The act requires that this permit rule be issued within 1 year of enactment. The 1990 amendments further required States within 3 years to develop and submit to EPA for approval their own programs that comply with the Federal minimum elements as defined by the EPA permit rule. Even under the ambitious schedule of the 1990 amendments, Congress clearly provided that States were to have 2 full years to respond to EPA's rule establishing the minimum elements of a permit program.

Although EPA promulgated a final rule in 1992, the controversy that surrounded this rule prompted the agency to revisit many key issues in the rulemaking. Today, 3 years later, I am sorry to report that EPA has still been unable to resolve fundamental elements of the Federal program which States must comply with in establishing their own programs. As recently as this summer, EPA has issued a new proposal, despite having not relieved states of the requirement to comply with the 1992 rule.

The result, predictably, has been an untenable level of confusion and uncertainty. States are spending considerable resources in developing programs that may or may not comply with EPA's final permit program. Similarly, sources across the country are now submitting permit applications, despite the lack of clear Federal guidance.

Mr. BOND. My colleague from Oklahoma is correct in expressing misgivings over EPA's current implementation of the permit program. As the result of similar concerns, the Senate Appropriations Committee included language in the report accompanying this bill urging EPA to delay enforcement of the title V program for 1 year. This would give EPA the opportunity to resolve outstanding issues and reduce the likelihood that States and sources will adopt provisions that may ultimately conflict with EPA's final rule. The one-year delay would also give EPA and states sufficient time to develop more cost-effective approaches to permitting. Given the severity of the problems which have beset EPA's implementation of this program, I believe this provision is critical.

Mr. FAIRCLOTH. I would also like to thank the Senator from Oklahoma for raising this issue, which has been of significant concern to the subcommittee on Clean Air, Wetlands, Private Property and Nuclear Safety, which I chair. Over the course of this past year, our subcommittee has been closely

monitoring EPA's implementation of the title V permit program. We conducted a hearing on title V on August 1, 1995. In addition we have raised several questions with the agency over its progress to date. Almost 4 years have passed since the deadline for promulgating a Federal permit rule, yet EPA has still not finalized the part 70 program. Additionally, EPA has been slow to issue long-needed permitting guidance, such as the ''white paper'' guidance on permit applications, and does not appear to be promoting the rapid implementation of such guidance. The lack of resolution of key elements of the permit program puts States in an enormous quandary in developing and seeking approval of their own programs. We are also concerned over the impact of this confusion on regulated ''sources''—that is to say, the employers of this nation—which are required by law to submit permit applications within 12 months of the date that States receive approval for their programs. The application process alone has proven to be unnecessarily costly and time consuming for sources—problems that are clearly linked to EPA's inability to develop Federal minimum elements in a timely manner.

It is important to keep in mind that the title V program is extremely costly; even EPA has estimated that the program will cost taxpayers and businesses more than $2.5 billion in the first 5 years of the program. With this much money at stake, confusion is unacceptable. A 1-year delay could save significant resources and prevent many programmatic missteps.

Mr. NICKLES. I would like to thank my colleague from Missouri for including language in the Senate Committee Appropriations report on this important issue. My involvement with this difficult issue dates back to the debate held in this body over the 1990 amendments when many of us expressed concern over the complexity of the title and its potential for imposing unnecessary costs on sources and States. Given the severity of the problems which have beset this program, I hope the conferees to this bill will reflect on this debate and include statutory language requesting a 1-year delay in order to protect the vital interests of States and sources who are in the unfortunate position of having to comply with a regulatory moving target.

I also want to thank my colleague from North Carolina for his close scrutiny of this issue and his willingness to hold oversight hearings on the agency's implementation of the permit program.

Mr. BOND. Thank you for raising these important issues. Considering the potential for well-meaning States to be punished unfairly, I am sure my colleagues will consider your comments and those of the Senator from North Carolina most carefully.

REFINERY MACT

Mr. BUMPERS. Mr. President, I rise today to ask the distinguished chairman of the VA–HUD Appropriations Subcommittee, the gentleman from Missouri, to engage in a colloquy with me on an issue of importance to my constituents in Arkansas.

Mr. BOND. I would be pleased to discuss an issue with the Senator from Arkansas, a member of the full Appropriations Committee.

Mr. BUMPERS. I want to compliment the Senator from Missouri for addressing the issue of the Environmental Protection Agency's refinery MACT rule in the Appropriations Committee's report on H.R. 2099. In my opinion, if ever a set of regulations needed to be reformed, it is the refinery MACT rule.

Mr. BOND. The Senator from Arkansas is correct. In its report on the bill under consideration today, the Appropriations Committee expressed its dissatisfaction with the procedures EPA has employed in promulgating all MACT regulations, particularly the refinery MACT rule. The committee directed EPA to reevaluate the refinery MACT rule after applying principles of sound science.

Mr. BUMPERS. I, and many of my colleagues in the Senate, commend the chairman for including that directive in the committee report.

In addition, I would like to specifically address an issue which is of particular importance to both the Senator from Missouri and myself. That issue is the impact of the refinery MACT rule on smaller refiners around the Nation. The Senator from Missouri serves as the chairman of the Small Business Committee, and I am proud to serve as the senior Democrat on that committee.

In its refinery MACT rule, EPA made no provision for lessening the impact of its rule on small businesses. In many cases, these smaller refineries are located in attainment areas—areas in which the need for expensive emissions control devices are questionable at best. In fact, EPA estimated that seven of these refineries would be forced to close under the refinery MACT rule.

EPA's disregard for the impact of the refinery MACT rule on the small businesses of this Nation is disturbing to this Senator, as I am sure it is to the Senator from Missouri.

Mr. BOND. I share the Senator from Arkansas' concerns about the impact of the refinery MACT rule on small business. This is one of the reasons the committee has directed the EPA to reexamine the refinery MACT rule. Placing a disproportionate burden on the Nation's small businesses is not sound regulatory policy. It is my hope that EPA will address this issue, as well as the many other problems inherent in its current refinery MACT rule, when it reassesses the rule as a whole.

Mr. BUMPERS. I thank the Senator. I look forward to working with him on this issue as this bill moves to conference and as EPA carries out the committee's directive.

ENVIRONMENTAL TECHNOLOGY INITIATIVE

Mr. BENNETT. Mr. President, I wish to bring to Chairman BOND's attention a matter regarding the Environmental Technology Initiative [ETI] and the proposed reductions to its budget. The underlying bill will reduce funding for ETI by approximately $100 million. I do not take issue with the committee's actions to reduce this particular budget. I have every confidence that the remaining funds appropriated by the committee will be sufficient to fulfill the mission of this EPA initiative. My concern lies chiefly in a clarification of the objectives ETI should be pursuing with the resources that are being appropriated in this legislation.

On page 88 of the committee report, we state that the remaining funds—approximately $20 million—are to be directed toward technology verification activities and other continued efforts that do not duplicate private sector initiatives. Is it your understanding Mr. Chairman that the funds allocated by the committee to ETI are sufficient for, and ought to be used to complete EPA's multiprogram efforts to streamline the approval process for new analytical methods including the move toward performance-based standards?

Mr. BOND. That is correct. The committee would agree that allocating funds for completing efforts to encourage new performance-based analytical methods and other streamlining methods is entirely consistent with the stated purpose of targeting ETI funding for verification efforts.

Mr. BENNETT. I think the chairman for his clarification. I am sure that we both agree on the importance of analytical methods to ensure compliance with environmental laws. Without them, it would be impossible to determine whether industry was meeting the effluent standards established by law and through the permit process. Efficient analytical methods are also used to characterize hazardous waste and ensure that our drinking water is free of harmful concentrations of contaminants. Unfortunately, while methods to ensure compliance continue to improve and are more accurate, the current EPA process for approving the use of new methods keeps getting slower and more bogged down.

I understand that EPA recognizes this problem, and several program offices have been working to reduce the backlog of analytical method approval requests and to reduce the time it takes to review and approve these methods. Once a streamlined process is in place, these moneys will be needed for a limited time to educate States and supervise implementation. EPA has laid the foundation and the funds appropriated by the committee will be needed to put these procedures into practice.

Overall, this effort will decrease the time and resources that are needed to approve analytical methods, resulting in more and better methods. From the Agency perspective, this effort will provide a way to increase the number of methods that can be used to meet statutory requirements. In addition,

EPA's efforts to streamline the approval process for new analytical methods will spur new technologies and create new jobs. The money allocated to this process will significantly lower the cost of environmental measurements, thereby reducing the cost of environmental compliance for industry and municipalities. I thank the chairman for his time and support in this matter.

Mr. BOND. I thank the Senator and agree that EPA's efforts to streamline its approval processes and move toward performance-based standards for analytical methods are a vital part of environmental compliance. Clearly, the completion of EPA's ongoing efforts in this regard is within the scope of funding provided in this bill for ETI.

Mr. BENNETT. I thank the chairman.

EPA ENERGY EFFICIENCY ACTIVITIES

Mr. JEFFORDS. Mr. President, may I engage in a colloquy with the chairman of the appropriations subcommittee and the distinguished Senator from Louisiana regarding programs at the Environmental Protection Agency that result in improved energy efficiency in the economy?

Mr. JOHNSTON. I proposed some report language on this topic that was accepted by the full Committee on Appropriations at its markup and would be happy to discuss it.

Mr. JEFFORDS. The report language states that:

The Committee notes that these programs overlap and conflict with statutory authority provided to the Department of Energy in the Energy Policy Act of 1992. Therefore, EPA should transfer to DOE those energy efficiency and energy supply programs that DOE, not EPA, is authorized to carry out. Future appropriations for these programs should be requested as part of the DOE budget submission.

What is intended by this language?

Mr. JOHNSTON. The intention is very clear and specific. In the President's budget submission to Congress, funds were requested for EPA for a series of 21 activities, many of which clearly overlapped and duplicated specific statutory authority provided to the Secretary of Energy and others by the Congress through the Energy Policy Act of 1992 and the Energy Policy and Conservation Act. The Committee on Energy and Natural Resources, of which I am the ranking member, has jurisdiction under the Senate's rules for all aspects of energy policy, energy regulation, and conservation, energy research and development, and oil and gas production and distribution. Yet the committee has never been approached by the administration with a request to authorize any activities for EPA in this area. The committee, rather, has made some fairly clear assignments of responsibility to agencies other than EPA for topics such as product labeling for energy efficiency. I do not believe that it is acceptable for the administration to request funds in a manner that contravenes the clear intent of Congress with respect to statutory assignments of responsibility.

Mr. JEFFORDS. Of course, improving energy efficiency may be one way to prevent pollution, and Congress has authorized EPA to pursue pollution prevention activities in the Clean Air Act and the Pollution Prevention Act of 1990. Do you intend that any activity in the EPA that related to energy efficiency would, by that very fact, be transferred to the Department of Energy?

Mr. JOHNSTON. No; the report language that I proposed is very clear. If EPA lacks statutory authority for a particular activity that the Department of Energy or some other agency possesses, then EPA should not undertake that activity. The report language that I proposed would not preclude EPA from exercising its legitimate statutory authorities. For example, EPA is working with the gas industry in a program called Natural Gas Star to reduce losses of methane to the atmosphere from gas pipelines and other transmission equipment, under the aegis of the Pollution Prevention Act. My report language would not transfer this program to DOE.

Mr. JEFFORDS. Would the Senator be open to requesting a report from the EPA and from the Department of Energy to the Congress addressing how their programs that promote improved energy efficiency or that result in an energy supply that has less of a possibility of contributing to global climate change relate to one another and to the existing statutory authorities in the Energy Policy Act of 1992 and elsewhere?

Mr. JOHNSTON. Yes; I think that such a report would assist the Committee on Energy and Natural Resources in exercising its jurisdiction, under the rules of the Senate, over energy conservation and energy supply issues. As you know, the Committee on Energy and Natural Resources must reauthorize the Energy Policy and Conservation Act in this Congress, and if a majority of members of the committee were to believe that the EPA had a valuable role to exercise in this area that is not duplicative of what DOE or some other Federal agency is contributing or could contribute, such a role might be legitimately created in that context.

Mr. BOND. This has been a helpful and clarifying discussion. I support the suggestion of requiring a joint report to the appropriate congressional committees from the EPA and the Department of Energy on their activities related to improving the energy efficiency of energy supply and use, including a discussion of the statutory authorities under which they are conducted. I will ask that report language to this effect be inserted in the conference report on this bill.

Mr. JOHNSTON. I thank the Senator.

Mr. JEFFORDS. I thank the Senator.

TRAVIS VA HOSPITAL

Mrs. FEINSTEIN. I rise today in strong opposition to the VA, HUD and independent agencies appropriations bill for fiscal year 1996. I would like to focus on just one of the numerous reasons I will oppose this legislation—the lack of any funding for the Travis VA Hospital in northern California.

Let me briefly describe the current situation for northern California veterans seeking inpatient health services. A veteran in this service area must drive an average of 4 to 5 hours, sometimes as many as 8 hours, to get to a VA acute care facility. The veteran's family, because they are so far from home, generally must stay in a hotel for the duration of the veteran's hospital stay. Once the veteran is released from the hospital, he and his family must drive back and forth from home to the VA facility again for check-ups. This story could be repeated as many as 450,000 times. That's right, nearly half a million veterans who used to have complete access to inpatient health services are now without adequate care.

I am appalled that the members of the Senate Appropriations Committee turned their backs on nearly a half a million veterans by not continuing to fund the replacement VA Hospital at Travis Air Force Base. This facility is desperately needed to replace the VA Medical Center in Martinez, CA which was closed in 1991 because of earthquake damage.

While awaiting the replacement facility at Travis, the Veteran's Administration has been forced to piece together a patchwork healthcare system. They have had to borrow bed space at Travis AFB's David Grant Hospital, and have transferred patients to facilities hundreds of miles away. I commend the VA for doing an admirable job in such a bad situation. Unfortunately, since the closure of the Martinez hospital, only 27 percent of that facility's inpatient services have been continued.

As bad as the situation has been, our veterans have been exceedingly patient. At the ground-breaking ceremony on June 2, 1994, attended by Vice President GORE, we all were optimistic that northern California's veterans would not have much longer to wait for quality healthcare. More than a year later, the plans are nearly complete and the land is ready to begin construction of the replacement hospital early next year. But instead, that land will stay empty, and nearly a half a million veterans will continue to be unserved.

The Travis VA Hospital is not a luxury to these veterans. They must drive between 4 and 8 hours to get inpatient healthcare. Should someone who served this country in war be required to drive from Washington, DC to New York City for healthcare? Now imagine that drive in order to obtain emergency medical care. That is correct. Veterans in northern California have no access to VA emergency services on evenings, weekends, or holidays. Currently, these veterans are forced to go to local health care facilities at either their own cost or at additional cost to the

taxpayers. This situation is simply unacceptable, it is unnecessarily costly and is disrespectful of our veterans.

Please consider that this northern California area which would be serviced by Travis VA Hospital is one of the largest, most geographically dispersed, and highly populated veterans areas in the country. More veterans live in northern California than in 27 individual States and the District of Columbia. Would any Senator from those States allow the needs of every veteran in their State be ignored?

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

I appeal to my colleagues to honor the commitment we as a Nation have made to our veterans, and join me in voting against this bill that so fundamentally fails to address the needs of so many veterans. I also hope that the President will veto this legislation which so flagrantly ignores the needs of America's veterans.

WATERTOWN, SD

Mr. DASCHLE. Mr. President, Senate consideration of the fiscal year 1996 VA, HUD, and independent agencies appropriations bill provides an appropriate opportunity to raise an issue involving the Environmental Protection Agency [EPA] and Watertown, SD, that merits our attention.

Fifteen years ago, acting upon the recommendation of the EPA, Watertown installed a infiltration/percolation [I/P] pond for the treatment of its wastewater. At the time, local officials were assured by the EPA that the community would be compensated for any future modification or repair of the system that might be needed for it to remain operational. That EPA pledge was a significant factor in the City's decision to install the I/P technology.

Unfortunately, the I/P system has not functioned as advertised. Since 1982, Watertown has invested more than $8 million in its wastewater treatment facility in an effort to make it work properly.

Despite these modifications, all of which were endorsed by the EPA, the system has never functioned to EPA's satisfaction. As a result, Watertown has failed to meet EPA regulations since 1988, and community officials continue to work with the EPA and the Justice Department to bring their wastewater treatment plant into compliance with the Clean Water Act and other regulations.

Watertown will need to make major capital investments to reach this end. I am informed that $15 million will be required for treatment plant improvements and an additional $10 million for sewer collection improvements.

While Watertown is one of the largest cities in my state, it has a population of less than 20,000. The scope of this problem greatly exceeds the availability of local resources to resolve it.

Nonetheless, the community is determined to be part of the solution. Watertown Mayor Brenda Barger and other local leaders have already pledged $3 million toward this project and will be exploring revenue bonds and other long-term debt financing mechanisms to secure additional revenues.

While the community's determination to participate in the solution of their wastewater treatment dilemma is commendable, the responsibility should not be theirs alone. The commitment that the federal government made to this community should not be ignored.

It bears emphasis that Watertown's decision to install its I/P system was based on assurances from EPA that the technology would work. Fifteen years ago, EPA provided what amounted to a guarantee of the technology.

Local and Federal officials shared in the genesis of this problem and, therefore, it deserves a joint local/federal solution. Last May, I wrote the Senate Appropriations Committee to request federal funding to help upgrade the Watertown wastewater treatment plant.

While the federal government could be held accountable for full funding of this project, it is worth noting that Watertown recognizes its responsibility in this matter and has worked hard to secure significant local funding sources.

It is a reasonable request that this appropriations bill include funding for the City of Watertown. The Federal government was part of the fateful decision to go the I/P route. Moreover, in past years this bill has included funding for communities that installed I/P systems at the recommendation of the EPA. Complicity and precedent argued for Federal participation in the search for a solution. Absent such assistance, Watertown will be unable to solve its wastewater treatment facility problems.

Mr. President, the final version of the fiscal year 1996 VA, HUD, and independent agencies appropriations bill should include a substantial level of federal funding for the replacement of Watertown, South Dakota's wastewater treatment facility. I will continue to work with the managers of this bill to seek a fair resolution to this issue and hope that before this process is completed, a solution can be worked out.

YELLOW CREEK

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, and Independent Agencies 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.

Mr. COCHRAN. I thank the Senator from Missouri. The issue I wish to clarify is the Appropriation Committee's intent on the transfer of the National Aeronautics and Space Administration (NASA) Yellow Creek facility to the State of Mississippi.

As the Senator knows, the Federal Government has a long history of involvement in Yellow Creek, located near Iuka, Mississippi. The site, originally purchased by the Tennessee Valley Authority for use as a nuclear energy plant, was subsequently transferred to NASA after the nuclear energy plant's cancellation. NASA intended to use Yellow Creek to build the Advanced Solid Rocket Motor (ASRM) and, after its cancellation, instead committed to use the site to build nozzles for the Redesigned Solid Rocket Motor (RSRM). On May 2, 1995, due to its current budgetary constraints, NASA terminated the RSRM nozzle production effort at Yellow Creek.

Would the Senator agree that the bill language included by the Appropriations Committee on the transfer of the NASA Yellow Creek facility reflects the most recent commitment made by NASA Administrator Dan Goldin to the Governor of the State of Mississippi. The major investment by the State of Mississippi in facilities and infrastructure to support Yellow Creek, in excess of $100 million, is a key factor in NASA's agreement to turn the site over to the State of Mississippi.

Mr. BOND. I agree with the Senator's assertion.

Mr. COCHRAN. Would the Senator further stipulate that the main elements of the agreement reached between NASA and the State of Mississippi, which the conferees would expect to be adhered to by both parties, are as follows:

First, the Yellow Creek facility will be turned over to the appropriate agency of the State of Mississippi within 30 days of enactment of this legislation. All of the NASA property on Yellow Creek which the State of Mississippi requires to facilitate the transfer of the site transfers with the site to the State, subject to the following exceptions anticipated by the conferees:

Any property assigned to a NASA facility other than Yellow Creek prior to May 2, 1995, but located at Yellow Creek will be returned to its assigned facility;

Only those contracts for the sale of NASA property at Yellow Creek signed by both parties prior to May 2, 1995 shall be executed;

Those items deemed to be in the ''national security interest'' of the federal government shall be retained by NASA. The national security clause shall be narrowly construed and shall apply only in a limited manner, consistent with established criteria relating to national security interests. This clause shall not be used to circumvent the intent of this legislation, which is to transfer the site and all of its property, except as otherwise noted, to the State of Mississippi.

Other items of interest to NASA may be retained by NASA with the consent of the State of Mississippi.

Further, it is the expectation of the Appropriations Committee conferees

that all other NASA personal property will transfer to the State of Mississippi. The Appropriations Committee also expects facilities on the site not subject to the above provisions, such as the environmental lab, to be left as is.

Second, any environmental remediation of Yellow Creek necessary as a result of the activities of governmental agencies, such as NASA, or quasi-governmental agencies, such as the Tennessee Valley Authority, will be the responsibility of the federal agency or quasi-federal agency, including any successors and interests.

Third, within 30 days of enactment of this legislation $10 million will be transferred from NASA to the appropriate agency of the State of Mississippi.

And lastly, the site's environmental permits will become the property of the State of Mississippi. NASA will provide all necessary assistance in transferring these permits to the State of Mississippi.

Mr. BOND. I would agree with the Senator's stipulations.

Mr. COCHRAN. I thank the chairman. I appreciate his willingness to address the Yellow Creek transfer in the committee report.

DRUG ELIMINATION GRANTS

Mr. LAUTENBERG. I would like to engage Senator BOND in a colloquy. It is my understanding that H.R. 2099 contains funding for the Department of Housing and Urban Development's drug elimination program. I would like to know if it is the Senator's understanding that this funding will be available to privately owned, assisted housing?

Mr. BOND. Yes, this funding will be available to public housing and privately owned, federally assisted housing.

Mr. LAUTENBERG. I thank the Senator for clarifying this. Drug elimination grants have been enormously helpful in my state in the battle against drugs and drug-related crimes at public and assisted housing projects. This program is a critically important tool for us to maintain this country's multi-year investment in decent, affordable housing. I would like to thank Senator BOND for his leadership in supporting this successful and worthwhile program.

THE CENTER FOR INTERNATIONAL EARTH SCIENCE INFORMATION NETWORKS

Mr. ABRAHAM. Mr. President, I would like to engage the distinguished chairman of the Senate Appropriations Subcommittee on Veterans Affairs, Housing and Urban Development, and Independent Agencies in a brief discussion regarding the impact of H.R. 2099 on this year and future year's Mission to Plant Earth projects. The Committee Report accompanying H.R. 2099 directs a $6 million deletion in the Mission to Planet Earth program for the Consortium for International Earth Science Information Networks [CIESIN] in Saginaw, Michigan. This center is one of NASA's nine Distributed Active Archive Centers [DAACs] supporting the Earth Observing System Data and Information System. CIESIN is the only one that provides integrated socioeconomic data access for the study of the effect society has upon the environment. Because of this unique capability, I understand CIESIN fielded more requests for data last year than all of the other eight DAACs combined. I also understand NASA officials have stated the product provided by CIESIN is vital to the Earth Observing System program. In light of these considerations, I would ask my distinguished colleague from Missouri why the Committee recommends deleting the CIESIN budget request from the 1996 appropriations?

Mr. BOND. I understand my colleague's concerns regarding the Mission to Planet Earth program, but I wish to assure him the deletion recommendation is not targeted against CIESIN as an institution, but instead towards ensuring the function of CIESIN is integrated within NASA's Earth Observing System program to bring it in line with the structure of the other DAACs. That is why the full Appropriations Committee changed the Subcommittee recommendation on integrating this program into the EOS plan from 1997 to 1996; with that provision, the socioeconomic data function can continue uninterrupted if so desired by NASA.

Mr. ABRAHAM. I thank the Senator for that clarification, and wish to follow-up regarding how that data will be provided. Given NASA itself made the recommendation for CIESIN funding, I believe it is apparent this is a valid program given the Committee's recommendation to continue significant funding for the Mission to Planet Earth program. If NASA wished to bring in an outside contractor to provide this socioeconomic data service, would the Committee report language prevent CIESIN from bidding upon, and potentially winning such a contract?

Mr. BOND. Absolutely not. Nothing in the Committee report would prevent NASA from participating in any funded activities with CIESIN, whether within the Mission to Planet Earth program, or some other federal program.

Mr. ABRAHAM. If the Senator would be so kind, I would just like to wrap up with one more question. Given the House Report on H.R. 2099 also deletes $6 million for CIESIN, would the Senator from Missouri speculate as to whether similar language in a Conference report would also allow for CIESIN to receive a NASA contract for these services?

Mr. BOND. I believe the Conference language likely on this issue, given the close similarity between House and Senate positions, would allow for CIESIN to compete and win a NASA contract to provide this socioeconomic data, or to participate in any other federal program. As my distinguished counterpart in the House of Representatives stated on the House floor July 27th, ''* * * there is nothing in the [House NASA] appropriations bill that prejudices competitive success by CIESIN for NASA funding in future requests or for bids of proposal.'' I will pursue such an interpretation in Committee and oppose any measures to preclude CIESIN from competitively bidding for federal contracts.

Mr. ABRAHAM. Mr. President, I wish to thank the chairman of the Subcommittee for that explanation and for the kind assistance he has provided me and my staff in resolving this issue. Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 2099, the Departments of Veterans Affairs and Housing and Urban Development and independent agencies appropriations bill for 1996.

This bill provides new budget authority of $81 billion and new outlays of $46.3 billion to finance the programs of the Departments of Veterans Affairs and Housing and Urban Development, the Environmental Protection Agency, NASA, and other independent agencies.

I congratulate the Chairman and Ranking Member for producing a bill that is within the Subcommittee's 602(b) allocation. When outlays from prior-year BA and other adjustments are taken into account, the bill totals $80.8 billion in BA and $92.5 billion in outlays. The total bill is under the Senate subcommittee's 602(b) nondefense allocation for budget authority by $36 million and under its allocation for outlays by $18 million. The subcommittee is also under its defense allocation by $18 million in BA and $20 million in outlays.

Although the bill is under the allocation for 1996, I would like to point out the budgetary effect that two of its provisions would have in 1997. The bill includes a demonstration program to start reducing the rental assistance subsidies to multifamily projects that are insured by FHA at above-market value, as well as a preservation grant program with a minimal paperwork process.

Both provisions, however, would not take effect until October 1, 1996—the beginning of fiscal year 1997. Because this provision would increase costs in the mandatory FHA program by $280 million in 1997, the discretionary cap for that year would be reduced by that amount.

In addition, because reducing the paperwork for the preservation grant program in 1997 is designed to increase the outflow of funds, 1997 outlays will be $400 million greater than they would be from that appropriation under the way the program currently works. This has the effect of a delayed obligation that will cost the committee $400 million against its allocation before it even starts marking up next year.

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

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

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

VA–HUD SUBCOMMITTEE—SPENDING TOTALS—SENATE-REPORTED BILL

[Fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Defense discretionary:		
Outlays from prior-year BA and other actions completed	.....	78
H.R. 2099, as reported to the Senate	153	92
Scorekeeping adjustment	.....	.....
Subtotal defense discretionary	153	169
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	.....	45,660
H.R. 2999, as reported to the Senate	61,464	28,963
Scorekeeping adjustment	.....	.....
Subtotal nondefense discretionary	61,464	74,624
Mandatory:		
Outlays from prior-year BA and other actions completed	.....	133
H.R. 2099, as reported to the Senate	19,362	17,213
Adjustment to conform mandatory programs with Budget	.....	.....
Resolution assumptions	−224	341
Subtotal mandatory	19,138	17,688
Adjusted bill total	80,754	92,481
Senate Subcommittee 602(b) allocation:		
Defense discretionary	171	189
Nondefense discretionary	61,500	74,642
Violent crime reduction trust fund	.....	.....
Mandatory	19,138	17,688
Total allocation	80,809	92,519
Adjustment bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary	−18	−20
Nondefense discretionary	−36	−18
Violent crime reduction trust fund	.....	.....
Mandatory	.....	.....
Total allocation	−55	−38

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

Mr. SARBANES. Mr. President, the appropriations bill before us today represents a major step backward for the environment. While less extreme than the House-passed measure, it still proposes to cut EPA's budget by $1.7 billion—fully 23 percent below the levels enacted in fiscal 1995—and contains 11 so-called riders which would significantly undermine the Environmental Protection Agency's ability to administer and enforce environmental laws and perform its important mission of protecting public health and the environment.

Maryland alone would lose over $14 million in funding needed to upgrade outdated sewage treatment facilities—projects which have a direct impact on the water quality of the Chesapeake Bay, our coastal beaches and bays, and local waters. Legislative provisions in the underlying measure would prohibit EPA from implementing section 404(c) of the Clean Water Act which gives the agency authority to review U.S. Army Corps of Engineers wetlands permit decisions and provides another system of checks and balances in protecting the quality of our Nation's waters. In addition, the proposed cut of some $20 million in EPA's enforcement and compliance assurance program would severely impact upon the agency's ability to inspect industrial and Federal facilities in Maryland and prosecute violations.

Mr. President, this bill unfairly singles out EPA to bear a disproportionate share of the deficit reduction burden. It will not just decrease the rate of increases, but will severely cut EPA's funding. Its riders would undercut a number of our Nation's environmental statutes, without adequate hearings, public involvement or review. These actions are unjustified and unwarranted and for these and other reasons, I urge my colleagues to join me in rejecting this bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

U.S. SENTENCING COMMISSION RECOMMENDATIONS

Mr. HATCH. Mr. President, I rise today in support of S. 1254, a bill to block reductions in penalties for crack dealing proposed by the United States Sentencing Commission. If the Congress does not act, those changes will take effect this November 1.

According to the Department of Justice, which has also asked us to block implementation of the changes, the new penalty structure will make base sentences for crack anywhere from two to six times shorter than they are now.

That is simply irresponsible public policy. It would send a terrible message both to crack dealers and to communities trying to fight back against the crack trade.

No one, not even the Sentencing Commission, denies that the brunt of crack's social consequences have fallen on poor, urban, minority, residents. Given what crack has done to our cities, it frankly amazes me to hear people arguing for lower sentences. Especially from people who wouldn't for one moment tolerate an open-air crack market in their neighborhood in Scarsdale or Chevy Chase.

The Commission's own report, moreover, acknowledges that crack's psychoactive effects are far more intense than powder cocaine, which means that crack is far more addictive.

Members of the Sentencing Commission are concerned that the current sentencing structure creates a perception of unfairness because most convicted crack dealers are African-Americans, whereas a majority of convicted powder dealers are White or Hispanic. I am sensitive to these concerns. This Congress will deal severely and aggressively with any indication that prosecution or sentencing is being driven by racial considerations. We will not tolerate any racial discrimination in our criminal justice system.

But Mr. President, it is also important to remember that the number of people convicted for crack violations each year is just 3,430. I am more concerned, to be blunt, about the millions of people living in our cities whose quality of life is being ruined. These people have equal rights to safe neighborhoods.

To those who say the Federal Government is locking up tens of thousands of nonviolent, low-level offenders, let me say this: We studied that question. What we found was that out of the 3,430 crack defendants convicted in 1994, the number of youthful, small-time crack offenders with no prior criminal history and no weapons involvement, sentenced in Federal courts, was just 51. The median crack defendant was convicted of trafficking 109 grams—more than 2,000 rocks or doses. Only ten percent of crack defendants had trafficked less than 2–3 grams of crack—the equivalent of 40–60 doses.

And finally, on Tuesday, September 12, HHS released alarming figures showing drug use up sharply among our young people. Mr. President, this is not the time to be sending the message that we are weakening social sanctions against the drug trade.

I urge my colleagues to join me in supporting this legislation.

D.C. BOOTH HISTORIC FISH HATCHERY

Mr. PRESSLER. Mr. President, I rise today in honor of the rededication of the D.C. Booth Historic Fish Hatchery in Spearfish after extensive renovations. These developments represent exciting opportunities for learning and historic preservation.

It was Senator Pettigrew, one of South Dakota's earliest and most prominent Senators, who first appropriated funding for the hatchery in the 1890's. Originally called the Spearfish National Fish Hatchery, it was later renamed in honor of the original superintendent, D.C. Booth. The facility is now almost 100 years old and has been listed on the National Register of Historic Places. It is one of the oldest fisheries west of the Mississippi River and now plays a significant role in western South Dakota's tourism industry, bringing in over 200,000 visitors each year.

I worked closely with my colleagues on South Dakota's congressional delegation to authorize the renovation of the D.C. Booth Fish Hatchery. In 1991, Congress recognized the historic importance of this fish hatchery. Funding was subsequently provided to renovate the existing facilities. In addition, an