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

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

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

The PRESIDING OFFICER. Is there objection to that request?

Mr. DOLE. That does not include Finance.

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

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

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

Mr. LAUTENBERG addressed the Chair.

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

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

Mr. LAUTENBERG. Yes.

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

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

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

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

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

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

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

Mr. BOND. Mr. President, I object.

Mr. WELLSTONE. Do I have the floor?

Mr. BOND. The Senator from New Jersey——

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

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

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

The Senator from New Jersey.

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

Mr. WELLSTONE. May I have 30 seconds?

Mr. BOND. Mr. President, I object.

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

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

The Senate continued with the consideration of the bill.

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

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

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Reserving the right to object.

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

Mr. FEINGOLD. Mr. President, I object.

I simply want to clarify a point with the manager.

Ms. MIKULSKI addressed the Chair.

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

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

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

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

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

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

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

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

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

PRIVILEGE OF THE FLOOR

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

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

AMENDMENT NO. 2788

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

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

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

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

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

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

The amendment is as follows:

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

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

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

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

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

PROGRAM AND INFRASTRUCTURE ASSISTANCE

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

ADMINISTRATIVE PROVISIONS

SEC. 301. MORATORIUM ON CERTAIN EMISSIONS TESTING REQUIREMENTS.

(a) MORATORIUM.—

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

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

(b) PLAN APPROVAL.—

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

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

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

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

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

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

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

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

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

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

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

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

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

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

ADMINISTRATIVE PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I reserve the time. I yield the floor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator has 14 minutes remaining.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator has 4½ minutes.

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

The PRESIDING OFFICER. Who yields time?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. LAUTENBERG. I thank the Senator from Missouri.

Mr. President, how much time do we have?

The PRESIDING OFFICER. Four minutes and ten seconds.

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

The PRESIDING OFFICER. Fourteen and one-half minutes.

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

The PRESIDING OFFICER. The Senator from Delaware.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

It is as simple as that.

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

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

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

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

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

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

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

I yield 5 minutes to the Senator from New Hampshire.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. BOND addressed the Chair.

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

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

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

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

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

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

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

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

The yeas and nays were ordered.

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

The PRESIDING OFFICER. Is there objection to the request?

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

The amendment, as modified, is as follows:

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

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

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

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

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

PROGRAM AND INFRASTRUCTURE ASSISTANCE

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

ADMINISTRATIVE PROVISIONS

SEC. 301. MORATORIUM ON CERTAIN EMISSIONS TESTING REQUIREMENTS.

(a) MORATORIUM.—

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

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

(b) PLAN APPROVAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

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

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

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

ADMINISTRATIVE PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

Mr. FEINGOLD. I thank the Chair.

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

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

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows.

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

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

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

The amendment is as follows:

On page 125, strike lines 12 through 17.

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

The PRESIDING OFFICER. The Senator is correct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The editorial said:

> However receptive the Republican-controlled Congress is to business rewrites of legislation, and however large public antipathy to poverty and affirmative action programs seems, we feel the overwhelming majority of Americans believe in the fundamental principle that all U.S. citizens deserve equal access to the same goods and services, including those offered by insurers.
>
> . . . ..while the industry may not be looking to avoid redlining or civil-rights oversight, insurers certainly appear to be using a legislative end-run to keep HUD from trying to

rectify legitimate insurance redlining and civil-rights wrongs.

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

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

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

(See exhibit 1.)

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

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

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

EXHIBIT 1

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

INSURER ATTACK ON HUD COULD BACKFIRE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Who yields time?

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

The PRESIDING OFFICER. The Senator from Missouri.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Maryland.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEPTEMBER 11, 1995.

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Failure by insurance agents to return repeated phone calls;

Failure to provide quote information;

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

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

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

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

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

The PRESIDING OFFICER. Who yields time?

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

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

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

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

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

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

He went on and added:

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

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

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

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

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

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

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

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

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

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

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

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

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

I encourage support for the amendment of Senator FEINGOLD.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. MOSELEY-BRAUN. I thank Senator FEINGOLD.

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

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

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

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

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

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

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

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

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

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

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

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

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

Re: Insurance Redlining.

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

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

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

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

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

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

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

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

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

Sincerely,

JAMES H. HALL, Jr.

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

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

How much time remains?

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2788

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

The bill clerk called the roll.

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

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

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

[Rollcall Vote No. 469 Leg.]

YEAS—45

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

NAYS—54

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

NOT VOTING—1

Faircloth

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

The point of order is sustained and the amendment falls.

Mr. BOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2789

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

We are prepared to accept the amendment on this side.

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

The question occurs on agreeing to the amendment.

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

Mr. BOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 2790 TO COMMITTEE AMENDMENT ON PAGE 143, LINE 17 THROUGH PAGE 151, LINE 10

Mr. CHAFEE. Mr. President, I have an amendment that has been agreed to by the managers.

I ask consent that the pending committee amendments be set aside in order to consider the committee amendment on page 143, line 17.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 2790 to the committee amendment on page 143, line 17 through page 151, line 10.

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

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

The amendment is as follows:

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

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

This amendment has been agreed to by those involved, such as the distinguished junior Senator from Michigan and the senior Senator from Michigan, as well as the managers of the bill.

Mr. President, let me set the stage for this amendment by saying a few words about the pretreatment program under the Clean Water Act, our most successful environmental law.

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

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

So, in 1972 we committed the Nation to solving this problem by building a series of municipal sewage treatment plants. We have invested more than $120 billion—more than $65 billion of that in Federal dollars—to build, 16,000 sewage treatment plants across the country. They remove the sludge from the water. They clarify the water before it is discharged. They kill the pathogenic organisms in the sewage that would otherwise spread disease. And they dramatically reduce the nutrient loadings.

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

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

Tens of thousands of manufacturing plants and commercial businesses dump the waste from their processes into the sewer. These industrial discharges contain hundreds of different kinds of pollutants—industrial solvents, toxic metals, acids, caustic agents, oil and grease, and so on.

Sewage treatment plants are not generally designed to handle all of these industrial chemicals. In fact, the industrial discharges can cause severe damage to sewage treatment plants. And even where the plant is not damaged by the industrial chemicals, the plant does not treat the toxics—it does not destroy them—it merely passes them through to the water or to the land where the sludge from the plant is disposed.

Because of these problems with industrial waste, Congress established the pretreatment program under the Clean Water Act. It requires that industries treat their wastes before putting them into the sewer. That is why the program is called pretreatment. Pollution control equipment is installed at the industrial plant and it is operated to remove pollutants such as metals and sediment or to neutralize pollutants including acids and caustics before the wastewater is put into the sewer.

This is the background for this amendment. The Clean Water Act has fostered a very successful program to treat domestic sewage. An essential part of this program is a requirement for pretreatment of industrial wastewater before it is put into the sewer and sent to the sewage treatment plant. Substantial reductions in the toxic pollution of our rivers and lakes have been achieved by the cities that operate pretreatment programs.

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

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

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

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

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

Third, the pretreatment program simplifies the task we face under the Clean Water Program. It would be virtually impossible to set pollution standards for every single chemical that is discharged to the environment. To know what impact a particular chemical has on a particular waterbody is a question that may take years of study to answer—for that one chemical and one lake or stream. To know how hundreds of different industrial chemicals affect the aquatic environments receiving pollution from the 16,000 different sewage treatment plants is a challenge way beyond the best science we have today.

We get around this impossible task by asking that those who discharge

their industrial wastes to our rivers and lakes—and to the sewage treatment plants that discharge to our rivers and lakes—use the best available pollution control technology before the waste leaves their plant.

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

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

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

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

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

First, it would only allow exemptions in Kalamazoo for pharmaceutical plants already located there. If the Senate adopted my amendment we would not be providing an exemption for all of the industrial facilities in Kalamazoo.

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

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

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

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

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

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

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

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

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

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

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

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

The amendment (No. 2790) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2791

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

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

The PRESIDING OFFICER. If there is no objection, the pending committee amendments are set aside, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

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

For my colleagues not familiar with colonias, these are distressed, rural, and predominantly unincorporated communities located within 150 miles of the United States-Mexico border. Texas has documented well over 1,100 colonias, while my State of New Mexico has over 30. They are often created

when developers sell unimproved lots, and using sales contracts, retain title until the debt on the property is fully paid. They often do not have adequate water and sewage access.

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

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

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

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

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

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

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

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

Texas has the longest border with Mexico of any state.

In 1993, Texas reported the existence of 1,193 colonias with an estimated population of 279,963 people. In 1994, New Mexico reported 34 colonias, with a population of 28,000 residents.

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

For fiscal year 1995, VA, HUD appropriations report language specified 10 percent of the State's share of CDBG money for housing in colonias. The conference report did not specify, ''colonias,'' but instead, folded that commitment into $400 million for a number of new initiatives.

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

This does not involve any new or additional funds.

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

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

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

I urge my colleagues to support the Bingaman-Hutchison amendment.

Mr. BOND. Mr. President, I suggest we proceed to a vote.

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

The amendment (No. 2791) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

VISIT TO THE SENATE BY MEMBERS OF THE EUROPEAN PARLIAMENT

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

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

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

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

[Applause.]

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

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

DELEGATION OF THE EUROPEAN PARLIAMENT

MEMBERS OF THE DELEGATION OF THE EUROPEAN PARLIAMENT

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

Ms. Karla Peijs, Vice Chairman, European People's Party, Netherlands.

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

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

Mr. Laurens Jan Brinkhorst, European Liberal Democratic and Reformist Party, Netherlands.

Mr. Bryan Cassidy, European People's Party, United Kingdom.

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

Mr. Gerfrid Gaigg, European People's Party, Austria.

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

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

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

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

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

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

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

Mr. Josep Verde I Aldea, Party of European Socialists, Spain.

To be determined, European People's Party.

SECRETARIAT, INTERPARLIAMENTARY DELEGATIONS

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

EUROPEAN COMMISSION DELEGATION

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

Mr. Bob Whiteman, Head of Congressional Affairs, EC Delegation.

RECESS

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess so that we may personally greet Members of the European Parliament.

There being no objection, the Senate, at 1:40 p.m., recessed until 1:44 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SANTORUM).

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

The Senate continued with the consideration of the bill.

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

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